

Freehills

16 June 2005

Phone +61 3 9288 1655
Email Emma.Gordon@freehills.com
Matter no 80856063
Doc no Melbourne\004657271

Mr Scott Gregson
General Manager, Adjudication
Australian Competition and Consumer Commission
470 Northbourne Avenue
DICKSON ACT 2602

Dear Mr Gregson

Coles Myer Ltd, Eureka Operations Pty Ltd and Myer Stores Limited notifications lodged under section 93 of the Trade Practices Act 1974

We refer to the notifications lodged on 18 May 2005 by Coles Myer Ltd, Eureka Operations Pty Ltd and Myer Stores Limited concerning possible third line forcing conduct under the *Trade Practices Act* 1974 in connection with a discount, voucher, rebate, credit allowance, financial benefit or other benefit or privilege in relation to the purchase of retail goods and petroleum products.

Accompanying the notifications was a confidential final draft copy of the terms and conditions relevant to the conduct the subject of the notifications. This document was provided on a confidential basis by reason that, at the time of lodging the notifications, the final details of the arrangements had not been finalised.

We advise that the arrangements have now been finalised and enclose a final public version of the relevant terms and conditions. We consent to the enclosed document being placed on the public register.

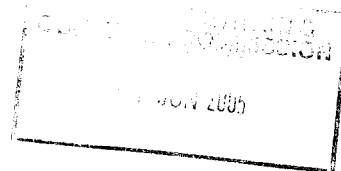
Please feel free to contact Emma Gordon on 03 9288 1655 should you wish to discuss this matter.

Yours faithfully
Freehills



Bob Baxt
Partner

Encl.



Coles Myer Source MasterCard Fuel Saver fuel discount offer terms and conditions – Website Version.

Coles Myer Source MasterCard fuel saver offer: Use your Coles Myer Source MasterCard to spend the qualifying amount (as advertised from time to time) in one transaction at participating Coles Myer stores, and we will mail you a Fuel Saver Voucher in the following month (up to a maximum of four Fuel Saver Vouchers per statement month). A limit of 52 Fuel Saver Vouchers will be issued per account per annum.

The participating Coles Myer stores are Coles, Bi-Lo[^], Liquorland, Coles Central, Pick 'n Pay Hypermarket, and Liquorland Express stores or online with Coles Online and ShopFast. This offer is not available when purchasing gift cards or on purchases made at Coles Express or Liquorland Direct.

This offer applies to Victoria, New South Wales (including Australian Capital Territory), Tasmania, South Australia, Western Australia, Northern Territory and Queensland (noting that not all of the brands listed above operate in these states, or regions within these states, but the Fuel Saver Voucher will be redeemable at all Coles Express service stations operating in these states or regions).

One Fuel Saver Voucher entitles you to an additional discount off the pump price of fuel, whether LPG, diesel or petrol, from Coles Express service stations for:

- one fuel type for one vehicle up to a maximum of 150 litres (including a maximum of 25 litres in an approved container); or
- two fuel types for one vehicle (up to a combined maximum of 150 litres); or
- two fuel types up to a combined maximum of 150 litres, for one vehicle and one approved container (up to a maximum of 25 litres).

The additional fuel discount amount that you qualify for will be printed on your Fuel Saver Voucher. To obtain the additional discount, you must present a valid "4 cent Fuel Discount Receipt" (obtained when you spend the qualifying amount (as advertised from time to time) in one transaction at participating Coles Myer stores) along with one valid Fuel Saver Voucher. Only one valid Fuel Saver Voucher will be accepted per fuel purchase. Fuel Saver Vouchers must be surrendered on redemption and are not transferable.

This offer is not valid for Fleet Card, Shell Card, Motorcharge or Motorpass purchases or in conjunction with any other fuel offers unless specified otherwise. A Fuel Saver Voucher that has been defaced, damaged or altered or has passed its expiry date is not valid for any discount fuel offer.

Coles Express reserves the right to at any time suspend or terminate this offer provided under these terms and conditions, or to otherwise vary these terms and conditions, by giving you at least 30 days prior notice.

Special offer for limited time:

If you apply for a Coles Myer Source MasterCard and your application is approved you will receive eight Fuel Saver Vouchers which are valid for three months. Each of these Fuel Saver Vouchers entitles you to receive an additional discount of 4c per litre off the pump price for all fuels including LPG and diesel at Coles Express service stations when presented before its expiry date with a

valid "4 cent Fuel Discount Receipt" from participating Coles Myer stores for a total discount of 8 cents per litre. **Please note:** Applications made in store at Myer are not eligible to receive this special offer. Offer not available to existing Coles Myer Source MasterCard cardholders.

^Store exclusions. The fuel discount offer is not available on purchases made at Bi-Lo Discount Petrol Bundaberg and Bi-Lo Discount Petrol Mooroopna.

Coles Online operates in Melbourne and Sydney only. ShopFast operates in Sydney, Blue Mountains, Central Coast and Gosford only.

Coles Myer Source is a registered trademark of Coles Myer Ltd ABN 11 004 089 936.