



**Australian
Competition &
Consumer
Commission**

Our Ref: 49423
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9 August 2012

Dr Stretch Kontelj OAM
Legal Director
Specsavers Pty Ltd
520 Graham Street
Port Melbourne VIC 3207

Dear Dr Kontelj

Third line forcing notification N96038 lodged by Specsavers Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 2 August 2012. The notification has been placed on the ACCC's public register.

Specsavers Pty Ltd (Specsavers) proposes to offer a discount on Lens Extras, including ultra clear coating, Transitions lenses, driving tints, Polaroid lens and upgrades to elite and tailor made multifocal lenses to members of Medibank Private, BUPA, HBF, NIB, HCF and St. Lukeshealth. In particular, for a limited period, namely from 1 November 2012 to 31 December 2012, Specsavers will offer these members 25% discount on Lens Extras purchased.

Legal immunity conferred by the notification will commence on 16 August 2012.

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 Specsavers will disclose all relevant terms and conditions to prospective clients. Please note that the notifications do not provide immunity from legal action under the *Competition and Consumer Act 2010* (the Act) for false, misleading or deceptive conduct. It

is a matter for you to obtain your own legal advice about whether the promotion gives rise to potential breaches of other parts of the Act.

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 Garth Layton on (02) 6243 1274.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch