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AUST COMPETITION & CONSUMER  
COMMISSION - ADELAIDE

## 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)

N96237 Police Credit Union Ltd ACN 087 651 205.

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

Police Credit Union Ltd carries on business as a credit union. It has 6 branches in South Australia (which include its head office) and 1 branch in the Northern Territory. Its business involves the provision of financial products and services including loans

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

C/- Langes+  
Level 4, 117 King William Street  
Adelaide SA 5000  
Attention: Mr Shannon Adams

#### 2. Notified arrangement

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

Provision of housing loans secured by mortgages over real estate.

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

Landsa Pty Ltd ACN 079 317 623 carries on business as a developers and vendor of residential properties including apartments ('properties') in South Australia.

It is proposed that:

- Landsa Pty Ltd will refer to Police Credit Union Ltd consumers who have expressed interest in purchasing a property from Landsa Pty

Ltd and who would require a loan to enable them to proceed with such a purchase.

- If such a consumer applies to Police Credit Union Ltd for a loan in order to proceed with such a purchase, and after assessing the application in accordance with its usual policies and procedures Police Credit Union Ltd approves the application, Police Credit Union Ltd will offer the consumer a loan under which the interest rate or rates payable by the consumer during the first 3 years of the term of the loan will be discounted by 2% pa to the rate usually charged by Police Credit Union Ltd provided that the consumer enters into, or has entered into, a contract to purchase a property from Landsa Pty Ltd and the proposed loan is to be applied for that purpose.
- Upon such a loan being funded, Landsa Pty Ltd will make a payment to Police Credit Union Ltd of an amount equivalent to the net present value of the interest discount provided to the consumer by Police Credit Union Ltd.
- The fact that Landsa Pty Ltd will make such a payment to Police Credit Union Ltd when such a loan is funded will be disclosed to the consumer by Landsa Pty Ltd when it refers the consumer to Police Credit Union Ltd and by Police Credit Union Ltd in the credit contract which it provides to the consumer by way of offer.

**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)

Consumers who purchase properties from Landsa Pty Ltd and who require loans to complete the purchases.

- (b) Number of those persons:

- (i) At present time:

Nil

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

It is estimated that 6 consumers may be affected by the notified conduct within the next year. This estimate is based on the number of properties Landsa Pty Ltd expects to sell in the next year and the number of consumers it expects to require loans, based upon its previous sales experience.

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

Not applicable.

**4. Public benefit claims**

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

Consumers will benefit from the proposed arrangement as they will pay less interest on their loan during the first three years of the term of their loan.

The conduct may encourage other suppliers in both markets to enter into similar arrangements and may therefore encourage competition is likely to benefit consumers.

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

The discount on the usual interest rate will be reflected in a term in each contract.

**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)

There are numerous suppliers in the housing loans market. There are also numerous suppliers in the property development and sales market.

**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)

It is submitted that no public detriment is likely to result from the conduct.

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

Not applicable.

**7. Further information**

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

Mr Shannon Adams  
Langes+  
Level 4, 117 King William Street  
Adelaide SA 5000  
08.8168 9601

Dated: 7 November 2012.

Signed on behalf of the applicant

.....  
(Signature)

Robert Surman  
(Full Name)

Langes+  
(Organisation)

Partner  
(Position in Organisation)



## 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 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.