

RIALTO TOWERS 525 COLLINS STREET MELBOURNE  
GPO BOX 769G MELBOURNE VIC 3001 AUSTRALIA  
DX 204 MELBOURNE www.minterellison.com  
TELEPHONE +61 3 8608 2000 FACSIMILE +61 3 8608 1000

31 May 2004

Mr Tim Grimwade  
General Manager - Adjudication  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Dear Sir

**Subaru (Aust) Pty Ltd - third line forcing notifications**

We refer to our conversation with Stefanee Lovett and Scott Philp on 28 May 2004 in relation to the three notifications lodged on behalf of our client Subaru (Aust) Pty Ltd (**Subaru Australia**) on 18 May 2004. We appreciate the opportunity to clarify the Commission's concerns regarding the breadth of the notified conduct.

We confirm that the conduct of Subaru Australia being notified does not contemplate an outright refusal to supply vehicle parts or accessories by Subaru Australia if the party being supplied does not acquire, or agree to acquire, the specified goods and services from a third party. Rather, Subaru Australia proposes to refuse to supply secondary value-added services, comprising discounts, allowances, rebates or credits on the primary goods, unless the acquirer agrees to acquire the primary goods or services from Subaru dealers or wholesale parts dealers authorised by Subaru Australia.

Accordingly, we confirm that we wish to delete the following from the notifications lodged on 18 May:

- paragraphs 2.1(a) and (b) from each of the covering letters; and
- clauses 2(b)(i) and (ii) from each Form G.

Subject to any objection from the Commission under section 93 of the *Trade Practices Act 1974* (Cth), we confirm that Subaru Australia proposes to engage in the notified conduct from 1 June 2004, the date 14 days from the lodgement of the notifications.

**MINTER ELLISON GROUP AND ASSOCIATED OFFICES**  
SYDNEY MELBOURNE BRISBANE CANBERRA ADELAIDE DARWIN PERTH GOLD COAST  
HONG KONG SHANGHAI BANGKOK JAKARTA SAN FRANCISCO LONDON  
AUCKLAND WELLINGTON

We look forward to hearing from you.

Yours faithfully  
**MINTER ELLISON**



Contact: Ameeet Bains Direct phone: +61 3 8608 2063 Direct fax: +61 3 8608 1084  
Email: ameeet.bains@minterellison.com  
Partner responsible: Peter George Direct phone: +61 3 8608 2634  
Our reference: PAG 30-4494204