

Our Ref: C2006/519
Contact Officer: David Hatfield
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**Australian
Competition &
Consumer
Commission**

23 May 2006

Ms Joanne Connell
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Dear Ms Connell

Third line forcing notifications No. N70442 and N70451-56 lodged by Cape View Developments WA Pty Ltd and Ors

I refer to the above third line forcing notifications lodged by Cape View Developments WA Pty Ltd (Cape View) and others with the Australian Competition and Consumer Commission (ACCC) on 10 March and 26 April 2006.

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.

Legal immunity conferred by the notifications came into force on 24 March and 10 May 2006 respectively.

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 ACCC may act to remove the immunity afforded by the 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.

A copy of 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 David Hatfield on 02 6243 1266.

Yours sincerely

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

Scott Gregson
General Manager
Adjudication Branch

