

FINLAYSONS

Our ref GC:423214/1

13 June 2013

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
Level 2, 19 Grenfell Street
ADELAIDE SA 5000

Dear Sir

Notification of Exclusive Dealing - G& E Group of Companies Pty Ltd

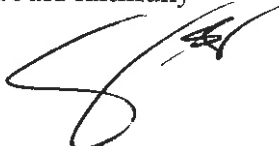
I act for G& E Group of Companies Pty Ltd ACN 129 753 028 (the **Applicant**).

I have **enclosed** a Form G – Notification of Exclusive Dealing on behalf of the Applicant together with a cheque for \$100.00, being for the applicable lodgement fee.

I confirm that I am authorised to act on the behalf of the Applicant and have signed the enclosed Form G on the Applicant's behalf.

If you have any queries in relation to the enclosed Form G, please contact the writer.

Yours faithfully



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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)

N96797

G & E Group of Companies Pty Ltd ACN 129 753 028 of Level 6/ 211
Victoria Square, Adelaide SA 5000

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

G & E Group of Companies Pty Ltd is a property development group, specialising in medium density residential developments.

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

C/- Mr Gavin Cragg
Finlaysons
Level 8, 81 Flinders Street
ADELAIDE SA 5000

2. Notified arrangement

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

The proposed arrangement relates to the sale of land that is to be divided to create twelve (12) community title lots and the common property more particularly delineated on the Plan of Community Division annexed hereto as "Annexure A".

- (b) Description of the conduct or proposed conduct:
(Refer to direction 4)

G & E Group of Companies Pty Ltd (as vendor) will only agree to sell a proposed community lot to a potential purchaser on the condition that the purchaser enters into a certain Building Contract annexed to the Land Sale Contract with Qattro Pty Ltd as the builder whereby Qattro Pty Ltd will undertake the construction of a residential dwelling on the community lot in

accordance with the Building Contract and the plans, drawings and specifications attached to it. The pro-forma Land Sale Contract and Building Contract are annexed hereto as “Annexure B” and “Annexure C” respectively.

Please see Further Term 11 in respect to the Purchaser’s obligation to enter into the Building Contract within a stated time after purchasing the Land from the Vendor (G & E Group of Companies Pty Ltd).

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)

Purchasers who enter a Land Sale Contract with G & E Group of Companies Pty Ltd for the purchase of a proposed community lot delineated on the Plan of Community Division contained in Annexure A.

- (b) Number of those persons:

- (i) At present time:

Unknown

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

Up to twelve (12) purchasers of the proposed twelve (12) community lots will be affected by the notified conduct within the next year.

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

The identities of the potential purchasers are currently unknown.

4. Public benefit claims

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

G & E Group of Companies Pty Ltd respectfully considers that the wider community will benefit by having the residential dwellings constructed in accordance with plans, drawings and specifications that ensure that those dwelling are desirable, well-designed and complimentary to the desired character of the development zone within which it is situated, and which will ensure all twelve (12) dwellings will be built within a reasonable time of each other to ensure a consistency of appearance for the development and allotments owners generally.

Further, there are numerous builders available in South Australia who specialise in the construction of residential dwellings. G & E Group of

Companies Pty Ltd respectfully considers that the market for the construction of residential dwelling is competitive and the proposed arrangement facilitates the construction of a desirable residential development as a whole (ie: 12 allotments together) which will benefit the wider community through providing a highly presentable and unique mini-development which will also assist purchasers in maintaining a value for their dwelling due to a consistency of appearance and building style.

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

Please see attached:

Annexure A	Plan of Community Division
Annexure B	Pro-forma Land Sale Contract
Annexure C	Pro-forma Building Contract containing the plans, drawings and specifications of the residential dwellings to be constructed

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 markets to be affected by the proposed conduct are the markets for the development, construction and purchase of new residential dwellings in the South Australia.

G & E Group of Companies Pty Ltd respectfully considers that potential purchasers of developed or undeveloped residential land have a wide choice of properties to purchase within the City of Onkaparinga and South Australia generally, and the restriction of the use of builder for the construction of residential dwellings on only twelve (12) community lots does not limit that choice.

G & E Group of Companies Pty Ltd respectfully considers that the competitors of Qattro Pty Ltd in the residential dwelling construction industry will suffer no detriment as a result of the restriction requiring purchasers to engage the relevant building contractor for the construction of the twelve (12) residential dwellings in the City of Onkaparinga, South Australia on G & E Group of Companies Pty Ltd's land.

- (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)

G & E Group of Companies Pty Ltd respectfully considers that limited or no public detriment will result from the proposed conduct as potential purchasers of the undeveloped land have an abundance of alternative developers and vendors to purchase undeveloped land from and an abundance of building contractors to engage to undertake works on those alternate land parcels (other than on G & E Group of Companies' land).

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

Annexure D	Extract from Australia's leading property web site, realestate.com.au detailing in excess of 6, 100 vacant land blocks available for sale in South Australia as at 31 May 2013.
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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 Gavin Cragg, Finlaysons Lawyers, solicitor for G & E Group of Companies Pty Ltd:

Finlaysons of Level 8/ 81 Flinders Street, Adelaide SA 5000

Phone 08 8235 7819 Fax 08 8235 2944

Dated: 13th day of June 2013

Signed ~~by~~ on behalf of the applicant:



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Signature of Gavin Cragg, Finlaysons
Solicitor for G & E Group of Companies Pty Ltd
Finlaysons of Level 8/ 81 Flinders Street, Adelaide SA 5000

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.