

**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 in 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)*

N97513  
N97522  
N97523

- QUBE Mandogalup Development Pty Ltd as to its 10/12 joint venture interest;
- Greta Mable White as to her 1/12 joint venture interest; and
- Jeffrey Alan White as to his 1/12 joint venture interest;  
collectively **the Mandogalup Land Joint Venture (Seller)**

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

**Property development**

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

**Level 1, 437 Roberts Rd, Subiaco Western Australia 6008**

**2. Notified arrangement**

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

**This notice concerns the sale of 'house and land' packages within a residential development in Mandogalup (Development). This includes:**

- **the supply of land; and**
- **the supply of building and related services.**

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

**The proposed conduct involves the Seller proposing to offer for sale 50% of the subdivided residential lots in the Development on condition that purchasers will enter into a contract with a builder nominated by the Seller to construct a house on the lots.**

**Note: the enclosed covering letter and submission contains additional information regarding the relevant conduct.**

*(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)

**Persons wishing to acquire 'house and land' packages in the Development. Builder/s nominated by the Seller. At the present time, nominated builders include:**

- i. APG Homes Pty Ltd (ACN 073 510 120);
- ii. Celebration Nominees Pty Ltd (ACN 070 961 509) as trustee for the Celebration Unit Trust trading as Celebration Homes ABN 47 950 269 275;
- iii. Dale Alcock Homes Pty Ltd (ACN 009 217 887);
- iv. Homebuyers Centre Pty Ltd (ACN 051 346 591);
- v. Webb & Brown-Neaves Pty Ltd (ACN 008 871 761); and
- vi. Investor Assist Pty Ltd (ACN 151 436 154).

- (b) Number of those persons:

- (i) At present time:

**N/A**

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

**Nil**

- (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:

**The overall attractiveness and competitiveness of the Development will be enhanced by offering a proportion of lots as 'house and land' packages through the Builder. (Refer to direction 7)**

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

**The 'house and land' package option will be attractive to purchasers. It has the advantage of saving the purchaser time and cost in searching for an appropriate builder and gives them confidence that compliance with the design guidelines will be achieved.**

**Note: the enclosed covering letter and submission contains additional information regarding the relevant conduct.**

**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 conduct occurs in the context of residential property market/s in Western Australia. The precise definition of the relevant market/s would not affect the assessment of these notifications.**

**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)

**The applicants do not consider that any detriment is likely to arise from the conduct.**

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

**Purchasers are able to purchase other comparable lots that are not the subject of 'house and land' packages within the Development and adjacent estates and suburbs.**

**7. Further information**

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

**Geoff Davieson, PO Box 9298, Subiaco East, Western Australia, 6008**

Dated..... 26 JUNE 2016 .....

Signed on behalf of the applicant

.....  
(Signature)

Geoff Davieson  
(Full Name)

QUBE Capital Pty Ltd  
(Organisation)

Director – Capital and Equity  
(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.