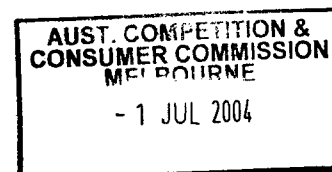


FILE No:
DOC: D04/30805
MARS/PRISM: 19903.

30 June 2004

Mr Tim Grimwade
General Manager Adjudication Branch
Australian Competition and Consumer Commission
470 Northbourne Avenue
DICKSON ACT 2602



Dear Mr Grimwade

Third line forcing notifications - Action Supermarkets - service stations branded BP and Independent Fuel Supplies.

We enclose five third line forcing notifications in relation to the sale of discount petrol on behalf of the following fuel retailers:

- Centrel Pty Ltd (ABN 50 091 614 667);
- Tweed Coast Sands Pty Ltd (ACN 001 498 979);
- Dojoo Pty Ltd (ACN 001 891 854);
- M & HJ Webb Pty Ltd (ABN 56 001 662 040); and
- Ruth Dragos, Mark Dragos and Thomas Dragos, trading as Greenmeadows General Store.

We also enclose a cheque for \$500.00.

As set out in the attached notifications, Action Supermarkets Pty Ltd (ABN 43 008 882 488) ("Action"), a wholly-owned subsidiary of Foodland Associated Limited (ABN 13 008 667 650) ("FAL"), proposes to introduce a promotion in New South Wales and Queensland whereby customers will have the opportunity to purchase discounted petrol at service stations if the customers spend at least a specified amount at Action supermarkets ("the Promotion").

In summary, the following fuel retailers have indicated their intention to participate in the Promotion:

- BP service stations operated by Centrel Pty Ltd in the Gold Coast, Ipswich, Cairns, Caloundra, Coffs Harbour, Kingscliff, Mackay, Noosa, Toowoomba and Tweed Heads regions of Queensland and New South Wales;
- Independent Fuel Supplies service stations operated by Tweed Coast Sands Pty Ltd in the Gold Coast/Tweed Heads region of Queensland/New South Wales;

Level 1, 1 Lakeside Drv, Burwood East, VIC 3151
Locked Bag 1000, Nunawading BC, VIC 3110
Telephone (03) 8805 5000 Facsimile (03) 8805 5050

- BP service stations operated by Dojoo Pty Ltd in the Ballina region of New South Wales;
- BP service station operated by M & HJ Webb Pty Ltd in the Kempsey region of New South Wales; and
- the Greenmeadows General Store (selling BP branded fuel) operated by Ruth, Mark and Thomas Dragos in the Port Macquarie region of New South Wales.

As detailed in the notifications, the fuel retailers believe the proposed conduct will result in a number of public benefits, will promote competition, and will not have any negative effect on competition in any relevant market.

While FAL is assisting each of the fuel retailers with the logistics of preparing and lodging the notifications, FAL wishes to confirm that Action has approached each of the above fuel retailers individually, offering them the opportunity to participate in the Promotion. Each of the fuel retailers has agreed individually with Action to participate. In particular, we are not aware of any discussion or agreement among the fuel retailers with respect to entering into, or the terms of, the Promotion.

In addition, we confirm that the Promotion will operate concurrently with Action's existing arrangements with fuel retailers which have already been notified to the ACCC as follows:

- notifications lodged by BP Australia Pty Ltd (ABN 53 004 085 616) on behalf of various operators of BP service stations under cover of a letter dated 14 July 2003; and
- notification dated 24 November 2003 from Central Queensland Petroleum Pty Ltd (ABN 15 580 256 612).

If you have any questions in relation to any of the matters raised in the enclosed notifications, please do not hesitate to contact us.

Yours sincerely



Peter Hede
Divisional Manager
Quickstop Fuel and Convenience

FORM G

Regulation 9

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)***EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:

Centrel Pty Ltd ABN 50 091 614 667 ("Centrel").

(b) Short description of business carried on by that person:

Retailing of petroleum and related products.

(c) Address in Australia for service of documents on that person:

C/- Reliance Petroleum
Level 1
22 Lowe Street,
Nambour Qld 4560

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Retail petroleum products.

(b) Description of the conduct or proposed conduct:***Outline of proposed conduct***

The giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of retail petroleum products by Centrel to consumers purchasing petroleum products at participating service stations operated by Centrel in Queensland and New South Wales on the condition that the consumers have acquired goods of a specified value from participating supermarkets owned by Action Supermarkets Pty Ltd ABN 43 008 882 488 in Queensland and New South Wales ("**the Promotion**").

