



**Australian
Competition &
Consumer
Commission**

Our Ref: 54736
Contact Officer: Nikita Harrison
Contact Number: (03) 9658 6497

GPO Box 3131
Canberra ACT 2601

23 June 2014

23 Marcus Clarke Street
Canberra ACT 2601

Stephen Giles
Partner
Norton Rose Fulbright Australia
Level 15, RACV Tower
485 Bourke Street
MELBOURNE VIC 3000

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

By email: stephen.giles@nortonrosefulbright.com

Dear Mr Giles

Third line forcing notifications N97442-N97468 lodged by HBF Health Limited & Ors

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 26 May 2014. The notifications have been placed on the ACCC's public register.

HBF Health Limited (HBF), a provider of insurance services, proposes to offer benefits to HBF Health customers on condition that HBF customers also acquire goods or services from Friendlies pharmacies.

26 Friendlies pharmacies (as identified at Attachment A) propose to offer benefits to Friendlies pharmacy customers on condition that Friendlies pharmacy customers also acquire insurance services from HBF.

Benefits include:

- 'buy one get one free' promotions on goods and services
- 'buy two get one free' promotions on goods and services
- percentage discounts on goods and services
- fixed dollar discounts on goods and services
- free goods and services
- exclusive or increased insurance benefits on health services provided by the pharmacy
- entry into competitions
- free or discounted Friendlies pharmacies membership.

Legal protection conferred by the notifications commenced on 9 June 2014.

On the basis of the information 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 notifications 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 HBF and the 26 Friendlies pharmacies 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 Nikita Harrison on (03) 9658 6497.

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

ATTACHMENT A

Parties covered by the notifications

N97442	HBF Health Limited
N97443	Ian McKenzie
N97444	Angus Hunter
N97445	Tom Golovoda
N97446	Jacinta Peta Willett
N97447	Robert Miller
N97448	Harvey N Williams
N97449	Phil Tomazin
N97450	Jeffery J Leach
N97451	Noel Laurence Fosbery
N97452	Susan Elizabeth Fosbery
N97453	Gordon Wallace Smith
N97454	Danielle Smith
N97455	Craig Nicholas Wedd
N97456	Glennard Frederick Joyce
N97457	Christian Wade Rossi
N97458	Nathan Arthur Paull
N97459	Jeremy McLernon
N97460	Sherri Satalari
N97461	Adrian Maurice Staltari
N97462	Alan Carl Hipper
N97463	Seacress Pty Ltd as trustee for The Mandurah Pharmacy Trust
N97464	Alberto Tassone
N97465	Stent Nominees Pty Ltd as trustee for the Barrington Trust
N97466	Andrew Stent
N97467	Paul Bonser
N97468	Timothy William Scott Bartlett