



**Australian
Competition &
Consumer
Commission**

Our Ref: N70442
Your Ref: Joanne Connell:05160
Contact Officer: Sarah Chubb
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16 March 2006

Ms Joanne Connell
Young & Connell Lawyers
PO Box Z5583
Perth WA 6831

By facsimile: (08) 9422 8900

Dear Ms Connell

Third line forcing notification no. N70442 lodged by Cape View Developments WA Pty Ltd

I refer to the above third line forcing notification lodged by Cape View Developments WA Pty Ltd (Cape View) with the Australian Competition and Consumer Commission (ACCC) on 10 March 2006. The notification has been placed on the ACCC's public register.

You describe the notified conduct in the following way:

Each buyer of one of the 20 vacant strata title lots to which a bungalow type dwelling has been allocated within Stage 3 of the Cape View Beach Resort will be required to enter into a separate building contract with a nominated builder pursuant to which the nominated builder shall construct the bungalow on the lot purchased.

The ACCC requires some additional information from you in respect of notification N70442. In particular, please provide information as to:


- How Cape View's nominated builder will be selected. Include details about whether a tender process has been conducted, and about the selection criteria against which potential builders have been assessed.
- Whether Cape View will receive any financial benefit from the nominated builder for each contract entered into by the nominated builder and a purchaser of the relevant Cape View land.



This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Sarah Chubb on (02) 6243 1088.

Yours sincerely



 Scott Gregson
General Manager
Adjudication Branch