

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:

Insert OptigolfWA PTY LTD t/as Wooramel Roadhouse
ABN: 32 164 664 831

N99646

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

Retailing of petroleum and related products.

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

Lot 1 North West Coastal Highway, Wooramel WA 6701

2. Notified arrangement

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

This notice relates to the supply of retail petroleum products and retail grocery products.

(b) Description of the conduct or proposed conduct:

The proposed conduct comprises the giving or offering of a discount in relation to the supply or proposed supply of motor fuels by *Optigolf WA PTY LTD* to consumers purchasing these products at participating service stations in Western Australia, on the condition that the consumer has purchased prescribed groceries (of a qualifying amount) at participating IGA stores nominated by IGA Distribution (WA) Pty Limited (ACN 008 667 650) (**IGA**) in Western Australia. Up to 150 IGA stores may participate in the proposed conduct. Consumers who spend the qualifying amount at the participating IGA stores would receive a voucher which entitles them to a fuel discount at **Wooramel Roadhouse** service stations (the

Promotion). Approximately **One Wooramel Roadhouse** service stations will participate in the promotion.

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:

Retail and potential retail customers of **Wooramel Roadhouse** and IGA who wish to purchase products from IGA stores in WA and/or motor fuels from participating service stations of **Wooramel Roadhouse**

(b) Number of those persons:

(i) At present time:

A maximum of **200** IGA stores and **100 fuel stations on program** service stations will participate in the proposed conduct in WA. The number of customers at these outlets is unknown.

(ii) Estimated within the next year:

Unknown, but more than 50.

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

N/A

4. Public benefit claims

(a) Arguments in support of notification:

The proposed conduct is likely to be of public benefit for the following reasons:

- consumers who choose to accept the offer will benefit from lower fuel prices;
- the proposed conduct is likely to increase the ability of **Wooramel Roadhouse** and IGA to compete with much larger competitors in the retail fuel and grocery markets (most of whom already engage in similar conduct) with a likely result of greater competition in those markets;
- the proposed conduct may also further enhance non-price competition in the retail fuel and grocery markets by encouraging competitors to devise innovative and alternative non-price incentives to attract consumers.

There is no anticompetitive effect in such conduct and it is not against the public interest because:

- there are large numbers of service stations and supermarkets in Western Australia, of which only a relatively small number (100 service stations and approximately 150 supermarkets) would be involved in the proposed conduct;
- the proposed conduct will not affect the ability of consumers to purchase fuel from whichever services stations they may choose;

- the proposed conduct will not affect the ability of consumers to purchase groceries from whichever supermarkets they may choose;
- the participating **Wooramel Roadhouse** service stations will continue to provide fuel independently of the proposed conduct;
- consumers will therefore not be forced to purchase grocery products and fuel from particular outlets or retailers.

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

- The ACCC report of 2004 'Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors' (**Shopper Docket Report**) found that the introduction of the shopper docket schemes has encouraged competition and lower prices in the fuel market. The Shopper Docket Report also reported the ACCC's view that there are significant benefits to consumers from shopper docket petrol discount schemes (pg 3).
- The major supermarket chains have implemented similar discount fuel promotions with large fuel retailers, under which their customers receive a voucher entitling them to receive a discount on petrol purchased at a number of stations nationwide. The proposed conduct will enhance the ability of IGA and **Wooramel Roadhouse** to compete against these retailers.
- There are only **One Wooramel Roadhouse** service stations that would be involved in the proposed conduct, compared to approximately **100** other service stations. It follows that the proposed conduct will affect only a relatively small proportion of retail fuel outlets in WA.

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 the retail fuel market in Western Australia, and the retail groceries market in Western Australia.

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 is unable to identify any public detriment.

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

N/A

7. Further information

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

Neale Hutchinson

Optigolf WA PTY LTD

Lot 1 North West Coastal Highway, Wooramel WA 6701

Dated *10 APRIL 2017*

Signed by/on behalf of the applicant



Neale Hutchinson

***Optigolf WA PTY LTD t/as Wooramel Roadhouse
Director***

Wright, Belinda

From: Giannakos, Anna
Sent: Thursday, 20 April 2017 12:27 PM
To: 'Neale Hutchinson'
Cc: Kolacz, Miriam; Macrae, Tess
Subject: TRIM: RE: Wooramel Roadhouse [DLM=For-Official-Use-Only]

Dear Mr Hutchinson

Thank you for your confirmation.

We will clarify on the ACCC's public register that the proposed conduct under exclusive dealing notification N99646 lodged by Optigolf WA PTY LTD t/as Wooramel Roadhouse on 18 April 2017 relates only to the Wooramel Roadhouse located at Lot 1 North West Coastal Highway, Wooramel WA 6701.

Kind regards,
Anna

Anna Giannakos
Senior Analyst | Adjudication | Merger and Authorisation Review Division
Australian Competition & Consumer Commission
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-----Original Message-----

From: Neale Hutchinson
Sent: Thursday, 20 April 2017 12:21 PM
To: Giannakos, Anna
Subject: Wooramel Roadhouse

Hello Anna
This is to confirm my application for Wooramel Roadhouse, conduct only relates to One (1) site.

Regards
Neale Hutchinson