



**Australian
Competition &
Consumer
Commission**

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

Our Ref: N92846
Contact Officer: Gavin Jones
Contact Phone: (03) 9290 1475

14 March 2007

Mr Joel Webber
Precinct Manager
Precinct Management Services
24 NewQuay Promenade Docklands
MELBOURNE VIC 3008

Dear Mr Webber

**Third line forcing notification N92846
lodged by Fiona Grace Hand**

I refer to your letter of 28 February 2007, received by the Australian Competition and Consumer Commission (ACCC) on 2 March 2007, enclosing a cheque for \$100 in relation to notifications sought to be lodged with the ACCC by Robert Clarence Hand and Fiona Grace Hand on 29 November 2006. I note that the notifications sought to be lodged at that time were also accompanied by a lodgement fee of \$100.

In its letter of 7 December 2006, the ACCC advised that the applicable fees for the lodging of a third line forcing notification as prescribed by the *Trade Practices Regulations 1974*, Schedule 1B (sub regulation 28(5)) at that time were:

- \$100 for a notice given by an individual or proprietary limited company;
or
- \$1000 for a notice given by a person other than an individual or proprietary limited company.

The ACCC further advised that a notification has the effect of affording protection to the person notifying the conduct. While able to accept notification by both Mr and Mrs Hand on the one form, we advised that if Mr and Mrs Hand each wished to obtain protection afforded by the lodging of a notification the



applicable fee was \$200. Consequently, should Mr and Mrs Hand each wish to lodged a notification, an additional fee was payable.

In our further letter of 16 January 2007, we advised that as the additional fee had not been paid the ACCC had attributed the \$100 lodgement fee to the first person named on the Form G notification, Robert Clarence Hand.

The ACCC further advised that if the second named person on the notification, Fiona Grace Hand, wished to obtain protection from the relevant provisions of the *Trade Practices Act 1974* (the Act) for the notified arrangements she should now relodge the notification with the relevant fee.

Finally, the ACCC stated that on the basis of the information provided it was not intended that further action be taken in respect of the notification lodged by Robert Clarence Hand at that time.

The ACCC has attributed the \$100 lodgement fee received on 2 March 2007 to Fiona Grace Hand. Accordingly, the ACCC considers Mrs Hand's notification to be validly lodged as of 2 March 2007.

For third line forcing notifications the Act provides that immunity will commence 14 days after the notification is validly lodged. Accordingly, legal immunity conferred by the notification lodged by Mrs Hand commences on 16 March 2007.

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 Gavin Jones on 03 9290 1475 or at gavin.jones@acc.gov.au

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