



**Australian
Competition &
Consumer
Commission**

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Our Ref: TRACKIT 49702
Contact Officer: Gina D'Ettorre
Contact Number: 03 9290 1483

27 September 2012

Mr Caleb Dalziell
Yaran Pty Ltd
19 Lyall St
SOUTH PERTH WA 5151

Mr Matthew Holton

By email: caleb@yaran.com.au & matthew@yaran.com.au

Dear Messrs Dalziell and Holton

Third line forcing notifications N96159 lodged by Yaran Pty Ltd, N96160 lodged by Smith 358 Pty Ltd, N96161 lodged by Arava Circle 8334 Pty Ltd & N96162 lodged by George 7 Pty Ltd

I refer to the following third line forcing notifications lodged by:

- Yaran Pty Ltd, as trustee for the Yaran Trust, Central Trust and Shain Trust lodged on 20 September 2012 (N96159)
- Arava Circle 8334 Pty Ltd as trustee for the Arava Circle Trust lodged on 21 September 2012 (N96161)
- George 7 Pty Ltd as Trustee for the George 7 Trust lodged on 21 September 2012 (N96162)
- Smith 358 Pty Ltd as trustee for Yaran Trust, FG Trust, SG Trust and the Vale Trust lodged on 27 September 2012 (N996160).

Yaran Pty Ltd proposes to offer for sale lots located at Mt Barker, Western Australia, to purchasers on condition that they enter into a contract for the supply of building services with a builder nominated by Yaran.

Arava Circle 8334 Pty Ltd proposes to offer for sale 16 lots located in Aveley, Western Australia, to purchasers on condition that they enter into a contract for the supply of building services from a builder nominated by Arava Circle.

George 7 Pty Ltd proposes to offer for sale 14 lots located at Rockingham, Western Australia, to purchasers on condition that they enter into a contract for the supply of building services with a builder nominated by George 7.

Smith 358 Pty Ltd proposes to offer for sale 40 lots located in Denmark, Western Australia, to purchasers on condition that they enter into a contract for the supply of building services from a builder nominated by Smith 358.

The notifications have been placed on the ACCC's public register.

In relation to the notification lodged by Yaran Pty Ltd, legal immunity conferred by the notification will commence on 4 October 2012.

In relation to the notifications lodged by Arava Circle 358 and George 7, legal immunity conferred by the notifications will commence on 5 October 2012.

In relation to the notification lodged by Smith 358, legal immunity conferred by the notification will commence on 11 October 2012.

On the basis of the information 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 Yaran, Arava Circle 8334, George 7 and Smith 358, will disclose all relevant terms and conditions to prospective customers.

As previously advised, while the notifications substantially comply with the requirements of the *Competition and Consumer Act 2010*, these notifications were lodged on an old Form G. New Form G's (which reflect the change in name of the Act – previously the *Trade Practices Act 1974*) are available from the ACCC's website at <http://www.accc.gov.au/content/index.phtml/itemId/776328>.

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 Gina D'Ettoire on 03 9290 1483.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch