

MinterEllison

L A W Y E R S

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To Amanda Dadd
Australian Competition & Consumer
Commission

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Our Ref SAXB 30-3888792

Date 17 November 2003

Number of pages (including this one): 3

Subject Third line forcing notification lodged by Subaru (Aust) Pty Ltd (Subaru
Australia)

Please see attached.

if you do not receive all pages please telephons +61 3 8608 2168

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MELA_820561_1 (W97)

17 November 2003

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BY FACSIMILE

Attention: Ms Amanda Dadd
Mr Tim Grimwade
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Mr Grimwade

Third Line Forcing notification lodged by Subaru (Aust) Pty Ltd (Subaru Australia)

We refer to your facsimile dated 15 October 2003, and our correspondence dated 21 October 2003 attaching Form G third line forcing notifications on behalf of Subaru Australia, General Motors Acceptance Corporation, Australia (GMAC), Interleasing (Australia) Limited and Swann Insurance (Australia) Pty Ltd.

Fourteen days has elapsed since the lodgement of the notification application with the Commission. Accordingly, the lodging parties have immunity from prosecution under the third line forcing prohibitions in respect of the notified conduct, pursuant to section 93(7A) of the *Trade Practices Act* and regulation 9(2) of the *Trade Practices Regulations*.

However, the lodging parties remain mindful of the Commission's request dated 15 October 2003 that it be kept informed of promotional activities covered by the notification as they arise.

In that context, the lodging parties wish to inform the Commission of its 2003 Impreza WRX promotion. Under this promotion, Subaru Finance (GMAC) will offer consumers a discounted rate of interest on their vehicle finance (5.99% per annum) plus a \$1,500 insurance rebate (which may be applied towards insurance with any insurer). This offer is only available to consumers through participating Subaru dealers. The participating dealers largely comprise Subaru authorised dealers who finance their inventory with Subaru Finance (GMAC), plus those who generate significant Subaru Finance retail paper (ie consumer and commercial motor vehicle finance).

The offer equates to additional value to the consumer of approximately \$2,050. This promotion is intended to commence in Sydney on 14 November 2003, and run for a period of four weeks.

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If successful, it may then be extended to other States. We have attached an example of the newspaper advertisement by which this offer is to be publicised.

The lodging parties are aware that this promotion may technically fall within the scope of the notification, to the extent that it may comprise the offer of a discount and rebate on the supply of financial services by GMAC on the condition that the consumer purchases their vehicle from a participating Subaru dealer.

Please do not hesitate to contact me or Sarah Barker of this office should you have any queries.

Yours sincerely
MINTER ELLISON



Peter George
Partner

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