



Australian Competition & Consumer Commission

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Your Ref: SCK/NA/BPAU7602-6525039
Our Ref: C2002/730
Contact Officer: Bronwyn Davis
Contact Phone: (02) 6243 1371

27 May 2002

Mr Stephen Kroker
Partner
Corrs Chambers Westgarth
GPO Box 9925
MELBOURNE VIC 3001

Dear Mr Kroker

**Notification of Exclusive Dealing – Third Line Forcing
lodged by BP Australia Ltd (BP) (N90999)**

The above notification was received by the Australian Competition and Consumer Commission (the Commission) on 13 May 2002 and has been placed on the Commission's public register.

Legal immunity provided by the exclusive dealing third line forcing notification commenced on 27 May 2002.

You have described the notified third line forcing conduct as a requirement for franchisees, including those who operate BP retail fuel sites, on-site convenience stores and Café Zip facilities to acquire their electricity requirements from a particular electricity supplier or suppliers as nominated by BP from time to time.

In respect of this conduct, I bring to your attention the requirement under the Franchising Code of Conduct for a franchisor to disclose in the Franchise Disclosure Document any commission or rebate received through an agreement with a third party supplier.

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.



Please note that the Commission may act to remove the immunity afforded by this third line forcing notification at a later stage if it is satisfied that the public benefit arising from the notified conduct does not outweigh the public detriment arising from the conduct.

This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter further, please do not hesitate to contact Bronwyn Davis on (02) 6243 1371.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Grimwade', written in a cursive style.

Tim Grimwade
General Manager
Adjudication Branch