



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/1857
Contact Officer: Kelvin Binning
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19 October 2006

Ms Kirsten Webb
Partner
Clayton Utz
Level 34,
No.1 O'Connell St
Sydney NSW 2000

Dear Ms Webb

Third line forcing notification no. N31734 lodged by Australian Independent Retailers Pty Ltd (AIR)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 September 2006. This notification has been placed on the ACCC's public register.

You have described the conduct as follows:

The proposed conduct comprises offers by AIR, and the supply by AIR pursuant to such offers, of Motor Fuel at a discounted price from time to time in circumstances where the customer has purchased a product, products, range of products or products of not less than a specified value from Calstores or Caltex Site Operators

Legal immunity conferred by the notification commenced on 13 October 2006.

The ACCC has considered the notification in light of submissions previously put to it by interested parties in relation to similar notifications and its own investigations. In light of this previous consideration and the information you have provided to support this notification, the ACCC does not intend to take any further action at this stage.

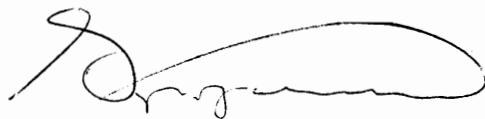
Please note, as with any notification, the ACCC may act to remove the immunity afforded by these notifications at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

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 read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
General Manager
Adjudication Branch