

10 OCT 2012

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Australian Competition & Consumer Commission
Level 20
175 Pitt Street
Sydney NSW 2000

Dear Sir/Madam,

FORM G – THIRD LINE FORCING NOTIFICATION

Please find enclosed Form G – Third Line Forcing notification.

If you have any queries, please contact the undersigned on (02) 9236 6474.

Yours faithfully,



Raquel Pittro
Legal Counsel
Project Management & Construction

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N96189

Lend Lease Project Management & Construction (Australia) Pty Limited
ACN 000 098 162 (“**Lend Lease**”).

- (b) Short description of business carried on by that person:
(Refer to direction 3)

Project management and construction services.

- (c) Address in Australia for service of documents on that person:

Raquel Pittro
Legal Counsel
Level 6, 30 The Bond
30 Hickson Road
Millers Point, NSW 2000

Tel: (02) 9236 6474
Email: raquel.pittro@lendlease.com

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Lend Lease intends to engage E-induct Systems Pty Ltd (“**E-Induct**”) to provide site access control, online inductions (including but not limited to safety inductions) and plant management (“**Site Access Requirements**”) for the Barangaroo Project. Lend Lease is Principal Contractor for the purpose of the *Work Health Safety Act 2011* (Cth) (“**WHS Act**”) on the Barangaroo Project. The Barangaroo Project is situated at Hickson Road, Millers Point (“**Site**”).

All subcontractors, suppliers and consultants engaged by Lend Lease to carry out works and/or services for Lend Lease (“**Lend Lease Subcontractors**”) and who require access to the Site, will be required to complete all relevant Site Access Requirements. The cost of the Site Access Requirements will be paid directly to E-Induct by Lend Lease’s Subcontractors.

- (b) Description of the conduct or proposed conduct:
(Refer to direction 4)

Any Lend Lease Subcontractor who fails to meet all relevant Site Access Requirements and pay the required fee to E-Induct will be refused access to the Site, unless otherwise waived by an authorised representative of Lend Lease.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

All Lend Lease Subcontractor’s who require access to the Site.

- (b) Number of those persons:

- (i) At present time:

Nil.

- (ii) Estimated within the next year:
(Refer to direction 6)

Approximately 10,000.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

N/A.

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

Lend Lease submit that the proposed conduct:

- a) will not lessen competition in any relevant market and will not create a detriment to the public; and
 - b) will benefit members of the public as follows:
 - i. the proposed conduct will ensure secured access to the Site only (including ensuring members of the public cannot obtain access to the Site);
 - ii. the proposed conduct will ensure that all Lend Lease Subcontractor's, who successfully complete the relevant Site Access Requirements, may only be given access to Site; and
 - iii. the proposed conduct will ensure that all Lend Lease Subcontractor's comply with all relevant WHS Act requirements and are informed of all site rules and site protocols.
- (b) Facts and evidence relied upon in support of these claims:

Lend Lease engaged in competitive tendering before electing to engage E-Induct and has advised all Lend Lease Subcontractors of this arrangement at the time of tendering.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the

relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

The market for companies which provide similar services like E-Induct is emerging.

Lend Lease intend to competitively tender for other construction projects (other than the Barangaroo Project) where the provision of similar services to the Site Access Requirements is required.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

No adverse impact on competition in any relevant market or any public detriment generally.

- (b) Facts and evidence relevant to these detriments:

Lend Lease tendered to the market before engaging E-Induct.

Further, all Lend Lease Subcontractors have been advised prior to tendering of the engagement of E-Induct to conduct the Site Access Requirements and the costs associated.

For all existing subcontractors already engaged and inducted onsite, Lend Lease has agreed to incur all costs associated with this E-Induct Site Access and Plant Management System.

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

AUST. COMPETITION &
CONSUMER COMMISSION
SYDNEY
10 OCT 2012

Raquel Pittro
Legal Counsel
Level 6, 30 The Bond
30 Hickson Road
Millers Point, NSW 2000

Tel: (02) 9236 6474
Email: raquel.pittro@lendlease.com

Dated.....10/10/12.....

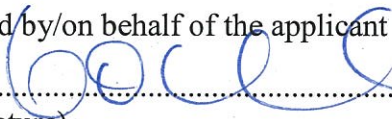
Signed by/on behalf of the applicant

(Signature)

(Full Name)

(Organisation)

(Position in Organisation)



Glen O'Neill

Lend Lease Project Marget - Conductor (Aush) Pty Lt

Assistant General Counsel