



Australian
Competition &
Consumer
Commission

Our Ref: C2005/1762
Contact Officer: Ursula Everett
Contact Number: (02) 6243 1271

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602

ph (02) 6243 1111
fax (02) 6243 1199

www.accc.gov.au

4 November 2005

Mr Daryl Clifford
Corrs Chambers Westgarth
Level 35
Waterfront Place
1 Eagle Street
BRISBANE QLD 4000

Dear Mr Clifford

**Exclusive Dealing notification No. N92180,
lodged by Alchemy Property Group Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 19 October 2005. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

Alchemy proposing 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 (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, as 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 buyers to enter into a contract with the builder nominated by Alchemy at the same time as it enters in to the contract for sale of land.*

Legal immunity conferred by the notification commenced on 2 November 2005.

On the basis of the information that you have 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 this 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 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 Ursula Everett on (02) 6243 1271.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch