



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2011/408
Contact Officer: Pamela Cue
Contact Number: 02 6243 1066

11 May 2011

Amanda Bodger
Mallesons Stephen Jaques
Level 50, Bourke Place
600 Bourke Street
Melbourne VIC 3000

Sent via email: amanda.bodger@mallesons.com

Dear Ms Bodger

Third line forcing notifications N95378 lodged by ACE Retail Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 21 April 2011. The notification has been placed on the ACCC's public register.

ACE Retail Pty Ltd operates a Telstra Shop under license from Telstra and has been appointed by Telstra to promote the sale of, and extend the demand for, Telstra telecommunications services and related goods and services.

In particular, ACE Retail Pty Ltd proposes to:

- (i) supply or offer to supply a TLS Product and/or Promotional Product to retail customers on the condition that the customer acquires or agrees to acquire telecommunications services or products or particular telecommunications services plans from Telstra;
- (ii) refuse to supply or refuse to offer to supply a TLS Product and/or Promotional Product to retail customers for the reason that the customer has not acquired or has not agreed to acquire telecommunications services or products or particular telecommunications services plans from Telstra;
- (iii) give or allow or offer to give or allow a discount, allowance, rebate or credit in relations to a TLS Product and/or Promotional Product to retail customers on the

condition that the customer acquires or agrees to acquire telecommunications services or products or particular telecommunications services plan from Telstra.

TLS Products include mobile phones, cordless phones, fax machines, phone cards, software, hand held computers, data products and internet starter packs. Promotional Products include vouchers, cinema tickets, electrical goods and accessories and food items.

Legal immunity conferred by notification commenced on 5 May 2011.

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 ACE Retail Pty Ltd 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 this matter, please do not hesitate to contact Pamela Cue on (02) 6243 1066.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch