

Our Ref: C2012/401
Contact Officer: Anna Giannakos
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**Australian
Competition &
Consumer
Commission**

30 May 2012

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Mr Greg Dale
Assistant State Solicitor
State Solicitor's Office
Level 16, 141 St Georges terrace
Perth WA 6000

Dear Mr Dale

Third line forcing notification N95858 lodged by The Minister for Works

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 8 May 2012. The notification has been placed on the ACCC's public register.

The Minister for Works proposes to engage a builder of the Busselton Health Campus on the condition that the selected builder will accept novation of the State's rights and obligations under a contract with the relevant design consultant, Hassell Ltd.

Legal immunity conferred by the notification commenced on 22 May 2012.

On the basis of the information that the Minister for Works has 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 Minister for Works will disclose all relevant terms and conditions to the prospective builders.

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 Anna Giannakos on (03) 9290 6920 or by email anna.giannakos@acc.gov.au

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch