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FORM G

Commonwealth of Australia

Trade Practices Act 1974 - Sub-section 93(1)

NOTIFICATION OF EXCLUSIVE DEALING

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-sections 47(6) and (7) of that Act in which the person giving notice engages or proposes to engage.

N92865 (W)
N92866 (M)

1. Applicant

(a) Name of person giving notice:

Wardman Wolfe Pty Ltd/Minerva (Wagga) Pty Ltd. ABN – 26 912 283 351
("the Driving School Services Provider").

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

The Driving School Services Provider will offer pre-licence and post-licence driving lessons.

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

c/o NRMA Safer Driving Schools Pty Limited ("NRMA Safer Driving")
9 George Street
North Strathfield NSW 2137
Telephone: (02) 8741 6957
Facsimile: (02) 8741 6955
Attention: Adrian Cutcliffe
Email: adrian.cutcliffe@mynrma.com.au

2. Notified arrangement

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

The services of the National Roads and Motorists' Association Limited ("NRMA"), which provides a range of motoring-related services to members in New South Wales and Australian Capital Territory. The primary service is the provision of emergency roadside assistance and breakdown support, but the NRMA also offers a range of complementary motoring-related information and advisory services, including in relation to vehicle and motoring safety, driver education, travel, accident repair information and vehicle safety inspections.

Consumers may become members of the NRMA by payment of an annual fee, which varies according to the type and level of membership benefits and services required by the member. The basic fee for a roadside assistance package starts at approximately \$84. Membership entitles members to access various of the NRMA's services, depending upon the type of membership.

(b) Description of the conduct or proposed conduct:

The Driving School Services Provider proposes to offer promotions under which its customers may obtain discounts from time to time (such as an 8% discount on the price of the driving lessons where more than 5 hours of tuition are purchased), on the condition that they are or will become members of the NRMA.

The Driving School Services Provider operates its driving school business as a franchisee of NRMA Safer Driving, which is a subsidiary of the NRMA.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

Persons who are or may become customers of the Driving School Services Provider.

(b) Number of those persons:

(i) At present time:

Nil, as the business has yet to commence.

(ii) Estimated within the next year:

Between [0] and [∞].

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

Not applicable

4. Public benefit claims

(a) Arguments in support of notification:

(i) The conduct will benefit the public, because:

- it will enhance the affordability of driving tuition for both learner drivers and qualified drivers;
- customers of the Driving School Services Provider will be able to obtain driving lessons at a discounted price as an additional benefit of their NRMA membership;
- there are numerous competitors in the market for the provision of driving school services and driving tuition, and they may consider offering similar discount packages in order to compete with the Driving School Services Provider and attract more customers. This would therefore promote competition; and
- the fact that customers are provided with an incentive to either take-up or to maintain NRMA membership facilitates an overall safer driving environment because of the motoring-related information and advisory services offered by the NRMA to its members.

(ii) The conduct will not lessen competition in the markets for the relevant products and services or result in any conceivable detriment to the public because:

- although many different organisations offer one or a discrete selection of the motoring-related services of the type offered by the NRMA, the NRMA is in effect the only organisation in New South Wales and Australian Capital Territory which "bundles" packages of such services. The conduct which is the subject of this notification is not likely to impact on this position;
- there is a significant number of other competitors in the market for the supply of driving school services and driving tuition, and therefore customers may acquire the relevant services from a range of other suppliers; and
- it will promote competition in the market for driving school services and driving tuition by exerting pressure on competitors of the Driving School Services Provider to offer similar and other value added services.

(b) Facts and evidence relied upon in support of these claims:

In many instances the NRMA's information and advisory services complement (as opposed to replace) other businesses operating in the motor industry. For example, notwithstanding their membership of the NRMA, members will continue to purchase accident repair services from other parties, or purchase motoring magazines comprising reviews of new and used vehicles.

In terms of roadside assistance and breakdown support, such services can be obtained from multiple different sources. A search of the Yellow Pages online service (www.yellowpages.com.au) using the search terms "roadside assistance" in "NSW" as at 22 January 2007 results in 36 listings.

Regarding the market for providers of driving lessons, a search of the Yellow Pages online service (www.yellowpages.com.au) using the search terms "driving school" in "NSW" as at 19 January 2007 results in 996 listings.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographical or legal restrictions):

The relevant market in which the goods or services described at item 2(a) are supplied or acquired is the provision of emergency roadside assistance and breakdown support, together with complementary motoring-related information and advisory services, to motorists in New South Wales and Australian Capital Territory.

The notified conduct is also of relevance for the market for the provision of driving school services and driving tuition to drivers in New South Wales and Australian Capital Territory. However, because the Driving School Services Provider holds only a small share of that market, the applicant does not anticipate any impacts on this market.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

The applicant does not consider that the proposed conduct the subject of the notification will result in or is likely to result in any public detriment, because:

- customers of the Driving School Services Provider are not compelled to obtain membership of the NRMA in order to purchase driving tuition from the Driving School Services Provider;
- consumers who would like to become members of a motoring organisation which "bundles" a full range of motoring services may in any event be likely to become members of the NRMA; and
- in view of the competition in the markets for emergency roadside assistance services and driving school services and driving tuition (as referred to in item 4(b)), there are many alternative suppliers from whom customers are free to obtain the same or similar services to the services which are the subject of this notification.

(b) Facts and evidence relevant to these detriments:

Not applicable.


