



**Australian
Competition &
Consumer
Commission**

Our Ref: N70432
Contact Officer: David Hatfield
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6 October 2005

Mr Phillip Pullinger
Principal
Pullinger Readhead Lucas Commercial Lawyers
PO Box 630
West Perth WA 6872

Dear Mr Pullinger

**Third line forcing notifications N70432-434 lodged by LandCorp, APG Homes Pty Ltd
and Dale Alcock Homes Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 29 September 2005.

You have described the conduct as LandCorp entering into agreements with APG Homes and Dale Alcock Homes such that 54 lots of land in the Smart Housing Village development at Atwell will be sold on condition that the purchaser enters into a building contract with the builder for the construction of a house on the lot based on a choice of designs.

While you have lodged notifications for each of LandCorp, APG Homes and Dale Alcock Homes, on the information provided it is unclear whether the builders will be engaging in conduct at risk under the third line forcing provisions of the Trade Practices Act.

Nevertheless, based on the information that you have provided, it is not intended that further action be taken in this matter at this stage.

Legal immunity provided by the notifications will commence on 13 October 2005.

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 conduct will not outweigh the likely detriment to the public from the conduct.



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 David Hatfield on 02 6243 1266.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', written over a faint horizontal line.

Scott Gregson
General Manager
Adjudication