



Australian
Competition &
Consumer
Commission

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16 April 2007

Mr Peter Sanfilippo
The Franchise Lawyer
PO Box 1173
Leichhardt
NSW 2040

Dear Mr Sanfilippo

Third line forcing notification N92861 lodged by Trimplite Australia Pty Ltd

I refer to the above notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 22 March 2007. The notification has been placed on the ACCC's public register.

You have described the notified conduct as follows:

The notifying party proposes to supply or offer to supply goods or services to franchisees on condition that the franchisee acquires goods or services from suppliers nominated by Trimplite.

These goods or services include: the supply and installation of building products comprising balustrades, fencing, gates, louvres, slats, privacy screens and timber composite products and associated goods and services at commercial and residential premises.

Legal immunity conferred by notification came into force on **5 April 2007**.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

You should be aware of the recent amendments to the exclusive dealing provisions of the *Trade Practices Act 1974* (the Act) that provide an exception for third line forcing conduct engaged in by related companies. I note that the current nominated supplier is Noranse Developments Pty Ltd, a company related to Trimplite. Consequently, it would appear that there may not be third line forcing issues in the notified conduct at

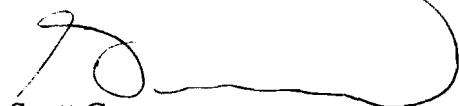


this stage. However, I note that the identity of the approved supplier may be changed in the future from Noranse to a third party unrelated to Trimlite.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Lauren Roy on (02) 6243 1354.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch