

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)

N98003 ABN Development No.3 Pty Ltd (a related ABN Alcock Brown-Neaves business).
Refer annexure A for further details on the ABN Group.

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

Property Acquisition and Development

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

PO Box 389, Osborne Park, WA, 6916

2. Notified arrangement

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

In the acquisition of an off-the-plan apartment developed by ABN Development No.3 Pty Ltd purchasers will need use specific mortgage brokering and conveyancing services to obtain a reduced deposit.

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

The purchase of an off the plan apartment developed by ABN Development No.3 Pty Ltd will sold via ABN Realty as the selling agent (who is an ABN Group business) on the condition that the purchaser also uses the services of:

- Resolve Financial Services (mortgage broker) to source a home loan for the purchaser from its panel of lenders
- Axiom Conveyancing Pty Ltd for conveyancing services for the purchase of the completed unit

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)

Members of the public looking to purchase an apartment off the plan.

- (b) Number of those persons:
(i) At present time:

The numbers of affected persons are unknown at the present time.

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

The numbers of affected persons are unknown at the present time. It is anticipated that the total number of persons will exceed 50.

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

N/A

4. Public benefit claims

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

Provides an opportunity to purchase an off the plan apartment on terms that are deemed more favourable than that of other apartment developers.

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

In general developers require a 10% deposit and an unconditional sales contract to secure an off the plan apartment.

With the added security of using the ABN Group's financial services businesses (Resolve Finance / Axiom Conveyancing) the customer will be able to secure an apartment with a significantly reduced deposit – potentially \$2,000 - with the contract remaining conditional upon finance.

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)

Markets that are likely to be affected are limited to the residential apartment market in Western Australia.

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)

Given the highly competitive status of the market referred to in section 5, there does not appear to be any significant public detriment associated with the proposed conduct

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

We consider the proposed conduct will not lessen competition because:

- The retail apartment market is a well-developed, competitive market with many other properties which consumers may access;
- The number of consumers affected by the proposed conduct is immaterial compared to the total number of customers who acquire retail apartments;
- Customers will be fully informed about the full terms & conditions before taking up the offer; and
- Customers will still be able to access the apartments without using Resolve Finance & Axiom Conveyancing however – will be asked for a higher level of deposit (10%) supported by an unconditional contract.

7. Further information

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

Damien Giudici

PO Box 389, Osborne Park WA, 6916

damieng@abngroup.com.au

043 0436 094

Dated: 26 November 2014

Signed by/on behalf of the applicant


.....
(Signature)

DAMIEN GIUDICI.
.....

Damien Giudici

(Full Name)

ABN Developments Pty Ltd

(Organisation)

Built Form Manager

(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 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.

Annexure A

The ABN Group

The ABN Group of companies comprises the following builders and finance related companies:

- a. Homebuyers Centre
- b. Celebration Homes
- c. Dale Alcock Homes
- d. APG Homes
- e. Webb & Brown-Neaves
- f. Boutique Homes (VIC)
- g. Homebuyers Centre (VIC)
- h. Bluebay Home Loans Pty Ltd
- i. Resolve Financial Solutions
- j. Axiom Legal Pty Ltd
- k. Investor Assist
- l. PACT construction
- m. ABN Realty
- n. ABN Developments Pty Ltd