



Our ref: N10000503
Contact officer: Kobi Maybury
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4/11/2019

adjudication@acc.gov.au
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Mr Justin Jones
Partner
Ashurst

By email: Justin.Jones@ashurst.com

Dear Mr Jones

N10000503 – Burbank Australia Pty Ltd – No further action

I refer to the notification lodged with the Australian Competition and Consumer Commission (the **ACCC**) by Burbank Australia Pty Ltd (**Burbank**).

Commencement of legal protection

The protection from legal action provided by this notification commenced automatically when it was validly lodged with the ACCC on 2 October 2019.

While the legal protection is in force, the notifying party may engage in the conduct as described in the notification without the risk of breaching the exclusive dealing provisions of the *Competition and Consumer Act 2010* (Cth).

ACCC assessment

On the basis of the information that you have provided, the ACCC considers that the notified conduct is not likely to have the purpose, effect or likely effect of substantially lessening competition.

In particular, the notified conduct will only impact approximately 990 purchasers of property each year and customers remain free to choose another builder, and in most cases, another surveyor, should they wish to do so.

As such, the ACCC has decided to take no further action at the current time, which allows the legal protection provided by the notification to continue unless or until the ACCC revokes the notification or it is withdrawn.

If circumstances change, or the ACCC receives further information, such that it is satisfied that the notified conduct has the purpose, effect or likely effect of substantially lessening competition and that the public benefits from the third line forcing conduct do not outweigh the public detriments, the ACCC may take steps to remove the legal protection by revoking the notification.

The notification and this email will be placed on the ACCC's [exclusive dealing notifications register](#).

Please contact Kobi Maybury on (02) 6243 1222 or by email to adjudication@acc.gov.au if you have any questions about this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DMcCracken-Hewson', with a long horizontal flourish extending to the right.

Daniel McCracken-Hewson
General Manager (A/g)
Adjudication