



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2009/1510
Contact Officer: Jasmine Tan
Contact Number: (02) 6243 1363

4 September 2009

Ms Anne-Marie Allgrove
Partner
Baker & McKenzie Lawyers
AMP Centre
50 Bridge Street
SYDNEY NSW 1223

Dear Ms Allgrove

**Third line forcing notifications N94096 – N94098
lodged by MasterCard Asia/Pacific (Australia) Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 25 August 2009. The notifications have been placed on the ACCC's public register.

MasterCard Asia/Pacific (Australia) Pty Ltd (MasterCard) has described the proposed conduct of the three third line forcing notifications as follows:

1. MasterCard will supply or offer to supply a prize, as part of a trade promotion, of flights, accommodation and other ancillary benefits to persons on condition that they acquire a MasterCard debit card issued in Australia by a third party financial institution.
2. MasterCard will supply or offer to supply two major prizes and 22 second tier prizes, as part of a trade promotion, to persons on condition that they acquire a MasterCard debit card issued in Australia by a third party financial institution. Each major prize consists of flights, accommodation, two tickets to the Australian Idol Grand Final and other ancillary benefits. Each second tier prize consists of flights, accommodation, two tickets to a weekly live recording of Australian Idol and other ancillary benefits.
3. MasterCard will supply or offer to supply six prizes, as part of a trade promotion, each consisting of one double pass for two adults to a concert, to persons on condition that they acquire a MasterCard debit card issued in Australia by a third party financial institution.

Legal immunity conferred by the notifications will commence on 8 September 2009.

On the basis of the information that you have provided, it is not intended that further action be taken in these matters at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notifications at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that MasterCard and the relevant third party financial institution issuers of MasterCard debit cards will disclose all relevant terms and conditions to prospective clients.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of these matters, please do not hesitate to contact Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'D Hatfield'.

David Hatfield
Acting General Manager
Adjudication Branch