



Our Ref: C2004/385  
Contact Officer: Stefanee Lovett  
Contact Phone: (02) 6243 1359

02 April 2004

Mr Mark Jenkins  
Proprietor Caltex York Street  
47 Donegal Road  
FLOREAT WA 6014

Dear Mr Jenkins

**Re: Notification N70378 lodged by Wildwinds Enterprises Pty Ltd**

I refer to our previous correspondence in relation to the above notification lodged with the Australian Competition and Consumer Commission (the Commission) on 27 February 2004.

You have described the conduct as the offer to customers of a 4-cents per litre discount on fuel purchases on condition the customer has spent \$12.00 on either an "Executive Wash" or "Touch Free" wash from Top Wash. of videos at CIVIC Video.

The Commission recently consulted a wide variety of interested parties in relation to a number of similar notifications relating to the petrol and grocery sectors. The Commission 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 Commission 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 Commission 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 Commission's public register. The Commission 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 Commission'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 Stefanee Lovett on (02) 6243 1359.

Yours sincerely

Tim Grimwade  
General Manager  
Adjudication