

Our Ref: 54810
Contact Officer: Michael Drake
Contact Number: (03) 9658 6517



**Australian
Competition &
Consumer
Commission**

10 June 2014

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Canberra ACT 2601
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Ross Zaurrini
Ashurst Australia

By email: ross.zaurrini@ashurst.com

Dear Mr Zaurrini,

Third line forcing notifications N97471 & N97472 lodged by Refrigerated Van & Truck Rentals (NSW) Pty Ltd as Trustee for The RVTR (NSW) and Refrigerated Transport Hire (Vic) Pty Ltd as trustee for The RVTR (SA)

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 June 2014. The notifications have been placed on the ACCC's public register.

Refrigerated Van & Truck Rentals (NSW) Pty Ltd as Trustee for The RVTR (NSW) and Refrigerated Transport Hire (Vic) Pty Ltd as trustee for The RVTR (SA) (together, the **Applicants**) propose to supply, or offer to supply, rental vehicles to prospective customers on condition that those customers enter into a contract with Roads and Maritime Services (**RMS**) to facilitate electronic toll payment services for the rental period.

Similarly, the Applicants propose to refuse to supply, or offer to supply, rental vehicles to prospective customers who do not enter into a contract with RMS to facilitate electronic toll payment services for the rental period.

The contract between the customer and RMS will allow the Applicants to share the customer's credit card information with RMS so that any tolls incurred by the customer can be charged directly to the customer's credit card. A fee of \$3.30 for each day in which a toll is incurred will also be charged to the customer.

Legal protection conferred by the notifications will commence on 18 June 2014.

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 legal protection provided by these notifications 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 Applicants and RMS will disclose all relevant terms and conditions to prospective customers.

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 Michael Drake on (03) 9658 6517.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch