



Australian Competition & Consumer Commission

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
Australia
Ph (02) 6243 1111
Fax (02) 6243 1199

Our Ref: C2004/1056
Contact Officer: Gavin Jones
Contact Number: (02) 6243 1107

05 August 2004

Mario Contarino
BP Service Station Donnybrook
15 Southwest Highway
DONNYBROOK WA 6239

Dear Mr Contarino

**Notification of exclusive dealing lodged by
Mario Contarino – BP Service Station, Donnybrook (N91432)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 22 July 2004.

You have described the conduct in respect of the above notification as the offer of a 4 cents per litre discount on petrol to customers upon presentation of a coupon obtained when purchasing \$40.00 worth of groceries at participating stores. Legal immunity provided by this notification commenced on 05 August 2004.

The Commission recently consulted a wide variety of interested parties in relation to a number of similar notifications relating to the petrol and grocery sectors. The Commission has considered the above notification in light of submissions previously put to it by interested parties in relation to similar notifications and its own investigations. The Commission considers that the notified conduct is likely to result in a net public benefit and does not intend to take any further action at this stage to remove the immunity afforded by the notification.

Please note, as with any notification, the Commission may act to remove the immunity afforded by this notification at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



This letter has been placed on the Commission's public register. The Commission has released a report and media release in relation to the consideration of a number of acquisitions in the petrol and grocery sectors, which can be found on the Commission's website at www.accc.gov.au. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on (02) 6243 1107.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch