

Our Ref: N94914
Contact Officer: Jaime Martin
Contact Number: (03) 9290 1477



Australian
Competition &
Consumer
Commission

28 September 2010

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Dear Mr Holuigue

Third line forcing notification N94914 lodged by Evolve No. 10 Pty Ltd (Evolve)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 17 September 2010. The notification has been placed on the ACCC's public register.

Evolve proposes to supply a limited number of undeveloped residential lots (at the Summerhill development) to consumers on condition that they concurrently enter into a domestic building contract with a registered builder nominated by Evolve for the supply of construction services relating to a dwelling design approved by Evolve.

Legal immunity conferred by the notification will commence on 1 October 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 Evolve will disclose all relevant terms and conditions regarding this arrangement 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 contact Jaime Martin on (03) 9290 1477 or at jaime.martin@accc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Hatfield'.

David Hatfield
A/g General Manager
Adjudication Branch