

Chapter 6

Exclusive Dealing

Third Line Forcing

6.9E The Dawson recommendations that third line forcing should not be prohibited per se were not followed by the Government. Thus third line forcing remains a per se breach of s 47(1). One change that was introduced by the TPLA 2006 however, was to exclude related bodies corporate from the definition of 'other person' in the third line forcing provisions. Thus at the end of the definitions of third line forcing in s47(6), 47(7), 47(8)(c) and 47(9)(d) there has been added 'not being a body corporate related to the corporation'. 'Related' bodies corporate are defined in s 4A.