

# Rafcorp Pty. Ltd.

19 Smith Rd Salisbury East 5109  
Phone: 08 8283 0565 Fax: 08 8283 0624

FILE No:

DOC:

MARS/PRISM:

ABN : 81 074 477 642

## BY COURIER

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

Dear Mr Gregson

## Rafcorp Pty Ltd - 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.

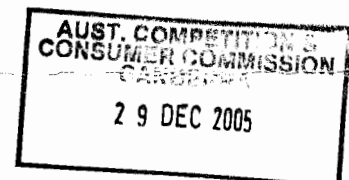
### 1. Background

The main business activity of Rafcorp Pty Ltd is the retailing of petroleum products, automotive products, groceries, fast food and other shop products from service stations and convenience stores throughout Australia.

**Rafcorp Pty Ltd** wishes to implement a petrol discount scheme where Rafcorp Pty Ltd 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 Rafcorp Pty Ltd).



## Company Operated Locations :

Mobil Parafield    Mobil Peachey Rd    Mobil Anglevale    Mobil Evanston    Mobil Cavan

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Rafcorp Pty Ltd plans to implement the Proposed Scheme at the Mobil Evanston Service Station at 496 Main North Rd Evanston and the Mobil Parafield Service Station at Kings Rd Parafield.

## 2. Notified conduct

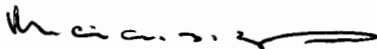
The notified conduct may be formulated as:

- (a) **Rafcorp Pty Ltd** 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) **Rafcorp Pty Ltd** 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, Rafcorp Pty Ltd 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 Rafcorp Pty Ltd will enable Rafcorp Pty Ltd 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



Managing Director

Rafcorp Pty Ltd

21 December 2005

## Company Operated Locations :

Mobil Parafield    Mobil Peachey Rd    Mobil Anglevale    Mobil Evanston    Mobil Cavan



## 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***Rafcorp Pty Ltd*(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***19 Smith Rd Salisbury East 5109*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:**

*Rafcorp Pty Ltd 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*

*Rafcorp Pty Ltd 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 4000 customers per week at all sites*

(ii) Estimate within the next year:

*Approximately 20000 customers within the next twelve months*

(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:**

*Michael Kemp*

**DATED** this 21st day of December 2005

**SIGNED** by/on behalf of Rafcorp Pty Ltd

*Michael Kemp*

(Signature)

*Michael Kemp*

(Full Name)

*Director*

(Position)