



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2012/84  
Contact Officer: Anna Giannakos  
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7 May 2012

Mr Peter McDonald  
Partner  
Freehills  
Level 43  
101 Collins Street  
Melbourne Vic 3000

Dear Mr McDonald

**Third line forcing notification N95793 lodged by Loyalty Pacific Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 10 April 2012. The notification has been placed on the ACCC's public register.

Loyalty Pacific proposes to supply or offer to supply loyalty program services and benefits to members of the FlyBuys loyalty program on the condition that they acquire qualifying goods or services from retailers participating in the FlyBuys program.

The applicant submits that the participating retailers will change from time to time, although the current third party participating retailers are:

- 1) Stella Travel Services (Australia) Pty Ltd (trading as Jetset Travel and Travelworld)
- 2) Budget Rent a Car Australia Pty Ltd and
- 3) Best Western Hotel Group.

Legal immunity conferred by the notification commenced on 24 April 2012.

On the basis of the information that Loyalty Pacific has 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 Loyalty Pacific 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 Anna Giannakos on (03) 9290 6920 or by email [anna.giannakos@acc.gov.au](mailto:anna.giannakos@acc.gov.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch