



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2003/1419  
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22 November 2004

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Mr Peter George  
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[www.accc.gov.au](http://www.accc.gov.au)

Dear Mr George

**Third line forcing notifications lodged by Subaru (Aust) Pty Limited and related parties  
(N40609, N40610, N40611 and N40612)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 October 2003. Statutory immunity conferred by the notifications commenced on 6 November 2003.

The notified conduct is described as follows:

**N40609: Subaru (Aust) Pty Limited:**

- offering a discount in relation to the supply of Subaru vehicles: to authorised Subaru dealers (Dealers) on condition that those Dealers obtain wholesale finance from GMAC (those Dealers who obtain wholesale finance through GMAC are referred to as Wholesale Dealers); and to consumers on condition that they acquire finance from GMAC, or acquire insurance from Swann.
- refusing to offer a discount in relation to the supply of Subaru vehicles: to Dealers if those Dealers do not agree to obtain wholesale finance from GMAC; and to consumers on if they do not agree to acquire finance from GMAC, or acquire insurance from Swann.

**N40610: General Motors Acceptance Corporation Australia (GMAC):**

- offering a discounted rate of finance to consumers on condition that the consumer acquire their Subaru vehicle from a Wholesale Dealer.
- refusing to offer a discounted rate of finance to consumers who do not agree to acquire their Subaru vehicle from a Wholesale Dealer.



**N40611: Swann Insurance (Australia) Pty Ltd (Swann):**

- offering insurance services, and/or discounts/rebates on insurance services: to buyers of Subaru vehicles on condition that the consumer has acquired their Subaru vehicle from a Wholesale Dealer; and the right by Wholesale Dealers to offer insurance products to buyers of Subaru vehicles on condition that the Dealers will acquire wholesale finance from GMAC.
- refusing to offer insurance services, and/or discounts/rebates on insurance services: to buyers of Subaru vehicles who did not agree to acquire their Subaru vehicle from a Wholesale Dealer; and the right by Wholesale Dealers to offer insurance products to buyers of Subaru vehicles who do not agree to acquire wholesale finance from GMAC.

**N40612: Interleasing (Australia) Limited (Interleasing):**

- offering full service leasing services, and/or discounts on full service leasing services: to buyers of Subaru vehicles on condition that they acquire their Subaru vehicle from a Wholesale Dealer; and the right by Wholesale Dealers to offer leasing service products to buyers of Subaru vehicles on behalf of Interleasing on condition that the Wholesale Dealers will acquire wholesale finance from GMAC.
- refusing to offer full service leasing services, and/or discounts on full service leasing services to buyers of Subaru vehicles who do not agree to acquire their Subaru vehicle from a Wholesale Dealer; and the right by Wholesale Dealers to offer leasing service products to buyers of Subaru vehicles on behalf of Interleasing who do not agree to acquire wholesale finance from GMAC.

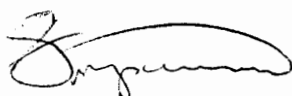
The ACCC has undertaken consultations in relation to the notification and on the basis of the information before it, the ACCC does not intend to take further action in this matter at this stage.

Please note that the ACCC may act to remove the immunity afforded by these notifications 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 ACCC's public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Liam Stewart on (02) 6243 1275.

Yours sincerely



Scott Gregson  
Acting General Manager  
Adjudication Branch