
From: Nigel Osborne [REDACTED]
Sent: Wednesday, 7 October 2020 8:28 PM
To: Adjudication
Subject: RN10000433– Mitsubishi Motors Australia Limited – submission

Categories: Submission

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

I am a mechanic, Business owner, and an association leader aligned with the independent Automotive workshops in Australia. We have been in business for 26 years at First Class Automotive; A European service and repair workshop in Burswood WA, we employ seven staff and we have trained over 20 apprentices.

I am against the ACCC allowing the Mitsubishi Motors Australian Limited (MMAL), submission of the exclusive dealing 10-year extended warranty, on the basis that it is not a transparent and clear offer, and the conditions are not openly disclosed to the consumer as a fair and reasonable product. There are holes in the warranty as most consumers assume the warranty covers the whole vehicle, and most consumers would not see the exclusions in the critical drive train clauses.

The warranty has disclaimers stating that only Mitsubishi service can service the vehicle, this is not only contrary to the consumers statutory rights, but it is not possible in so many circumstances, for example, remote communities do not have easily accessible dealers.

Allowing this notification to stand would open the flood gates to other Vehicle manufacturers to do the same and it would be difficult to see how the ACCC could reject other efforts to restrict consumer rights in this manner. Mitsubishi argue that they are only 7% of the market, what will the ACCC do when the other top 20 distributors, representing 90% of the market seek to do the same? Where does the ACCC draw the line and tell the car manufacturers that they should embrace open competition and stand by their products with warranties that are not conditional.

From all my 32 years' experience if a Genuine (OEM) parts fail then the consumer has the right to fit an Aftermarket part that may last longer because it is designed for use in Australia's harsh, rugged conditions and maybe even made by an Australian Manufacturer. However, the MMAL warranty does not allow for non-Mitsubishi products. It is simply not good for commerce to sanction a commercial restriction that would not allow a consumer to choose the best product at the best price – it is not in the public interest to support this notification and it should be revoked from the Exclusive Dealing register.

Yours sincerely
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