



Our Ref: C2005/34
Contact Officer: Tania Mayrhofer
Contact Number: (02) 6243 1070

**Australian
Competition &
Consumer
Commission**

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

16 February 2005

Mr Gerard Thomas Hextall
165 St Leonards Rd
St Leonards TAS 7250

Dear Mr Hextall

**Notification of exclusive dealing lodged by
Gerard Thomas Hextall (N91584)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 30 December 2004.

You have described the conduct in respect of the above notification as the sale of fuel at a discount subject to the customer purchasing a specified dollar amount of goods or services at participating businesses.

Legal immunity provided by this notification commenced on 13 January 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.

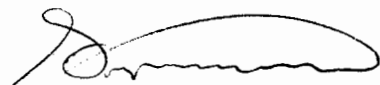
Please note, as with any notification, the ACCC may act to remove the immunity afforded by this notification at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

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



Scott Gregson
A/g General Manager
Adjudication Branch

cc: Mr Robert Barnes
Barnes & Wenden
Level 12
44 Market St
Sydney NSW 2000