



**Australian
Competition &
Consumer
Commission**

Our Ref: C2007/1043
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5 July 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, and to my letter of 19 June 2007.

As you are aware, the Motor Trades Association of Australia (MTAA) wrote to the ACCC on 8 June 2007 raising concerns in relation to the conduct proposed by BP Australia Pty Ltd (BP). On 27 June 2007, MTAA sent a second letter to the ACCC, requesting that the ACCC reconsider MTAA's concerns in relation to the notification.

MTAA's concerns relate to BP's refusal to supply BP Products to Single Site or Agency Franchisees who do not agree to acquire Cash-in-Transit Services from Nominated or Accredited Providers. MTAA considers that, in circumstances where a franchisee might reasonably decline to accept the provision of Cash-in-Transit Services from a Nominated or Accredited Provider, BP's refusal to supply BP Products to the franchisee would not be conducive to public benefits, and would be harsh and unfair.

To assist the ACCC in its consideration of these concerns, could you please provide the ACCC with the following information:

1. Details of the process that BP will follow in the event that a Single Site or Agency Franchisee:
 - a. Does not wish to obtain Cash-in-Transit Services from an external service provider.



- b. Wishes to obtain Cash-in-Transit Services from an external service provider, but not from a Nominated or Accredited Provider.
 - c. Fails to comply with the requirement to obtain Cash-in-Transit Services from a Nominated or Accredited Provider on a short or long term basis.
2. An indication of whether any petroleum wholesalers other than BP impose similar obligations on their franchisees in respect of the acquisition of Cash-in-Transit Services.

I would appreciate it if you could provide a response to this letter by **12 July 2007**.

A copy of this letter has been placed on the ACCC's public register. If you have any questions in relation to this matter, please contact Sarah Chubb on (02) 6243 1088.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch