



Wesfarmers Limited

ABN 28 008 984 049

Corporate Solicitors Office

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27 April 2009

Public Register Officer
Australian Competition & Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Public Register Team/ Adjudication Branch

Notification of Exclusive Dealing

Please find enclosed notifications under section 93(1) of the *Trade Practices Act* in respect of conduct which may constitute exclusive dealing under section 47(6) of that Act, lodged on behalf of the following fuel retailers:

- Giltrade Pty Ltd – Shell Littlehampton, SA
- West End Petroleum Pty Ltd – West End Service Station, Glen Innes, NSW
- JW Piercy Pty Ltd – Shell River St, Ballina NSW
- AGH Holdings Pty Ltd – Shell Cannonvale, QLD
- Goliath Enterprises Pty Ltd – Shell Narrogin, WA
- Bresrow Pty Ltd – Shell Narrabri, NSW
- Graham Pomas – Shell Murwillumbah, NSW
- Patricia Edwards – Eastern Creek Centre, South West Rocks, NSW
- Trimlic Pty Ltd – Shell Pambula, NSW
- Firelock Pty Ltd – Shell Moruya, NSW
- Ayoub & Partners Pty Ltd – Shell Morisset, NSW
- Koppers Mineral Springs Pty Ltd – Mineral Springs Fuel Stop, Kyneton, VIC
- Castello Investments Pty Ltd – Shell Ocean Grove, VIC

800 Toorak Road, Tooronga, Victoria, 3146 PO Box 2000, Glen Iris, Victoria, 3146
Telephone: (613) 9829 5111 Facsimile: (613) 9829 6406

www.wesfarmers.com.au

- GPG Mobil No. 1 Pty Ltd – Mobil Bairnsdale, VIC

We **enclose** cheque in the sum of \$1,400.00 representing \$100 lodgement fee for each notification.

The notifying retailers are located in regional locations near participating Coles Group outlets where Coles Express retailers (who provide fuel discount in accordance with Notification N91137) are in excess of 10kms away.

Please do not hesitate to contact me if you would like to discuss these notifications.

Yours faithfully



Danielle Siemensma
Legal Counsel
Corporate Solicitors Office

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93956 AGH Holdings Pty Ltd trading as Shell Cannonvale
138 Shute Harbour Road
Cannonvale Qld 4802
("Fuel Supplier").

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products ("fuel products");
- (ii) products and services supplied by Coles Group Limited ("Coles"), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
- (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
- (3) hotels operated by the Coles group of companies,
(together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93957 Goliath Enterprises Pty Ltd
trading as Shell Narrogin Service Station
44 Egerton Street
NARROGIN WA
("Fuel Supplier")

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products ("**fuel products**");
- (ii) products and services supplied by Coles Group Limited ("**Coles**"), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”)

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


 (Signature)

 Danielle Siemensma

 Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93958 Firelock Pty Ltd trading as Shell Moruya
5 Princes Hwy
MORUYA NSW 2537
(“Fuel Supplier”)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (“fuel products”);
- (ii) products and services supplied by Coles Group Limited (“Coles”), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
- (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
- (3) hotels operated by the Coles group of companies,
(together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



 (Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93959 Brescrow Pty Ltd trading as Tapscott Services – Shell Narrabri
177 Maitland Street
Narrabri NSW (“**Fuel Supplier**”).

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

(i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (“**fuel products**”);

(ii) products and services supplied by Coles Group Limited (“**Coles**”), including a wide range of grocery, liquor and non-grocery products and services provided by:

(1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;

(2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and

(3) hotels operated by the Coles group of companies, (together, the “Coles Businesses”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

(i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;

(ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;
- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004

report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and

- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93960 Ayoub & Partners Pty Ltd trading as Shell Morisset
57 Dora Street
MORISSET NSW 2264
(**Fuel Supplier**)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**fuel products**);
- (ii) products and services supplied by Coles Group Limited (**Coles**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


.....
(Signature)

.....
Danielle Siemensma

.....
Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd
.....

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93961 West End Petroleum Pty Ltd trading as West End Service Station
Cnr Ferguson & Lambeth Streets
GLEN INNES NSW 2370
("Fuel Supplier")

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products ("fuel products");
- (ii) products and services supplied by Coles Group Limited ("Coles"), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant

D. Siemensma
 (Signature)

 Danielle Siemensma

 Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93962 Trimlic Pty Ltd trading as Shell Pambula
39 Quondola St
PAMBULA NSW 2549
(**Fuel Supplier**)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**fuel products**);
- (ii) products and services supplied by Coles Group Limited (**Coles**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- **there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;**
- **there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;**
- **there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;**

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93963 Giltrade Pty Ltd
trading as Spud's Fuel Stop (Shell Littlehampton)
35 Main Road
Littlehampton SA 5250
(**"Fuel Supplier"**).

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**"fuel products"**);
- (ii) products and services supplied by Coles Group Limited (**"Coles"**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
- (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
- (3) hotels operated by the Coles group of companies,
(together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

The conduct is temporary until approximately 31 May 2009 and only during the temporary closure of Coles Express at 251 – 255 Main Street, Bairnsdale VIC 3875 (operated by Eureka Operations Pty Ltd, a Coles Business) to enable customers of the Coles Businesses to conveniently continue obtaining the benefit and convenience of the proposed conduct which they previously enjoyed at Coles Express Bairnsdale.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

- (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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

- (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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;

- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;
- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(b) Facts and evidence relevant to these detriments:

Not applicable.

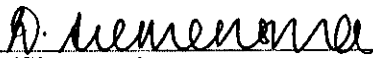
7 Further information

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

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


 (Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93964
Castello Investments Pty Ltd
trading as Shell Ocean Grove
48 Wallington Road
OCEAN GROVE VIC 3226
(**Fuel Supplier**).

