



**Australian
Competition &
Consumer
Commission**

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Contact Officer: Erin Donohue
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13 May 2009

Ms Danielle Siemensma
Legal Counsel
Corporate Solicitors Office
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dear Ms Siemensma

Third line forcing notifications N93956 to N93969

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 28 April 2009. The notifications have been placed on the ACCC's public register.

The following Fuel Suppliers:

1. AGH Holdings Pty Ltd – Shell Cannonvale QLD (N93956)
2. Goliath Enterprises Pty Ltd – Shell Narrogin WA (N93957)
3. Firelock Pty Ltd – Shell Moruya NSW (N93958)
4. Bresrow Pty Ltd – Shell Narrabri NSW (N93959)
5. Ayoub & Partners Pty Ltd – Shell Morisset NSW (N93960)
6. West End Petroleum Pty Ltd – West End Service Station, Glen Innes NSW (N93961)
7. Trimlic Pty Ltd – Shell Pambula NSW (N93962)
8. Giltrade Pty Ltd – Shell Littlehampton SA (N93963)
9. Castelo Investments Pty Ltd – Shell Ocean Grove VIC (N93964)
10. Graham Pomas – Shell Murwillumbah NSW (N93965)
11. JW Piercy Pty Ltd – Shell Cannonvale QLD (N93966)
12. Patricia Edwards – Eastern Creek Centre, South West Rocks NSW (N93967)
13. GPG Mobil No. 1 Pty Ltd – Mobil Bairnsdale VIC (N93968)
14. Koppers Mineral Springs Pty Ltd – Mineral Springs Fuel Stop, Kyneton VIC (N93969)

propose to give or allow (or offer to give or allow) a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer

acquires, or spends a minimum amount on, products or services from Coles Businesses and supplies the Fuel Supplier with a receipt evidencing the expenditure.

Legal immunity conferred by the notifications commenced on 12 May 2009.

On the basis of the information that you have provided, it is not intended that further action be taken 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 is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that the Fuel Suppliers and Coles Businesses will disclose all relevant terms and conditions to prospective clients.

A copy of 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 Erin Donohue on (02) 6243 1291.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch