



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1902 & C2009/1907
Contact Officer: Simon Mitchell
Contact Number: 03 9290 6909

25 November 2009

Anne-Marie Allgrove
Partner
Baker & McKenzie
AMP Centre
50 Bridge St
Sydney NSW 2000

Dear Ms Allgrove

**Third line forcing notifications N94325 & N94327-8 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 17 and 18 November 2009. The notifications have been placed on the ACCC's public register.

Under notification N94325 MasterCard proposes to offer 'applause' vouchers (to be used on the MasterCard 'applause' website) to consumers on condition that they acquire a MasterCard debit card from the Bank of Western Australia.

Under notifications N94327-8 MasterCard proposes to offer consumers the following prizes as part of two trade promotions:

- flights, concert tickets, accommodation and spending money ('Bands' promotion)
- concert tickets (Future Music Festival promotion)

on condition that they acquire a MasterCard debit card from a third party financial institution in Australia that offers MasterCard debit cards.

Legal immunity conferred by these notifications commences on 1 December 2009 (N94325) and 2 December 2009 (N94327-8).

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

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

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, consisting of a stylized 'R' followed by a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch