

# MASON

LAWYERS

5th Floor 432 Hunter Street Newcastle  
PO Box 883 Newcastle NSW 2300 DX 7913 Newcastle  
Telephone 4929 4499 Facsimile 4929 6898  
Mason Lawyers Pty Limited ABN 71 096 610 847  
Principal Ross Mason Dip Law (LPAB) LL.M (UNSW)

Our Ref: Ross Mason

21 August 2003

Adjudication Branch  
Australian Competition & Consumer Commission  
PO Box 1199  
Dickson ACT 2602

**EXPRESS POST**

Dear Sir,

**RE: MASON LAWYERS PTY LTD - EXCLUSIVE DEALING NOTIFICATION**

☐ We enclose:

- Form G – Exclusive Dealing Notification.
- Cheque in the sum of \$100.00 in payment of fees.

We would appreciate your acknowledging receipt of the notification by facsimile.

We thank you in anticipation.

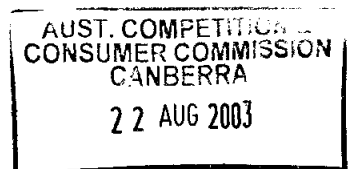
Yours faithfully,  
**MASON LAWYERS**



Ross Mason  
[rmason@masonlawyers.com.au](mailto:rmason@masonlawyers.com.au)

☐ Enclosures

FILE No:
DOC:
MARS/PRISM:



# Form G

Commonwealth of Australia  
Trade Practices Act 1974 --- Sub-section 93(1)

## EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) Name of person giving notice..... Mason Lawyers Pty Ltd

(See Direction 2 on the back of this form)

(b) Short description of business carried on by that person  
Conduct of a legal firm

(c) Address in Australia for service of documents on that person  
5th Floor, 432 Hunter Street Newcastle 2300

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

see page 2

(b) Description of the conduct or proposed conduct  
see pages 2 & 3

(See Direction 4 on the back of this Form)

3. (a) Class or classes of persons to which the conduct relates

see page 3

(b) Number of those persons--

(i) At present time ..... 2 per week

(ii) Estimated within the next year ..... Difficult to estimate - approx 100-250

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

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice.....

Ross Mason  
5th Floor 432 Hunter St  
Newcastle 2300

Dated ..... 21st August 2003

Signed by/on behalf of the applicant giving notice

Mason

(Signature)

Ross Andrew Mason

(Full Name)

Sole Director

(Description)

## **FORM G – EXCLUSIVE DEALING NOTIFICATION**

### **2(a) Description of the Goods or Services in Relation to the Supply or Acquisition of Which this notice Relates**

Provision of legal services to purchasers of residential property who are acquiring finance to assist in the purchase.

### **2(b) Description of the Conduct or Proposed Conduct**

#### **Background**

- Mason Lawyers Pty Ltd provides legal services to, inter alia, purchasers of residential property on the conveyance of the property and associated mortgage. Professional fees are charged for the service.
- Mason Lawyers Pty Ltd acts on behalf of Phoenix (NSW) Credit Union Limited in relation to advances to members in New South Wales. Phoenix (NSW) Credit Union Limited is a Credit Union based in Newcastle with membership primarily restricted to employees of the following entities and members of the family of such entities:
  - Employees of Onesteel Limited or a subsidiary or associated company;
  - Phoenix Health Fund Limited;
  - Phoenix (NSW) Credit Union Limited; and
  - A successor to the business of any of the above.
- Mason Lawyers Pty Ltd is the owner of 50% of Foundation Homeloans Pty Ltd, a company providing mortgage broking services to members of the public. Foundation Homeloans Pty Ltd derives its income from commission paid by lenders. No fees are charged to members of the public utilising the services of Foundation Homeloans Pty Ltd.
- In turn, Foundation Homeloans Pty Ltd is the owner of 50% of Foundation Homeloans (Newcastle) Pty Ltd, being another mortgage broking company operating in the same manner as Foundation Homeloans (Newcastle) Pty Ltd. Once again, no fees are charged to members of the public utilising the services of Foundation Homeloans Pty Ltd.
- Mason Lawyers Pty Ltd has two offices, located at Newcastle (in Newcastle City Council) and Edgeworth (Lake Macquarie City Council). The geographical area in which Mason Lawyers Pty Ltd operates is therefore restricted to the Newcastle and Lake Macquarie Council areas.



### Conduct

Mason Lawyers Pty Ltd will provide a discount on the professional fees normally charged to its clients who are purchasing residential property and are financing the purchase:

- With a loan directly from Phoenix (NSW) Credit Union Limited;
- By way of a loan arranged by Foundation Homeloans Pty Ltd; or
- By way of a loan arranged by Foundation Homeloans (Newcastle) Pty Ltd.

The discount will be a concession of 50% of the usual professional fee charged by the company on purchases with an associated mortgage.

On current rates charged by the firm, the discount would result in a reduction of professional fees charged to the client from \$1,000.00 to \$500.00 (both of which are exclusive of GST).

### Submission

The proposed conduct would benefit clients of Mason Lawyers Pty Ltd by offering them genuine savings on the usual professional fees charged by the company.

Clients of Mason Lawyers Pty Ltd will continue to have a choice of funding their purchase through any lender and utilising the services of any broker. There is no element of compulsion.

Likewise, customers of each of Phoenix Credit Union Limited, Foundation Homeloans Pty Ltd and Foundation Homeloans (Newcastle) Pty Ltd will continue to have the option of funding their purchases through those companies without acquiring the services of Mason Lawyers Pty Ltd.

### **3(a) Class or classes of person to which the conduct relates**

Members of public purchasing residential property and obtaining finance to assist in the purchase from Phoenix (NSW) Credit Union or by using the services of Foundation Homeloans Pty Ltd or Foundation Homeloans (Newcastle) Pty Ltd.

