

Our Ref: N95848
Contact Officer: Tanya Hobbs
Contact Number: (02) 6243 1029



**Australian
Competition &
Consumer
Commission**

25 May 2012

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Mr Warren Scott
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By email: wscott@millsoakley.com.au ; fmcfadden@millsoakley.com.au

Dear Mr Scott

Third line forcing notification N95848 lodged by Brabus PA Franchising Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 May 2012. The notification has been placed on the ACCC's public register.

Brabus proposes to require all of its current Price Attack branded franchisees, in accordance with their franchise agreement terms, and future franchisees, to acquire products only from PA Distribution Pty Ltd (PA Distribution).

Legal immunity conferred by the notification commenced on 18 May 2012. 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.

This assessment has been made on the basis that Brabus PA Franchising Pty Ltd and PA Distribution Pty Ltd will disclose all relevant terms and conditions to prospective franchisees.

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 Tanya Hobbs on (02) 6243 1029.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Chadwick', written over a horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch