

# TOYOTA

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## TOYOTA MOTOR CORPORATION AUSTRALIA LIMITED

A.C.N. 009 686 097 A.B.N. 64 009 686 097

10 August 2012

Australian Competition & Consumer Commission  
GPO Box 3131  
Canberra  
ACT 2601

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam,

### Toyota Motor Corporation Australia Limited – Exclusive Dealing Notification

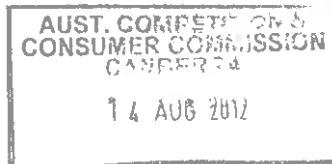
Please find enclosed a cheque for \$100 in relation to the enclosed exclusive dealing notification.

Yours faithfully  
**TOYOTA MOTOR CORPORATION AUSTRALIA LIMITED**



Eliza Morgans  
Corporate Solicitor





## 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)

N96046 Toyota Motor Corporation Australia Limited (TMCA)  
ABN 64 009 686 097

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

Manufacture, supply and distribution of motor vehicles and associated products and services including spare parts and accessories for motor vehicles.

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

General Counsel  
Legal Risk & Compliance  
Toyota Motor Corporation Australia Limited  
155 Bertie Street  
Port Melbourne  
Victoria 3207

### 2. Notified arrangement

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

The supply of Toyota branded motor vehicles, parts and accessories as well as vehicle servicing at Toyota services.

(b) Description of the conduct or proposed conduct:

TMCA will supply a \$500 Coles Myer voucher to a person who owns or has previously owned during a specified period a specific type of Toyota motor vehicle on the condition that such person:

- is sent by and receives from TMCA a flyer containing the offer;
- purchases a specific type of Toyota motor vehicle (**Promotion Vehicle**) from an authorised Toyota motor vehicle dealer during the offer period; and
- presents the flyer to the Toyota motor vehicle dealer at the time of purchasing the Promotion Vehicle.

From a technical perspective, it is possible to characterise the conduct as:

- TMCA supplying, or offering to supply, a \$500 Coles Myer voucher to an eligible person on the condition that such person acquires a specific type of Toyota motor vehicle from an authorised Toyota motor vehicle dealer; and/or
- TMCA refusing to supply or offer to supply, a \$500 Coles Myer voucher to an eligible person unless such person acquires a specific type of Toyota motor vehicle from an authorised Toyota motor vehicle dealer.

*(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 own or have previously owned a certain type of Toyota motor vehicle during a specified period will be sent a flyer containing the offer.

(b) Number of those persons:

(i) At present time:

19,849

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

Not applicable

(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:  
*(Refer to direction 7)*

Eligible persons will benefit from the proposed arrangement as they will receive a \$500 Coles Myer voucher which they can subsequently use to purchase fuel.

Furthermore, the arrangement proposed by TMCA should encourage TMCA's competitors in the relevant market to offer similar benefits which in turn should result in increased competition in the relevant market.

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

The offer proposed by TMCA will be available to existing customers who currently own or have previously owned a specific Toyota motor vehicle and who purchase a Promotion Vehicle from an authorised Toyota motor vehicle dealer. Customers remain free to purchase any brand of new or used motor vehicle (including Toyota branded motor vehicles) from authorised Toyota motor vehicle dealers or other third parties.

If an eligible person chooses to purchase a Promotion Vehicle during the offer period, the \$500 Coles Myer voucher they receive from TMCA as part of the offer is merely an ancillary benefit.

**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)*

The relevant market is the national retail market for sale of new motor vehicles, parts and accessories.

**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)*

TMCA submits that there will be no detriment to the public arising from the proposed conduct.

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

Not applicable

**7. Further information**

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

General Counsel

Legal Risk & Compliance

Toyota Motor Corporation Australia Limited

155 Bertie Street


Port Melbourne

Victoria 3207

T: (03) 9647 4307

Dated..... 10 August 2012 .....

Signed by/on behalf of the applicant

  
.....  
(Signature)

Eliza Amy Morgans  
.....  
(Full Name)

Toyota Motor Corporation Australia Limited  
(Organisation)

Corporate Solicitor  
.....  
(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.