



**Australian  
Competition &  
Consumer  
Commission**

Your Ref: RB:CAS  
Our Ref: C2006/172  
Contact Officer: Hew Atkin  
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31 January 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 N92326 – N92349 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 19 January 2005. 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 entities:

- Brighton Petroleum Pty Ltd
- Paceview Pty Ltd
- West East Petroleum Pty Ltd
- SA & R Biviano Holdings Pty Ltd
- Eastbound Petroleum Pty Ltd
- Thurling Petroleum Pty Ltd
- Chisholm Petroleum Pty Ltd
- Batsis Nominees Pty Ltd
- St George & St Mary Pty Ltd
- Secure-T Group Pty Ltd
- Lightning Pty Ltd
- Chaghoury Enterprises Pty Ltd
- RNR Group Pty Ltd



- Saddik Pty Ltd trading as Metro Croydon
- All Round Investments Australia Pty Ltd
- RTC Petroleum Pty Ltd
- Trinity Independent Group Pty Ltd
- All Clothing Pty Ltd
- N & M Rahis trading as Metro Petroleum Jannali
- ID Professional Vehicle Detailing Pty Ltd
- Pure Habib Pty Ltd
- Jian Wen & Tieming Qi trading as Metro Petroleum Reversby
- Empire Investments
- Robertson Service Centre trading as Marina Service Station.

Legal immunity conferred by the notifications will commence on 2 February 2006.

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 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 Hew Atkin on (02) 6243 1235.

Yours sincerely



Scott Gregson  
General Manager  
Adjudication Branch