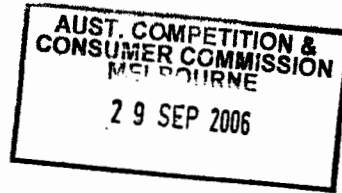


N41023



as a living thing

FILE No:
DOC:

27 September, 2006

Australian Competition and Consumer Commission
Level 35
360 Elizabeth Street
Melbourne Vic 3000

Dear Sir/Madam

Form G Lodgment

Please find enclosed the following for lodgment:-

Form G and \$100 cheque for Xiao Yu Chen.

Should you have any questions please do not hesitate to contact the undersigned.

Best Regards

JOEL WEBBER
Precinct Manager



N41023

FORM G

Regulation 9

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(6) or 47(7) of that Act in which the person giving notice engages or proposes to engage.

1. (a) *Name of person giving notice:*

**Xiao Yu Chen and/or nominee ("Vendor") N/A of 35 St Claire Walk,
Doncaster East, Vic 3109 owner of a property at 66 NewQuay Promenade,
Docklands Vic, 3008**

(b) *Short description of business carried on by that person:*

Restaurant

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

35 St Claire Walk, Doncaster East, Vic 3109

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

Subdivided retail property in the **Nolan Tower** of the NewQuay precinct at Melbourne Docklands (the "**Retail Property**").

Property management services of Metro Real Estate Services Pty Ltd as trustee for MAB Real Estate Services Trust (ACN 096 688 998) of 54 St Kilda Road, St Kilda, Victoria 3182, trading as Precinct Management Services ("**PMS**").

(b) *Description of the conduct or proposed conduct:*

The Vendor proposes to:

(A) sell or offer for sale the Retail Property to purchasers on condition that purchasers acquire the property management services of PMS; and

(B) refuse to sell or offer for sale the Retail Property for the reason that the purchaser has not agreed to acquire the property management services of PMS.

The proposed conduct will be of benefit to the public. The reasons set out in the previous notification N40604 apply to this notification. In brief, the proposed conduct will

- ensure consistency of management between the Retail Properties and the residential and marina components of the NewQuay precinct over which the MAB Group also has management responsibilities;
- ensure compliance with the various planning laws and precinct controls imposed in respect of the NewQuay precinct by the Docklands Authority and/or Melbourne City Council (e.g. waste disposal; loading bay restrictions);
- provide owners and tenants with coordinated property management services, which should produce consistency of service, economies of scale and increased buying power in relation to shared services (eg security, cleaning, marketing, maintenance) and consequently reduced outgoings on the part of tenants and/or owners; and
- provide owners and tenants with coordinated security and maintenance, thereby enhancing the safety and appearance of the NewQuay precinct.

The proposed conduct will not substantially lessen competition in the markets for the relevant services as:

- the proposed conduct will only affect the Retail Property owned by the Vendor. This represents a very small percentage of the retail properties available for purchase in the greater Melbourne area; and
- while other property managers and real estate agents will not be able to provide management and related services to the purchaser of the Retail Property during the term of the Property Management Agreement, there are numerous other owners and vendors of retail properties within retail developments and shopping centres in the greater Melbourne area which require these services.

The Vendor considers that the benefits of the proposed conduct, as outlined above, will outweigh any possible detriment considered to arise from the conduct.

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

The purchaser of the Retail Property.

- (b) *Number of those persons:*

The retail property has not yet been offered for sale

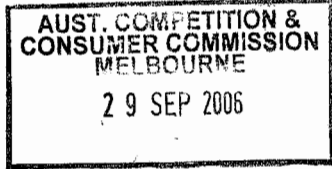
- (c) *Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:*

The retail property has not yet been offered for sale

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

Joel Webber / Precinct Manager at 24 NewQuay Promenade, Docklands Vic 3008

Dated



Signed by/on behalf of the person giving this notice

.....
Xiao Yu Chen

(Signature)

**Xiao Yu Chen and/or
nominee**

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 this 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* ("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 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 (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.