



**Australian
Competition &
Consumer
Commission**

Your Ref: RB: CAS
Our Reference: C2007/613
Contact Officer: Sarah Chubb
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5 March 2007

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

By email: robbarnes@ozemail.com.au

Dear Mr Barnes

Third line forcing notification N92838 lodged by GMR Investments Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (ACCC) on 23 February 2007. The notification has been placed on the ACCC's public register.

You describe 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'.

Legal immunity conferred by the notification will commence on 9 March 2007.

The ACCC has considered the above notification with reference to submissions previously put to it by interested parties in relation to similar notifications, as well as 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 in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the 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 discount 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 Sarah Chubb on (02) 6243 1088.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch