



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2207/586  
Contact Officer: Louise McIntosh  
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8 March 2007

Steven Standing  
Freehills  
Level 36, QV1 Building  
250 St Georges Terrace  
PERTH WA 6000

Dear Mr Standing,

**Re: CSBP Limited notifications N92829 – N92830**

I refer to the above notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 14 February 2007. The notifications have been placed on the ACCC's public register.

You have informed the ACCC that CSBP Limited (CSBP) proposes to offer selected farmers a number of benefits and services on condition that those farmers agree:

- to acquire not less than 90% of their average fertiliser use (average of the past three years)
- from CSBP distributors
- for a period of three years.

CSBP states that this conduct may fall within section 47(2) of the *Trade Practices Act* 1974 (the Act) as well as section 47(6) of the Act. Accordingly, CSBP have applied to the ACCC with respect to third line forcing and exclusive dealing other than third line forcing.

Legal immunity conferred by the third line forcing notification came into force on 28 February 2007. Legal immunity conferred by the exclusive dealing (other than third line forcing) notification came into effect on 14 February 2007.


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 the notification 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.

A copy of 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 Louise McIntosh on (02) 6243 1272.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Scott Gregson', written over the closing 'Yours sincerely'.

Scott Gregson  
General Manager  
Adjudication Branch