

FILE No:
MARS/PRISM:

Form G Notification of exclusive dealing
(regulation 71)

Form G

Commonwealth of Australia

Trade Practices Act 1974 – subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:
(Refer to direction 2)

Mei Lee Pty Ltd ("Vendor"). N93249

(b) Short description of business carried on by that person:
(Refer to direction 3)

The Vendor conducts business under the name 'BP' Smithfield retailing:

- BP petroleum and related products ("BP Petroleum Products") pursuant a Privately Owned Sites Agreement (Agreement) with BP Australia Pty Ltd ("BP"); and
- related goods and services,

from premises situated at 846 The Horsley Drive, Smithfield, NSW ("Business").

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

842 The Horsley Drive, Smithfield

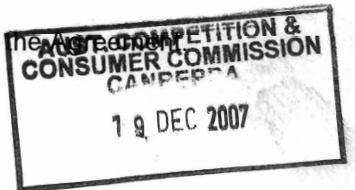
2 Notified arrangement

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

- The supply of the Business pursuant to a Contract of Sale of Business.
- The assignment of the Vendor's interest under the Agreement.

(b) Description of the conduct or proposed conduct:
(Refer to direction 4)

The Vendor proposes to:



- supply and offer to supply the Business to *B.M. Starr Trading Pty Ltd* (“Purchase”) on the condition that the Purchaser will take an assignment of the Vendor’s interest under the Agreement (which requires the Vendor to acquire BP Petroleum Products from BP); and/or
- refuse to supply the Business to the Purchaser for the reason that the Purchaser has not agreed to take an assignment of the Vendor’s interest under the Agreement.

The condition is in the following terms:

*“This contract is subject to and conditional upon BP Australia Pty Ltd ACN 004 085 616 granting to the purchaser a transfer or assignment of the BP Branded Privately Owned Sites Agreement dated *5 DEC 07* or entering into a new BP Branded Privately Owned Sites Agreement with the purchaser by the settlement date. The purchaser must use its best endeavours to obtain the said transfer, assignment or new agreement. The vendor agrees to provide its reasonable and prompt assistance to the purchaser in procuring the said transfer, assignment or new agreement.”*

3 Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

Actual and potential purchasers of BP Petroleum Products from the Business.

- (b) Number of those persons:

- (i) At present time:

Unknown.

- (ii) Estimated within the next year:

(Refer to direction 6)

The precise maximum number of actual and potential purchasers of BP Petroleum Products from the Business will largely be determined by consumer demand and is currently unknown.

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

Not applicable.

4 Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

The Vendor considers that the following benefits will arise from the proposed conduct:

- (i) The proposed conduct will result in the Business continuing to operate as a BP retail site, as it has done so in the past, thereby offering customers and potential customers consistency in the goods and services available from the Business; and
- (ii) The proposed conduct will result in the Business continuing to compete in the market for the supply of fuels and related goods and services in the Affected Market (defined below), thereby maintaining competition in that Market.

5 Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

The supply of the Business and the assignment of the Vendor's interest under the Agreement are supplied in a broad market in which prospective operators of retail service stations choose sites for their businesses, possibly comprising the whole of the metropolitan area and nearby regional areas.

An affected market is the market for the retail supply of petroleum and related products from service stations in and around the *Smithfield, Murrill Park*
 ("Affected Market").

6 Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

The Vendor is not aware of any detriments that are likely to flow from the proposed conduct.

- (b) Facts and evidence relevant to these detriments:
 Not applicable.

7 Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

{insert details}

*Jun Wen Lei
 842 The Horsley Drive, Smithfield 2164 NSW
 0405 045688*

Dated 17.12.07

Signed by/on behalf of the applicant


.....
(Signature)

Jun Wen Lei
.....
(Full Name)

Mei Lee Pty Ltd.
.....
(Organisation)

Managing Director
.....
(Position in Organisation)

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
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. 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 section 47 of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.