



Australian Competition & Consumer Commission

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Our Ref: C2003/1431
Contact Officer: Isabelle Arnaud
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19 November 2003

Mr Jason Ricketts
Partner
Freehills
GPO Box U1942
PERTH WA 6845

Dear Mr Ricketts

**Re: Third line forcing notification No. N70374
lodged by Westralia Airports Corporation Pty Ltd**

I refer to the third line forcing notification lodged by your client, Westralia Airports Corporation (WAC), with the Australian Competition and Consumer Commission (the Commission) on 21 October 2003. Legal immunity provided by the notification commenced on 5 November 2003.

Your client has described the conduct as the award of a contract for the construction and operation of a baggage handling and checked bag screening facility at Perth Airport on the condition that the selected contractor will be required to enter into various contracts for the provision of specialist goods or services with suppliers selected or approved by WAC.

On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the Commission may act to remove the immunity afforded by this 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.

I note that your client has claimed confidentiality over the submission in relation to this notification, the draft request for proposal in relation to the conduct notified and over your letter of 21 October 2003. Acting under delegation from the Commission, I confirm that confidentiality has been granted as requested.



This letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Isabelle Arnaud on 02 6243 1049.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch