



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1866
Contact Officer: Simon Mitchell
Contact Number: 03 9290 6909

18 November 2009

Mark Berry
Managing Director
Berry Actuarial Planning
PO Box 328
Epping NSW 1710

Dear Mr Berry

**Third line forcing notification N94308 lodged by
Berry Actuarial Planning Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 5 November 2009. The notification has been placed on the ACCC's public register.

Berry Actuarial Planning proposes to offer current or potential clients its transaction and reporting services (Berry Service Plans) on condition that they acquire all of the following products:

- a share trading account from Commonwealth Bank Securities
- a cash management account from Macquarie Bank Ltd and
- a Praemium account from Praemium Pty Ltd.

Legal immunity conferred by this notification commenced on 19 November 2009.

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

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification 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 Berry Actuarial Planning discloses all relevant terms and conditions to clients and prospective clients.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Simon Mitchell on (03) 9290 6909 or at simon.mitchell@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch