

N92193

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 Saville Australia

(See Direction 2 on the back of this form)

(b) Short description of business carried on by that person  
Property Development

(c) Address in Australia for service of documents on that person  
Level 1, 249 Adelaide Terrace Perth 6000

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

(b) Description of the conduct or proposed conduct  
agreement to use Saville Australia's nominated builder for construction on purchased land.  
(See Direction 4 on the back of this Form) \* attached letter.

3. (a) Class or classes of persons to which the conduct relates  
Purchasers of the lots of land and the Contracts.

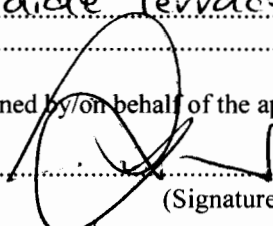
(b) Number of those persons--  
(i) At present time 2  
(ii) Estimated within the next year 6

(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses  
Karol and Glynis Gorny 3/24 Edgehill St Scarborough WA 6019  
Nadia Rom PO Box 7023 Clusters Square WA 6850

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice.  
Matt Read  
Level 1, 249 Adelaide Terrace Perth 6000

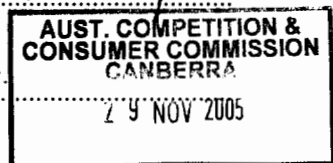
Dated 25/11 20 05

Signed by/on behalf of the applicant giving notice

  
.....  
(Signature)

Peter Kavanagh  
.....  
(Full Name)

Director  
.....  
(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 sub-section 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 sub-section 47(6) or (7) or paragraph 47(8)(c) or (9) (d) of the *Trade Practices Act 1974* ("the 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 sub-section 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 sub-section 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 (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.

# CHALMERS & PARTNERS

(ABN 50 221 093 243)

**PARTNERS**  
LYNTON CHALMERS  
GARY CHARLES BARROW

BARRISTERS & SOLICITORS OF THE SUPREME COURT OF W.A.  
COMMISSIONERS FOR AFFIDAVITS

TELEPHONE: (08) 9221 1999  
FACSIMILE: (08) 9221 1975

**SENIOR ASSOCIATE**  
DARRYL BARKER

6TH FLOOR  
524 HAY STREET, PERTH 6000  
G.P.O. BOX R1249 PERTH 6844  
WESTERN AUSTRALIA

OUR REF: LC:30843S:ii-07  
YOUR REF:

14 November 2005

Saville Australia  
Saville House  
249 Adelaide Terrace  
PERTH WA 6000

Attention: Mr M. Read

**By email: [mattr@savillepg.com.au](mailto:mattr@savillepg.com.au)**

Dear Matt,

## **Aqua Vista - Sale Documents**

I refer to the abovementioned project and advise as follows:

### **Conditions - ACCC Clause**

Because the buyer is obliged to enter into a building contract with a specified builder the sale constitutes exclusive dealing within the meaning of section 47 of the *Trade Practices Act 1974*. Broadly, exclusive dealing involves one person who trades with another imposing restrictions on the other's freedom to choose with whom or in what it deals if the conduct has the purpose or effect of substantially lessening competition.

If notification is given to the ACCC pursuant to section 93 of the Act for exclusive dealing conduct other than third line forcing immediately being on the date that the notification is lodged.

The notification must be given on a prescribed form and a fee paid.

You will see that the sale document is conditional upon notification being given and that notification not being withdrawn by the ACCC. You should consult the ACCC webpage: [www.accc.gov.au](http://www.accc.gov.au) in order to give notification in the prescribed form.

Yours faithfully,  
CHALMERS & PARTNERS

Lynton Chalmers  
Partner

Email: [lchalmers@chalmersandpartners.com.au](mailto:lchalmers@chalmersandpartners.com.au)