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**FACSIMILE TRANSMISSION**

DATE: **19.6.2006**  
TO: Mr Patrick Gay  
Senior Associate  
  
ORGANISATION: Freehills  
MLC Centre  
Martine Place  
Sydney NSW 2000  
  
FAX: (02) 9322 4000  
FROM: **Sharon Clancy**  
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NO. OF PAGES: 3  
(including this page)

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Message:

Dear Mr Gay

Please find attached an amended version of the letter sent to you on 16 June 2006 concerning the notifications lodged by The Austral Brick Company Pty Ltd (Austral) and Newthorpe Pty Ltd (Newthorpe). The amendment (marked by hand) concerns the addition of two further notification numbers in recognition of the lodgement fees you paid.

I confirm that the following notifications have been received by the ACCC from Austral and Newthorpe and it is not intended that further action be taken in relation to the notifications at this stage.

- Austral – N31621 and N92515
- Newthorpe – N31622 and N92516

Please do not hesitate to contact me on (02) 6243 1217 should you have any queries.

Yours sincerely

*Sharon Clancy*

Sharon Clancy



Australian  
Competition &  
Consumer  
Commission

Our Ref: N31621 and N31622  
Your Ref: 81055835  
Contact Officer: Sharon Clancy  
Contact Number: (02) 6243 1217

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15 June 2006

Mr Patrick Gay  
Senior Associate  
Freehills  
MLC Centre  
Martine Place  
Sydney NSW 2000

By facsimile: (02) 9322 4000

Dear Mr Gay

**Third line forcing notifications lodged by The Austral Brick Company Pty Ltd  
(N31621) and Newthorpe Pty Ltd (N31622)**

and N92515

and N92516

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 7 June 2006. The notifications have been placed on the ACCC's public register.

You have described the conduct as follows:

*Austral proposes to supply land on the condition that purchasers acquire, or agree to acquire, building and/or development related services from certain other parties (and refuse to supply land if purchasers do not accept this condition) (N31621).*

*Newthorpe proposed to supply development related services on the condition that persons acquire, or agree to acquire, land and/or building services from certain other parties (and refuse to supply development services if purchasers do not accept this condition) (N31622).*

Legal immunity conferred by the notifications will come into force on 21 June 2006.

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.

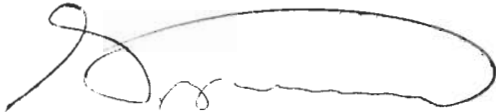


SC  
19/6/06

As with any notification, please note that the ACCC may act to remove the immunity afforded by this 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.

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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson  
General Manager  
Adjudication Branch