

23 February 2005

Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Sirs,

VOLUME PLUS PTY LIMITED - THIRD LINE FORCING NOTIFICATION

Our Ref: PXS:NA050148

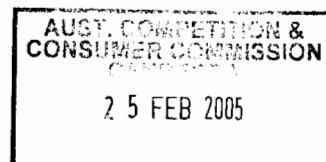
We act for Azkanaad Pty Limited and enclose a Form G Notification under sub-section 93(1) of the Trade Practices Act 1974 for consideration by the Commission together with a cheque in the amount of \$100.00 being the relevant lodgement fee.

Should you have any queries in relation to the Notification or require any further information, please do not hesitate to contact the writer.

Yours faithfully
THE ARGYLE PARTNERSHIP

Peter Sardelic
Partner
Email: psardelic@argylelawyers.com.au

Encl.



Form G
Commonwealth of Australia
Trade Practices Act 1974 ---- Sub-section 93(1)
**EXCLUSIVE DEALING
NOTIFICATION**

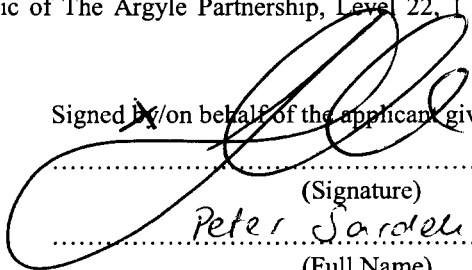
To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) **Name of person giving notice:** Azkanaad Pty Ltd ACN 076 318 280 (Volume Plus)
(See Direction 2 on the back of this form)
(b) **Short description of business carried on by that person:** Retail supplier of petrol, diesel and other motor fuels
(c) **Address in Australia for service of documents on that person:** c/- The Argyle Partnership, Level 22, 1 Market Street, 2000, Attention: Peter Sardelic
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:** The sale of petrol, diesel and other motor fuels by Volume Plus.
(b) **Description of the conduct or proposed conduct:** The offering to supply and the supplying of petrol, diesel and other fuels at a discounted price on the redemption of bonus points accumulated by a customer. The customer will be given a smart cards which allows them to accumulate and use the points. The customer will accumulate points through the purchase of products from retailers that have agreed to participate in the programme.
(See Direction 4 on the back of this Form)
3. (a) **Class or classes of persons to which the conduct relates:**
 - (i) Volume Plus;
 - (ii) the retailers that have agreed to participate in the programme;
 - (iii) the retail customers and potential retail customers of Volume Plus and the retailers.
(b) **Number of those persons:**
 - (i) **At present time:** In the case of Volume Plus there are approximately 90 outlets in New South Wales. In the case of the number of retailers and customers and potential customers the number is unknown.
 - (ii) **Estimated within the next year.** As above, unknown.
(c) **Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:** Not applicable.
4. **Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice:** Peter Sardelic of The Argyle Partnership, Level 22, 1 Market Street, Sydney, NSW, 2000

Dated 23/2/2005,

Signed  on behalf of the applicant giving notice

.....
(Signature)

Peter Sardelic

.....
(Full Name)

Solicitor for applicant
(Description)

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person giving the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9) (d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.