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**fuel products**);
- (ii) products and services supplied by Coles Group Limited (**Coles**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



 (Signature)

 Danielle Siemensma

 Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93965 Graham Pomas trading as Shell Murwillumbah
303 Tweed Valley Way
MURWILLUMBAH NSW 2485
(**"Fuel Supplier"**)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**"fuel products"**);
- (ii) products and services supplied by Coles Group Limited (**"Coles"**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(b) Facts and evidence relevant to these detriments:

Not applicable.

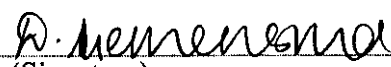
7 Further information

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93966 JW Piercy Pty Ltd trading as Shell River Street
273 River Street
Ballina NSW 2478
(**"Fuel Supplier"**)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (**"fuel products"**);
- (ii) products and services supplied by Coles Group Limited (**"Coles"**), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “Coles Businesses”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


 (Signature)

 Danielle Siemensma

 Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93967 Patricia Edwards trading as Eastern Creek Performance Centre
158 – 162 Gregory Street
South West Rocks NSW 2431
(“Fuel Supplier”)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (“fuel products”);
- (ii) products and services supplied by Coles Group Limited (“Coles”), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “Coles Businesses”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

- (i) At present time:
Greater than 50.
- (ii) Estimated within the next year:
Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93968 GPG Mobil No.1 Pty Ltd trading as Mobil Bairnsdale
27 Head Street
TRARALGON VIC 3844
(“Fuel Supplier”)

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (“**fuel products**”);
- (ii) products and services supplied by Coles Group Limited (“**Coles**”), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “Coles Businesses”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

The conduct is temporary until approximately 31 May 2009 and only during the temporary closure of Coles Express at 251 – 255 Main Street, Bairnsdale VIC 3875 (operated by Eureka Operations Pty Ltd, a Coles Business) to enable customers of the Coles Businesses to conveniently continue obtaining the benefit and convenience of the proposed conduct which they previously enjoyed at Coles Express Bairnsdale.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

- (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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

- (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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;

- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;
- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
 Wesfarmers Limited
 800 Toorak Road
 Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant


 (Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
 Wesfarmers Ltd

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 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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93969 Koppers Mineral Springs Pty Ltd trading as Koppers Fuel Stop
Burton Ave Mineral Springs
KYNETON VIC 2444
(“**Fuel Supplier**”).

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

The Fuel Supplier is a retailer of fuel products and grocery products.

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

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

2 Notified arrangement

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

This notification relates to:

- (i) products and services supplied by the Fuel Supplier, including fuel products which may include LPG, diesel, unleaded petrol, premium unleaded petrol and other fuel products (“**fuel products**”);
- (ii) products and services supplied by Coles Group Limited (“**Coles**”), including a wide range of grocery, liquor and non-grocery products and services provided by:

- (1) stores operated by the Coles group of companies, including Coles, Coles Central, Liquorland, Bi-Lo and Pick n Pay Hypermarket and Kmart;
 - (2) online businesses operated by the Coles group of companies, including Coles Online and Shopfast; and
 - (3) hotels operated by the Coles group of companies,
- (together, the “**Coles Businesses**”).

(b) Description of the conduct or proposed conduct:

The Fuel Supplier proposes to:

- (i) give or allow or offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers on the condition that the customer acquires, or spends a minimum amount on, products or services from a Coles Business and supplies the Fuel Supplier with a receipt evidencing the expenditure;
- (ii) refuse to give or allow or refuse to offer to give or allow a discount, allowance, rebate or credit in relation to fuel products to customers for the reason that the customer has not acquired, or has not spent a minimum amount on, products or services from a Coles Business and supply the Fuel Supplier with a receipt evidencing the expenditure.

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:

Customers who acquire goods or services from Coles Businesses and who acquire fuel from the Fuel Supplier.

(b) Number of those persons:

(i) At present time:

Greater than 50.

(ii) Estimated within the next year:

Greater than 50.

(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:

Customers will benefit significantly from the notified conduct because:

- where consumers choose to accept the offer, they will benefit from lower prices for fuel products purchased; and
- the notified conduct is likely to encourage competitive responses from both competing suppliers of fuel products and competitors to the Coles Businesses.

(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 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 geographic or legal restrictions):

The relevant markets are:

- a national market for the supply of fuel products; and
- a national market for the supply of groceries.

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:

There is no public detriment likely to result from the notified conduct. Customers will be better off for the reasons noted in section 4 above. In addition:

- there will continue to be a wide choice available to customers in relation to the acquisition of fuel products from other retailers;
- there will continue to be a wide choice available to customers in relation to the acquisition of grocery, liquor and non-grocery goods from retailers other than Coles Businesses;
- there will continue to be a wide range of hotel services provided by service providers other than the Coles Businesses;

- consumers will not be required to acquire both fuel products and grocery, liquor and non-grocery goods and services. Consumers will remain free to acquire the products individually from the Fuel Supplier and Coles Businesses, or their competitors;
- the notified conduct is an example of competitive market in the relevant markets. As the ACCC noted in its February 2004 report, "Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors", shopper dockets "can encourage further competition in the industry"; and
- the link between the purchase of fuel products at a discount and the purchase of grocery, liquor and non-grocery goods and services from Coles stores will be clearly disclosed in writing to customers, for example through signs in Coles stores and at the Fuel Supplier's premises.

(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:

C/- Danielle Siemensma
Wesfarmers Limited
800 Toorak Road
Tooronga VIC 3146

Dated

Signed by/on behalf of the applicant



(Signature)

Danielle Siemensma

Legal Counsel, Corporate Solicitors' Office,
Wesfarmers Ltd