



Australian Competition & Consumer Commission

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Our Ref: C2002/42
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**CONFIRMATION
OF FACSIMILE**

8/1/02

8 January 2002

Mr Michael Corrigan
Partner
Clayton Utz
Levels 23-25
No. 1 O'Connell Street
SYDNEY NSW 2000

By facsimile: (02) 8220 6700

Dear Mr Corrigan

Exclusive dealing – third line forcing – notifications lodged by Woolworths Limited (N90959) and Australian Independent Retailers Pty Limited (N90960)

I refer to the notifications of exclusive dealing (third line forcing) conduct lodged by Woolworths Limited ("Woolworths") (N90959) and Australian Independent Retailers Pty Limited ("AIR") (N90960).

Notifications N90959 and N90960 were lodged with the Australian Competition and Consumer Commission ("the Commission") on 28 December 2001 and have been placed on the Commission's public register. Legal immunity provided by the exclusive dealing notification is due to commence on 11 January 2002.

You have described the conduct as Woolworths and AIR proposing to offer sales of petrol and other fuels at a discount (in the range of 2 cents to 10 cents per litre) subject to a condition requiring the purchase of:

- (a) a nominated product, products or range of products; or
- (b) products of not less than a nominated value,

from Woolworths (including Big W) or Australian Safeway Stores Pty Limited or Woolworths (Victoria) Pty Limited or Woolworths (Queensland) Pty Limited or Woolworths (South Australia) Pty Limited.



On the basis of the information that you provided to the Commission, I have decided not to make inquiries concerning the notified conduct.

Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the public benefit arising from the notified conduct does not outweigh the public detriment arising from the conduct.

This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter further, please do not hesitate to contact Ms Sharon Clancy on (02) 6243 1201.

Yours sincerely

A handwritten signature in black ink, appearing to be 'T. Grimwade', written in a cursive style.

Tim Grimwade
General Manager
Adjudication Branch