



Australian Competition & Consumer Commission

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Our Ref: N31284 and N31285  
Contact Officer: Ursula Everett  
Contact Number: (02) 6243 1235

23 March 2004

Mr Richard Westmoreland  
Senior Associate  
Blake Dawson Waldron  
225 George Street  
Sydney, NSW 2000

Dear Mr Westmoreland

**Re: Third line forcing notifications No. N31284  
and N31285 lodged by Boral Recycling Pty Ltd and Boral Bricks Pty Ltd**

I refer to the above third line forcing notifications (N31284 and N31285) lodged with the Australian Competition and Consumer Commission (the Commission) on 16 March 2004. The notifications have been placed on the Commission's public register.

Legal immunity provided by the notifications will commence on 30 March 2004.

The notifications detail a proposed arrangement whereby Boral Bricks Pty Ltd (Boral Bricks) will enter into an exclusive arrangement with Moorebank (Urbex Investments) Pty Ltd and CPG Moorebank Pty Ltd (together the Moorebank JV) and Boral Recycling Pty Ltd (Boral Recycling) for the residential development of a property located at Moorebank, in the Western Suburbs of Sydney (the Moorebank Development).

Under the proposed arrangements Boral Bricks proposes to make it a condition of sale of parcels of land, that the purchaser must acquire building materials and services from the Moorebank JV or entities associated with or nominated by the Moorebank JV.

In addition it is proposed that, as a condition of being appointed to work with Boral Bricks and Boral Recycling, Moorebank JV (including its related entities and contractors) will be required to purchase construction materials to be used at the Moorebank Development from Boral Bricks or from entities related to Boral Bricks.

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 Commission may act to remove the immunity afforded by these notifications at a later stage if it is satisfied that the likely benefit to the public from the arrangements will not outweigh the likely detriment to the public from the arrangements.



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 Ursula Everett on (02) 6243 1235.

Yours sincerely

Handwritten signature of Tim Grimwade, consisting of a stylized 'T' followed by 'Grimwade'.

Tim Grimwade  
General Manager  
Adjudication Branch