

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)

N98845 Western Australian Land Authority

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

Land Development

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.....

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

Level 6,
40 The Esplanade
Perth WA 6000

2. Notified arrangement

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

Acquisition of works and services for land development in Western Australia.

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

See Annexure A (attached)

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(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)

Contractors for land development, goods and services in Western Australia.

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- (b) Number of those persons:

- (i) At present time:

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- (ii) Estimated within the next year:

(Refer to direction 6)

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

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4. Public benefit claims

- (a) Arguments in support of notification:

(Refer to direction 7)

See Annexure A (attached)

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

See Annexure A (attached)

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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)

Western Australia

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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)

See Annexure A (attached)

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

See Annexure A (attached)

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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:

Carol Beard

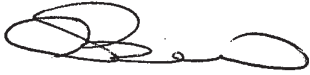
Level 6, 40 The Esplanade Perth WA 6000.

08 9 482 7880

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Dated..... 19-01-2016

Signed by/on behalf of the applicant



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(Signature)

Carol Beard
(Full Name)

LandCorp
(Organisation)

Corporate Operations 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

1. LandCorp is established under the Western Australian Land Authority Act 1992 (WA) (Act) as an agency to provide or promote the provision of land, infrastructure and services for the social, needs of the State and related purposes.
2. Under the Act, LandCorp is required to take into account the social, economic and environmental outcomes of the performance of its functions and is to ensure that those outcomes are balanced as far as possible (see section 16B)
3. LandCorp is a major developer of industrial, commercial and residential land in Western Australia.
4. As part of its activities relating to land development LandCorp regularly lets contracts (either by negotiation or by a public tender process) for works to be undertaken such as civil works and landscaping. (Works Contracts)
5. LandCorp wishes to encourage employment opportunities for Aboriginal Businesses and considers that this could be achieved by seeking to provide work for Aboriginal persons in relation to work undertaken under Works Contracts.
6. It is also the policy of the Government of Western Australia through the State Supply Commission to encourage economic participation and create jobs for aboriginal people by government departments or agencies purchasing goods and services directly from Aboriginal Businesses up to a value of \$250000. Aboriginal Businesses are defined by the State Supply Commission by reference to the Aboriginal Business Directory which defines Aboriginal businesses as a business of which at least 50% is Aboriginal owned and based in Western Australia.
7. LandCorp's policy is to procure goods and services from an Aboriginal Business by direct procurement up to a value of \$150000(and subject to special approval, up to \$250000)
8. LandCorp also proposes to require wherever practicable that persons or businesses tendering or otherwise negotiating with LandCorp to enter into Works Contracts seek to have at least part of the work undertaken by Aboriginal persons through Aboriginal Businesses
9. This would be achieved by either engaging an Aboriginal Business directly or requiring as a term of a Works Contract that where available and practicable the contractor to LandCorp is required to engage an Aboriginal Businesses to undertake the whole or part the Works Contract as specified by way of subcontract.

10. The above requirement will not apply where an Aboriginal Business is not available or suitably qualified or experienced to perform the work.
11. It is considered that the proposal would not have a material effect on the supply of goods or services by contractors in Western Australia having regard to direct procurement or subcontract work being limited to a maximum value of \$250000.
12. To the extent that the proposal does involve an adverse effect on market competition it is considered the public benefits outweigh the public detriment.
13. The public benefit is considered to be encouraging work for Aboriginal persons in Western Australia where unemployed persons are likely to be overrepresented by Aboriginal persons.