Proposed conduct will deliver public benefits

Centrel considers that the proposed conduct will be of benefit to the public because:

- **Consumers will benefit from lower petrol prices** - Centrel considers that the Promotion will provide consumers with lower petrol prices and should result in greater availability of cheaper fuel;

- **The proposed conduct will generate a culture of discounting** - Centrel considers that the Promotion will promote a culture of discounting in the retail petrol market; and
- **The proposed conduct will increase non-price competition in the retail petrol market** - the Promotion will encourage innovative, competitive responses from competitors in order to attract and retain custom.

Proposed conduct will promote competition and should have no adverse impact on competition

The proposed conduct will not lessen competition in any relevant market as:

- there are a large number of petrol service stations in Queensland and New South Wales; and
- Woolworths and Coles have already implemented a similar “shopper docket” promotion which enables customers of Woolworths and Coles to receive a discount on petrol purchased at a large number of service stations nationwide. Accordingly, the proposed conduct is a competitive response to the existing levels of intense competition that exists between retail grocers.

Instead, the proposed conduct will promote competition between retail grocers and drive competition between supermarkets and petrol retailers, which encourages price discounting and increases non-price competition.

3. (a) Class or classes of persons to which the conduct relates:

The general public of Queensland and New South Wales.

(b) Number of those persons -

- (i) **At present time:** Unknown, but more than 50.
- (ii) **Estimated within the next year:** Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

Not applicable.

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

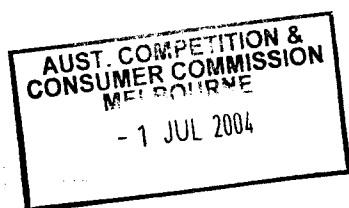
John Clark
C/- Reliance Petroleum
Level 1
22 Lowe Street,
Nambour Qld 4560

Dated 29 June 2004

Signed by/on behalf of the person giving this notice



.....
Signature



..... John Douglas Clark

Full name

..... Director

Position

FORM G

Regulation 9

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)***EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:

Tweed Coast Sands Pty Ltd ACN 001 498 979 ("Tweed Coast Sands").

(b) Short description of business carried on by that person:

Retailing of petroleum and related products.

(c) Address in Australia for service of documents on that person:

PO Box 109
Archerfield Qld 4109

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Retail petroleum products.

(b) Description of the conduct or proposed conduct:***Outline of proposed conduct***

The giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of retail petroleum products by Tweed Coast Sands to consumers purchasing petroleum products at participating Independent Fuel Supplies service stations operated by Tweed Coast Sands in the Gold Coast/Tweed Heads region of Queensland/New South Wales on the condition that the consumers have acquired goods of a specified value from participating supermarkets owned by Action Supermarkets Pty Ltd ABN 43 008 882 488 in the Gold Coast/Tweed Heads region of Queensland/New South Wales ("the Promotion").

Proposed conduct will deliver public benefits

Tweed Coast Sands considers that the proposed conduct will be of benefit to the public because:

- **Consumers will benefit from lower petrol prices** - Tweed Coast Sands considers that the Promotion will provide consumers with lower petrol prices and should result in greater availability of cheaper fuel;

- **The proposed conduct will generate a culture of discounting** - Tweed Coast Sands considers that the Promotion will promote a culture of discounting in the retail petrol market; and
- **The proposed conduct will increase non-price competition in the retail petrol market** - the Promotion will encourage innovative, competitive responses from competitors in order to attract and retain custom.

Proposed conduct will promote competition and should have no adverse impact on competition

The proposed conduct will not lessen competition in any relevant market as:

- there are a large number of petrol service stations in the Gold Coast/ Tweed Heads region of Queensland/New South Wales; and
- Woolworths and Coles have already implemented a similar “shopper docket” promotion which enables customers of Woolworths and Coles to receive a discount on petrol purchased at a large number of service stations nationwide. Accordingly, the proposed conduct is a competitive response to the existing levels of intense competition that exists between retail grocers.

Instead, the proposed conduct will promote competition between retail grocers and drive competition between supermarkets and petrol retailers, which encourages price discounting and increases non-price competition.

3. (a) Class or classes of persons to which the conduct relates:

The general public of the Gold Coast/Tweed Heads region of Queensland/New South Wales.

(b) Number of those persons -

- (i) **At present time:** Unknown, but more than 50.
- (ii) **Estimated within the next year:** Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

Not applicable.

