



Branbac Pty Ltd

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20 December 2005

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition
& Consumer Commission
470 Northbourne Avenue
DICKSON ACT 2602

FILE No:	
DOC	
MARS/PRISM:	

Dear Mr Gregson

Mobil Pascoe Vale RAF - Notification

We enclose:

- notification under section 93(1) of the *Trade Practices Act 1974 (TPA)*; and
- a cheque for \$100 as payment of the required lodgement fee.

1. **Background**

The main business activity of **Mobil Pascoe Vale RAF** is the retailing of petroleum products, automotive products, groceries, fast food and other shop products from service stations and convenience stores throughout Australia.

Mobil Pascoe Vale RAF wishes to implement a petrol discount scheme where **Mobil Pascoe Vale RAF** will provide a 4 cents per litre discount on fuel purchases where the customer has also acquired goods from the convenience store, or other services at the site (for example, car wash facilities), above a specified value (**Proposed Scheme**).

The operation of the Proposed Scheme will be subject to a number of restrictions, including that:

- (a) the offer must be redeemed immediately (ie on the qualifying purchase) and therefore, cannot be used at another time or another site;
- (b) the offer will only be applicable for fuel purchases up to a maximum of 100 litres; and
- (c) the offer will not be open to fleet participants or where the purchase is made on Mobil cards (Mobil Oil Australia Pty Ltd being the wholesale supplier of petroleum products to **Mobil Pascoe Vale RAF**).

AUST. COMPETITION & CONSUMER COMMISSION CANBERRA
23 DEC 2005

Mobil Pascoe Vale RAF plans to implement the Proposed Scheme at the following sites.

Mobil Pascoe Vale – 512 Pascoe Vale Rd. Pascoe Vale 3044

Mobil Quix Tullamarine – Corner Melrose Drive & Mickleham Road, Tullamarine 3043

Mobil Pascoe Vale Sth. – Corner Bell Street & Reynolds Parade, Pascoe Vale South 3044

Mobil Glenroy – Corner Pascoe Vale Rd. & Glenroy Rd. Glenroy 3046

2. **Notified conduct**

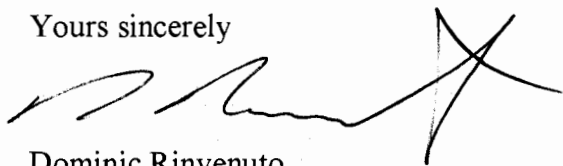
The notified conduct may be formulated as:

- (a) **Mobil Pascoe Vale RAF** offering to provide, or providing, a discount, allowance, rebate or credit in its supply of petroleum products on the condition that the customer will acquire convenience store goods or other automobile related goods or services above a specified value, from the owner or occupier of the site at which the petroleum products are sold; and
- (b) **Mobil Pascoe Vale RAF** refusing to offer to provide, or refusing to provide, a discount, allowance, rebate or credit in relation to the supply of petroleum products, for the reason that the customer has not acquired, or has not agreed to acquire, convenience store goods or other automobile related goods or services above a specified value, from the owner or occupier of the site at which the petroleum products are sold.

The proposed conduct may result in a contravention of section 47(6) and (7) of the TPA. Accordingly, **Mobil Pascoe Vale RAF** lodges the attached notification pursuant to section 93(1) of the TPA.

The proposed conduct raises NO significant issues. The introduction of an incentive for customers to purchase petrol from **Mobil Pascoe Vale RAF** will enable **Mobil Pascoe Vale RAF** to better compete against the larger petrol retailers and will therefore, further increase competition between retailers and benefit consumers. The ACCC has previously reviewed the fuel discount scheme implemented by a number of other retailers of petroleum products and determined that the benefits of the scheme outweighs any detriment that may flow from it.

Yours sincerely



Dominic Rinvenuto

Branbac Pty Ltd

FORM G

Regulation 9

COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974 – Sub-section 93 (1)***EXCLUSIVE DEALING:
ADDITIONAL 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 subsection 47 (2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) **Name of person giving notice**

Mobil Pascoe Vale RAF

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

Retailing of petroleum, automotive products, groceries, fast food and other shop products from service stations and convenience stores throughout Australia.

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

Suite 4, 87-95 Wheatsheaf Road, Glenroy Vic 3046

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

Retailing of petroleum products.

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

Mobil Pascoe Vale RAF is offering to provide supply petroleum products to customers at a discount, allowance, rebate or credit on the condition that the customer will acquire convenience store goods or other automobile related goods or services above a specified value, from the owner or occupier of the site at which the petroleum products are sold: and

Mobil Pascoe Vale RAF proposed to refuse to offer a discount for petroleum products where the customer has not acquired the convenience store goods or other automobile related goods or services above a specified value from the owner or occupier of the site at which the petroleum products are sold.

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

Purchases of petroleum products.

(b) **Number of those person-**

(i) At present time:

Approximately 3000 customers per week

(ii) Estimate within the next year:

Approximately 4000 customer per week

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

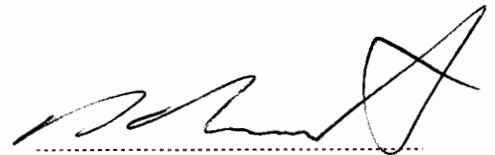
Not applicable

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

Dominic Rinvenuto

DATED this [20th] day of December 2005

SIGNED by/on behalf of *Mobil Pascoe Vale RAF*



(Signature)

D. RINVENUTO

(Full Name)

DIRECTOR

(Position)