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By facsimile: 03 9600 2010

Mr Joel Webber
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Precinct Management Services
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Dear Mr Webber

**Third line forcing notification N92756
lodged by Robert Clarence Hand**

I refer to the above third line forcing notification purported to be lodged with the Australian Competition and Consumer Commission (the ACCC) by Robert Clarence Hand and Fiona Grace Hand on 29 November 2006. I also refer to our letter of 7 December 2006.

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

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

The ACCC further advised that as 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 lodge a notification, an additional \$100 was payable.

I note that to date, the additional fee has not been paid. Accordingly, the ACCC proposes that the \$100 lodgement fee be attributed to the first person named on the Form G notification, Robert Clarence Hand. Please advise as soon as possible if you consider an alternative approach preferable.



If the second named person on the notification, Ms Fiona Grace Hand, wishes to obtain protection from the relevant provision of the Act for the notified arrangements she should now reodge the notification with the relevant fee.

The notified conduct, has been described as follows:

The vendor proposes to sell or offer for sale the retail property to purchasers on condition that purchasers acquire the property management services of PMS; and refuses to sell or offer for sale the retail property for the reason that the purchaser has not agreed to acquire the property management services of PMS.

The retail property relating to the conduct is described as a subdivided retail property in the Boyd/St Elia/Palladio Building of the New Quay precinct at Melbourne Docklands.

On the basis of the information provided it is not intended that further action be taken in this matter at this stage.

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.

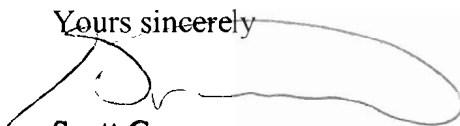
Please also be aware that the ACCC considers that any potential purchasers of the retail property as described above, should be made aware of the condition in question, prior to sale.

Finally, I wish to draw your attention to recent amendments to the Act and Regulations that came into effect on 1 January 2007. In addition to the introduction of a new collective bargaining notification process and the introduction of six month time limits for non-merger authorisation applications, the amendments (particularly to the regulations) introduce new and revised authorisation and notification forms and fees. With respect to third line forcing notification, the applicable fee is now \$100 in all cases.

These changes are described in more detail on the ACCC website, www.accc.gov.au and should assist in authorisation applications or notifications lodged from January 2007.

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 Tina Pigliardo on (03) 9290 1481.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch