



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/1043
Contact Officer: Sarah Chubb
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19 June 2007

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

Dear Mr Kroker,

Third line forcing notification N92928 lodged by BP Australia Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 May 2007. The notification has been placed on the ACCC's public register.

Under the notification, BP Australia Pty Ltd (BP) proposes to:

- Supply and offer BP Products to Single Site Franchisees and Agency Franchisees on condition that the franchisees acquire Cash-in-Transit Services from a provider of such services determined by BP; and
Refuse to supply BP Products to Single Site Franchisees and Agency Franchisees if the franchisees do not agree to acquire Cash-in-Transit Services from a provider of such services determined by BP.

Legal immunity conferred by the notification came into force on 7 June 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. In particular, I would note that if the ACCC receives concerns from affected franchisees, it may review this matter further.



I would also note that while notification N92928 provides protection from the relevant competition provisions of the *Trade Practices Act 1974*, it does not affect any obligations on BP that may exist under the Franchising Code of Conduct or under BP's contracts with Single Site or Agency 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 Sarah Chubb on (02) 6243 1088.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gregson', is written over a light grey rectangular background.

Scott Gregson
General Manager
Adjudication Branch