



Our Ref: N40816  
Contact Officer: Tania Mayrhofer  
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**Australian  
Competition &  
Consumer  
Commission**

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11 January 2005

Mr Ben Naidu  
c/- Caltex Koondoola  
Koondoola Ave (corner of Burbridge Ave)  
Koondoola WA 6064

Dear Mr Naidu

**Notification of exclusive dealing lodged by  
Koondoola Service Centre Pty Ltd (N40816)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 December 2004.

You have described the conduct in respect of the above notification as 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 Koondoola to consumers purchasing petroleum products at Caltex service stations operated by Koondoola in Perth, Western Australia, on the condition that the consumers have acquired goods of a specified value from participating supermarkets branded "Dewsons", "Supa Valu" or any other supermarkets which are participating from time to time in a discount retail petroleum products scheme with Koondoola in Western Australia.

Legal immunity provided by this notification commenced on 6 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 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.

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](http://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 Peter Hede  
Divisional Manager – Fuel & Convenience  
Foodland Associated Limited  
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