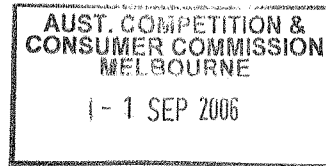


MALLESONS STEPHEN JAQUES

Regional Director
Adjudication Branch
Australian Competition and
Consumer Commission
Level 35 The Tower
360 Elizabeth Street
Melbourne Centre
Melbourne VIC 3000

1 September 2006

A Bodger
Direct line
+61 3 9643 4069



Dear Sir/Madam

GM Holden Ltd - Notification of third line forcing exclusive dealing

We act for GM Holden Ltd ("Holden").

We enclose for lodgment an exclusive dealing notification on behalf of Holden together with a cheque for the applicable lodgment fee of \$1,000.00.

Please do not hesitate to contact Amanda Bodger of this office on (03) 9643 4069 should you have any queries or comments.

Yours faithfully

Mallesons Stephen Jaques

Encls.

FILE No:
DOC:
MARS/PRISM:

COMMONWEALTH OF AUSTRALIA
TRADE PRACTICES ACT 1974 - Subsection 93(1)
EXCLUSIVE DEALING: NOTIFICATION

TO THE AUSTRALIAN COMPETITION & CONSUMER COMMISSION:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

1 (a) Name of person giving notice:

GM Holden Ltd (ABN 84 006 893 232) ("**Holden**")

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

Holden manufactures and distributes motor vehicles, engines, components and parts.

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

C/- Amanda Bodger
Mallesons Stephen Jaques
Level 50
Bourke Place
600 Bourke Street
Melbourne Vic 3000

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

Holden has a national network of retailers ("**Dealers**") who are authorised to market and sell Holden branded motor vehicles ("**Vehicles**") and related parts and accessories to end-user purchasers, and to provide services including after-sales maintenance, servicing and repair of Vehicles ("**Servicing**").

(b) Description of the conduct or proposed conduct:

Holden currently offers a customer who purchases a new Vehicle complimentary roadside assistance ("**Roadside Assistance**"). Roadside Assistance enables customers to obtain services such as emergency mechanical breakdown assistance, retrieving keys that are locked in a vehicle, battery replacement and jump-starting. Roadside Assistance is currently available for the first 36 months after the date of purchase of the new Vehicle

Holden intends to offer a customer who purchases a new Vehicle complimentary Roadside Assistance for the first 12 months after the date of purchase of the new Vehicle, and then after the first 12 months provided that, in the previous 12 months, the customer has obtained Servicing for their Vehicle in accordance with the Vehicle's scheduled Servicing requirements, as set out in the Vehicle handbook, from an authorised Dealer.

Put another way, a customer who purchases a new Vehicle will receive complimentary Roadside Assistance for the Vehicle in year 1. If that customer

wants to receive complementary Roadside Assistance in year 2, the customer must acquire Servicing in accordance with the requirements set out in the Vehicle's handbook from an authorised Dealer during year 1. If that customer wants to receive complementary Roadside Assistance in year 3, the customer must acquire Servicing in accordance with the requirements set out in the Vehicle's handbook from an authorised Dealer during year 2, and so on.

Accordingly, Holden proposes to enter into arrangements with customers pursuant to which Holden will:

- (a) supply or offer to supply Roadside Assistance in respect of a new Vehicle on the condition that the customer acquire Servicing from an authorised Dealer ; or
- (b) refuse to supply Roadside Assistance in respect of a new Vehicle for the reason that that the customer has not acquired, or has not agreed to acquire, Servicing from an authorised Dealer.

The proposed conduct will be of benefit to the public as it will:

- provide direct benefits to eligible customers who would otherwise need to pay extra to obtain similar benefits to the Roadside Assistance offer, for example by taking up membership with other motoring associations;
- potentially encourage other car servicing organisations to offer value-added services such as service programs or extended warranties (thereby promoting competition); and
- encourage the servicing of Vehicles by an authorised Dealer who has:
 - direct access to current Holden service information; and
 - access to specialised training and equipment provided to them exclusively by Holden,

which may enable the Vehicle to be serviced more effectively.

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- competition in the relevant markets is extremely vigorous and there are many competitors who provide servicing of Vehicles;
- participation in the Roadside Assistance offer will be optional. An eligible customer will always be able to choose to have their Vehicle serviced by someone other than a Dealer, and a customer servicing their Vehicle elsewhere may join third party motoring associations that offer similar benefits to the Roadside Assistance offer; and
- an eligible customer can choose from a range of authorised Dealers from which to obtain Servicing, and is not required to return to a single specific Dealer. There are currently approximately 300 Dealers in Australia.

The applicant believes that the benefits from the proposed conduct outlined above will outweigh any possible detriment considered to arise from the conduct.

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

New Holden customers from approximately 1 January 2007

(b) Number of those persons

Unknown.

(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 authorised by the person giving this notice to provide additional information in relation to this notice is:

Amanda Bodger
Mallesons Stephen Jaques
Level 50
Bourke Place
600 Bourke Street
Melbourne Vic 3000

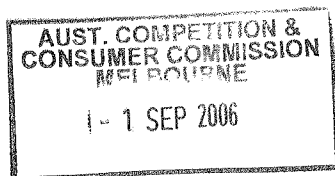
Dated: 1 September 2006

Signed on behalf of the person giving this notice:



Amanda Bodger

Solicitor



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 the 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 authorised 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 subsection 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 subsection 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 the decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 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.