

Mobil Oil Australia Pty Ltd

ABN 88 004 052 984

417 St Kilda Road
Melbourne VIC 3004
GPO Box 4507
Melbourne VIC 3001
Telephone: (03) 9252 3507
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Law Department

FILE No.

ENTITY

DMAN DOI 12294

Mobil

24 April, 2001

Mr John O'Neill
Senior Assistant Commissioner
Adjudication
Australian Competition & Consumer
Commission
470 Northbourne Avenue
DICKSON ACT 2602

Attention: Ms Larissa Karpish

Dear Sir

Mobil/Coles Promotion

Please find enclosed section 93(1) notice executed by the following Mobil Oil resellers:

Judith Fellows, trading as Mobil City View; and
Carolyn Davey, trading as Lindisfarne Service Station

(the "Retailers").

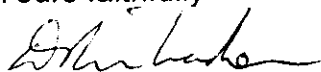
Please note that the Retailers are seeking to participate in the Coles/Mobil promotion in relation to which a number of notifications, particularly Nos. 40207, N40210 to N40232, N90626, N40335-40338 and 40366 have been lodged with the Commission. The most recent notification was lodged with the Commission on 30 November 2000.

Also enclosed is the original submission concerning the above promotion.

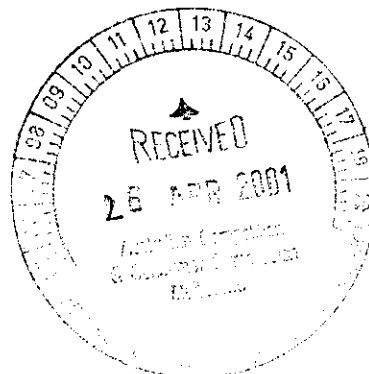
Please also find enclosed a cheque totalling \$200 to cover the lodgment fees payable to the Commission by the Retailers.

Should you have any queries, please contact me on 03 9252 3735.

Yours faithfully



Dougal C Richardson
Legal Adviser



0362472010

→ Jenny

12.APR.2001 11:36 MOBILOIL

NO. 174 P. 1/5

Mobil Oil Australia Limited (ACN 004 052 984)

GPO Box 4507 Melbourne Vic 3001

SOUTH PACIFIC SSO
Office of Legal Counsel

FAX TRANSMISSION

To Carolyn Davey
Lindisfarne Service Station

No. of Pages: 5
(including this page)
If you do not receive all pages
please call 9252 3735
or fax 9252 7224

Fax No 03 8243 5990

From Dougal Richardson
Legal Adviser

Date 6 April, 2001

COLES SUPERMARKETS PROMOTION - ACCC NOTIFICATION

Please find attached a copy of the Notification to be provided by you to the Australian Competition & Consumer commission in relation to the proposed Mobil/Coles Supermarkets promotion.

Would you please arrange for the form to be signed appropriately on the third page and fax the entire form back to me immediately on 03 9252 7224.

Would you also please then mail the entire original signed copy of the Notification to me at Level 9, 417 St Kilda Road, Melbourne, 3004.

I will arrange for the form to be lodged at the ACCC.

If you have any queries, please direct them to myself on 03 9252 3735.



Dougal Richardson
Legal Adviser

att.

0362472010

18. APR. 2001 11:37 MOBIL OIL

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Regulation 9**FORM G****COMMONWEALTH OF AUSTRALIA****Trade Practices Act 1974 - Sub-section 93(1)****EXCLUSIVE DEALING
NOTIFICATION**

To the Australian Competition and Consumer Commission:

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

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

1. (a) Name of person giving notice:

Carolyn Davey t/as Lindisfarne Service Centre

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

Retail sale of petrol

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

151 East Derwent Highway
Lindisfarne 7015

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

Supply of petrol by the person giving the notice and Mobil Oil Australia Pty Limited ACN 004 052 984 ("Mobil") and of products by participating Coles Supermarkets ("Participating Stores")

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

Supplying petrol or offering to supply petrol, giving or allowing, or offering to give or allow, a discount in relation to the supply or proposed supply of petrol on the condition that the person supplied or offered supply will acquire goods, or has acquired goods, of not less than a nominated value from Participating Stores, and refusing to give

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MOBIL OIL

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or allow a discount in relation to the supply of petrol to persons for the reason that they have not acquired, or have not agreed to acquire goods of not less than a nominated value from Participating Stores.

