



Australian Competition & Consumer Commission

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Australia

Our Ref: C2004/1058
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05 August 2004

Stuart McIver
Shell Gold City Roadhouse
Lot 1, Flinders Highway
Charters Towers QLD 4820

Dear Mr McIver

**Notification of exclusive dealing lodged by
Kalhire Pty Ltd trading as Shell Gold City Roadhouse (N50151)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 23 July 2004.

You have described the conduct in respect of the above notification as the offer of a 4 cents per litre discount on petrol to consumers on the condition they have purchased goods to the value of \$30.00 or more from any branch of Coles, Coles Central, Liquorland, BI-LO, Pick 'n Pay Hypermarket and Newmart Stores or online customers of Coles Online or Shopfast. Legal immunity provided by this notification will come into force on 06 August 2004.

The Commission recently consulted a wide variety of interested parties in relation to a number of similar notifications relating to the petrol and grocery sectors. The Commission has considered the above notification in light of submissions previously put to it by interested parties in relation to similar notifications and its own investigations. The Commission considers that the notified conduct is likely to result in a net public benefit and does not intend to take any further action at this stage to remove the immunity afforded by the notification.

Please note, as with any notification, the Commission may act to remove the immunity afforded by this 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.



This letter has been placed on the Commission's public register. The Commission has released a report and media release in relation to the consideration of a number of acquisitions in the petrol and grocery sectors, which can be found on the Commission's website at www.accc.gov.au. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on (02) 6243 1107.

Yours sincerely

Handwritten signature of Tim Grimwade, consisting of stylized initials 'TG' followed by a cursive name.

Tim Grimwade
General Manager
Adjudication Branch