



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: N41024  
Contact Officer: Margaret Abou-Rizk  
Contact Number: (03) 9290 1484

9 November 2006

David King  
EKM Legal  
Level 1  
38-40 Garden Street  
SOUTH YARRA VIC 3141

Dear Mr King

**Re: Third line forcing Notification N41024 – Nissan Motor Co. (Australia) Pty Ltd**

I refer to your letter dated 31 October 2006 in relation to the above notification. That letter has been placed on the Australian Competition and Consumer Commission's (the ACCC) public register for this matter.

Nissan Motor Co. (Australia) Pty Ltd (Nissan) lodged notification N41024 on 3 October 2006 in relation to third line forcing conduct described as follows:

Nissan proposes to offer a discount/rebate (in the form of 2 years interest free finance) in relation to the supply of new Nissan Maxima vehicles on condition that consumers acquire retail finance services from GE Automotive Financial Services for the purchase of the vehicle.

Legal immunity conferred by the notification commenced on 17 October 2006.

Your letter outlines two changes to the notified conduct:

- (i) the offer will now extend through to 31 January 2007 (rather than 31 December 2006 as previously advised); and
- (ii) the offer will no longer exclude Government, fleet and rental car purchasers.

The ACCC has noted these changes. I do not propose to make inquiries at this time in relation to the above mentioned amendments.



However, having said that, you should be aware that the notification provisions of the *Trade Practices Act 1974* (the Act) do not specifically provide for amendments to notifications once lodged. Therefore, it is not without legal doubt as to whether the immunity afforded by notification N41024 extends to cover the changes. Ultimately it is a matter for you as to whether Nissan needs to lodge a separate notification in this regard.

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 Ms Margaret Abou-Rizk on 03 9290 1484 or at [margaret.abou-rizk@acc.gov.au](mailto:margaret.abou-rizk@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Scott Gregson', written over a large, light-colored oval-shaped background.

Scott Gregson  
General Manager  
Adjudication Branch