



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2006/894
Your Ref: RCJ/KEH/3107838
Contact Officer: Sheridan de Kruiff
Contact Phone: 02 6243 1236

14 June 2006

Mr Robert Jordan
Partner
Henry Davis York
44 Martin Place
Sydney NSW 2000

Dear Mr Jordan,

**Third line forcing notifications N92493 and N92494
lodged by Fundcorp Holdings Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission on 12 May 2006 by your client, Fundcorp Holdings Pty Ltd. The notifications have been placed on the ACCC's public register.

As discussed with Kelsey Holman of your office, the ACCC considers that the conduct requires two notifications, not three as described in the original Form G. Please find enclosed a cheque for \$100 to refund the additional amount paid.

You have described the conduct as follows:

Fundcorp proposes to lease Mercedes Benz Vito vehicles which have been modified and fitted with wheelchair lift and taxi equipment. Fundcorp proposes to lease the vehicles on the condition that:

- lessees acquire goods and services, namely a wheelchair lift, from a new company that is not yet formed (NewCo) – **N92493**, and
- lessees enter into a franchise agreement with MACT Franchise Pty Ltd (MACT) - **N92494**.

The ACCC notes that MACT have lodged notifications N31539, N92363 and N92364 in relation to its franchise agreement.

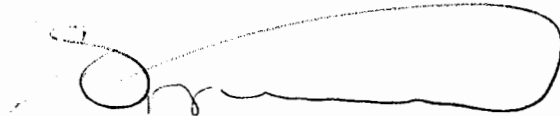


Legal immunity conferred by Fundcorp's notifications came into force on 26 May 2006. On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by these notifications at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sheridan de Kruiff on 02 6243 1236.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch

Encl: Cheque made out to Henry Davis York Lawyers for the amount of \$100.