



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2009/239
Contact Officer: Jasmine Tan
Contact Number: (02) 6243 1363

30 January 2009

Mr Alfonso del Rio
Managing Partner
Clayton Utz Lawyers
Level 8, Canberra House
40 Marcus Clarke St
CANBERRA ACT 2601

Dear Mr del Rio

**Third line forcing notification N93747 lodged by the
Australian Capital Territory Land Development Agency**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 22 January 2009. The notification has been placed on the ACCC's public register.

The Australian Capital Territory Land Development Agency (ACT LDA) has described the notified conduct as follows:

The ACT LDA will offer to sell and will sell land in Crace to purchasers on condition that:

- (i) the purchaser acquire a contract of construction of a residential house on the land from a builder chosen from a panel of builders selected by the Canberra Investment Corporation (CIC) (Approved Builder) or
- (ii) the purchaser provides a bank guarantee or bond in a form acceptable to the CIC to the value of \$15 000 where the purchaser proposes to engage a builder other than the Approved Builder (Independent Builder) to construct a residential house on the land.

Legal immunity conferred by the notification will commence on 5 February 2009.

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.

This assessment has been made on the basis that the ACT LDA, Canberra Investment Corporation and Approved Builders will disclose all relevant terms and conditions to prospective clients.

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 Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch