



**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: C2009/1924
Contact Officer: Tess Macrae
Contact Number: 03 9290 1835

21 December 2009

Ms Megan Perez
General Counsel's Office
American Express Australia Limited
Level 1/12 Shelley Street
Sydney NSW 2000

Dear Ms Perez

**Third line forcing notification N94331 lodged by
American Express Australia Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 November 2009. The notification has been placed on the ACCC's public register.

American Express proposes to offer eligible American Express Cardmembers incentives such as a discount, gift or bonus reward points when the Cardmember makes a purchase from one of American Express' Selects Partners (American Express Merchants participating in the American Express Selects® program) using their American Express Card.

Legal immunity conferred by the notification commenced on 8 December 2009.

On the basis of the information that you have provided, it is not intended that further action be taken in 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 American Express will disclose all relevant terms and conditions to its 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 do not hesitate to contact Tess Macrae on 03 9290 1835.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written in a cursive style.

Dr Richard Chadwick
General Manager
Adjudication Branch