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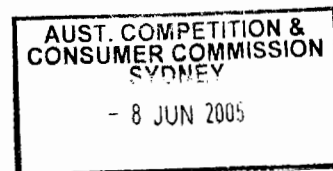


**BAYBRIDGE**  
lawyers

Our Ref: ER:ER:30033

6 June 2005

Australian Competition and Consumer Commission  
Level 7  
123 Pitt Street  
SYDNEY NSW 2000



Dear Sirs

**NOTIFICATION-THIRD LINE FORCING**

We act on behalf of The Australian Plasterboard Company Holdings Pty Ltd.

**Enclosed** are the following:

- i) Form G;
- ii) Annexure A to Form G;
- iii) Cheque for lodgement fees of \$100.00.

If you have any queries in relation to the above please contact the writer.

Yours faithfully  
**BAYBRIDGE LAWYERS**

Elisabeth Ritchie  
Direct Email: eritchie@baybridge.com.au

Encl.

FILE No:
DOC:
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**Form G**  
**Commonwealth of Australia**  
*Trade Practices Act 1974 --- Sub-section 93(1)*  
**EXCLUSIVE DEALING**  
**NOTIFICATION**

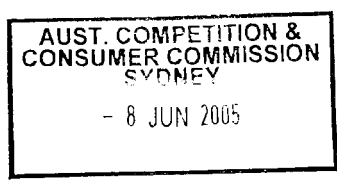
To the Australian Competition and Consumer Commission:

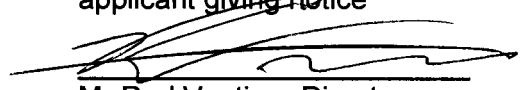
Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6), or (7), or paragraph 47(8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice **THE AUSTRALIAN PLASTERBOARD COMPANY HOLDINGS PTY LTD (ACN 106 367 962)**  
  
 (b) Short description of business carried on by that person: **SUPPLY & DISTRIBUTION OF PLASTERBOARD AND RELATED PRODUCTS**  
  
 (c) Address in Australia for service of documents on that person: **C/O BAYBRIDGE LAWYERS, SUITE 106, LEVEL 1, 109 PITT STREET, SYDNEY NSW 2000**
  
2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates: **PLASTERBOARD AND RELATED PRODUCTS**  
  
 (b) Description of the conduct or proposed conduct: **REQUIREMENT FOR DISTRIBUTORS TO PURCHASE PLASTERBOARD AND RELATED PRODUCTS FROM THE AUSTRALIAN PLASTERBOARD COMPANY AND OTHER SUPPLIERS ON AN EXCLUSIVE BASIS**
  
3. (a) Class or classes of persons to which the conduct relates: **DISTRIBUTORS**  
  
 (b) Number of those persons--  
     (i) At present time: **19**  
     (ii) Estimated within the next year: **4 DISTRIBUTORS**  
  
 (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses: **(SEE ATTACHED)**
  
4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice: **Mr Rod Vautier, Suite 2, 49-51 Eton Street, Sutherland, NSW 2232.**

Dated: 3 June 2005

Signed by/on behalf of the applicant giving notice



  
 Mr Rod Vautier, Director  
 For & on behalf of The Australian  
 Plasterboard Company Holdings  
 Pty Ltd

## **Annexure A to Form G**

### **Exclusive Dealing Notification-Third Line Forcing**

#### **The Australian Plasterboard Company**

##### **Distribution Agreement**

The Australian Plasterboard Company Holdings Pty Ltd ("Holdings") is a licensor of rights to a network of distributors to sell these products in conjunction with The Australian Plasterboard Company name and its trade mark subject to certain standards being met.

##### **Supply Arrangements**

The Australian Plasterboard Company Pty Ltd ("TAPC") has entered into a supply contract with a BGC (Australia) Pty Ltd and other suppliers for the supply of plasterboard and related building products. This Agreement requires TAPC to only distribute BGC's products in New South Wales and puts in place certain non-exclusive supply arrangements for Victoria and Queensland.

##### **Purchase of Plasterboard & Related Building Products by Distributors**

Pursuant to the Distribution Agreement the Distributors are required to purchase plasterboard and related building products from Holdings. The Distributors can only purchase plasterboard from other suppliers if Holdings is unable to supply within a certain time period and subject to Holding's approval. Holdings has approved the purchase of products from TAPC.

