
From: Colin Macdonald [REDACTED]
Sent: Wednesday, 7 October 2020 12:55 PM
To: Adjudication
Subject: Mitsubishi Motors Australian Limited (MMAL) Exclusive Dealing Notification RN10000433.
Categories: Submission

Dear Sir/Madam

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

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

Underwood Car Care is a family owned and operated independent mechanical repair workshop, we employ 3 to 4 staff other than family (a total of 6 to 7 people generally), depending on workloads and have a varied customer base covering most manufacturer brands.

We find that our customers are very often confused by the current regulations as to where they stand with regard to warranty when they go to purchase a new vehicle, we have had a number of long term customers that have purchased new vehicles and then come in to see us to let us know that as a part of the purchase they **must** take their new vehicle back to the OEM dealer for servicing for a period of time and that they will be back once the mandatory period that the OEM dealer **must** complete the servicing on their new vehicle is up.

As a member of the AAAA and a Ryco filter user, we keep copies of their detailed description of warranty obligations detailing basically, provided you have your vehicle serviced professionally using quality parts and correct/approved grades of oil, having your new vehicle serviced by another repairer rather than the OEM dealer will not in fact void their warranty.

Unfortunately we find many of our customers even after reading this material are still concerned that "the dealer" told them that they risk their warranty being void if they use anyone other than the OEM dealer to conduct their regular servicing.

Over the years we have had a number of instances where customers have brought their vehicle in for servicing with us and during the course of the service we have identified potential warranty issues, we always bring these items to the owners attention and advise they contact the OEM dealer concerned to have the item checked and rectified.

A number of times we have needed to communicate directly with the OEM dealer to assist our customer to obtain the warranty repairs they were entitled to, unfortunately we have also pursued such repairs with some OEM dealer's on behalf of our customers, only to have the OEM dealer refuse repairs that appear to be warrantable repairs.

In these instances we have encouraged our customer to pursue the matter in writing with the regional office of the manufacturer concerned often resulting in a reversal of the original decision by the OEM dealer.

However, a number of our customers decide not to contact the manufacturer as they are concerned about potential conflict.

Any changes to the current system to allow the OEM dealer's to hold more sway over their customers can not be a good thing, we need competition in the motor repair industry to ensure consumers have choices **they** can make about how and where their vehicle is maintained.

One Last point, It amazes me that given the road toll, electricians, plumbers and even hair dressers need to be licensed but **anyone** can hang up a sign and start repairing today's modern complex motor vehicles with no formal qualifications or regulation.

Regards

Colin Macdonald

Proprietor

Underwood Car Care

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