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Commonwealth of Australia
Trade Practices Act 1974 - Sub-section 93(1)

**EXCLUSIVE DEALING
NOTIFICATION**

N92824 (Paul)
N92825 (Kelsie)

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.

1. (a) **Name of person giving notice:**

Caltex Roadhouse Manjimup (see clarifying email for notifying parties)

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

Supplier of petrol and other motor fuels.

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

South West Highway, Manjimup WA 6258

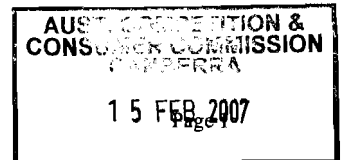
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

Supply of petrol and other motor fuels.

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

The proposed conduct comprises offers by Caltex Roadhouse Manjimup, and the supply by Caltex Roadhouse Manjimup pursuant to such offers, of petrol and other motor fuels at a discounted price from time to time on the condition that the offeree has purchased products of not less than a nominated minimum value from one of Woolworths Limited (including Big W, a division of Woolworths Limited, BWS, Woolworths Liquor) (**Woolworths Companies**).

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



Caltex Roadhouse Manjimup, the Woolworths Companies and all retail customers and potential retail customers of Caltex Roadhouse Manjimup and the Woolworths Companies who wish to purchase products from the Woolworths Companies and/or petrol and other motor fuels from Caltex Roadhouse Manjimup.

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

(i) **At present time:**

All potential retail customers of Caltex Roadhouse Manjimup and the Woolworths Companies.

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

The estimated number of customers with whom Caltex Roadhouse Manjimup and the Woolworths Companies is likely to deal in the course of conduct over the next year is unknown.

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

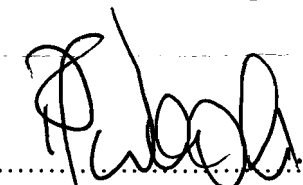
N/A

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

Paul James Wood
South West Highway
Manjimup WA 6258

Dated: 9TH FEBRUARY 2007

Signed on behalf of the person giving this notice



Paul James Wood
for and on behalf of Caltex Roadhouse Manjimup

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 subsection 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 subsection 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 subsection 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

1. Introduction

Caltex Roadhouse Manjimup conducts its business as a supplier of petrol and other motor fuels.

Sales of petrol and other motor fuels by Caltex Roadhouse Manjimup are proposed to be offered at a discount subject to a condition requiring the purchase of products of a nominated minimum value from Woolworths Limited (including Big W, a division of Woolworths Limited, BWS & Woolworths Liquor) (**Woolworths Companies**).

2. Proposed conduct

Caltex Roadhouse Manjimup proposes to offer, and supply, petrol and other motor fuels to customers at discounts from time to time on condition that those customers first purchase products of a particular nominated minimum value from any one of the Woolworths Companies.

Caltex Roadhouse Manjimup believes that this conduct is likely to result in public benefit because:

- (a) Through the proposed conduct, customers of Caltex Roadhouse Manjimup and the Woolworths Companies will be able to take advantage of lower motor fuel prices.
- (b) Competition amongst retail sellers of motor fuel will be enhanced by Caltex Roadhouse Manjimup's ability to offer petrol or other motor fuels at a discount.
- (c) The proposed conduct will also enhance competition amongst retail sellers of motor fuel by allowing Caltex Roadhouse Manjimup to meet similar discount fuel offers currently offered in the market place, eg the Shell/Coles offer, as well as numerous similar offers by Mobil service stations (eg N911096), BP service stations (eg N90869) and various service stations in conjunction with IGA supermarkets (eg N91075) and Advantage Supermarkets (eg N70085).

There a very large number of current notifications in respect of similar discount fuel offers on the Commission's public register (well over 100), many of them offered by independent supermarkets and fuel retailers.

Caltex Roadhouse Manjimup believes that there is no detriment to the public likely to arise from its proposed conduct because:

- (a) Consumers' freedom to choose whether or not to purchase the motor fuel at a discount will be made clear. The link between the purchase of petrol and other motor fuels at a discount and the purchase of products will be clearly disclosed in writing to prospective customers through offer dockets, vouchers and signs in Woolworths Companies stores and at the place where motor fuel is purchased. Caltex Roadhouse Manjimup will offer motor fuel independent of the redemption discount offer, and consumers will be free to purchase motor fuel from Caltex Roadhouse Manjimup on this basis.
- (b) There will continue to be a wide choice open to customers in the acquisition of petrol and other motor fuels from other motor fuel retailers.
- (c) There will continue to be a wide choice open to customers in the acquisition of products from suppliers in competition with the Woolworths Companies. The sectors in which the Woolworths Companies operate are highly competitive.
- (d) Consumers will therefore not be forced to purchase products and motor fuel. Consumers will retain the freedom to buy the products and motor fuel separately, from Caltex Roadhouse Manjimup or any of the Woolworths Companies or their competitors.