



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/1572
Contact Officer: Monica Bourke
Contact Number: 02 6243 1351

28 August 2007

Nick Taylor
Partner
Gilbert and Tobin
Level 37, 2 Park Street
Sydney NSW 2000

Dear Mr Taylor,

**FBHS (Aust) Pty Ltd and Delcon Holdings (No 11) Limited
– notifications N93081 and N93082**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 3 August 2007. The notifications have been placed on the ACCC's public register.

FBHS Australia and Delcon propose to supply:

- (i) shed design, planning, pricing and ordering software (software package);
- (ii) procurement, manufacture and supply of shed components services;

to shed distributors who have entered into a Distribution Agreement with FBHS Australia or Delcon.

A condition of the Distribution Agreement provides that FBHS Australia and Delcon:

- (i) will supply the Software Package on condition that the shed distributor purchase all shed components from a supplier nominated by FBHS Australia or Delcon; and
- (ii) will not supply the Software Package unless the shed distributor agrees to purchase all shed components from a supplier nominated by FBHS Australia or Delcon.

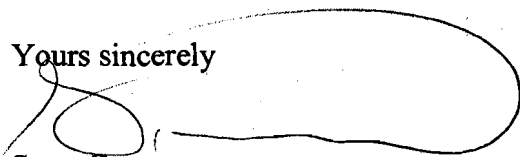
Legal immunity conferred by the notifications came into force on 17 August 2007.

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.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notifications 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.

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 do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', enclosed within a large, hand-drawn oval shape.

Scott Gregson
General Manager
Adjudication Branch