

The Franchise Lawyer

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FILE No:

DOC:

MARS/PRISM:

National Adjudications Office
Australian Competition and
Consumer Commission
PO Box 1199
Dickson ACT 2602

Dear Sirs,

6 July, 2006

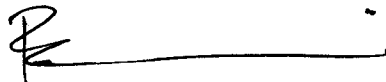
**PARASOL EMT (FRANCHISING) PTY LTD – NOTIFICATION OF PROPOSED
EXCLUSIVE DEALING**

I act for the abovenamed company, which proposes to enter into franchise agreements with franchisees, some of the obligations of which may give rise to exclusive dealing under section 47 of the Trade Practices Act. Currently the conduct proposed would be in the nature of third line forcing under subsection 47(6).

I enclose, on behalf of my client, notification form in relation to the proposed exclusive dealing together with a cheque in the sum of \$100 by way of lodgment fee.

Please send any return correspondence to this office in relation to the matter.

Yours faithfully,
THE FRANCHISE LAWYER



PETER SANFILIPPO

AUST. COMPETITION &
CONSUMER COMMISSION
CANBERRA
14 JUL 2006



N92540

Form G

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 engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice..... *See Appendix 1*
.....
(See Direction 2 on the back of this form)
(b) Short description of business carried on by that person *See Appendix*
.....
(c) Address in Australia for service of documents on that person *See Appendix*
.....
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates
..... *See Appendix*
(b) Description of the conduct or proposed conduct *See Appendix*
.....
(See Direction 4 on the back of this Form)
3. (a) Class or classes of persons to which the conduct relates *See Appendix*
.....
(b) Number of those persons-- *See Appendix*
(i) At present time
(ii) Estimated within the next year.....
(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses *See Appendix*
.....
4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice..... *See Appendix*
.....

Dated 6 July ~~19~~ 2006

Signed by/on behalf of the applicant giving notice

Peter Sanfilippo

(Signature)

PETER SANFILIPPO

(Full Name)

SOLICITOR FOR PARASOL EMT

(Description)

(FRANCHISING) PTY LTD

APPENDIX
(Paragraph references are to items on the form)

1. (a) Name of person giving notice.

PARASOL EMT (FRANCHISING) PTY LIMITED (A.C.N. 118 533 341)

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

Franchise system known as 'PARASOL EMT', involving the provision of first aid training courses and occupational health and safety training courses and associated goods and services.

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

**C/- The Franchise Lawyer
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Leichhardt NSW 2040**

PO Box 1173 Leichhardt NSW 2040

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates.

First aid and occupational health and safety training kits largely comprising written materials and accreditation certificates, and associated goods and services.

- (b) Description of the conduct or proposed conduct.

The supply or offer to supply of goods or services to persons on condition that those persons acquire goods or services of a particular kind or description from an associated company of the person giving this notice, within the terms of section 47(6) of the Trade Practices Act 1974.

The condition is contained in the proposed franchise agreement between the person giving this notice (the franchisor) and its franchisees. The relevant provision is as follows:

10.6 "Unless the Franchisor otherwise consents, the Franchisee must acquire from the Franchisor or its nominated supplier (which may be a corporation or entity associated with or related to the Franchisor) all equipment, stock, goods and services (referred to in this subclause 10.5 as "items") which the Franchisor or its nominated supplier has available for purchase by franchisees, and which the Franchisee wishes to purchase or is required pursuant to this agreement to purchase for or in connection with the Franchised Business. The Franchisee may acquire from other sources, items that are not available from the Franchisor or its nominated supplier, provided it first notifies the Franchisor in writing and gives the Franchisor a reasonable opportunity by itself or through a nominated supplier to make those items available for purchase. The Franchisee does not have to allow the Franchisor more than 21 (twenty-



one) days to so make the items available for purchase, provided that the time of delivery of the items may be greater than 21 days from the date of first written notification by the Franchisee, but must be within a reasonable time of the Franchisor indicating to the Franchisee that it or its nominated supplier has the items available for purchase."

As at the date of giving this notice, it is proposed that the nominated supplier under this provision will in fact be Parasol EMT Pty Ltd, a related company of the franchisor.

A copy of the entire proposed standard franchise agreement with franchisees is attached to this Appendix.

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

Franchisees of the franchisor.

- (b) Number of those persons:

- (i) at present time:

Nil.

- (ii) estimated within the next year:

10.

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

- 1. JOHANNE BROWN of 9 Gooronga Drive, Craigmore in the State of South Australia.**
- 2. DR & R MEWS PTY LTD (A.C.N. 109 494 644) of c/- Selby, Watson & Co Services Pty Ltd, 43 Trail Street, Wagga Wagga in the State of New South Wales.**
- 3. HIGH TEMPERATURE SERVICES PTY LTD (A.C.N. 102 472 846) of c/- Dry Kirkness, Level 3, 35 Outram Street, West Perth in the State of Western Australia.**
- 4. P.E.M.T. PTY LTD (A.C.N. 112 287 475) of c/- Malvern Mathews Smith, 3 Fitzroy Street, Tamworth in the State of New South Wales.**

The names of other proposed franchisees are not known at this time.

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

**Peter Sanfilippo
The Franchise Lawyer
PO Box 1173
Leichhardt NSW 2040**



Franchise Agreement

**EXCLUDED FROM
PUBLIC REGISTER**