



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/71
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17 May 2006

«Address»

Dear «Name»

Re: James Hardie Australia Pty Ltd – withdrawal of notification N31496

I refer to the notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 December 2005 by James Hardie Australia Pty Ltd (James Hardie) concerning its new distribution policy for the supply and re-supply of fibre cement products.

On 12 May 2006, James Hardie withdrew notification N31496.

The decision by James Hardie to withdraw its notification follows the release of the ACCC's Draft Notice, on 5 April 2006, proposing to revoke the notification. The ACCC formed the view that the new distribution policy would have the effect of substantially lessening competition in the market for the manufacture and supply of fibre cement products, and that it would not result in a net public benefit.

In light of the withdrawal, the ACCC will not be proceeding with its consideration of notification N31496. Legal immunity conferred by the notification ceased to be in force on 12 May 2006.

A copy of 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

