

Pfitzner, Laura

From: Dianne Seneviratne <Dianne.Seneviratne@bupa.com.au>
Sent: Tuesday, 2 September 2014 11:29 AM
To: Martin, Jaime
Cc: Karen Murphy; Anne Guidera
Subject: FW: New exclusive dealing notification - Bupa Australia Pty Ltd [SEC=UNCLASSIFIED]
Attachments: Guide to exclusive dealing notification.pdf

Dear Jaime

Thanks for your email below and your phone call on Friday afternoon.

Apologies for the delay in coming back to you.

In relation to the proposed conduct, Bupa considers the arrangements might contravene section 47(6) and (7) of the *Competition and Consumer Act 2010* on the basis that Bupa will only pay a benefit in respect of the particular health insurance product on the condition that the customer acquires the services from a participating Bupa Members First Network Provider.

Please see below, responses to the request for further information about the proposed conduct:

1. What are the 'listed general treatment services' to which the notification relates

The general treatment services available on this product include a set number of certain dental, physiotherapy and chiropractic services.

2. To the extent possible, please list the Bupa Members First Network Providers that are participating in the arrangements, or at least provide a general description of the types of businesses involved and whether they are located nationally.

The types of businesses involved will be dental, physiotherapy and chiropractic practices. The Bupa Members First Network is a national network.

Please let us know if any further information is required – I job share (in the office Mon, Tues, Thurs and Fri) with Anne Guidera (in the office Wed, Thurs). Karen Murphy is unfortunately out of the office sick today but hopes to be available tomorrow and will also be able to assist.

Kind regards
Dianne

Dianne Seneviratne, Legal Manager, IP, Marketing & Digital
Bupa, Level 16, 33 Exhibition Street, Melbourne, Vic, 3000
T +61 3 9937 4791 **M** +61 0427 049 502 **F** +61 3 9937 3561 **E** dianne.seneviratne@bupa.com.au
W bupa.com.au

From: Martin, Jaime [mailto:Jaime.Martin@accc.gov.au]
Sent: Friday, 29 August 2014 3:16 PM
To: Karen Murphy
Cc: Dianne Seneviratne; Philp, Susan
Subject: FW: New exclusive dealing notification - Bupa Australia Pty Ltd [SEC=UNCLASSIFIED]

Hi Karen – please see email below. My apologies for the previous error in your email address.
Regards
Jaime

Jaime Martin

Assistant Director | Adjudication

Australian Competition & Consumer Commission

Level 35 | 360 Elizabeth Street, Melbourne, 3000 | <http://www.accc.gov.au>

T: +61 03 9290 1477 | F: +61 02 6243 1211



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From: Martin, Jaime

Sent: Friday, 29 August 2014 3:10 PM

To: 'dianne.seneviratne@bupa.com.au'

Cc: 'helen.murphy@bupa.com.au'; Philp, Susan

Subject: New exclusive dealing notification - Bupa Australia Pty Ltd [SEC=UNCLASSIFIED]

Hi Dianne

As discussed earlier, the ACCC would appreciate further information to clarify our understanding of the arrangements covered by Bupa's proposed 'new youth product' notification which was received in Canberra today.

As you are aware, third line forcing involves the supply of goods and services on condition that the purchaser acquires goods and services from a particular third party.

Given Bupa's description of the arrangements at paragraph 1.4 of the supporting submission to the notification, could you please clarify why Bupa considers the arrangements might contravene section 47(6) and (7) of the *Competition and Consumer Act 2010*. Page 23 of the attached publication provides suggested formulas for describing third line forcing conduct, which might be useful.

Also, please provide the following information about the proposed conduct:

1. What are the 'listed general treatment services' to which the notification relates and
2. To the extent possible, please list the Bupa Members First Network Providers that are participating in the arrangements, or at least provide a general description of the types of businesses involved and whether they are located nationally.

Please let me know if you have any questions - I work part time (Tuesday to Friday).

Regards

Jaime

Jaime Martin

Assistant Director | Adjudication

Australian Competition & Consumer Commission

Level 35 | 360 Elizabeth Street, Melbourne, 3000 | <http://www.accc.gov.au>

T: +61 03 9290 1477 | F: +61 02 6243 1211



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