



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: 48082  
Contact Officer: Luke Griffin  
Contact Number: 02 6243 1114

16 February 2012

Chelyn Woon  
Senior Associate  
Macpherson + Kelley

***By email: [chelyn.woon@mk.com.au](mailto:chelyn.woon@mk.com.au)***

Dear Ms Woon

**Third line forcing notification N95688 lodged by  
Capital Finance Australia Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 January 2012. The notification has been placed on the ACCC's public register.

Capital Finance Australia Limited (CFAL) proposes giving or allowing, or offering to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of financial products and services by CFAL to customers of Participating GMH Dealers on the condition that the customer will acquire GMH Vehicles directly or indirectly from Participating GMH Dealers.

CFAL also proposes to refuse to give or allow a discount, allowance, rebate or credit in relation to the supply of financial products and services by CFAL to customers for the reason that the customers have not acquired, or have not agreed to acquire, GMH Vehicles directly or indirectly from a Participating GMH Dealer.

Legal immunity conferred by the notification commenced on 10 February 2012.

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.

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.

This assessment has been made on the basis that CFAL and Participating GMH Dealers will disclose all relevant terms and conditions to prospective clients.

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 Luke Griffin on (02) 6243 1114.

Yours sincerely

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

Dr Richard Chadwick  
General Manager  
Adjudication Branch