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NOT NEGOTIABLE		
CREDIT COMMONWEALTH PUBLIC ACCOUNT ACCC		
DATE	13 DEC 2011	CROSSED

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N95659

FKP Lifestyle Pty Ltd ACN 005 867 596 (FKP)

- (b) Short description of business carried on by that person:
(Refer to direction 3)

FKP Lifestyle Pty Ltd carries on the business developing residential land including land at Rochedale, Brisbane (“Rochedale Estates”).

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

c/- Marcus Ford

Cooper Grace Ward Lawyers

Level 21 400 George Street,

Brisbane QLD 4000

2. Notified arrangement

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

The supply of residential lots to purchasers in Rochedale Estates.

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

FKP proposes to enter into an arrangement with mortgage brokers Life Assets Pty Ltd which trades as Lion Financial (“Lion Financial”) and Jade Consulting (Qld) Pty Ltd (“Jade Finance”) under which purchasers who choose to obtain finance for the purchase of a lot in the Rochedale Estates through either Lion Financial or Jade Finance will receive a one-off payment of \$5,000 from FKP (Promotion).

For each lot that is sold in the Rochedale Estates between the date of authorisation by the ACCC and for 12 months after, FKP will pay \$5,000 to

purchasers after settlement of their lot if the purchaser has acquired mortgage broking services for the purchase of that lot through Lion Financial or Jade Finance.

(Refer to direction 4)

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

The persons likely to be affected by the Promotion are consumers who wish to purchase residential land in Rochedale Estates between the dates of the date of authorisation by the ACCC and for 12 months after, and require finance for the purchase of that lot.

- (b) Number of those persons:

- (i) At present time:

Unknown. Lots in Rochedale Estates are available to the general public.

- (ii) Estimated within the next year:
(Refer to direction 6)

We estimate that up to 250 persons will acquire a lot within Rochedale Estates within the next year.

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

Unknown.

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

The proposed conduct offers the opportunity to receive the benefit of a one-off payment of \$5,000 for consumers who choose to obtain finance for the purchase of a lot in Rochedale Estates through Lion Financial or Jade Finance.

- (b) Facts and evidence relied upon in support of these claims:

The proposed conduct will result in eligible consumers receiving an additional benefit that would otherwise not be available with the purchase of a lot in Rochedale Estates.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets

including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

The relevant market likely to be affected by the Promotion is the market for consumers who wish to acquire residential lots in the Rochedale Estates.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:

(Refer to direction 9)

FKP considers that there would be a negligible public detriment resulting from the Promotion in the relevant market.

- (b) Facts and evidence relevant to these detriments:

- The Promotion will not lessen competition because consumers are not required to obtain finance through either Lion Financial or Jade Finance in order to purchase a lot in Rochedale Estates.
- Consumers who do choose to use Lion Financial or Jade Finance will receive the benefit of a one-off payment of \$5,000 from either Lion Financial or Jade Finance after the settlement of the purchase of a lot in Rochedale Estates;
- Lion Financial and Jade Finance are licensed providers of mortgage broking services and are aware of their obligations to comply with responsible lending practices;
- The Promotion in no way limits the genuine choice of consumers as there are many other suppliers in the market from which consumers can choose to obtain mortgage broking services for the purchase of a lot in the Rochedale Estates.

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

c/- Marcus Ford

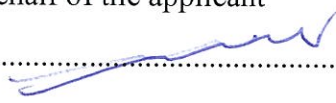
Cooper Grace Ward Lawyers

Level 21 400 George Street,

Brisbane QLD 4000

Dated..... 13 December 2011

Signed by/on behalf of the applicant

.....
(Signature) 

.....
(Full Name) Matthew Ford

.....
(Organisation) Cooper Grace Ward Lawyers

.....
(Position in Organisation) Partner

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.