



14a Hinkins Street  
Moonee Ponds Vic 3039

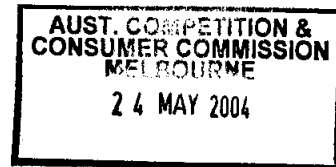
**Avrella Pty. Ltd.**

ACN 096 811 924  
ABN 72 449 844 896

E-mail: expotech@iprimus.com.au  
Telephone: +61 3 9326 0528  
Fax: +61 3 9326 2183

14<sup>th</sup> May 2004

Australian Competition and Consumer Commission  
GPO Box 520J  
Melbourne VIC 3001



Dear Sir,

Re: Third Line Forcing Notification

Avrella Pty Ltd ("Avrella") and Mesu Petroleum are proposing to enter into a lease over a service station site (BP Glenroy) where petroleum products supplied by BP Australia Pty Limited ("BP") are currently retailed by Avrella to the general public. Avrella is currently a party to an exclusive supply agreement with BP that allows Avrella to use BP's trademarks in retailing the petroleum products to the general public at the Site ("Supply Agreement").

Avrella has been approached by Mesu Petroleum and has been offered an opportunity to lease the Site to Mesu Petroleum on very favourable terms for a period of 3 years.

The Supply Agreement provides that, in the event that the Site is no longer operated by Avrella, the Supply Agreement will be terminated. In such event, damages would be payable by Avrella to BP. Avrella wishes to avoid this liability by assigning the Supply Agreement to Mesu Petroleum and wishes to make it a condition of the lease that the lessee take on assignment of the Supply Agreement. In the circumstances, the obligations on the Mesu Petroleum to take exclusive supply from BP will terminate on the same date those obligations would have terminated if Avrella had remained the operator at the Site.

As this may result in a technical contravention of subsections 47(6) and (7) of the *Trade Practices Act*, I wish to lodge a notification under subsection 93(1) of that Act.


Enclosed are:

- Notification concerning the proposed lease arrangement lodged on behalf of Avrella; and
- a cheque for \$100.00 in payment of the applicable statutory fees.

Should you have any queries or require any further information, please do not hesitate to contact me on 03 9326 0528.

Yours faithfully  
AVRELLA PTY LTD

  
James Maniatis  
Managing Director

FILE No:	
DOC:	 DO4/23771
MARS/PRISM:	

## FORM G

## Regulation 9

## COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974 - Sub-section 93(1)***EXCLUSIVE DEALING  
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) or (d) of that Act in which the person giving notice engaged or proposed to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

- 1 (a) Name of person giving notice

Avrella Pty Ltd

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

Retailing of petroleum and related products.

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

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- 2 (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 lease of premises by Avrella Pty Ltd.

(b) Description of the conduct or proposed conduct

Giving a lease over premises owned by Avrella Pty Ltd on the condition that Mesu Petroleum will acquire petroleum products from BP Australia Pty Ltd for sale at the leased premises.

3 (a) Class or classes of persons to which the conduct relates

Mesu Petroleum

(b) Number of those persons -

(i) At the present time

1.

(ii) Estimated within the next year

1.

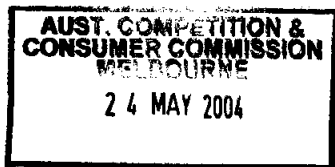
(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses

*Seyit Ali Ayranci*  
*7 Parker Crt.*  
*Roxburgh Park 3064*

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice

James Maniatis  
14a Hinkins Street  
Moonee Ponds Vic 3039

Dated 14<sup>th</sup> May, 2004 Signed by/on behalf of the person giving this notice



A handwritten signature in black ink, appearing to be "J. Maniatis".

(Signature)

**James Maniatis**  
MANAGING DIRECTOR

## DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbers consecutively and signed by or on behalf of the person giving the notice.
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 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.