



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/23  
Contact Officer: Monica Bourke  
Contact Number: 02 6243 1351

16 January 2009

Mr Greg Hipwell  
Partner  
Deacons  
Level 15, RACV Tower  
485 Bourke Street  
Melbourne VIC 3000

Dear Mr Hipwell

### **Third line forcing notification N93732 lodged by Isuzu Australia Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 December 2008. The notification has been placed on the ACCC's public register.

Isuzu Australia Limited (IAL) has described the conduct as:

IAL intends to offer and supply engines to Dealers provided that if a customer who purchases an engine from a Dealer requests modifications to the engine, the Dealer either:

- (i) engages an Isuzu Diesel Enhancement Centre dealer (IDEC Service Provider) to make such modifications prior to delivery of the engine to the customer or
- (ii) refers the customer to an IDEC Service provider who would be able to provide such services directly to the customer.

Legal immunity conferred by the notification commenced on 7 January 2009.

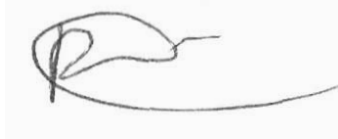
On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage. This assessment has been made on the basis that IAL will disclose all relevant terms and conditions to prospective consumers of Isuzu industrial and marine engines and who may require engine modifications.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the

public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of 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 Monica Bourke on (02) 6243 1351.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

**Dr Richard Chadwick**  
General Manager  
Adjudication Branch