

**COMMONWEALTH OF AUSTRALIA**  
*Trade Practices Act 1974 – Subsections 88(1), (10) and (13)*

**AGREEMENTS AFFECTING COMPETITION:  
APPLICATION FOR AUTHORISATION**

To the Australian Competition and Consumer Commission:

Application is hereby made pursuant to subsections 88(1), (10) and (13) of the *Trade Practices Act 1974* for an authorisation:

- to make a contract or arrangement, or arrive at an understanding, a provision of which would have the purpose, or would have or might have the effect, of substantially lessening competition within the meaning of section 45 of that Act.
- to give effect to a provision of a contract, arrangement or understanding which provision has the purpose, or has or may have the effect, of substantially lessening competition within the meaning of section 45 of that Act.

1. (a) **Name of applicant**

The New South Wales Department of Health (the "**Department**").

(b) **Short description of business carried on by applicant**

The administration of the public health system in New South Wales.

(c) **Address in Australia for service of documents on the applicant**

c/- Blake Dawson Waldron Solicitors  
Grosvenor Place  
225 George Street  
SYDNEY NSW 2000

2. (a) **Brief description of contract, arrangement or understanding and, where already made, its date**

In this Application the term "Public Health Organisation" has the meaning set out in section 7 of the *Health Services Act 1997 (NSW)*.

- (a) Contracts, arrangements or understandings between each Public Health Organisation and its private inpatients that the patient's pathology service requirements will be supplied by a pathology practitioner appointed by a Public Health Organisation.

Contracts, arrangements or understandings between each Public Health Organisation, and employed senior specialists exercising the right of private practice as well as Visiting Medical Officers that such practitioners should refer pathology service requirements for private inpatients treated by them to a pathology practitioner appointed by a Public Health Organisation.

These arrangements and understandings implement Circular 89/1 "Policy on Provision of Pathology Services in Public Hospitals" issued by the Department on 4 January 1989. A copy of this circular will be annexed to a submission supporting this application.

**(b) Names and addresses of parties or proposed parties to contract, arrangement or understanding**

Central Coast Area Health Service Gosford Hospital Cnr Holden & Racecourse Roads GOSFORD NSW 2250	Northern Rivers Area Health Service PO Box 419 Hunter Street LISMORE NSW 2480 (Lismore Base Hospital)
Central Sydney Area Health Service Level 2, Building 11 67-73 Missenden Road CAMPERDOWN NSW 2050	Northern Sydney Area Health Service Main Building Executive Offices Level 4, Royal North Shore Hospital Pacific Highway ST LEONARDS NSW 2065
Far West Area Health Service 176 Thomas Street BROKEN HILL NSW 2880	South Eastern Sydney Area Health Service Primrose House Malua Street (Cnr Russell Avenue) DOLLS POINT NSW 2219
Greater Murray Health Service 73-75 Johnston Street WAGGA WAGGA NSW 2650	South Western Sydney Area Health Service Eastern Campus Liverpool Hospital LIVERPOOL NSW 2170
Hunter Area Health Service Lookout Road NEW LAMBTON HEIGHTS NSW 2305	Southern Area Health Service Level 1, City Link Plaza Building 24 Morrisett Street QUEANBEYAN ACT 2620
Illawarra Area Health Service 33 Five Islands Road PORT KEMBLA NSW 2505	Wentworth Area Health Service The Nepean Hospital Derby Street PENRITH NSW 2750
Macquarie Area Health Service 62 Windsor Parade DUBBO NSW 2830	Western Sydney Area Health Service Westmead Hospital Level 3, Dental School Cnr Darcy & Hawkesbury Road WESTMEAD NSW 2145
Mid North Coast Area Health Service "The Parsonage" Albert Street TAREE NSW 2430	Royal Alexandra Hospital for Children, known as The New Children's Hospital Cnr Hawkesbury Road and Hainsworth Street WESTMEAD NSW 2145

3.

Mid Western Area Health Service  
175 George Street  
BATHURST NSW 2795

St Vincent's Hospital Sydney Ltd in  
respect of St Vincent's Hospital  
Darlinghurst  
Victoria Street  
DARLINGHURST NSW 2000

New England Area Health Service  
Tamworth Base Hospital  
TAMWORTH NSW 2340

Other Public Health Organisations as  
defined in section 7 of the *Health Services  
Act* 1997 (NSW)

All staff specialists exercising a right of  
private practice and all VMOs providing  
services to private patients at hospitals  
and health services operated by Area  
Health Services in New South Wales

3. **Names and addresses (where known) of parties and other persons on whose behalf application is made**

Refer to parties listed in (2)(b) above.

4. **Grounds for grant of authorisation**

This information is supplied in the Supporting Submission to this Application.

(b) **Facts and contentions relied upon in support of those grounds**

This information is supplied in the Supporting Submission to this Application.

5. **Does this application deal with a matter relating to a joint venture?**

No.

6. **Name and address of person authorised by the applicant to provide additional information in relation to this application**

Peter Armitage  
Partner  
Blake Dawson Waldron Solicitors  
Grosvenor Place  
225 George Street  
SYDNEY NSW 2000

Dated *1 November*, 2000

Signed on behalf of the applicant:

*[Handwritten Signature]*  
.....  
(Signature)

*Doctor General*  
.....  
(Description)

*MICHAEL A REID*  
.....  
(Full Name)