



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/1904  
Contact Officer: Jessica Buik  
Contact Number: 02 6243 4940

4 December 2009

Mr Colin Kangisser  
Chief Executive Officer  
Health Eyewear Pty Ltd  
Suite 4/16-18 Malvern Ave  
CHATSWOOD NSW 2067

CC Ms Emma Zipper, General Counsel & Company Secretary, Bupa Australia Group

Dear Mr Kangisser

**Third line forcing notification N94326 lodged by Health Eyewear Pty Ltd ABN 24  
126 819 154**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 19 November 2009. The notification has been placed on the ACCC's public register.

Health Eyewear Pty Ltd proposes to offer customers discounts on its products on condition the customer has private health insurance with Bupa Australia Pty Ltd or MBF Australia Pty Ltd, trading as MBF, HBA and Mutual Community.

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

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.

This assessment has been made on the basis that Health Eyewear Pty Ltd will disclose all relevant terms and conditions to prospective customers.

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 Jessica Buik on (02) 6243 4940.

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