



**Australian
Competition &
Consumer
Commission**

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Our Ref: 36339
Contact Officer: Simon Mitchell
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13 February 2009

Mark Fitzgerald
Solicitor General
Guild Lawyers
5 Burwood Rd
Hawthorn VIC 3122

Dear Mr Fitzgerald

**Third line forcing notification N93749 lodged by
ProVision Eye Care Pty Ltd (ProVision)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 January 2009. The notification has been placed on the ACCC's public register.

ProVision proposes to offer current members access to product prices and agreements negotiated by ProVision with preferred suppliers for the provision of eye care and healthcare products, services and support on condition that the members:

- join ProVision's Comprehensive Program and agree to comply with the respective Terms and Conditions. One of the conditions is that program members must purchase at least 75 per cent of their eye care and healthcare product and service needs from the preferred suppliers and
- pay the requisite joining fee and monthly service fees.

Legal immunity conferred by the notification commenced on 3 February 2009.

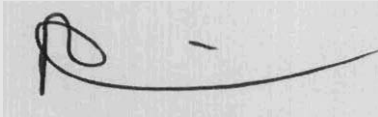
On the basis of the information that you have provided, it is not intended that further action be taken in relation to this notification at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this 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.

This assessment has been made on the basis that ProVision will disclose all relevant terms and conditions to current and prospective members of the Comprehensive Program.

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 Simon Mitchell on 03 9290 6909.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch