

FILE No:

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Form G

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

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

Barclay Operations Pty Ltd ABN 68 101 603 123 ('Barclay').

N93061

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

Barclay conducts a service station business at the address noted below ('Service Station'), which is mainly concerned with the retailing of petroleum products and operating a convenience store.

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

148 Bridges Road, New Lambton, NSW, 2305.

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

Food, drink and other grocery and convenience goods and services, offered for retail sale through the convenience store operated by Barclay at the Service Station.

(b) Description of the conduct or proposed conduct

Barclay wishes to conduct a trade promotion between 23 July 2007 and 23 January 2008 at the Service Station whereby entry into the promotion is conditional on:

- (i) entrants being members of the Alder Park Bowling Club (132 Bridges Road, New Lambton, NSW, 2305); and
- (ii) such members spending at least \$20 on fuel and/or non-fuel items (excluding cigarettes) at the Service Station.

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

Potential entrants into the trade promotion who are customers of the convenience store business operated by Barclay at the 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




Not applicable.

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

[insert name and address of contact person at Barclay]

Dated 4th July 2007 Signed by/on behalf of the applicant giving notice


.....
(Signature)

Karen Cooper
.....
(Full Name)

Manager
.....
(Description)

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.