7. Further information

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Adrian Cutcliffe
Manager Franchised Driving Schools
NRMA Motoring & Services
9 George Street
North Strathfield NSW 2137
Telephone: (02) 8741 6957

Dated: 2 February 2007.


Signed by/on behalf of the applicant


.....
(Signature)

Sarah Jane Wardman
Director
Wardman Wolfe Pty Ltd

Dated: 2 February 2007

Signed by/on behalf of the applicant


.....
(Signature)

Christine Anne Almanci
Director
Minerva (Wagga) Pty Ltd

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1. Applicant

N92867

- (a) Name of person giving notice:

Lanhams of Leeton Pty Ltd. ABN -27 106 887 567 ("the Driving School Services Provider").

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

The Driving School Services Provider will offer pre-licence and post-licence driving lessons.

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

c/o NRMA Safer Driving Schools Pty Limited ("**NRMA Safer Driving**")
9 George Street
North Strathfield NSW 2137
Telephone: (02) 8741 6957
Facsimile: (02) 8741 6955
Attention: Adrian Cutcliffe
Email: adrian.cutcliffe@mynrma.com.au

2. Notified arrangement

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

The services of the National Roads and Motorists' Association Limited ("**NRMA**"), which provides a range of motoring-related services to members in New South Wales and Australian Capital Territory. The primary service is the provision of emergency roadside assistance and breakdown support, but the NRMA also offers a range of complementary motoring-related information and advisory services, including in relation to vehicle and motoring safety, driver education, travel, accident repair information and vehicle safety inspections.

Consumers may become members of the NRMA by payment of an annual fee, which varies according to the type and level of membership benefits and services required by the member. The basic fee for a roadside assistance package starts at approximately \$84. Membership entitles members to access various of the NRMA's services, depending upon the type of membership.

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

The Driving School Services Provider proposes to offer promotions under which its customers may obtain discounts from time to time (such as an 8% discount on the price of the driving lessons where more than 5 hours of tuition are purchased), on the condition that they are or will become members of the NRMA.

The Driving School Services Provider operates its driving school business as a franchisee of NRMA Safer Driving, which is a subsidiary of the NRMA.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:

Persons who are or may become customers of the Driving School Services Provider.

- (b) Number of those persons:

- (i) At present time:

Nil, as the business has yet to commence.

- (ii) Estimated within the next year:

Between [0] and [300].

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

Not applicable

4. Public benefit claims

- (a) Arguments in support of notification:

- (i) The conduct will benefit the public, because:

- it will enhance the affordability of driving tuition for both learner drivers and qualified drivers;
- customers of the Driving School Services Provider will be able to obtain driving lessons at a discounted price as an additional benefit of their NRMA membership;
- there are numerous competitors in the market for the provision of driving school services and driving tuition, and they may consider offering similar discount packages in order to compete with the Driving School Services Provider and attract more customers. This would therefore promote competition; and
- the fact that customers are provided with an incentive to either take-up or to maintain NRMA membership facilitates an overall safer driving environment because of the motoring-related information and advisory services offered by the NRMA to its members.

- (ii) The conduct will not lessen competition in the markets for the relevant products and services or result in any conceivable detriment to the public because:

- although many different organisations offer one or a discrete selection of the motoring-related services of the type offered by the NRMA, the NRMA is in effect the only organisation in New South Wales and Australian Capital Territory which "bundles" packages of such services. The conduct which is the subject of this notification is not likely to impact on this position;
- there is a significant number of other competitors in the market for the supply of driving school services and driving tuition, and therefore customers may acquire the relevant services from a range of other suppliers; and
- it will promote competition in the market for driving school services and driving tuition by exerting pressure on competitors of the Driving School Services Provider to offer similar and other value added services.

(b) Facts and evidence relied upon in support of these claims:

In many instances the NRMA's information and advisory services complement (as opposed to replace) other businesses operating in the motor industry. For example, notwithstanding their membership of the NRMA, members will continue to purchase accident repair services from other parties, or purchase motoring magazines comprising reviews of new and used vehicles.

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The relevant market in which the goods or services described at item 2(a) are supplied or acquired is the provision of emergency roadside assistance and breakdown support, together with complementary motoring-related information and advisory services, to motorists in New South Wales and Australian Capital Territory.

The notified conduct is also of relevance for the market for the provision of driving school services and driving tuition to drivers in New South Wales and Australian Capital Territory. However, because the Driving School Services Provider holds only a small share of that market, the applicant does not anticipate any impacts on this market.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

The applicant does not consider that the proposed conduct the subject of the notification will result in or is likely to result in any public detriment, because:

- customers of the Driving School Services Provider are not compelled to obtain membership of the NRMA in order to purchase driving tuition from the Driving School Services Provider;
- consumers who would like to become members of a motoring organisation which "bundles" a full range of motoring services may in any event be likely to become members of the NRMA; and
- in view of the competition in the markets for emergency roadside assistance services and driving school services and driving tuition (as referred to in item 4(b)), there are many alternative suppliers from whom customers are free to obtain the same or similar services to the services which are the subject of this notification.

(b) Facts and evidence relevant to these detriments:


Not applicable.

7. Further information

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Adrian Cutcliffe
Manager Franchised Driving Schools
NRMA Motoring & Services
9 George Street
North Strathfield NSW 2137
Telephone: (02) 8741 6957

Dated: 2nd

February 2007


Signed by/on behalf of the applicant


.....
(Signature)

Garry James Lanham
Director
Lanhams of Leeton Pty Ltd