



**Australian
Competition &
Consumer
Commission**

Our Ref: N92986-N93047
Contact Officer: Ilona Balint
Contact Number: (02) 6243 1113

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5 July 2007

Mr Stefan Jury
Partner
Kelly & Co Lawyers
GPO Box 286
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Dear Mr Jury,

Notifications N92986-N93047 lodged by Darius Wilbik and Ors.

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 25 and 29 June 2007. The notifications have been placed on the ACCC's public register.

Darius Wilbik and Ors have described the conduct as follows:

The Pharmacist supplying or offering to supply Non Prescription Goods at a discount of 20% off its normal retail price on the condition that the person to whom the Pharmacist supplies or offers or proposes to supply Non Prescription Goods is a member of Health Partners and elects to contribute to its "Extras" tables for ancillary health services.

The Pharmacist refusing to supply Non Prescription Goods at a discount of 20% off its normal retail price, for the reason that the person is not or has not agreed to become a Health Partners Extras Member.

Legal immunity conferred by the notifications will come into force on 9 and 13 July 2007 respectively.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Ilona Balint on (02) 6243 1113.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch