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The Shell Company of Australia Limited
ABN 46 004 610 459

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8 September 2008

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Sir,

Notification of Exclusive Dealing

Please find enclosed a notification on behalf of The Shell Company of Australia Limited under section 93(1) of the *Trade Practices Act*, in respect of conduct which may constitute exclusive dealing under sections 47(6) and (7) of that Act.

We enclose a cheque payable to the ACCC in the amount of \$100, being the required lodgement fee.

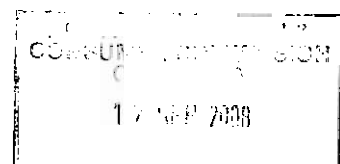
Please do not hesitate to contact me if you would like to discuss this notification.

Yours faithfully

THE SHELL COMPANY OF AUSTRALIA LIMITED

Peter Weston
Group General Counsel

Encl



FORM G

Commonwealth of Australia

Trade Practices Act 1974 – subsection 93(1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

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

1. Applicant

(a) Name of person giving notice:

N93575 The Shell Company of Australia Limited (ABN 46 004 610 459).

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

The marketing of petroleum products.

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

8 Redfern Road
Hawthorn East
Victoria 3123

2. Notified arrangement

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

The supply of automotive fuel and automotive LPG via Shell Card.

(b) Description of the conduct or proposed conduct:

The giving of a discount on automotive fuel and automotive LPG purchased from Shell via Shell Card to business entities who are members of The Master Builders Association of Victoria ("MBAV"), and the possible refusal to give such a discount to persons who are not members of MBAV.

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:

Business entities who are members of MBAV and who acquire or wish to acquire automotive fuel and automotive LPG via fuel card.

(b) Number of those persons:

(i) At present time:

7,100

(ii) Estimated within the next year:

7,500

(c) 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:

MBAV members are entitled to a discount on automotive fuel and automotive LPG purchased via Shell Card.

The offer of a discount to MBAV members will help to reduce MBAV members' input costs for their business, which potentially will translate into cost savings for customers acquiring goods and services in the building and construction market.

It is submitted that there would be no lessening of competition because the discount is presented as an option to MBAV members. MBAV members are free to acquire automotive fuel and automotive LPG from other suppliers, and from Shell on standard terms. Further, membership of MBAV is open to all employers and self-employed persons in the building and construction industry, subject to meeting MBAV's qualifying criteria.

The offering of a discount may also be pro-competitive by encouraging other automotive fuel and automotive LPG suppliers to offer their products at cheaper rates.

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

Not applicable.

5. **Market Definition**

Provide a description of the market(s) in which the goods or services described in 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers;

substitutes available for the relevant goods or services; and restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

The relevant markets are:

- the market for automotive fuel and automotive LPG supplied to commercial customers via fuel card;
- the market for building and construction goods and services.

Both of these are mainly Victorian markets given that the notified conduct involves The Master Builders Association of Victoria (though some members of MBAV are situated outside Victoria).

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 considers that the notified conduct causes no public detriment.

- (b) Facts and evidence relevant to these detriments:

Not applicable.

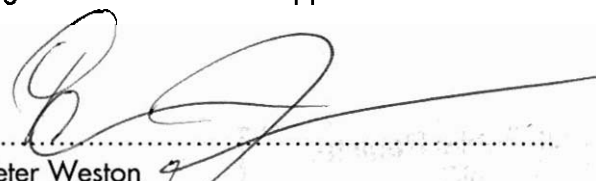
7. Further information

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

Peter Weston
Group General Counsel, Shell Australia
8 Redfern Road
Hawthorn East VIC 3123
Phone: (03) 8823 4063

Dated 8.9.08

Signed on behalf of the applicant



Peter Weston
Group General Counsel, Shell Australia