



Australian Competition & Consumer Commission

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Our Ref: C2003/660
Contact Officer: Susan Sullivan
Contact Number: 02 6243 1354

8 September 2003

Ms Marianne Robinson
Manager – Compliance Solutions
Phillips Fox
225 Elizabeth Street
SYDNEY NSW 2000

Dear Ms Robinson

Third Line Forcing Notification – Capricorn Mutual Limited (N31231)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 21 May 2003.

The notification lodged by Capricorn Mutual details a proposed arrangement whereby it proposes to offer membership services on the condition that the consumer (an automotive industry member) also obtains professional indemnity insurance from a nominated company (Capricorn Insurance New Zealand (CINZ) – a wholly owned subsidiary of Capricorn Mutual Limited).

Legal immunity provided by the notification commenced on 4 June 2003.

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 Commission 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.



A copy of this letter has been placed on the Commission's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Susan Sullivan on 02 6243 1354.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Grimwade', consisting of a stylized first name and a more fluid last name.

Tim Grimwade
General Manager
Adjudication Branch