

Sent Wednesday 5 April 2006.



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/71
Contact Officer: Kelvin Binning
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<<Name>>

Dear <<salutation>>

**Re: James Hardie Australia Pty Ltd (James Hardie) Notification N31496
– draft notice to revoke**

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

Draft Notice

Having considered the notification and submissions from James Hardie and from interested parties, the ACCC considers that the 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 that is 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.

Next steps

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**.



You are also invited to make a written submission in response to the ACCC's draft notice to revoke. Written submissions should be lodged by **cob 20 April 2006** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on 02 6243 1211.

Any submission you make will be placed on the ACCC's Public Register. The ACCC may also place information from its public registers on the ACCC website. You may request that information you provide in a submission to the ACCC be treated as confidential and not placed on the Public Register. Information excluded from the Public Register for reasons of confidentiality will still be considered by the ACCC when reaching its decision. Guidelines for seeking confidentiality are attached for your information.

The ACCC will consider any submissions it receives, including all matters raised at the conference should one be called, before it decides whether or not to give a notice under section 93(3) of the Act revoking the notification.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact Kelvin Binning on (02) 6243 1351 or Hew Atkin on (02) 6243 1235.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch