



**Australian
Competition &
Consumer
Commission**

Your Ref: RB:CAS
Our Ref: C2006/873
Contact Officer: Kelvin Binning
Contact Number: (02) 6243 1351

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

23 May 2006

Mr Robert Barnes
Barnes & Wenden Attorneys
Level 12
44 Market Street
SYDNEY NSW 2000

Dear Mr Barnes

Re: Third line forcing notifications No.s N92486 and N92487 lodged with respect to the Servo Savers scheme

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 10 May 2006. These notifications have been placed on the ACCC's public register.

You have described the conduct in the Form G as follows:

Sale of fuel at a discount subject to customer purchasing a specified dollar amount of goods or services at 'participating businesses'.

The notifications were lodged by the following:

- Kingscliff Enterprise Pty Ltd
- Meribell Pty Ltd

Legal immunity conferred by the notifications will commence on 24 May 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 notifications 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.

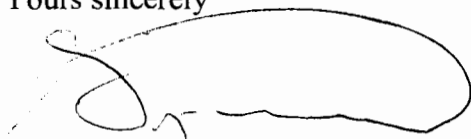


Please note, as with any notification, the ACCC may act to remove the immunity afforded by these notifications at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

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 be 'Scott Gregson', written over a horizontal line.

Scott Gregson
General Manager
Adjudication Branch