



Australian
Competition &
Consumer
Commission

Our Ref: N92761
Contact Officer: Sharon Clancy
Contact Number: (02) 6243 1217

Faxed 16/1/07

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16 January 2007

Mr Ameet Bains
Corporate Solicitor
Toyota Motor Corporation Australia Limited
GPO Box 2006S
Melbourne VIC 3001

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By facsimile: (03) 9645 1311

Dear Mr Bains

**Third line forcing notification lodged by Toyota Motor Corporation Australia Ltd
(Toyota Australia) (N92761)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 15 January 2007. The notification has been placed on the ACCC's public register.

You have described the conduct as follows:

Body and paint repairers will receive approval and support services from Toyota Australia on the condition that they: (a) use Toyota or Lexus genuine parts, assemblies, components, materials, accessories, attachments and fluid additive where available acquired from authorised dealers (of Toyota and Lexus motor vehicles) for the repair of Toyota and Lexus vehicles, respectively; and (b) that major mechanical work required to be carried out in the course of repair is undertaken by or signed off by an authorised dealer.

In some cases a consumer may wish to have their Toyota or Lexus vehicle repaired by an approved repairer but not using genuine parts, assemblies, components, materials, accessories, attachments and fluid additive acquired from an authorised dealer. I would be grateful for your advice as to whether an approved dealer could repair the Toyota or Lexus vehicle in these circumstances. I seek your response by **24 January 2007**.

I take this opportunity to draw your attention to recent amendments to the *Trade Practices Act 1974* and Regulations that came into effect on 1 January 2007. The amendments to the regulations introduce new and revised authorisation and notification forms and fees.

While your notification, received by the ACCC on 15 January 2007 was submitted on an old form G, together with your attached submission, it would seem that all relevant information required under the revised form G has been provided. The ACCC will proceed to assess the notification.



In order to simplify fees, all third line forcing notifications now attract a fee of \$100. Accordingly, a refund cheque of \$900 will be forwarded to you.

More information, together with the revised forms, can be found on the ACCC website, www.accc.gov.au and should assist in lodging future notifications.

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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

A handwritten signature in black ink, appearing to read "S. Gregson".

Scott Gregson
General Manager
Adjudication Branch