



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: Trackit 41352  
Contact Officer: Yi Liu  
Contact Number: (02) 6243 9492

1/4/2010

Ms Amanda Bodger  
Mallesons Stephen Jaques  
Level 50, Bourke Place  
600 Bourke Street  
Melbourne VIC 3000

Dear Ms Bodger

**Third line forcing notification N94574 lodged by GM Holden Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 March 2010. The notification has been placed on the ACCC's public register.

GM Holden Ltd (Holden) proposes to:

- i) refuse to give or allow, or offer to give or allow, a discount, allowance, rebate or credit (in the form of a cash back) in relation to the supply or proposed supply of goods by Holden for reason that the person has not acquired, or has not agreed to acquire a membership from Netball Australia (and various State and Territory affiliates) and the Australian ANZ Championship teams (Netball Australia) or Lions Australia Mutliple District 201 (Lions Club); or
- ii) give or allow, or offer to give or allow, a dsicount, allowance, rebate or credit (in the form of a cash back) in relation to the supply or proposed supply of goods by Holden on the condition to whom Holden supplies or offers or proposes to supply the goods will acquire a membership from Netball Australia or Lions Club.

Holden proposes to offer Netball Australia and Lions Club members a \$500 (incl GST) cash back when they purchase an Eligible Motor Vehicle from a Holden Dealer and complete and return a claim from during the offer period. The offer will be available until 31 December 2010. The cash back will be paid by way of factory cash back cheque given to the customer after they have purchased their Eligible Motor Vehicle.

Legal immunity conferred by the notification will commence on 7 April 2010.

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 Holden, Netball Australia and the Lions Club will disclose all relevant terms and conditions to prospective clients.

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 Yi Liu on (02) 6243 4942.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written over a light grey rectangular background.

Dr Richard Chadwick  
General Manager  
Adjudication Branch