



Our Ref: N91704  
Contact Officer: Tania Mayrhofer  
Contact Number: (02) 6243 1070

**Australian  
Competition &  
Consumer  
Commission**

26 April 2005

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Mr Paul G Byrne  
Director  
Delatura Pty Ltd  
Snowview Service Station  
3458 Warburton VIC 3799

Dear Mr Byrne

**Re: Third line forcing notification No. N91704 lodged by Delatura Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 15 April 2005. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

"Four cent discount on fuel with relation to supermarket sales at IGA Warburton and Wyles IGA."

Legal immunity conferred by the notification will come into force on 29 April 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](http://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 large, sweeping flourish at the end.

Scott Gregson  
A/g General Manager  
Adjudication Branch