



Our Ref: 225895

13 May 2004

FILE No
DOC
MARS/PRISM

Mr Tim Grimwade
Australian Competition and Consumer Commission
470 Northbourne Avenue
DICKSON ACT 2602

Dear Sir

Exclusive Dealing Notification

We act for Savings & Loans Credit Union (S.A.) Limited (*S & L*).

We enclose:

- an exclusive dealing notification by S & L under s93(1) of the Trade Practices Act;
- a cheque payable to the Commission for \$1,000, being the lodgement fee.

The notification relates to conduct which may constitute exclusive dealing under s47(6) and s47(7) of the Act.

S & L proposes offering discounts on its car loans to persons who purchase new Mitsubishi motor vehicles made in South Australia and known as Mitsubishi Veradas or Mitsubishi Magnas. S & L will not give these discount to persons who have not purchased this type of motor vehicle.

In S & L's view the likely benefit to the public will outweigh any likely detriment to the public from the proposed conduct. The likely benefit is:

- (a) consumers of these Mitsubishi motor vehicles will receive a discounted interest rate if they borrow from S & L;
- (b) competition is promoted by encouraging competitors to offer similar discounted loans;
- (c) the conduct assists the viability of the Mitsubishi car manufacturing business in South Australia by:
 - (i) potentially increasing its sales of motor vehicles; and
 - (ii) raising public awareness of the need for South Australians to support its business.

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14 MAY 2004

Kelly & Co. Lawyers • ABN 95 723 883 859



In S & L's view there is no likely detriment to the public resulting from the proposed conduct.

Please telephone us if you need any further information.

Yours faithfully
KELLY & CO

per:



STEFAN JURY

Partner

Direct Telephone: 08 8205 0889

Direct Facsimile: 08 8205 0807

Email: sjury@kellyco.com.au

**EXCLUSIVE DEALING
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or (9)(a), (b), (c) of (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) **Name of person giving notice**

Savings and Loans Credit Union (S.A.) Limited (ACN 050 419 755) (*S & L*)

(b) **Short description of business carried on by that person**

Financial Services including the provision of loans and deposit accounts to its members.

(c) **Address in Australia for service of documents on that person**

c/- Stefan Jury
Kelly & Co
Level 17, Santos House
91 King William Street
ADELAIDE SA 5000

2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates**

Loans for the purpose of purchasing motor vehicles (*Car Loan Facility*)

(b) **Description of the conduct or proposed conduct**

- (i) supply or offer to supply the Car Loan Facility at a discount of up to 1% per annum off the standard interest rates it offers for the Car Loan Facility on the condition that the person to whom S & L supplies or offers or proposes to supply the Car Loan Facility will acquire or has acquired a new motor vehicle made by Mitsubishi Motors Australia Ltd (*MMAL*) in South Australia known as a Mitsubishi Magna or Mitsubishi Verada from MMAL or a motor dealer of Mitsubishi motor vehicles.
- (ii) refuse to supply the Car Loan Facility on the basis of the discount in paragraph (a) to a person for the reason that the person has not acquired, or has not agreed to acquire a new motor vehicle described in paragraph (a) from MMAL or a motor dealer of Mitsubishi motor vehicles.

3. (a) **Class or classes of persons to which the conduct relates**

Existing and future members of S & L

(b) **Number of those persons**

(i) At present time: 170,000

(ii) Estimated within the next year: 185,000

(c) **Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses**

Not Applicable

4. **Name and address of person authorized by the person giving this notice to provide additional information in relation to this notice**

c/- Stefan Jury
Kelly & Co Lawyers
Level 17, Santos House
91 King William Street
ADELAIDE SA 5000

Dated: *13 May 2004*

Signed by/on behalf of the person giving this notice

Stefan Jury
.....
(Signature)

STEFAN MARK JURY.
.....
(Full Name)

Partner: Kelly & Co.
.....
(Description)

DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorized by the corporation to do so.
3. In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in subsection 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47(6) or (7), or paragraph 47(8)(c) or (9)(d), of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93(7a) of the Act ("the prescribed period") unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in sub-section 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.