

10 May 2002

**BY EXPRESS POST**

Mr Tim Grimwade  
Acting General Manager of Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

**Contact**  
Nicholas Andersen (03) 9672 3143  
Email: Nicholas\_Andersen@corrs.com.au

**Partner**  
Stephen Kroker

**Our reference**  
SCK/NA/BPAU7602-6525039

Dear Mr Grimwade

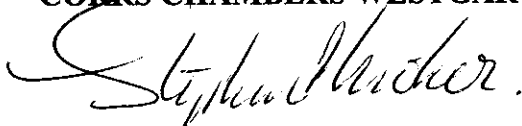
**BP AUSTRALIA LIMITED  
THIRD LINE FORCING NOTIFICATION**

We act for BP Australia Limited and **attach a:**

- notification for BP in accordance with Section 93(1) of the *Trade Practices Act 1974*, concerning the proposed supply of services by BP to its franchisees on the condition that the franchisees purchase electricity and ancillary goods and services (if any) from a particular electricity supplier(s); and
- cheque for \$1000 in payment of the applicable statutory fees.

If you have any queries, please do not hesitate to contact me on (03) 9672 3494 or Nicholas Andersen on (03) 9672 3143.

Yours faithfully  
**CORRS CHAMBERS WESTGARTH**



**Stephen Kroker**  
Partner

encl

COMMUNICATIONS  
15 MAY 2002

**FORM G**

**Regulation 9**

**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 engaged or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICE ON BACK OF FORM)

- 1 (a) Name of person giving notice

BP Australia Pty Ltd ABN 53 004 085 616 ("BP")

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

BP is involved in the refinement, wholesale and marketing of petroleum and related products. BP also, as franchisor, appoints franchisees to operate franchise businesses which sell petroleum and related products and convenience goods from retail fuel sites and on-site convenience stores. BP also operates a number of like businesses itself from retail fuel sites.

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

c/- Corrs Chambers Westgarth  
600 Bourke Street  
MELBOURNE VIC 3000  
Reference: Stephen Kroker

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

Electricity and ancillary goods and services.

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

BP provides goods and services to its existing franchisees pursuant to its franchise agreements with those franchisees. BP wishes to require its existing and future franchisees, including those who operate BP retail fuel sites, on-site convenience stores and Cafe Zip facilities pursuant to a franchise agreement with BP, to acquire their electricity requirements for those sites and facilities from a particular electricity supplier or suppliers as nominated by BP from time to time. BP will pay for the electricity on

behalf of each franchisee that it requires to acquire electricity from a particular supplier.

(See Direction 4 on the back of this Form)

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

BP's existing and future franchisees, including those who operate BP retail fuel sites, on-site convenience stores and Cafe Zip facilities pursuant to a franchise agreement with BP.

(b) Number of those persons -

(i) At the present time

BP currently has franchise arrangements with approximately 400 franchisees who operate retail fuel sites and on-site convenience stores.

(ii) Estimated within the next year

BP expects that, within the next year, it will have franchise arrangements with approximately 400 - 450 franchisees who operate retail fuel sites, on-site convenience stores, and/or Cafe Zip facilities.

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

Not applicable.

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

Stephen Kroker  
Partner  
CORRS CHAMBERS WESTGARTH  
600 Bourke Street  
MELBOURNE VIC 3000

Dated..... 10 May ....., 2002

Signed by/on behalf of the person giving this notice

  
.....

(Signature)

.....STEPHEN CHARLES KROKER.....

(Full Name)

.....PARTNER, CORRS CHAMBERS WESTGARTH.....

(Description)

## DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbers consecutively and signed by or on behalf of the person giving the notice.
- 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 In item 1(b), 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 sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practices Act* 1974 ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.