



Australian
Competition &
Consumer
Commission

Our Ref: 47378 and 47379
Contact Officer: John Rouw
Contact Number: (03) 9290 1402

23 November 2011

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Jeremy Zwaigof
Legal Counsel
M2 Telecommunications Pty Ltd
Level 10, 60 City Rd
SOUTHBANK VIC 3006

Sent via email: Jeremy.Zwaigof@m2.com.au

Dear Mr Zwaigof

**Exclusive dealing notifications N95612 & N95616 lodged by M2
Telecommunications Pty Ltd**

I refer to the above exclusive dealing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 26 October 2011. The notifications have been placed on the ACCC's public register.

M2 Telecommunications Pty Ltd (M2) may provide members of the Real Estate Institute of Western Australia Inc (REIWA) with benefits such as discounts and additional services (**notification N95616**).

M2 states that it has entered into an agreement with REIWA whereby it will offer REIWA members the benefits outlined above on condition that REIWA not enter into a similar agreement with another carrier or carriage service provider and that REIWA itself not acquire telecommunications goods or services from another carrier or carriage service provider during the term of the agreement (**notification N95612**).

Statutory protection conferred by notification N95616 commenced on 9 November 2011 and statutory protection conferred by notification N95612 commenced on 26 October 2011.

On the basis of the information provided by you and material available to the ACCC at this time, the ACCC does not intend to further action be taken in respect of notifications this matter at this stage.

As with any notification, please note that the ACCC may consider it necessary to reconsider the statutory protection afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct does not outweigh the

likely detriment to the public from the conduct. In the event that the ACCC forms a view that it needs to reassess the notification, you will be advised by the ACCC.

This assessment of the notifications has been made on the basis that M2 will disclose all relevant terms and conditions to prospective customers promptly. The ACCC expects M2 to inform REIWA members fully of all terms and conditions on which they can obtain benefits such as discounts and additional services from M2 without delay.

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 John Rouw on (03) 9290 1402.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch