



**Australian
Competition &
Consumer
Commission**

Our Ref: C2005/367
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9 March 2005

Mr Wayne Tait
c/o Baxter General Store
139 Grant Road
Baxter VIC 3911

Dear Mr Tait

Re: Third line forcing notification No. N91622 lodged by Wayne Tait

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 18 February. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

An offer of a 4 cent per litre discount on fuel sold at Baxter General Store on condition that the customer supplies an invoice with the offer.

Legal immunity conferred by the notification commenced on 4 March 2005.

In 2004, the ACCC concluded a comprehensive consultation process in relation to a number of similar notifications relating to the petrol and grocery sectors. The ACCC 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 ACCC 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.

Please note, as with any notification, the ACCC 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.

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. The ACCC 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 ACCC's website at www.accc.gov.au. If you wish to discuss any aspect of this matter, please do not hesitate to contact Tania Mayrhofer on (02) 6243 1070.

Yours sincerely

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

Scott Gregson
A/g General Manager
Adjudication Branch