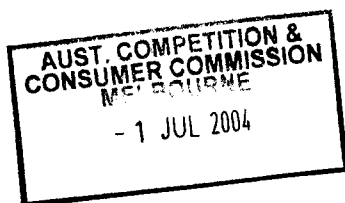
4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

Mr B Oakley
PO Box 109
Archerfield Qld 4109

Dated 29 June 2004

Signed by/on behalf of the person giving this notice

Bob Oakley
Signature



BOB OAKLEY
Full name

Queensland Fuel Group Site Supervisor
Position

FORM G**Regulation 9**

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)***EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:

Dojoo Pty Ltd ACN 001 891 854 ("Dojoo").

(b) Short description of business carried on by that person:

Retailing of petroleum and related products.

(c) Address in Australia for service of documents on that person:3 Southern Cross Drive
Ballina NSW 2478**2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

Retail petroleum products.

(b) Description of the conduct or proposed conduct:***Outline of proposed conduct***

The giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of retail petroleum products by Dojoo to consumers purchasing petroleum products at participating BP service stations operated by Dojoo in the Ballina region of New South Wales on the condition that the consumers have acquired goods of a specified value from participating supermarkets owned by Action Supermarkets Pty Ltd ABN 43 008 882 488 in the Ballina region of New South Wales ("**the Promotion**").

Proposed conduct will deliver public benefits

Dojoo considers that the proposed conduct will be of benefit to the public because:

- **Consumers will benefit from lower petrol prices** - Dojoo considers that the Promotion will provide consumers with lower petrol prices and should result in greater availability of cheaper fuel;

- **The proposed conduct will generate a culture of discounting** - Dojoo considers that the Promotion will promote a culture of discounting in the retail petrol market; and
- **The proposed conduct will increase non-price competition in the retail petrol market** - the Promotion will encourage innovative, competitive responses from competitors in order to attract and retain custom.

Proposed conduct will promote competition and should have no adverse impact on competition

The proposed conduct will not lessen competition in any relevant market as:

- there are a large number of petrol service stations in the Ballina region of New South Wales; and
- Woolworths and Coles have already implemented a similar “shopper docket” promotion which enables customers of Woolworths and Coles to receive a discount on petrol purchased at a large number of service stations nationwide. Accordingly, the proposed conduct is a competitive response to the existing levels of intense competition that exists between retail grocers.

Instead, the proposed conduct will promote competition between retail grocers and drive competition between supermarkets and petrol retailers, which encourages price discounting and increases non-price competition.

3. (a) Class or classes of persons to which the conduct relates:

The general public of the Ballina region of New South Wales.

(b) Number of those persons -

- (i) **At present time:** Unknown, but more than 50.
- (ii) **Estimated within the next year:** Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

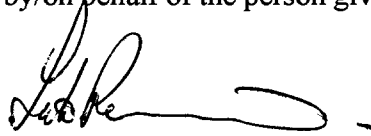
Not applicable.

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

Mr Santo Pennisi
3 Southern Cross Drive
Ballina NSW 2478

Dated 29 June 2004

Signed by/on behalf of the person giving this notice



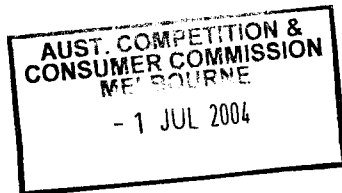
.....
Signature

SANTO PENNISI

.....
Full name

GENERAL MANAGER

.....
Position



FORM G

Regulation 9

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)***EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:M & HJ Webb Pty Ltd ABN 56 001 662 040 ("**Webb**").**(b) Short description of business carried on by that person:**

Retailing of petroleum and related products.

(c) Address in Australia for service of documents on that person:

C/- BP Depot
Partridge Street
Macksville NSW 2447

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Retail petroleum products.

(b) Description of the conduct or proposed conduct:***Outline of proposed conduct***

The giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of retail petroleum products by Webb to consumers purchasing petroleum products at participating BP service stations operated by Webb in the Kempsey region of New South Wales on the condition that the consumers have acquired goods of a specified value from participating supermarkets owned by Action Supermarkets Pty Ltd ABN 43 008 882 488 in the Kempsey region of New South Wales ("**the Promotion**").

Proposed conduct will deliver public benefits

Webb considers that the proposed conduct will be of benefit to the public because:

- **Consumers will benefit from lower petrol prices** - Webb considers that the Promotion will provide consumers with lower petrol prices and should result in greater availability of cheaper fuel;

- **The proposed conduct will generate a culture of discounting** - Webb considers that the Promotion will promote a culture of discounting in the retail petrol market; and
- **The proposed conduct will increase non-price competition in the retail petrol market** - the Promotion will encourage innovative, competitive responses from competitors in order to attract and retain custom.

