

Our reference
SCK/BPAU7602-9041981
Your reference
2007/1043

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FILE No:	Sydney Melbourne Brisbane Perth Gold Coast
DOC:	
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17 July 2007

Mr Scott Gregson
General Manager, Adjudication Branch
Australian Competition & Consumer
Commission
PO Box 1199
Dickson ACT 2602

Partner
Stephen Kroker (03) 9672 3494
Email: stephen.kroker@corrs.com.au

Dear Mr Gregson

Third line forcing notification N92928 lodged by BP Australia Pty Ltd

Thank you for your letter of 5 July 2007 regarding the concern expressed by the Motor Traders Association of Australia (**MTAA**) in its letter of 27 June 2007.

We note that the due date for our reply to your letter was extended until 17 July 2007.

On behalf of BP Australia Pty Ltd (**BP**) we respond to the issues raised in your letter as follows:

- 1 At this stage, BP has not determined the process that it will follow if the circumstances described in point 1 of your letter arise.

At this stage, BP does not consider it likely that the circumstances described in point 1 in your letter will arise. As you are aware, the notification was drafted to include references to BP refusing to supply BP Products to Single Site Franchisees and Agency Franchisees largely to reflect the provisions of section 47(6) of the *Trade Practices Act 1974 (TPA)*. Furthermore, BP is not aware of any Single Site Franchisees or Agency Franchisees having expressed concerns which would suggest that such circumstances are likely to arise.

If the circumstances described in point 1 of your letter do arise, BP expects that the parties would seek to resolve the matter by dialogue. Ultimately, BP's response would involve consideration of a range of legal and commercial issues, and would comply with the provisions of BP's agreement with the relevant franchisee, the requirements of the TPA and the requirements of the *Trade Practices (Industry Codes – Oilcode) Regulations 2006*.

17 July 2007

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2 BP is not aware of whether any other petroleum wholesalers impose similar obligations on their franchisees in respect of the acquisition of Cash-in-Transit Services.

In any case, the concern expressed by the MTAA in its letter of 27 June 2007 appears to be irrelevant to the test to be applied in accordance with section 93(3A) of the TPA.

We trust that this information satisfies your queries.

Yours sincerely



Stephen Kroker
Partner