



**CALTEX**

Caltex Australia

6 November 2006

Registered Post

The Adjudications Office  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam

**Exclusive Dealing Notification**

I enclose:

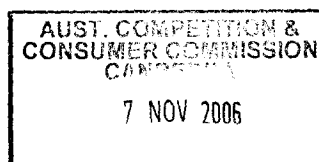
- (a) Form G, Exclusive Dealing Notification; and
- (b) cheque for \$100, being the lodgement fee.

Please call me on (02) 9250-5562 if you have any questions in relation to the above.

Yours sincerely

**Peter Lim**  
Corporate Counsel

Encl.



# FORM G

Regulation 9

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COMMONWEALTH OF AUSTRALIA  
*Trade Practices Act 1974 – Sub-section 93(1)*

N92684

## EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) **Name of person giving notice**  
Caltex Petroleum Services Pty Ltd ACN 005 632 860 trading as Caltex Sydney (**Caltex Sydney**).
  - (b) **Short description of business carried on by that person**  
Caltex Sydney conducts business as a reseller of Caltex petroleum products and also operates service stations under the Caltex and Ampol brands within metropolitan Sydney. Caltex Petroleum Services Pty Ltd is a wholly owned subsidiary of Caltex Australia Petroleum Pty Ltd. Its ultimate holding company is Caltex Australia Limited. The notified conduct relates to a recently acquired service station in Camden NSW which is now operated by Caltex Sydney.
  - (c) **Address in Australia for service of documents on that person**  
Peter Lim  
Corporate Counsel  
Caltex Australia Petroleum Pty Ltd  
Level 22  
MLC Centre  
19 Martin Place  
Sydney NSW 2000
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**  
This notice relates to the supply of fuel by Caltex Sydney from its service station at 21 Barsden Street, Camden NSW.
  - (b) **Description of the conduct or proposed conduct**  
Caltex Sydney proposes to supply discounted fuel (including petrol, diesel and LPG) to customers of the Caltex branded service station located at 21 Barsden Street, Camden NSW (**Camden Service Station**) on condition that they acquire certain services from J Martin & P Martin Family Partnership trading as Taplins Automotive Repairs (**Taplins**), which conducts business as a mechanic at 28 Edwards Street Camden NSW 2570.  
  
Specifically, Caltex Sydney will offer to supply to customers of Camden Service Station at a discount (presently 5.0 cents per litre) (**Fuel Discount**) on all fuels purchased (including petrol, diesel and LPG) if they:
    - (i) have their cars serviced by Taplins for not less than a specified service value (presently nil) (**third party purchase**); and
    - (ii) purchase petrol, diesel or LPG in a single transaction of not greater than a specified volume (presently uncapped) from Camden Service Station within 30 days after the date of the third party purchase.

Customers who have had their car serviced by Taplins receive a voucher from Taplins which can then be redeemed at the Camden Service Station within 30 days after the date of issue. When the voucher is redeemed by Caltex, a copy of the sales receipt (which shows the volume of fuel sold) is attached to the voucher. On a monthly basis Caltex Sydney will invoice Taplins for reimbursement of part of the Fuel Discount, currently amounting to 4.0 cents per litre. The invoice includes a summary of the volume of fuel sold to customers who have purchased fuel using the discount voucher issued by Taplins.

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

Current and future customers of Taplins who also purchase fuel from Camden Service Station.

(b) **Number of those persons-**

(i) **At present time**

Unknown

(ii) **Estimated within the next year**

Unknown.

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

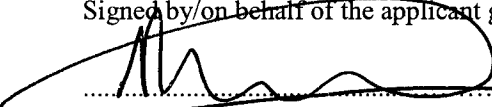
N/A.

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

Peter Lim  
Corporate Counsel  
Caltex Australia Petroleum Pty Ltd  
Level 22  
MLC Centre  
19 Martin Place  
Sydney NSW 2000  
Tel: 9250 5562  
Fax: 9250 5018

Dated 1 NOVEMBER....., 2006

Signed by/on behalf of the applicant giving notice

  
.....  
(Signature)

ADRIAN ROGER BROWN  
.....  
(Full Name)

SALES + MARKETING MANAGER  
.....  
(Description)

[Back of Form]

**DIRECTIONS**

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

**NOTICE**

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of sub-section 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under sub-section 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in sub-section 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

## **Submission**

The notified conduct is similar to conduct which has already been authorised by the ACCC on previous occasions. In particular, the ACCC has authorised the Caltex/Woolworths and Shell/Coles shopper docket discounts and determined that such arrangements have resulted in an overall net public benefit. The notified conduct is also likely to result in a net public benefit.

The notified conduct is unlikely to result in any public detriment. The conduct relates to one particular Caltex service station at Camden and one particular mechanic at Camden.