(See Direction 4 on the back of this Form)

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

The person giving the notice, Mobil, the Participating Stores and all retail customers and all potential customers of the person giving the notice, Mobil and the Participating Stores, wishing to purchase products from the Participating Stores and/or petrol from the person giving the notice and/or Mobil.

(b) Number of those persons:

(i) At the present time:

All potential customers of the person giving the notice, Mobil and the Participating Stores.

(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:

Not applicable

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

Dougal Richardson
Legal Adviser
Mobil Oil Australia Limited
417 St Kilda Road
Melbourne Vic 3004

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Dated 18th April, 2001.

Signed by/on behalf of the person giving this notice

Carolyn Davey
(Signature)

CAROLYN DAVEY
(Full Name)

PROPRIETOR.
(Description)

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DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbers consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b) (ii), state an estimate of the highest number of persons with whom the person giving notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

SUBMISSION - MOBIL OIL AUSTRALIA LIMITED -
"SHOP AND WIN" (COLES SUPERMARKETS PTY LTD)

1. Introduction

Mobil Australia Limited (*Mobil*) in its own right and by arrangement with individual retailers of Mobil products (the *Other Retailers* as listed below) proposes to offer a discount (proposed at 2c per litre) on petrol supplied to consumers who purchase \$30 or more worth of goods or services from any Coles/Myer supermarket (the *Proposal*). This discount will be given upon presentation of a Coles/Myer supermarket docket and will apply to the first 100 litres of petrol purchased by the consumer.

2. Competition Assessment

Mobil does not consider there to be any anti-competitive detriment likely to result from the Proposal, and indeed anticipates increased competitive pressure on its rivals following its implementation. More specifically:

- (a) While the Proposal is a new initiative for Mobil and the Other Retailers involved in the Proposal, the concept of discounted petrol on the terms and conditions described above is a current practice in the market place. In this respect, Mobil and the Other Retailers are proposing to engage in conduct which competes more directly with the conduct of their rivals;
- (b) It follows that the purpose behind the implementation of the program is not anti-competitive, but rather pro-competitive. Moreover, it is not aimed at disadvantaging any particular competitor in the market place in the sense of misuse of market power, not that the applicants hold the requisite market power in the relevant markets to raise concerns of this kind; and
- (c) It will remain the case that consumers not wishing to participate in the promotion will be able to purchase Mobil petrol from all the participants operating in the program, albeit without the advantage of the proposed discount. Moreover, no consumer will be precluded from participating in other similar promotions by virtue of their participation in the proposed arrangements.

3. Public Benefits

In addition to the public benefits mentioned above, the following benefits are relevant to the Commission's consideration in this matter:

- (a) Where consumers choose to accept the proposed discount offer, they will benefit by obtaining fuel at a lower cost;
- (b) The conduct will not be detrimental to competition as Mobil and each of the Other Retailers retains its autonomy and freedom to sell petrol and other fuel products on whatever terms it individually considers appropriate;
- (c) Competition amongst sellers of petrol and other fuels will be enhanced by this initiative which places Mobil and the Other Retailers in a better position to attract custom which might otherwise have been attracted to similar schemes provided by their competitors; and
- (d) In the sense that the Proposal is a competitive response by Mobil its implementation will constitute an efficiency enhancing development for the benefit of petrol consumers initially, and for the Australian economy as a whole over time.

List of Other Retailers

Norvac Pty Ltd (Graham Kent)
Westmell Pty Ltd (Robert Harris)
G&V and G&J Herbert (Geoff Herbert)
S&C Buchwald (Shane Buchwald)
Starwilton No 90 Pty Ltd (Doreen Corbett)
080 961 959 Pty Ltd (Lynden Chipman)
AH&MH & JM Oost (Arnold Oost)
S&I Rush (Ingrid Rush)
A G Cauchi (Tony Cauchi)
Crisan Pty Ltd (Anne Gregson)
B&J Westcott (Bradley Westcott)
Traydon Pty Ltd (Donald Hazeldine)
I&J Brown (Jillian Brown)
C&B Lawrence (Barbara Lawrence)
TRC Hotel Pty Ltd (Fiona Jones)

Brent Willing

Peter Rimon

Aramco Pty Ltd (James Lowish)

Patrick Slaninka

Kevin Jordan

L H Bellchambers (Laurence Bellchambers)

Kevrob Pty Ltd (Matt de Paoli)

Ken Jupp

Mobil Oil Australia Ltd

27 January 1998
