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To whom it may concern

As our company which is an active member of our Automotive Aftermarket industry it was distressing to read and see on Electronic media (Ch 9 in Melbourne) showing an MMAL dealer already selling this option. The proposal from MMAL was given media time before it was submitted to the ACCC and that their proposal flies directly in the face of the Choice of Repair campaign that was successfully argued by our industry over an extended period of time continues to show the arrogance of the Dealer market in Australia and their disregard for what is right for the consumer as against their desire to sell a car.

The exclusive dealing notification made by Mitsubishi Motors Australia Limited (MMAL) to the ACCC is of an extremely anti-competitive nature. The notification involves MMAL offering a 10-year or 200,000km (whichever occurs first) warranty to purchasers of new Mitsubishi vehicles on the condition that the purchaser exclusively acquires all scheduled services through the authorised Mitsubishi Motors dealer network.

MMAL's notification is in direct violation of the "Choice of Repairer" submission made to the ACCC and the 'consumer guarantee' rights under the Australian Consumer Law (ACL). Manufacturers adopt these monopolising marketing strategies in an attempt to confuse consumers in regard to consumer guarantees, warranties against defects and extended warranties. The consumer's freedom of choice is especially restricted when dealers and manufacturers make broad statements that consumers will 'void their warranties' or similar if they go to an independent repairer, as is the case with the MMAL notification.

To allow these practices sets a dangerous precedent that will be exploited by other manufacturers. MMAL's exclusive schedule servicing proposal is of an anti-competitive nature and will lead to the monopolization of the automotive repair industry in Australia.

The Automotive Aftermarket is an extremely competitive market with over 10,000 small business owners plus the Automotive Dealer networks all looking to get their share of the marketplace. This is great, it keeps us all on our toes and gives the consumer an opportunity to go to where they feel most comfortable to buy and service their vehicle. It is also necessary as without a group of this size there would not be enough car service options available to service the automotive population in Australia. This proposal from MMAL is an attempt to take that option away from the consumer and force them to only deal with MMAL. It would be a disaster for the consumer in Australia

This is not a well thought out marketing plan but a high-handed attempt to prevent the customer from having options. It is another way from an international company to go totally against the legislated Australian Choice of repairer program.

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