



Australian  
Competition &  
Consumer  
Commission

Our Ref: N40940  
Contact Officer: Jaime Norton  
Contact Number: (03) 9290 1885

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
ph (02) 6243 1111  
fax (02) 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

27 January 2006

Mr Richard Lewis  
Partner  
Deacons  
GPO Box 4592  
MELBOURNE VIC 3001

Dear Mr Lewis

**Re: Third line forcing notification No. [N40490]  
lodged by Victoria Electricity Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 21 November 2005 and your letter to the ACCC of 18 January 2006.

Victoria Electricity Pty Ltd (Victoria Electricity) has described the conduct as follows:

Victoria Electricity proposes to offer a discount on the regulated retail tariffs for the supply of electricity and/or gas to residential or commercial premises in Victoria to members of the Real Estate Institute of Victoria (REIV), on condition that they refer customers to Direct Connect Australia Pty Ltd for the provision of utility connection services (referred to as a 'DCA Member').

The discount will also be offered to employees of REIV, certain principals and employees of a DCA Member and tenants of buildings for which the DCA Member has the exclusive right to manage that building.

On 18 January 2006 you advised that Victoria Electricity considered a third line forcing notification was necessary in relation to the requirement that real estate agents acquire membership services from the REIV. I note that Victoria Electricity notified the referral arrangement between Direct Connect Australia Pty Limited and REIV members as an abundance of caution.

Legal immunity conferred by the notification commenced on 5 December 2005.




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 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 Ms Jaime Norton on (03) 9290 1477 or at [jaime.norton@accc.gov.au](mailto:jaime.norton@accc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping loop at the end.

Scott Gregson  
General Manager  
Adjudication Branch