



Land of the Wurundjeri people of the Kulin Nation
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Our ref: RPN10000461
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31 August 2023

Carolyn Oddie
Partner
Allens

Sent via email: [REDACTED]; [REDACTED]

Dear Ms Oddie

Re: Graco Australia Pty Ltd resale price maintenance notification - ACCC Draft Notice

The Australian Competition and Consumer Commission (the ACCC) has released a Draft Notice in relation to the resale price maintenance (**RPM**) notification lodged by Graco Australia Pty Ltd (**Graco Australia**) on 21 March 2023 for its airless and air assisted paint sprayers, ranging from entry-level to professional trade products.

The ACCC's Draft Notice proposes to revoke the legal protection provided by Graco Australia's notification.

The ACCC's Draft Notice

As you are aware, the legal protection provided by Graco Australia's notification automatically commenced on 4 April 2023. However, Graco Australia committed not to commence the Notified Conduct until the ACCC completes its assessment of the notification.

The ACCC may revoke an RPM notification where 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.

Before revoking an RPM notification, the ACCC must issue a Draft Notice setting out its reasons for concluding that the conduct is unlikely to result in a net public benefit.

A copy of the Draft Notice is enclosed and is also available from the ACCC's [RPM notifications public register](#).

Next steps

The ACCC invites Graco Australia's views in relation to the Draft Notice. Submissions from all interested parties are requested by **22 September 2023** via this [web form](#), which is also accessible on the [RPM notifications public register](#) page.

Submissions, including any oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

The ACCC will provide Graco Australia with an opportunity to respond to any public submissions received from interested parties.

Graco Australia or an interested party dissatisfied with the Draft Notice may also request that the ACCC hold a conference to discuss the Draft Notice. Requests for the ACCC to hold a conference must be made in writing and received by the ACCC by **14 September 2023**.

Revised timetable

A revised indicative timetable for the ACCC's assessment of this matter is set out below.

Indicative date	Stage in assessment process
21 March 2023	Lodgement of notification
23 March 2023	Public consultation process begins
14 April 2023	Closing date for submissions from interested parties
4 August 2023	Graco Australia responds to issues raised in the public consultation process
31 August 2023	ACCC issues draft notice
September/October 2023	Public consultation in response to the draft notice, including a conference if requested.
October/November	ACCC final decision – either allowing the notification to stand or to revoke the notification.

If you wish to discuss any aspect of this matter, please contact Jaime Martin on 03 9290 1477 or David Hatfield on 02 6243 1266, or via email at exemptions@accc.gov.au.

Yours sincerely



Lyn Camilleri
General Manager
Competition Exemptions