##### **Deed of Variation**

It is now proposed that the Distribution Agreement be amended in the terms of the attached Deed of Variation so that Distributors can purchase plasterboard and related products from other suppliers subject to the prior approval of Holdings. This is necessary as a result of certain supply issues with BGC.

The control of the supply arrangements by Holdings is necessary as Holdings does not charge an ongoing franchise or license fee to the Distributors but instead makes its revenue from the supply of the products to the Distributors. It is also important to facilitate group buying advantages for the TAPC network as TAPC needs to be able to assure the suppliers that its Distributors will buy a certain amount of plasterboard and/or related products from it.

##### **Public Benefit**

The plasterboard and related building products retailing market is a highly competitive market with a large number of participants.

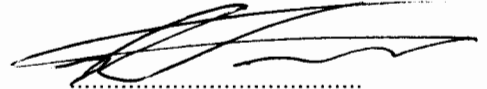
Holdings considers that the public benefit to be derived from its conduct outweighs any public detriment as a result of the following.

1. Group deals for supplies means that plasterboard and related building products should be able to be provided at lower prices to its Distributors, who in turn can supply the plasterboard and related products at cheaper prices to the public.
2. Because of the uniformity produced by the Distributor's product offer and branding, Holdings can promote and advertise the products as a group, avoid running single and independent promotions and to be consistent with recommended pricing.
3. Control over the source of supply helps Holdings to ensure prompt and consistent delivery times

of plasterboard and related products to the Distributors, and ultimately the public.

Holdings requests the Australian Competition and Consumer Commission to consider this request for exclusive dealing.

Dated: 3 June 2005



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Rod Vautier, Director  
For & on behalf of The  
Australian Plasterboard  
Company Holdings Pty Ltd

**THE AUSTRALIAN PLASTERBOARD COMPANY HOLDINGS  
PTY LIMITED  
DISTRIBUTOR LIST  
As at June 2005**

Company – NSW / ACT	Contact Name Mobile
APC Support Office Suite 2, 49-51 Eton Street Sutherland NSW 2142	Roberta Andrew
APC Brookvale Unit 3B, 9-13 Winbourne Rd Brookvale NSW 2100	Daniel Perikic / Steven Banovic
APC Yennora 32-34 Pine Rd Yennora NSW 2161	Nick Cai
APC Hills District 14 Valediction Road Kings Park NSW 2148	Graeme Small Nick Horrell Mark Roberts
APC Liverpool Unit 2 314 Hoxton Park Road Liverpool NSW 2170	Terry Bellette
APC Regional Direct PO Box 920 Sutherland NSW 1499	Ryan Wise
APC Sydney City Unit 3 5-11 Pyrmont Bridge Rd Camperdown NSW 2050	Stephen Strybis Shane Malloy
APC Wollongong Unit 3, 2 Resolution Drive Unanderra NSW 2526	Richard Hayman Paul Brannigan
APC Newcastle 50 Clyde Street Hamilton North NSW 2292	Warren Charles
APC Sydney South 7/90 Heathcote Road Moorebank NSW 2170	Steve Harris / Kevin Barrett
APC Wagga Wagga 170 Hammond Ave P O Box 733 Wagga Wagga NSW 2650	Gerard Rourke Kane Johnstone

Company – ACT, Vic, Qld	Contact Name Mobile
APC Canberra 52 Bayldon Road Queanbeyan ACT 2620	Mike Gilmour
APC Campbellfield 10 Somerton Road Somerton Vic 3026	Andrew Mesourouni Nick
APC Laverton Unit 2 40 William Angliss Dr Laverton North Vic 3028	Andrew Mesourouni Howe Tan
APC Dandenong 51-53 Progress Street Dandenong Vic 3175	David Fraser  Brooke Roberts Ellen
APC Geelong 402 Thompson Road Geelong North Vic 3215	Alex Fomin John Duncan
APC Monash 2069 Princes Highway Clayton VIC 3168	Mark Rogers Patrick Wilson
APC Brisbane Unit 3, 836 Boundary Road Coopers Plains QLD 4108	Peter Blain Shane Osmond (S/Mgr) Max Grey Natalie
APC Brisbane North 100 Pickering Street (PO Box 361) Alderly Qld 4051	Peter Blain Paul O'Brien (S/Mgr)
APC Gold Coast 7 Spall Street Carrara Qld 4211	Peter Blain Russell Shaw (S/Mgr) Brett Peter Ripikoi