

# Mitsubishi Motors Australian Limited (MMAL) Exclusive Dealing Notification RN10000433.

## Interested Party Response – Objection to the Notification

Email to: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

I object to this notification and request that the ACCC revoke this notification because this conduct:

1. has the purpose, effect, or likely effect of substantially lessening competition, and
2. in all the circumstances, will not result in likely public benefit which would outweigh the likely public detriment.

### ABS Automotive Background

ABS has been trading in the Australian Automotive Aftermarket for over 30 years; while our franchisees specialise in brake & clutch repair, they also perform vehicle handbook service for our retail customers

We have 30 franchisees averaging 4 employees per site; they take great pride in offering their customers an affordable alternative to the dealership for new car service, while still maintaining their statutory warranty

### MMAL Exclusive Dealing Notice

Where a purchaser chooses to service their new Mitsubishi vehicle with a non-MMAL dealer or service centre, they will lose the benefit of the 10-year warranty going forward but will retain the benefit of the five-year warranty.

Purchasers will remain able to obtain repairs (as distinct from servicing), including repairs undertaken pursuant to the consumer guarantees set out in the Australian Consumer Law, from an independent repairer or service centre without affecting the 10-year warranty.

We note that Mitsubishi will allow their customers to patronize an independent repairer for repairs – which is certainly good news, but it is very important that we point out that **a large volume of repairs are identified during the logbook service**. When we are servicing a vehicles we scan the whole vehicle for issues and faults with a scan tool. As a result we can see the parts that need to be replaced either at this service, or that will need to be replaced in the next three to six months. One of our most valued services is the advice that we give to customers about budgeting for future repairs and wear and tear. For example, it would be common for us to provide advice on the tyres: we might let a customer know that the tyres need replacing in the next three months and that the next service will require the replacement of critical brake components. That is a well-known attribute of the independent non-dealer repair section – our ability to predict future issues and assist our customers to plan and to budget for future investments in the vehicle’s safety. Our advice to customers includes the service and the cost of the critical replacement parts so that they can budget appropriately. Our point here is that if we are locked out of servicing – we will be locked out of a large volume of repair work.

Mitsubishi states that there is a public benefit because under the Notified Warranty, cars are serviced with a “high degree of care and skill” beyond the high degree of care and skill ordinarily provided by independent service providers.

This is not true – our services are delivered with care and skill and our customers have protections under consumer guarantees and ABS provide a warranty on our service and parts.

If Mitsubishi is genuinely concerned about the public benefit of ensuring a “high degree of care and skill” in servicing, it would have taken steps to ensure independent service providers such as ABS had access to Mitsubishi repair and servicing data and information.

Mitsubishi did not comply with the Voluntary Heads of Agreement to share vehicle related service data with the car owners’ repairer of choice. This claim regarding care and skill seems insincere and disingenuous.

We urge the ACCC to revoke this notification in the interests of sustaining a competitive industry and supporting consumer rights and the affordability of car service and repair.

Rob Lewis | General Manager



ABS Automotive

p: [redacted] | m: [redacted] | e: [redacted]