



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/1014
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15 June 2006

Mr Paul Tannous
Director
Menmoon Pty Ltd
6 Binyon Close
Wetherill Park NSW 2164

Dear Mr Tannous

RE: Third line forcing notification no. N92509 lodged by Menmoon Pty Ltd

I am writing to seek further information in relation to the third line forcing notification N92509 lodged with the Australian Competition and Consumer Commission (ACCC) on 19 May 2006.

As you may be aware third line forcing refers to an arrangement where goods or services are supplied (or supplied at a particular price) on the condition the person (purchaser) also acquires nominated goods or services from another entity.

Third line forcing conduct is in breach of the Trade Practices Act (the Act). However, a person wishing to engage in such conduct is able to lodge a notification, which automatically provides immunity for the conduct 14 days after the notification is lodged. Upon receiving a notification the ACCC will assess whether the public benefits resulting from the third line forcing conduct outweigh the resulting public detriment. If this is not the case the ACCC will take steps to remove the immunity provided by the notification.

Based on the information you have provided it is my understanding that your notification relates to the sale/lease of a petrol retailing business by Menmoon Pty Ltd to a purchaser on the condition that the purchaser signs an exclusive supply agreement with BP Pty Ltd for the purchase of petrol and diesel.

In order for the ACCC to assess your notification it would be appreciated if you could provide the following information:

- Confirmation that my understanding of the notified conduct is correct. If not, please clarify the notified conduct.
- Confirmation that the location of the retail petrol retailing business is at:

5696 Western Highway
Werrington

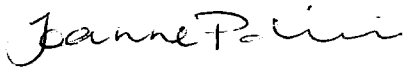


- The name of purchaser involved, if known
- The length of the exclusive supply agreement, if applicable
- A brief outline of the benefits and/or detriments resulting from the conduct.

It would be appreciated if you could provide this information by 26 June 2006.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Kelvin Binning on (02) 6243 1351.

Yours sincerely



Joanne Palisi
Director
Adjudication Branch