

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)

N98667 **Puma Energy Australia Pty Ltd ("Puma Energy")**
ABN: 14 168 864 622

- (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 grocery 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 Queensland, on the condition that the consumer has purchased prescribed groceries (of a qualifying amount) at a participating Woolworths, Coles, IGA store in Queensland.

The outlets will offer a 6CPL discount to Navy personnel.

The outlets will offer a 4CPL discount to Sea Swift employees.

Consumers who spend the qualifying amount at the participating Woolworths, Coles and IGA stores will receive a voucher that entitles them to a fuel discount at the participating service station (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** and Woolworths, Coles and IGA stores who wish to purchase products from the participating Woolworths, Coles and IGA stores in Queensland and or motor fuels from the participating service station of **Puma Energy**.

- (b) Number of those persons:

- (i) At present time:

Eight service stations and customers of Woolworths, Coles and IGA supermarkets 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)

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:

Puma Energy Portsmith – 104 Cook Street Portsmith, QLD, 4870
Puma Energy South (Edmonton) – 28 Supply Road Edmonton, QLD, 4869
Puma Energy North (Stratford) – 38-39 Arnold Street Aeroglen, QLD, 4870
Puma Energy Mareeba (Emerald Creek) – 4285 Kennedy Highway Mareeba, QLD, 4880
Puma Energy Atherton – 49 Tolga Road Atherton, QLD, 4883
Puma Energy Central – 49 Charles Street Parramatta Park, QLD, 4870
Puma Energy El Arish – 131 Bruce Highway El Arish, QLD, 4855
Puma Energy Woree – 656 Bruce Highway Woree, QLD, 4868

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** to compete with much larger competitors in the retail fuel and grocery markets (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 and supermarkets in Queensland of which only a very small number (eight service station) 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 proposed conduct will not affect the ability of consumers to purchase groceries from whichever supermarkets they may choose;
- the participating **Puma Energy** service station will continue to provide fuel independently of the proposed conduct;
- consumers will therefore not be forced to purchase grocery 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 supermarket chains have implemented similar discount fuel promotions with large fuel retailers, under which their customers receive a voucher entitling them to 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 eight **Puma Energy** service stations that would be involved in the proposed conduct, compared to the large amount of other service stations in Queensland. It follows that the proposed conduct will affect only a very small proportion of fuel outlets in Queensland.

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 Queensland, and the retail groceries market in Queensland.

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:

Sales Support
Puma Energy
PO Box 95
Fortitude Valley
QLD 4006
07 3457 2500

Dated: 19 October 2015

Signed by/on behalf of the applicant

A handwritten signature in blue ink, appearing to read 'Sharon White', is written over a horizontal dotted line.

(Signature)

Sharon White
Puma Energy Australia Pty Ltd
Business & Programs Manager