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South Brighton S.A 5048

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FILE NO.
1007
MARS/PP/001

29.12.05

Mr Scott Gregson  
General Manager , Adjudication Branch  
Australian Competition & Consumer Branch  
470 Northbourne Ave  
Dickson ACT 2602

Dear Mr Gregson

R & P Cohn Nominees 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 R & P Cohn Nominees Pty Ltd is the retailing of petroleum products, automotive products, fast food and other shop products from service stations within South Australia.

We wish to implement a petrol discount scheme where we will provide a 4 cents per litre discount on fuel purchases where the customer has acquired goods from the service station, 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

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CANBERRA  
- 4 JAN 2006

- (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 R & P Cohn Nominees Pty Ltd).

We plan to implement the Proposed Scheme at the following 3 sites:

- Mobil Emu Service Station, 140 Main South Road , Morphett Vale SA 5162
- Mobil Sheidow Park Service Station, cnr Lonsdale Highway & Hutt Close , Sheidow Park SA 5158
- Mobil Marion Service Station, 754 Marion Road, Marion SA 5143

2. **Notified conduct**

The notified conduct may be formulated as:

- (a) R & P Cohn Nominees 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) R & P Cohn Nominees 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, R & P Cohn Nominees 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 R & P Cohn Nominees Pty Ltd will enable R & P Cohn Nominees 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



Richard Cohn (Director)

**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**

[RAF] R & P COHN NOMINEES 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**

[RAF address] 558 BRIGITON ROAD  
SOUTH BRIGITON SA 5048

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:**

*[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*

*[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: 15000

*Approximately [please state approx. customer per week at all sites]*

(ii) Estimate within the next year: 20000

*Approximately [please state approx. customer per week at all sites]*

- (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:**

**[RAF contact person]**

RICHARD COHN  
558 BRIGHTON ROAD  
SOUTH BRIGHTON SA 5048

**DATED** this ~~[ ]~~ day of ~~November~~ 2005 29<sup>TH</sup> DAY OF DECEMBER 2005

**SIGNED** by/on behalf of **[RAF]**



(Signature)

RICHARD LIONEL COHN

(Full Name)

DIRECTOR

(Position)