

21 May 2022

The Registrar  
NZ Commerce Commission  
PO Box 2351  
Wellington 6140  
New Zealand

By Email – [registrar@comcom.govt.nz](mailto:registrar@comcom.govt.nz)



**Submission Opposing – 'Mobil Oil application to buy Z Energy Jet Fuel Assets'**

Dear Registrar

Waka Resources Ltd is (a New Zealand wholly owned and operated company) considers the sale of Z Energy's jet fuel assets to Mobil Oil would indeed significantly lessen downstream competition in the market. Thus substantiating –

- a) unfair trading practices
- b) a pseudo monopoly in the NZ fuel industry
- c) anti-competitive behaviour in the market place

Furthermore, in terms of the Treaty of Waitangi we believe it -

- d) breaches the Treaty of Waitangi.
- e) undermines the principles of the Treaty of Waitangi.
- f) excludes Iwi from participating in the fuel industry.
- g) extinguishes our indigenous rights under the Te Tiriti o Waitangi.

As an example, currently the Wiri to Auckland pipeline and the Auckland Airport Joint User Hydrant were jointly owned and operated by BP, Mobil and Z. The application by Mobil would prejudice Iwi participation in the market place. We believe Iwi ought to be allowed the opportunity to access this pipeline given it traverses Iwi land and boundaries. Furthermore, Mobil's application undermines the capability and capacity for Iwi to actively participate in the fuel industry in New Zealand (Aotearoa).

The insidious anti-competitive practices and pseudo monopoly environment in the NZ fuel industry has been made worse by the Commerce Commission decision to allow Ampol's recent sale of Gull and takeover of Z (which we opposed last year in our submission to the Commerce Commission) for fear that this very scenario would happen. As we feared it has now triggered a change of ownership provision that now gives Mobil and BP the right to buy Z's stake, notwithstanding the fact that Mobil's share of the ownership interests would depend on whether BP also exercised its pre-emptive rights to buy out Z.

As expected, we understand Mobil intends to re-negotiate the ownership agreements with BP to an open access model.

## Submission

Given the above, we formally submit the following –

- I. THAT the Commerce Commission reject Mobil's application to purchase Z Energy's jet fuel assets.
- II. THAT the Commerce Commission provides Iwi with a right to access to Auckland Airport's joint user hydrant
- III. THAT the Commerce Commission provides Iwi with a right to access the Wiri to Auckland pipeline.

Please advise as to the next steps

Mā te Atua kōrua, hei manaaki, hei tiaki i ngā wā katoa

Ngā Manaakitanga



Haydn Solomon  
CEO – Kaitia  
Waka Resources Limited.

