

Our Ref: N94687
Contact Officer: David Seccombe
Contact Number: 02 6243 1394



**Australian
Competition &
Consumer
Commission**

9 June 2010

Mr Jason Willoughby
General Manager, ABN Developments
ABN Consolidated Holdings Pty Ltd
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Osborne Park WA 6917

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Dear Mr Willoughby

Third line forcing notification N94687 lodged by Hargate Properties Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 24 May 2010. The notification has been placed on the ACCC's public register.

Hargate Properties Pty Ltd (**Hargate**) proposes to offer vacant lots to buyers on the condition that buyers enter a contract with one of a number of builders nominated by Hargate to construct a house on the lot. The available builders are APG Homes, Celebration Homes, Dale Alcock Homes, Homebuyers Centre and Webb & Brown-Neaves, all of which are part of the same corporate structure as ABN Consolidated Holdings Pty Ltd. Legal immunity conferred by the notification commenced on 7 June 2010.

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 Hargate and the available 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 David Seccombe on (02) 6243 1394.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R Chadwick'.

Dr Richard Chadwick
General Manager
Adjudication Branch