



Australian
Competition &
Consumer
Commission

Our Ref: N92311
Contact Officer: Hew Atkin
Contact Number: (02) 6243 1235

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11 January 2006

Mr Richard Cohn
R&P Cohn Nominees Pty Ltd
558 Brighton Road
South Brighton SA 5048

Dear Mr Cohn

Re: Third line forcing notification No. N92311 lodged with respect to R&P Cohn Nominees Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 January 2006. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

R&P Cohn Nominees Pty Ltd is offering to 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

R&P Cohn Nominees Pty Ltd proposes to refuse 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.

R&P Cohn Nominees Pty Ltd plans to implement the proposed scheme at the following three sites:

- Mobil Emu Service Station
- Mobil Sheidow Park Service Station and
- Mobil Marion Service Station.

Legal immunity conferred by the notification will commence on 18 January 2006.



I note the unusual nature of the lodgement form you have provided. Please find attached the correct Form G for future reference.

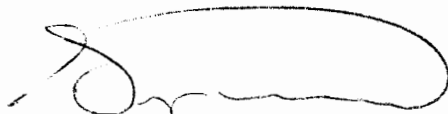
In 2004, the ACCC concluded a comprehensive consultation process in relation to a number of similar notifications relating to the petrol and grocery sectors. The ACCC concluded that these arrangements were likely to be in the public interest. The ACCC has considered the above notification in light of 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 Hew Atkin on (02) 6243 1235.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
General Manager
Adjudication Branch

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.....
.....
(See Direction 2 on the back of this form)
(b) Short description of business carried on by that person
.....
.....
(c) Address in Australia for service of documents on that person
.....
.....
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates
.....
.....
(b) Description of the conduct or proposed conduct
.....
.....
(See Direction 4 on the back of this Form)
3. (a) Class or classes of persons to which the conduct relates
.....
.....
(b) Number of those persons--
(i) At present time
(ii) Estimated within the next year.....
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses
.....
.....
.....
4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice.....
.....
.....

Dated, 19.....

Signed by/on behalf of the applicant giving notice

.....
(Signature)

.....
(Full Name)

.....
(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 signing 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.