Proposed conduct will promote competition and should have no adverse impact on competition

The proposed conduct will not lessen competition in any relevant market as:

- there are a number of petrol service stations in and around the Kempsey region of New South Wales; and
- Woolworths and Coles have already implemented a similar “shopper docket” promotion which enables customers of Woolworths and Coles to receive a discount on petrol purchased at a large number of service stations nationwide. Accordingly, the proposed conduct is a competitive response to the existing levels of intense competition that exists between retail grocers.

Instead, the proposed conduct will promote competition between retail grocers and drive competition between supermarkets and petrol retailers, which encourages price discounting and increases non-price competition.

3. (a) Class or classes of persons to which the conduct relates:

The general public of the Kempsey region of New South Wales.

(b) Number of those persons -

- (i) **At present time:** Unknown, but more than 50.
- (ii) **Estimated within the next year:** Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

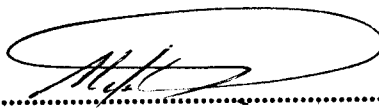
Not applicable.

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

Mr Mike Webb
C/- BP Depot
Partridge Street
Macksville NSW 2447

Dated 29th June 2004

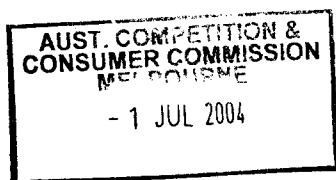
Signed by/on behalf of the person giving this notice



.....
Signature

STEPHEN WEBB.

.....
Full name



DISTRIBUTION MANAGER.

.....
Position

FORM G**Regulation 9**

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)***EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) Name of person giving notice:

Ruth Dragos, Mark Dragos and Thomas Dragos, trading as Greenmeadows General Store ("**the Dragos**").

(b) Short description of business carried on by that person:

Retailing of petroleum, convenience store and related products.

(c) Address in Australia for service of documents on that person:

C/- Greenmeadows General Store
Corner Greenmeadows and Ocean Drives
Port Macquarie NSW 2444

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Retail petroleum products.

(b) Description of the conduct or proposed conduct:***Outline of proposed conduct***

The giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of retail petroleum products by the Dragos' to consumers purchasing petroleum products at the Greenmeadows General Store on the condition that the consumers have acquired goods of a specified value from participating supermarkets owned by Action Supermarkets Pty Ltd ABN 43 008 882 488 in the Port Macquarie region of New South Wales ("**the Promotion**").

Proposed conduct will deliver public benefits

The Dragos' consider that the proposed conduct will be of benefit to the public because:

- **Consumers will benefit from lower petrol prices** - the Dragos' consider that the Promotion will provide consumers with lower petrol prices and should result in greater availability of cheaper fuel;

- **The proposed conduct will generate a culture of discounting** - the Dragos' consider that the Promotion will promote a culture of discounting in the retail petrol market; and
- **The proposed conduct will increase non-price competition in the retail petrol market** - the Promotion will encourage innovative, competitive responses from competitors in order to attract and retain custom.

Proposed conduct will promote competition and should have no adverse impact on competition

The proposed conduct will not lessen competition in any relevant market as:

- there are a number of petrol service stations in and around the Port Macquarie region of New South Wales; and
- Woolworths and Coles have already implemented a similar "shopper docket" promotion which enables customers of Woolworths and Coles to receive a discount on petrol purchased at a large number of service stations nationwide. Accordingly, the proposed conduct is a competitive response to the existing levels of intense competition that exists between retail grocers.

Instead, the proposed conduct will promote competition between retail grocers and drive competition between supermarkets and petrol retailers, which encourages price discounting and increases non-price competition.

3. (a) Class or classes of persons to which the conduct relates:

The general public of the Port Macquarie region of New South Wales.

(b) Number of those persons -

- (i) **At present time:** Unknown, but more than 50.
- (ii) **Estimated within the next year:** Unknown, but more than 50.

(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:

Not applicable.

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:

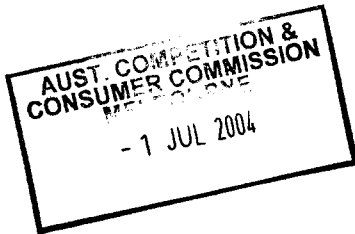
Mr Mark Dragos
C/- Greenmeadows General Store
Corner Greenmeadows and Ocean Drives
Port Macquarie NSW 2444

Dated June 2004

Signed by/on behalf of the person giving this notice

PHU

.....
Signature



PETER HEDE on behalf of
.....
Full name *MARK + JASON DPAGOS*

1-7-04

.....
Position

