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## Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — 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 *Competition and Consumer Act 2010*, 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:  
*(Refer to direction 2)*

N95664

Macquarie Leasing Pty Ltd ACN 002 674 982

- (b) Short description of business carried on by that person:  
*(Refer to direction 3)*

Macquarie Leasing carries on the business of supplying finance for the acquisition of motor vehicles (among other things).

- (c) Address in Australia for service of documents on that person:

Mr Ronnie Alam  
Macquarie Leasing Pty Ltd  
Level 3  
9 Hunter Street  
Sydney 2000

### 2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

Finance for the acquisition of motor vehicles

- (b) Description of the conduct or proposed conduct:

Macquarie Leasing will, from time to time, offer to supply certain discounts, allowances, rebates and/or credits on interest rate loans and other financial services to consumers who satisfy Macquarie Leasing's lending and approval criteria (an **approved customer**) on the condition that they

purchase a specified make and/or model of motor vehicle through a motor vehicle dealer/s nominated by Macquarie Leasing (**nominated dealer**).

The discounts, allowances, rebates and/or credits may include payment free periods, discounted repayments, reduced deposits, cash back payments, discounted pay-out amounts and other financial benefits (**discounted offer**).

*(Refer to direction 4)*

**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:  
*(Refer to direction 5)*

Persons who wish to purchase a motor vehicle from a nominated dealer which is the subject of a discounted offer from Macquarie Leasing and who is an approved customer.

- (b) Number of those persons:

- (i) At present time:

Nil

- (ii) Estimated within the next year:  
*(Refer to direction 6)*

Exceeds 50

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

NA

**4. Public benefit claims**

- (a) Arguments in support of notification:  
*(Refer to direction 7)*

The proposed benefits of the described conduct include:

- i. The promotion of competition amongst financial services providers for the supply of motor vehicle finance.
- ii. Encouraging Macquarie Leasing's competitors in the motor vehicle finance space to offer competitive financial services offerings to consumers.

- iii. Intensify competition between motor vehicle dealers.
  - iv. Provide consumers with the opportunity to obtain more competitive rates on motor vehicle finance.
  - v. Approved customers will benefit from lower interest rates or other financial benefit through the acquisition of motor vehicle finance through Macquarie Leasing.
- (b) Facts and evidence relied upon in support of these claims:
- i. Competition in the relevant market is vigorous.
  - ii. There are a large number of alternative participants who compete with Macquarie Leasing in the provision of motor vehicle finance. Macquarie Leasing's competitors include all financial institutions including banks, building societies and credit unions, to which any of these consumers could readily turn.
  - iii. There are a significant number of motor vehicle dealers operating in Australia which compete vigorously for consumer sales.
  - iv. The discounted offer reduces the total amount payable against Macquarie Leasing's standard offer.

## **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):  
*(Refer to direction 8)*

Financial services market in Australia.

## **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)*

There is little or no identifiable detriment to the public resulting from the described conduct.

The conduct described will not decrease competition in the financial services market in Australia.

Macquarie Leasing is not restricting consumers' ability to select from which financier they will acquire motor vehicle finance or from which motor vehicle dealer they will acquire their motor vehicle. A consumer will still be able to select the most appropriate motor vehicle, motor vehicle dealership and motor vehicle finance to suit their individual requirements. Consumers will also still be able to acquire motor vehicles using their own cash or other finance options.

- (b) Facts and evidence relevant to these detriments:

Competition in the relevant market will continue to be vigorous.

The described conduct does not preclude a consumer from acquiring a motor vehicle from any motor vehicle dealer using any other form of finance, including that of a competing financial services provider.

Competing financial services providers are permitted to offer similar, or more competitive, offers to consumers.

The total number of consumers that could potentially be affected by the described conduct is a very small proportion of the total number of consumers that will obtain motor vehicle finance in Australia.

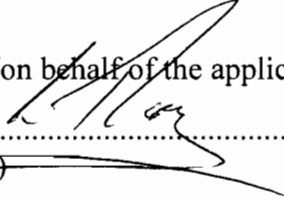
**7. Further information**

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

Mr Ronnie Alam  
Associate Director - Legal Counsel  
Macquarie Leasing Pty Ltd  
Level 3, 9 Hunter Street  
Sydney NSW 2000

Dated..... 20 DEC 2011 .....

Signed by/on behalf of the applicant

  
.....  
(Signature)

.....  
LLOYD THOMAS  
.....  
(Full Name)

.....  
MACQUARIE LEASING PTY LTD  
.....  
(Organisation)

.....  
DIRECTOR  
.....  
(Position in Organisation)



## 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 *Competition and Consumer Act 2010* 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.