

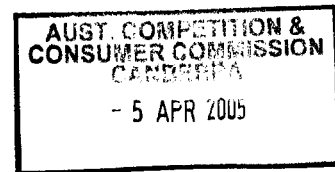
# CAPRICORN ROADHOUSE

BANFF PTY LTD  
PO BOX 329 NEWMAN WA 6753  
PHONE: 08 91751535 FAX: 08 91752408  
ABN: 16 716 530 331

The Director  
Australian Competition & Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

FILE No:
DOC:
MARS/PRISM.

24<sup>th</sup> March 2005



Dear Sir,

Re: THIRD LINE FORCING NOTIFICATION

Banff Pty Ltd ("Assignor") is the current owner and operator of the service station site Capricorn Roadhouse ("Site") where petroleum products supplied by BP Australia Pty Ltd ("BP") are currently retailed by the Assignor to the general public.

The Assignor is proposing to sell the Site to Ellack Pty Ltd ("Assignee").

The Assignor is currently a party to an exclusive supply agreement with BP that allows the Assignor to use BP's trademarks in retailing the petroleum products to the general public at the Site ("Supply Agreement").

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

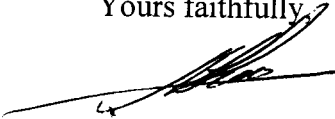
As this may result in a technical contravention of subsections 47(6) and (7) of the Trade Practices Act, I wish to lodge a notification under subsection 93(1) of that Act.

Enclosed are:

1. Notification concerning the proposed lease arrangement lodged on behalf of the Assignor.
2. A cheque for \$600.00 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 0408 923 366.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Murray Bloor', with a long horizontal stroke extending to the left.

Murray Bloor  
Director – Banff Pty Ltd

## 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

*[Assignor] BANFF PTY LTD**(See Direction 2 on the back of this Form)*

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

*ROADHOUSE  
Retailing of petroleum and related products.*

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

*[Assignor Address] PO BOX 329  
NEWMAN WA 6753*

- 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 [Assignor].*~~*\*Supply of petroleum products by BP Australia Pty Ltd and sale of premises by [Assignor].**\*delete as applicable*

(b) Description of the conduct or proposed conduct

~~\* Giving a lease over premises owned by [Assignor] to [Assignee] on the condition that [Assignee] will acquire petroleum products from BP Australia Pty Ltd for sale at the premises.~~

\* Disposing of premises owned by [Assignor] to [Assignee] on the condition that [Assignee] will acquire petroleum products from BP Australia Pty Ltd for sale at the premises.

*\* delete as applicable*

(See Direction 4 on the back of this Form)

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

[Assignee] ELLACK PTY LTD

(b) Number of those persons -

(i) At the present time

1.

(ii) Estimated within the next year

1.

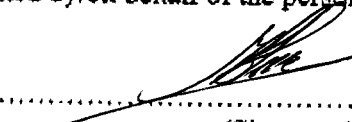
(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses

[Assignee] GRAHAM & ELIZABETH WILCOX  
[Assignee address] PO Box 329  
NEWMAN 6793

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

[Assignor] KIAN DOWD &  
[Assignor Address] MURRAY BLOOM  
PO Box 329  
NEWMAN 6793

Dated 24<sup>TH</sup> MARCH, 20 05 Signed by/on behalf of the person giving this notice

  
.....

(Signature)

MURRAY WAINE BLOON

[Insert Name of Director]

(Full Name)

DIRECTOR - BANFF PTY LTD  
(Description)