



**Australian
Competition &
Consumer
Commission**

Our Ref: N92379
Contact Officer: Jaime Norton
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30 March 2006

Ms Kelly Parker
McKays Solicitors
Mackay Office
PO Box 37
Mackay QLD 4740

Dear Ms Parker

Re: Third line forcing notification [N92379] lodged by Morvale Developments Pty Ltd

I refer to the above third line forcing notification relating to the sale of land at the Orchid Valley subdivision in Marian, Queensland, lodged with the Australian Competition and Consumer Commission (the ACCC) on 15 February 2006. The notification has been placed on the ACCC's public register.

By letter received by the ACCC on 27 March 2006, you advise that as the proposed conduct is no longer proceeding, Morvale Developments Pty Ltd seeks to withdraw the notification. Section 93(7C) of the *Trade Practices Act 1974* provides that the legal immunity conferred by the lodging of a third line forcing notification ceases to be in force when the notice is withdrawn, in this instance, on 27 March 2006.

Accordingly, the ACCC will not proceed with its assessment of the notification and has closed the matter. The Act does not provide for the refund of lodgement fees where a notification is validly lodged and later withdrawn.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Ms Jaime Norton on (03) 9290 1477.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

