

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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:
(Refer to direction 2)

N95457

MARCO PTY LTD

- (b) Short description of business carried on by that person:
(Refer to direction 3)

retailing of petroleum and related products

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

596 Princes Hwy
KIRRAWEE NSW 2232

2. Notified arrangement

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

SUPPLY OF PETROLEUM PRODUCTS BY
BP AUSTRALIA PTY LTD AND SALE OF PREMISES
BY MARCO PTY LTD

(b) Description of the conduct or proposed conduct:

DISPOSING OF PREMISES OWNED BY MARCO PTY LTD TO
PACIFIC ENTERPRISES AUST. PTY LTD ON THE CONDITION THAT
PACIFIC ENTERPRISES AUST PTY LTD WILL ACQUIRE PETROLEUM
PRODUCTS FROM BP AUSTRALIA PTY LTD FOR SALE AT
THE PREMISES.

(Refer to direction 4)

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:

(Refer to direction 5)

PACIFIC ENTERPRISES AUSTRALIA PTY LTD
.....
.....
.....
.....

(b) Number of those persons:

(i) At present time:

1
.....
.....

(ii) Estimated within the next year:

(Refer to direction 6)

1
.....
.....

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

PACIFIC ENTERPRISES AUSTRALIA PTY LTD
33 JAMES COOK ISLAND
SYLVANIA WATERS NSW 2224
.....
.....

4. **Public benefit claims**

- (a) Arguments in support of notification:
(Refer to direction 7)

THE CONTINUED OPERATION OF THE SERVICE STATION AS A RESULT OF THE SALE OF THE BUSINESS (WHICH SALE IS SUBJECT TO THE ASSIGNMENT OF THE SUPPLY ARRANGEMENTS BETWEEN BP AND THE PREVIOUS OWNERS OF THE SERVICE STATION - PRIVATELY OWNED SITE AGREEMENT - POSA)

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

THE TERMS OF THE SUPPLY AGREEMENT (POSA) BETWEEN BP AND THE PREVIOUS OWNERS OF THE SERVICE STATION.

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):
(Refer to direction 8)

THE RELEVANT MARKET IS THE RETAIL MARKET FOR SALE OF PETROLEUM PRODUCTS AND FAST MOVING CONSUMER GOODS. THERE ARE NO PHYSICAL RESTRICTIONS ON THE PURCHASE OF SUBSTITUTE GOODS. HOWEVER, THERE ARE LEGAL IMPLICATIONS. THIS IS BECAUSE THE VENDOR WILL INCUR PENALTIES FOR EARLY TERMINATION OF THE AGREEMENT IF THE BUSINESS IS SOLD AND THE AGREEMENT NOT ASSIGNED TO THE PURCHASERS OF THE BUSINESS.

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:
(Refer to direction 9)

THE DAY TO DAY OPERATION OF THIS SERVICE STATION WILL NOT CHANGE AS A RESULT OF THIS SALE OF BUSINESS. THEREFORE THERE IS NO PERCEIVED DETRIMENT TO THE PUBLIC AS A RESULT OF THIS SALE OF BUSINESS.

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

N/A

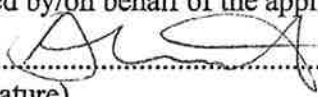
7. Further information

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

MAGED SAID
2 Macdonald Street
RAMSGATE NSW 2217
0419478958

Dated 24 June, 2011

Signed by/on behalf of the applicant


.....
(Signature)

SAMANTHA THATCHER
.....
(Full Name)

WATKINS TAPSELL
.....
(Organisation)

LICENCED CONVEYANCER for VENDOR
.....
(Position in Organisation)

