



**Australian
Competition &
Consumer
Commission**

Your Ref: RB: CAS
Our Reference: N92767 – N92775
Contact Officer: Hew Atkin
Contact Number: (02) 6243 1235

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

22 January 2007

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

Dear Mr Barnes

Re: Third line forcing notifications No.s N92767 – N92775 lodged with respect to the Servo Savers scheme

I refer to the above third line forcing notifications lodged with the Australian Competition & Consumer Commission (the ACCC) on 18 January 2007. I also refer to your email submission of 18 January 2007. The notifications and email correspondence 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 the customer purchasing a specified dollar amount of goods or services at 'participating businesses'.

The notifications were lodged by the following:

- N92767 Darton International Pty Ltd
- N92768 Filerimos Pty Ltd
- N92769 Lorven Pty Ltd
- N92770 SLS Sales Pty Ltd
- N92771 Palermo Retail Group Pty Ltd
- N92772 Marwan Bayni
- N92773 Colette Bayni
- N92774 Peter Richard Ericksen
- N92775 Wilma Margaret Ericksen

Legal immunity conferred by the notifications will commence on 1 February 2007.

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 Hew Atkin on (02) 6243 1235.

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