

Our reference
DSC/ALPG10999-9021310

FILE No:
DOC:
MARS/PRISM:

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WESTGARTH**
lawyers

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Gold Coast

13 October 2005

Mr Scott Gregson
Acting General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Partner
Daryl Clifford (07) 3228 9778
Email: daryl.clifford@corrs.com.au

Dear Sir

Notification of exclusive dealing by Alchemy Property Group Pty Ltd

We act for Alchemy Property Group Pty Ltd.

Pursuant to section 93(1) of the *Trade Practices Act 1974* (Cth), we **attach** a completed Form G notification and a cheque for the prescribed fee of \$100.

Yours faithfully
Corrs Chambers Westgarth



Daryl Clifford
Partner

attachments

AUSTRALIAN COMPETITION &
CONSUMER COMMISSION
CANBERRA
19 OCT 2005

Form G

Commonwealth of Australia

*Trade Practices Act 1974 — subsection 93(1)***EXCLUSIVE DEALING
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 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 NOTICE ON BACK OF FORM)

1 (a) Name of person giving notice:Alchemy Property Group Pty Ltd ACN 114 097 433 (**Alchemy**)*(See Direction 2 on the back of this Form)***(b) Short description of business carried on by that person:**

Marketing and sale of land

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

Corrs Chambers Westgarth
Waterfront Place
1 Eagle Street
BRISBANE QLD 4000

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

Marketing and sale of house and land packages in residential estates

(b) Description of the conduct or proposed conduct:

Alchemy proposes to market and sell house and land packages in estates in Queensland in the following manner.

- 1 Owners of vacant lots in residential estates will appoint Alchemy to market land and sell their land, and accordingly appoint Alchemy as their agent for this purpose.
- 2 Alchemy requires that owners appoint, in accordance with the *Property Agents and Motor Dealers Act 2000* (Qld), Ideo Property Pty Ltd ACN 116 165 194 (a wholly-owned subsidiary of Alchemy) as the owners' real estate agent for the sale of the property.
- 3 Alchemy creates a selection of plans and specifications for houses that, in Alchemy's view, are aesthetically suitable for the estate and of high quality.
- 4 Buyers will then contract with Alchemy (as agent for the landowner) to purchase the land and for the construction of a house on that land to plans and specifications from Alchemy's selection.
- 5 To facilitate this, Alchemy (as agent for the landowner) requires the buyer to enter into a contract with a builder nominated by Alchemy at the same time as it enters into the contract for sale of the land.

(See Direction 4 on the back of this Form)

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

Purchasers of house and land packages marketed by Alchemy in residential estates in Queensland

(b) Number of those persons:

(i) At present time:

0

(ii) Estimated within the next year:

Unknown

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

Not applicable

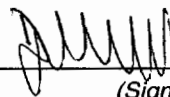
4 Name and address of person authorised by the applicant to provide additional information in relation to this notice:

Daryl Clifford
Corrs Chambers Westgarth
Level 35
Waterfront Place
1 Eagle Street
BRISBANE QLD 4000
Phone: (07) 3228 9778
Fax: (07) 3228 9444
Email: daryl.clifford@corrs.com.au

Signed on behalf of the person giving this notice:

Dated:

13 ~~000~~ 2005



(Signature)

Daryl Clifford

(Full Name)

Solicitor for the person giving this notice

(Description)

DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
- 2 If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
- 3 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47(6) or (7), or paragraph 47(8)(c) or (9)(d), of the *Trade Practices Act 1974* (**Act**), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act (**the prescribed period**) unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or 9(a), (b) or (c), of the Act, it comes into force when it is given.