



**Australian
Competition &
Consumer
Commission**

Our Ref: N92291 – N92306
Contact Officer: Ursula Everett
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10 January 2006

Mr Robert Barnes
Solicitor
Barnes & Wenden
Level 12
44 Market Street
Sydney NSW 2000

Dear Mr Barnes

**Re: Third line forcing notification No. N92291 – N92306 lodged with respect to the
Servo Savers Scheme**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 December 2005. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

The sale of petrol at a discount subject to the customer purchasing a specified dollar amount of goods or services at "participating businesses".

Legal immunity conferred by the notification commenced on 6 January 2006.

The notifications were lodged by the following parties:

- Kapeside Nominees Pty Ltd
- A.S. Ralph, trading as Cam Filling Station
- Rays Auto Repairs Pty Ltd
- Alpha Petroleum Pty Ltd
- A & M Spindel Pty Ltd
- Nabhan Pty Ltd
- United MSR Pty Ltd
- D & M Gouskos, trading as A. Gouskos & Sons
- Tryadmit Pty Ltd
- Dunn Botany Pty Ltd
- B.C. Dunn Pty Ltd
- Manildra Park Pty Ltd
- Vic Karekinian, trading as Karekinian Enterprises
- James Golod and Nataly Golod, trading as Caltex Taylors Road



- KR Kettle, trading as BP service station Scottsdale
- Bingo Petroleum Pty Ltd

Pursuant to the notification provisions of the *Trade Practices Act 1974* (the Act) only legal entities can lodge a notification for exclusive dealing conduct. I note that a number of the parties listed above appear to be partnerships. You may wish to clarify the legal entities engaging in the notified conduct.

In 2004, the ACCC concluded a comprehensive consultation process in relation to a number of similar notifications relating to the petrol and grocery sectors. The ACCC concluded that these arrangements were likely to be in the public interest. The ACCC 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. In light of previous consideration and the information you have provided, the ACCC does not intend to take any further action at this stage.

Please note, as with any notification, the ACCC 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.

I also note that in promoting the offer consumers should be made aware of any exclusions or conditions that may apply.

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 Ursula Everett on (02) 6243 1271.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch