



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/42
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11 January 2006

Mr Michael Kemp
Director
Rafcorp Pty Ltd
19 Smith Rd
Salisbury East SA 5109

Dear Mr Kemp

Re: Third line forcing notification No. N92310 lodged by Rafcorp Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 December 2005. The notification has been placed on the ACCC's public register.

Rafcorp Pty Ltd has described the conduct as follows:

Rafcorp Pty Ltd is offering to provide supply petroleum products to customers at a discount, allowance, rebate or credit on the condition that the customer will acquire convenience store goods or other automobile related goods or services above a specified value, from the owner or occupier of the site at which the petroleum products are sold; and

Rafcorp Pty Ltd refuses to offer a discount for petroleum products where the customer has not acquired the convenience store goods or other automobile related goods or services above a specified value from the owner or occupier of the site at which the petroleum products are sold.

Legal immunity conferred by the notification will commence on 12 January 2006.

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 Kelvin Binning on (02) 6243 1351.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch