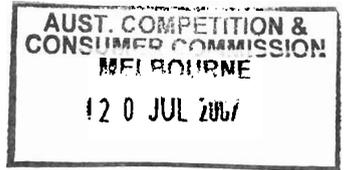


MALLESONS STEPHEN JAQUES



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

20 July 2007

A Bodger
Direct line
+61 3 9643 4069

FILE No:	
DOC:	
MARS/PRISM:	

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.

Form G
Commonwealth of Australia
Trade Practices Act 1974 - subsection 93(1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1 Applicant

(a) Name of person giving notice:

N93070

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 Notified arrangement

(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 any or all of Holden, Saab and Hummer 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 intends to offer customers who purchase a new Vehicle special deals which include a specified amount of complimentary or discounted Servicing provided that the customer uses a Dealer that is authorised to service that brand of Vehicle to perform the Servicing.

That is, for example, Holden may offer customers who purchase a new Saab vehicle complimentary or discounted Servicing, provided that the customer uses a Saab dealer to perform the Servicing.

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

- (a) supply or offer to supply complimentary or discounted Servicing on the condition that the customer will acquire Servicing from an authorised Dealer; and
- (b) refuse to supply complimentary or discounted Servicing for the reason that the customer has not acquired, or has not agreed to acquire, Servicing from an authorised Dealer.

An example of the proposed conduct is set out below:

Customers who purchase a new passenger Vehicle during certain offer periods will receive three complimentary Servicings at a Dealer, at the rate of one Servicing per year or per 15,000 kms, whichever comes first. The offer will extend to parts, labour and lubricants outlined for scheduled services in the Vehicle owner's manual but will exclude services and materials which are outside the manufacturer's service schedule.

3 Persons, or classes of persons, affected or likely to be affected by the notified conduct

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

New customers of Vehicles from approximately 4 August 2007.

- (b) Number of those persons:

- (i) At present time:

Unknown at this stage.

- (ii) Estimated within the next year:

Unknown at this stage.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable.

4 Public benefit claims

- (a) Arguments in support of notification:

- (b) Facts and evidence relied upon in support of these claims:

(Refer to direction 7)

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 these benefits from a Dealer or another service provider;
- potentially encourage other car companies to make offers of value-added services such as service programs or extended warranties (thereby promoting competition); and
- encourage the servicing of Vehicles by a Dealer who has:
 - direct access to current service information provided by Holden; 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 Servicing offer will be optional. An eligible customer will always be able to choose to have their Vehicle serviced by someone other than a Dealer or to pay the Dealer's standard charges for the service; and
- an eligible customer can choose from a range of Dealers from which to obtain Servicing, and is not required to return to a single specific Dealer, provided that their selected Dealer is authorised to service that brand of vehicle. In total, 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.

5 Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

The market for the sale of passenger vehicles to retail customers within Australia and the market for the retail servicing of passenger vehicles within Australia.

As stated above, competition in the relevant markets is extremely vigorous and there are many competitors who provide servicing of Vehicles.

6 Public detriments

(a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

(b) Facts and evidence relevant to these detriments:

The applicant does not consider there to be any public detriments resulting from the notification. Customers will be better off for the reasons noted in section 4 above.

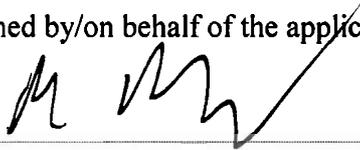
7 Further information

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

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

Dated 20 July 2007.

Signed by/on behalf of the applicant

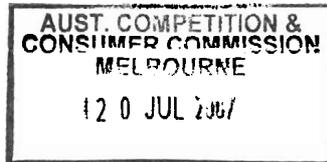


A.K. BODGER

Amanda Bodger

Mallesons Stephen Jaques

Partner



DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 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. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.