



Australian Competition & Consumer Commission

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Our Ref: C2004/317  
Contact Officer: Jason Byrne  
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24 March 2004

Mr Peter Macdonald  
Chief Executive Officer  
James Hardie  
Level 3, 22 Pitt St  
SYDNEY NSW 2000

Dear Mr Macdonald

**Review of Notification of Exclusive Dealing (N30710) – James Hardie and Coy Pty Ltd**

I refer to my letter of 3 March 2004 regarding the Commission's review of the above notification lodged by James Hardie and Coy Pty Ltd (James Hardie and Coy) on 13 February 1995 with the then Trade Practices Commission (TPC), predecessor to the Australian Competition and Consumer Commission (the Commission).

As part of the review, it has been brought to the Commission's attention that since the lodging of notification, the James Hardie Group (James Hardie) has undergone a number of company structural changes including a corporate restructure in 2001 with, among other changes, a new parent company incorporated in the Netherlands, James Hardie Industries NV.

To assist in its review of the notification the Commission requests James Hardie provide clarification of the company changes and restructures that have taken place since lodging the notification.

In particular the Commission requests the following information:

- an organisation chart which illustrates the company structure of James Hardie (including subsidiaries) at the date of lodging notification and at the present day;
- an outline of the changes that took place in 2001 as part of the corporate restructure;
- the name of the company with which the manufacture and supply of fibre cement building products, previously undertaken by James Hardie & Coy, now resides;
- the date for when this took effect;



- the relationship between this company and James Hardie; and
- details, if any, of the relationship between the Medical Research and Compensation Foundation (MCRF) and its subsidiaries, with James Hardie and its subsidiaries.

I would appreciate if you could respond to the Commission's request by **COB Friday 2 April 2004**.

Should you have any questions please contact Isabelle Arnaud on (02) 6243 1049 or Jason Byrne on (02) 6243 1279.

Yours sincerely

Handwritten signature of Tim Grimwade, consisting of a stylized 'T' followed by 'Grimwade'.

Tim Grimwade  
General Manager  
Adjudication Branch