

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.

1. Applicant

(a) *Name of person giving notice:*

N99632 Liberty Oil Australia Pty Ltd ACN 114 544 437 (**Liberty**)
(formerly named Liberty Oil Rural Pty Ltd)

(b) *Short description of business carried on by that person:*

Retail sale of fuel from service stations.

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

381 Tooronga Road, Hawthorn East, Victoria
Attention: Paul Edmends / Andrew Cossen

2. Notified arrangement

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

Petrol, diesel & LPG

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

Liberty proposes offering a discount of 4 cents per litre on the supply of petrol, diesel and LPG by Liberty to consumers on the condition that the consumer produces evidence (in the form of a receipt or shopper docket) that they have spent at least \$30 at a Drakes Foodland Supermarket or Drakes Supa IGA supermarket (**Drakes Supermarkets**). The discount will be offered at service stations operated by Liberty or its agent, branded either "Liberty" or "Shell" (**Liberty Service Stations**).

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:*

Customers (actual and potential) of Drakes Supermarkets and nearby Liberty Service Stations.

Drakes Supermarkets are located in South Australia and Queensland.

(b) *Number of those persons:*

(i) At present time: unknown, but more than 50

(ii) Estimated within the next year: unknown, but more than 50

4. Public benefit claims

(a) *Arguments in support of notification:*

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

- Consumers will benefit from the availability of lower petrol prices.
- The proposed conduct matches offers by other fuel retailers (including BP, Caltex, Mobil and Mogas) in respect of expenditure at Drakes Supermarkets.
- It is also similar to offers by Woolworths/Caltex and Coles Express in the relevant markets.
- The offer would enhance the ability of Liberty to compete with larger competitors (major oil companies and supermarkets) and consequently competition in retail petrol markets generally. Conversely, being unable to match offers by larger competitors would hamper Liberty's ability to compete.
- The offer would also enhance the ability of Drakes Supermarkets to compete with larger competitors (Coles and Woolworths supermarkets).
- The retail petrol market is dominated by the major oil companies and supermarkets. Maintaining a wider range of participants will increase competition.

The ACCC has previously concluded that shopper docket discounts are pro-competitive and offer benefits to consumers. While Liberty does not agree that the discount schemes operated by the major oil companies and supermarkets have been pro-competitive (particularly in the long-term), the conduct proposed by Liberty is a competitive response and merely allows Liberty to compete on an equal footing.

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

Not applicable.

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):

The relevant markets are the areas around Liberty Service Stations in South Australia and Queensland. All service stations in each area will be affected, but particularly Caltex/Woolworths and Coles Express service stations.

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:*

The proposed conduct is unlikely to cause any detriment.

There are other service stations in the relevant markets and consumers will remain free to obtain petrol from them.

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

Not applicable.

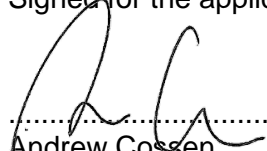
7. Further information

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

Andrew Cossen
Group Legal Counsel
Liberty Oil
381 Tooronga Road, Hawthorn East, Victoria
Email: acossen@libertyoil.com.au
Phone: 03 8530 3662

Dated: 6 April 2017

Signed for the applicant



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Andrew Cossen
Group Legal Counsel
Liberty Oil Australia Pty Ltd