



Australian
Competition &
Consumer
Commission

Your Ref: RB:CAS
Our Reference: C2006/1985
Contact Officer: Kelvin Binning
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3 November 2006

Robert Barnes Attorney
Level 2, 222 Clarence Street
SYDNEY NSW 2000

Dear Mr Barnes

Re: Third line forcing notifications No.s N92671 – N92675 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 25 October 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:

- | | |
|--------------------------------|--------|
| ▪ Peter Boucher Motors Pty Ltd | N92671 |
| ▪ Lexair Pty Ltd | N92672 |
| ▪ David Ian Smith | N92673 |
| ▪ Wendy-Anne Smith | N92674 |
| ▪ Robert Jefcoate | N92675 |

Legal immunity conferred by the notifications will commence on 8 November 2006.

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 this 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 read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch