

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)

N97576 Puma Energy Australia Pty Ltd (“**Puma Energy**”)
ABN: 78 147 981 020

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

Retail and petroleum related products

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

PO Box 95
FORTITUDE VALLEY QLD 4006

2 Notified arrangement

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

This notice relates to the supply of retail petroleum products and retail convenience products

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

The proposed conduct comprises giving or offering of a discount in relation to the supply or proposed supply of motor fuels by Puma Energy to consumers purchasing these products at service stations in Australia, on the condition that the consumer has purchased prescribed convenience items (of a qualifying amount) at the same time of purchase. (For example, purchase 2 bottles of Coolridge water and save 4cpl on fuel)

Approximately 100 service stations will participate in the proposed conduct however at this time a trial of approximately 10 sites will be conducted.

Consumers who buy the qualifying items in the same transactions at the participating stores will receive a fuel discount of 4 cents per litre on the same transaction up to 80 litres (the “**Promotion**”).

(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)

Retail and potential retail customers of Puma Energy who wish to purchase products and motor fuels from the participating stores in Australia

- (b) Number of those persons:

- (i) At present time:

Ten service stations will participate in the proposed conduct. The number of customers at these outlets is unknown.

- (ii) Estimated within the next year:
(Refer to direction 6)

Likely to be approximately 100 service stations if the trial is successful with the number of customers unknown but more than 50 customers

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

Matilda Glasshouse - 840 Steve Irwin Way, Glasshouse Mountains, QLD, 4518
Matilda Woodridge – 127 Kingston Rd, Woodridge, QLD, 4114
Matilda Kybong – 1516 Bruce Hwy, Kybong, QLD, 4570
Puma Wishart - 557 Mt Gravatt- Capalaba Road, Wishart, QLD, 4122
Puma Murrumba Downs - 240 Dohles Rocks Road, Murrumba Downs, QLD, 4503
Puma Northways - 36 Evans Av North, Mackay, QLD, 4740
Puma City (Mackay) – 113 Alfred St, Mackay, QLD, 4740
Puma Sandy Creek – 9989 Bruce Hwy, Mackay, QLD, 4740
Puma Sarina – 45 Range Rd, Sarina, QLD, 4740

4 Public benefit claims

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

The proposed conduct is likely to be of public benefit for the following reasons:

- consumers who choose to accept the offer will benefit from lower fuel prices;
- the proposed conduct is likely to increase the ability of Puma Energy stores to compete with much larger competitors in the retail fuel market (most of whom already engage in similar conduct) with a likely result of greater competition in those markets;
- the proposed conduct may also further enhance non-price competition in the retail fuel and grocery markets by encouraging competitors to devise innovative and alternative non-price incentives to attract customers.

There is no anticompetitive effect in such conduct and it is not against the public interest because:

- there are large numbers of service stations in Australia, of which only a very small number would be involved in the proposed conduct;

- the proposed conduct will not affect the ability of consumers to purchase fuel from whichever service stations they may choose;
- the participating Puma Energy service stations will continue to provide fuel independently of the proposed conduct;
- consumers will therefore not be forced to purchase convenience products and fuel from particular outlets or retailers.

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

- The ACCC report of 2007 'Petrol Prices and Australian Consumers – Report to the ACCC Inquiry into the Price of Unleaded Petrol' found that the shopper docket arrangements have delivered a 'net benefit to consumers' (pg 198).
- The ACCC report of 2004 'Assessing Shopper Docket Petrol Discounts and Acquisitions in the Petrol and Grocery Sectors' (Shopper Docket Report) found that the introduction of the shopper docket schemes has encouraged competition and lower prices in the fuel market. The Shopper Docket Report also reported the ACCC's view that there are significant benefits to consumers from shopper docket petrol discount schemes (pg 3).
- The major fuel retailers have implemented similar discount fuel promotions, under which their customers receive a discount on petrol purchased at a number of stations nationwide. The proposed conduct will enhance the ability of Puma Energy to compete against these retailers.
- There is only a small number of Puma Energy service stations that would be involved in the proposed conduct, compared to the large amount of other service stations in Australia. It follows that the proposed conduct will affect only a very small proportion of fuel outlets in Australia.

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 direction 8)

The relevant markets are the retail fuel market in Australia.

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 direction 9)

The Applicant is unable to identify any public detriment.

- (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:

Myles Bouvier-Baird
Puma Energy
PO Box 95
Fortitude Valley QLD 4006

07 3457 2500

Dated 5 June 2014

Signed by/on behalf of the applicant

A handwritten signature in blue ink, appearing to read 'Myles Bouvier-Baird', written over a horizontal dotted line.

(Signature)

Myles Bouvier-Baird
Puma Energy Australia Pty Ltd
Business and Programs Manager

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.