
From: Dale O'Donahoo [REDACTED]
Sent: Wednesday, 7 October 2020 1:20 PM
To: Adjudication
Cc: Michael Volikas
Subject: "RN10000433"

Categories: Submission

Thank you for the opportunity to submit feedback on the Mitsubishi 10yr warranty cover as advertised.

Harrier National are of the understanding that the conditions clearly contravene the position of Third line forcing as stated on the ACCC website

<https://www.accc.gov.au/business/anti-competitive-behaviour/exclusive-dealing>

We seek regular advice from our QC on this topic. Our understanding from the advice we have received is that when there are multiple entities involved there is a clear contravention.

Entity 1. Dealer sells car

Entity 2. Consumer purchasers

Entity 3. Manufacturer offers benefit of 5yr extension with conditions to service exclusively with selected entities

Entity 4 + Designated network service vehicles

This clearly is not an agreement between the seller and the buyer, although our own investigation suggests that the franchised dealerships have to contribute to the extended period which adds further complexity.

ACCC went to a considerable amount of effort to reduce anticompetitive behaviour by insisting new cars can be serviced at any authorised repairer.

Unless this decision has been overturned we cannot understand why ACCC would see this as complicit.

Dale O'Donahoo Chief Executive Officer



t: [REDACTED]
e: [REDACTED]
w: www.harrier.com.au