



**Australian
Competition &
Consumer
Commission**

Our Ref: N91567 *C2004/1878*
Contact Officer: Bronwyn Davis
Contact Number: (02) 6243 1363

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

17 December 2004

Mr JP Cleary
38-40 Lowry Street
ROCHESTER VIC 3561

Dear Mr Cleary

**Notification of exclusive dealing lodged by
JP & RG Cleary (N91567)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 December 2004.

You have described the conduct in respect of the above notification as the offer of a four cents per litre discount on fuel to customers upon presentation of a shopping docket from Rochester IGA Supermarket. Legal immunity provided by this notification will come into force on 20 December 2004.

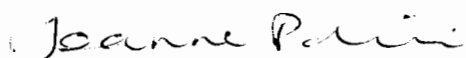
The ACCC recently consulted a wide variety of interested parties in relation to a number of similar notifications relating to the petrol and grocery sectors. The ACCC has considered the above notification in light of submissions previously put to it by interested parties in relation to similar notifications 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 to remove the immunity afforded by the notification.

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.



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 Bronwyn Davis on 6243 1363.

Yours sincerely

A handwritten signature in black ink that reads "Joanne Palisi". The signature is written in a cursive, flowing style.

Joanne Palisi
A/g General Manager
Adjudication Branch