
From: Powerdrive Auto [REDACTED]
Sent: Wednesday, 7 October 2020 1:29 PM
To: Adjudication
Subject: RAS Power Drive Automotive - Mitsubishi Motors Australia Limited exemption from Australian Consumer Law

Categories: Submission

To whom it may concern,

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

Interested Party Objection to the Notification

We object to this notification and request that the ACCC revoke this notification because this conduct has the purpose and likely effect of substantially lessening competition, and in all the circumstances, will not result in any public benefit which would outweigh the public detriment.

Power Drive has been operating for 20 years. We are only 2 staff. We do service and repair - more Diesel vehicles, but we do definitely service and repair all makes and models of vehicles, trucks and buses.

We have serviced Reece Plumbing vehicles for 18 years covering 40 stores across Melbourne. We service their Utes, Cars and Trucks. We were originally approached by Reece Plumbing 18 years ago to service the local Reece Plumbing store as the servicing from the dealer was leaving their vehicles off the road due to dealers not completing log book services. Over the many years we have had vehicles towed to us after being serviced at dealers for minor things like no power due to air filters not being replaced, to major repairs of wheels coming off due to wheel bearings not being serviced at correct intervals.

We offer all our customers a choice of car company branded, independent and reconditioned parts and are happy to use any of these parts for our customers on their requests as we have done for 18 years with Reece Plumbing. We use dealer parts on Reece Plumbing vehicles under warranty and then we use independent parts when the vehicles are out of warranty at Reece Plumbing's request.

We have had a number of customers come to us since October 2019 for help with their vehicles after contacting the vehicle dealers and not getting the right response or assistance from them. I would like to recount a few examples of how important we are to supporting consumer rights and vehicle safety:

1. We had a customer bring their vehicle to us with a leaking water pump. The vehicle was still under manufacturer's warranty but the dealer could not assist the customer for over a month. The customer came to us due to word of mouth from a friend and the customer paid us to replace their leaking water pump.
2. We had a customer come to us with transmission problems. The dealer had told the customer that the vehicle was out of warranty and they could not help the customer. We did some research online and found that 2011 vehicles with this transmission concern were to have the transmission replaced regardless of the year of vehicle as it was a known fault with the vehicle. The customer returned to the dealer with the internet printout we gave the customer. The dealer then told the customer the vehicle was not safe to drive. The dealer did replace the transmission at the dealer's cost, but it took the dealer 3 months.
3. We had another customer come to us through word of mouth as she had a very strange noise coming from under her vehicle after a repair to the vehicles transfer case was done at a dealer. The customer did contact the dealer first, but they told her they could not look at

the vehicle for a month. We told the customer she could come in and we would have a quick look under the vehicle just to make sure the vehicle was still safe to drive. We put the vehicle on the hoist to find that 5 out of the 6 tail shaft mounting bolts were missing and the last bolt left was just hanging on by a thread. These mounting bolts were at the front of the tail shaft where it mounts to the transfer case. If the last bolt had of fallen out the tail shaft the tail shaft would have dropped and dug into the road possibly causing the vehicle to flip depending on the speed the customer was travelling at the time. The customer contacted the dealer from our workshop and the dealer suggested she drive the vehicle to them. We suggested she should not drive the vehicle as we had no replacement bolts to use. We contacted a tow truck and organized to tow her vehicle to the dealer. The dealer had her vehicle for over a month to repair their mistake.

Our point here is that we offer a very important service and because the customer currently still has a choice and alternatives, we keep the dealer network honest and competitive. If you approve this exclusive dealing notification – many more car brands will follow and our future will be in doubt. If we are not here, the customer does not have a choice and the price of car maintenance will increase and in our view, the safety of our roads will decrease.

Please do not sanction this request by Mitsubishi to exclusively cut out the independent repairer – we pick up many of these issues when we service the car, that's when the majority of faults are found – this notification will deny us the opportunity to do that and it will threaten our future as an industry.

Regards

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