



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

Our Ref: C2011/41
Contact Officer: Pamela Cue
Contact Number: (02) 6243 1066

27 January 2011

Tony Wojciechowski
General Manager – Retail Operations
Friendly Society Medical Association Limited
52 Gawler Place
Adelaide SA 5000

cc: Emma Zipper
General Counsel & Company Secretary
Bupa Australia Group
600 Glenferrie Road
Hawthorn VIC 3122

Dear Mr Wojciechowski

Third line forcing notification N95227 lodged by Bupa Australia Pty Ltd on behalf of Friendly Society Medical Association Limited

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 December 2010. The notification has been placed on the ACCC's public register.

Friendly Society Medical Association Limited (trading as National Pharmacies Optical) proposes to offer a discount when supplying products to members of Bupa Australia Pty Ltd (trading as MBF, HBA and Mutual Community). That is, those classes of persons who have a health insurance policy with Bupa Australia Pty Ltd.

Legal immunity conferred by the notification commenced on 7 January 2011.

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 Friendly Society Medical Association Limited and Bupa Australia Pty Ltd will disclose all relevant terms and conditions to prospective clients.

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 Pamela Cue on (02) 6243 1066.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a long horizontal stroke that tapers to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch