



Australian  
Competition &  
Consumer  
Commission

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16 May 2013

Mr Nick Maplestone  
Legal Counsel  
Medibank Private Ltd

By email: [nick.maplestone@medibank.com.au](mailto:nick.maplestone@medibank.com.au)

Dear Mr Maplestone

### **Third line forcing notification N96735 lodged by Medibank Private Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 14 May 2013. The notification has been placed on the ACCC's public register.

Medibank Private Limited (**Medibank**) proposes to offer Flybuys loyalty program services and benefits to customers on condition they become Flybuys members and acquire certain items from Coles supermarkets.

Flybuys is a loyalty program run by Loyalty Pacific Pty Ltd (**Loyalty Pacific**) under which members of the program receive points for acquiring goods or services from participating retailers. The Flybuys services and benefits to be supplied by Loyalty Pacific on behalf of Medibank will include awarding loyalty points to members related to eligible transactions and facilitating the supply of rewards to members (particularly retail goods and services). The Medibank health cover members will be able to redeem their loyalty points from retailers participating in the Flybuys program.

Legal protection conferred by the notification will commence on 28 May 2013.

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 legal protection provided 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 Medibank and Loyalty Pacific 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 Megan Cunningham on (03) 9290 1856.

Yours sincerely

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

Dr Richard Chadwick  
General Manager  
Adjudication Branch