



Australian
Competition &
Consumer
Commission

Our Ref: C2006/71
Contact Officer: Hew Atkin
Contact Phone: 02 6243 1351

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

5 April 2006

Fiona Crosbie
Partner
Allens Arthur Robinson
Level 17, Chifley Tower
2 Chifley Square
Sydney NSW 2000

Dear Ms Crosbie

**Re: Exclusive dealing notification N31496 - James Hardie Australia Pty Ltd
– draft notice to revoke**

I refer to the above notification lodged with the Australian Competition and Consumer Commission (the ACCC) by James Hardie Australia Pty Ltd (James Hardie) in relation to a proposed new distribution policy for the supply and re-supply of fibre cement products.

Having considered the notification and submissions from interested parties, the ACCC considers that the proposed new distribution policy the subject of the notification has or would have the effect of substantially lessening competition, and that any benefit to the public likely to result from the conduct will not outweigh the likely detriment to the public constituted by the lessening of competition that will result.

Accordingly, the ACCC has issued a draft notice proposing to revoke the notification under section 93(3) of the *Trade Practices Act 1974* (the Act). A copy of the draft notice to revoke is enclosed.

Once the ACCC issues a draft notice James Hardie or any interested party may request that the ACCC hold a conference in relation to the draft notice to revoke. If you wish the ACCC to hold a conference in relation to the draft notice, you must notify the ACCC in writing by **cob 20 April 2006**. If a request to hold a conference is received by the ACCC it will be held on, or before, **22 May 2006**.

Letters have been sent to interested parties inviting submissions in response to the draft notice to revoke. You are also invited to make a written submission in response to the ACCC's draft notice to revoke. Submissions should be lodged by **cob 20 April 2006**.

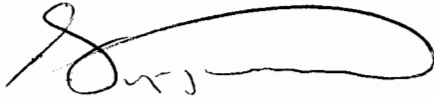


As you are aware the ACCC wrote to you on 7 March 2006 requesting further information and documents. To date we have only received a limited response. I will write to you again shortly with respect to this matter.

This letter has been placed on the ACCC's public register.

If you wish to discuss any aspect of this matter please contact Joanne Palisi on 02 6243 1323 or Hew Atkin on 02 6243 1235.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch