



Australian Competition & Consumer Commis:



Dickson ACT 2601
470 Northbourne Ave
Dickson ACT 2607
Australia
Ph: (02) 6243 1111
Fax: (02) 6243 1199

Our ref: N90820
Your ref: SCK/DJF/BPAU7602-6420010

Mr David Flavell
Corrs Chambers Westgarth
Lawyers
GPO Box 9925
MELBOURNE VIC 3001

Dear Mr Flavell,

**Notification of Exclusive Dealing N90820
BP Australia Limited**

The above notification was lodged with the Commission on 19 September 2000. Legal immunity provided by the third line forcing provisions of the Trade Practices Act will come into force on 4 October 2000.

In our telephone discussions yesterday, you requested an indication from the Commission as to whether the Commission is likely to take any action in respect of the conduct notified, should BP Australia Limited ("BP") commence engaging in the conduct prior to immunity coming into force. At this stage, I can advise that the Commission is not likely to take any action, or make any further inquiries in this regard.

We advise that we expect notification from Wishlist in respect of possible third line forcing conduct it may engage in, as advised in your supporting submission. We do not, however, intend to request notification from smaller players involved in the conduct, namely those participating BP sites which are not BP owned and therefore not protected by the lodgement of notification by BP.



We request that your client advise those sites which are not BP owned but which are participating in the BP/Wishlist promotion that they are not protected by the above notification and that under the *Trade Practices Act 1974* it is possible for private parties to take legal action against them.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Grimwade', written in a cursive style.

Tim Grimwade
A/g General Manager
Adjudication Branch.

20 September 2000.