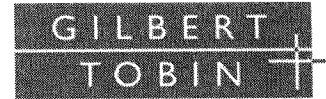


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Your ref N92848, N92849



L A W Y E R S

10 April 2007

By email

Sarah Chubb
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Dear Ms Chubb

CNH Australia Pty Ltd and CNH Capital Australia Pty Ltd – notifications N92484 and N92849

We refer to your email dated 4 April 2007 requesting further information in relation to the above notifications lodged with the Commission on 12 March 2007.

On behalf of our client, please find the responses to your questions set out below.

1 To what extent are purchasers of Case IH and New Holland tractors able to purchase genuine spare parts from dealers other than Case IH and New Holland dealers?

Genuine Case IH and New Holland tractor spare parts are available from Case IH and New Holland agricultural equipment dealers, some Case IH and New Holland construction equipment dealers and some other dealers who source genuine spare parts direct from overseas or obtain them from another supplier who imports them from overseas.

2 To what extent are purchasers of Case IH and New Holland tractors able to purchase specialist oils and lubricants (i.e. Akcela No. 1, Akcela Hy-Tran Ultra, AmbrA Mastergold and AmbrA Mastertran) from dealers other than Case IH and New Holland Dealers?

To the best of CNH Australia's knowledge, these oils and lubricants are currently only available from Case IH and New Holland dealers.

3 Are purchasers of Case IH and New Holland tractors who obtain a Standard Warranty and/or an Extended Warranty from CNH Australia, or a fully maintained lease from CNH Capital, able to have their tractors serviced by a dealer other than a Case IH or New Holland dealer without breaching their warranty or lease agreements?

In regards to the fully maintained lease, CNH Capital is responsible for the maintenance and sub-contracts a Case IH or New Holland dealer to undertake the maintenance work.

The Standard Warranty is available for tractors that are serviced by a Case IH dealer if it is a Case IH tractor, or a New Holland dealer if it is a New Holland dealer.

4 How long does the Standard Warranty offered by CNH operate for?

The Standard Warranty operates for 12 months.

By way of more general comment we note the following matters:

- CNH Australia supplies genuine spare parts and accredited oils its dealer network. CNH Australia does not have trading relationships with other dealers, such that, aside from parallel imports, these products are only available through its dealers. This is a standard commercial practice for many equipment suppliers.
- There is a large Case IH and New Holland agricultural equipment dealer network consisting of 229 different independently-owned retailers. The following table sets out the number of Case IH and New Holland dealers across Australia. Lists of dealers are publicly available on the Case IH and New Holland websites.¹

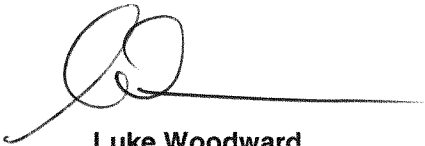
	No. of Case IH dealers	No. of New Holland dealers
NSW & ACT	31	39
Victoria	14	20
Queensland	23	27
Western Australia	21	19
South Australia	18	17
Tasmania	2	2
Northern Territory	-	2
Total	109	126

- The Standard Warranty is in addition to any applicable general law warranties under Trade Practices or Sale of Goods Act. The Standard Warranty is a 12 month warranty and if a purchaser wishes to use other parts, oils or another service and repair provider then they are free to do so, although they will not get the benefit of the Standard Warranty.
- The arrangements notified by CNH Australia are in line with other commercial practice, for example, see the Iveco Trucks Australia Pty Ltd notification (Notification N40887) lodged on 27 June 2005 and which the Commission allowed to stand.

¹ At <http://60.240.46.9/anzcomms/caseihweb/Case%20IH%20Dealer%20List.htm> for Case IH dealers and http://www.newholland.com/h4/products/products_series.asp?Req=AU&RL=ENAU&NavID=000001932511&line=00000615491 for New Holland dealers. There is limited overlap between the Case IH and New Holland dealer networks, with only six dealers across Australia belonging to both networks.

Please contact Luke Woodward on (02) 9263 4014 if you have any further queries or would like to discuss any of the above information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'LW', followed by a long horizontal line extending to the right.

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