

25 March 2002

Tim Grimwade  
General Manager  
Adjudications Branch  
Australian Competition and  
Consumer Commission  
PO Box 1199  
Dickson ACT 2602

**REGISTERED POST**

Jackie Moden  
Buteyko School For Asthma  
288 Brunswick Street  
FITZROY 3065  
Ph: 9411 4068  
Mob: 0408 175 841

FILE No:

DOC:

Dear Mr Grimwade

### Notification of Exclusive Dealing

I am a member of the Buteyko Institute of Breathing and Health (**BIBH**) and I provide education to asthma sufferers in the Buteyko Institute Method (**BIM**).

The BIBH is an international non-profit organisation committed to, among other things, the development, promotion and application of the BIM. Practitioners of the BIM aim to reduce the impact of asthma by enabling asthmatics to achieve the best possible quality of life through education and the application of the BIM. The BIM has the potential to improve the lives of millions of sufferers of asthma and reverse the existing trend of increasing diagnosis and morbidity.

In December last year, Paul O'Connell, the CEO of the BIBH, was approached by the Business Development Manager of the health fund Australian Unity (**AU**). AU proposed to publicise information about BIM courses to AU members and it was agreed that BIBH practitioners would offer BIM courses to AU members at a discounted rate.

The aim of the arrangement with AU is to increase awareness about and access to BIM courses for asthma sufferers. This will lead to the cost savings and quality of life improvements for Australian asthma sufferers that are associated with the BIM.

Please note that I have not included the particulars of the agreement with AU as it is not yet available. Despite this, I wish to notify the ACCC of the proposed arrangement at this time to ensure that the arrangement will be protected. In this regard I enclose the following:

- Notification of Exclusive Dealing (Form G) together with Attachment A;
- Key Fact Sheet in relation to the BIM; and
- A cheque for \$100 being the prescribed fee for lodging a notification by an individual.

For additional information about the BIM I direct you to the website of the BIBH ([www.bibh.org](http://www.bibh.org)).

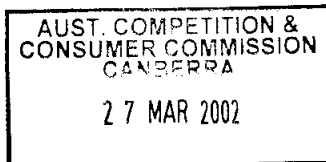
Please contact me if you have any questions.

Yours sincerely



**Jackie Moden**

Encl



# Form G

Commonwealth of Australia  
Trade Practices Act 1974 - Sub-section 93(1)  
**EXCLUSIVE DEALING  
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the Trade Practices Act 1974, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice

**Jackie Moden**

- (b) Short description of business carried on by that person

**HEALTH EDUCATION IN THE BUTEYKO INSTITUTE METHOD OF BREATHING RETRAINING**

- (c) Address in Australia for service of documents on that person

**288 Brunswick Street, FITZROY VIC. 3065**

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

**SEE ATTACHMENT A**

- (b) Description of the conduct or proposed conduct

**SEE ATTACHMENT A**

3. (a) Class or classes of persons to which the conduct relates

**AUSTRALIAN ASTHMA SUFFERERS**

- (b) Number of those persons-

(i) At present time: approx 2.5 MILLION

(ii) Estimated within the next year: approx 2.6 MILLION.

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses

4. Names and address of person authorised by the person giving this notice to provide additional information in relation to this notice PAUL O'CONNELL, PO BOX 2409, FITZROY, VIC, 3065

Dated 24 March 2002

Signed by/on behalf of the applicant giving notice

*Jackie Moden*

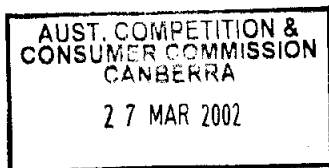
(Signature)

*JACQUELINE MODEN*

(Full Name)

*BUTEYKO PRACTITIONER*

(Description)



# ATTACHMENT A

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**2(a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

The Buteyko Institute Method (**BIM**) is a system of breathing retraining which delivers immediate and sustained improvement for people with asthma. It results in a significant reduction in, or elimination of asthma reliever and preventer medications. It also results in a significant reduction in or elimination of asthma symptoms and attacks and also the relief of other respiratory disorders.

Additional information is contained in the attached Key Fact Sheet.

**2(b) Description of the conduct or proposed conduct:**

The applicant proposes to offer BIM courses at a discount of 12% to members of the health fund Australian Unity (**AU**). The aim of the arrangement with AU is to increase awareness about and access to BIM courses for asthma sufferers. This will lead to the cost savings and quality of life improvements for Australian asthma sufferers that are associated with the BIM.

# Key Fact Sheet

## Asthma Management by the Buteyko Institute Method (BIM)

### Description

The BIM is a system of breathing retraining which delivers immediate and sustained improvement for people with asthma. It is based on the work of Professor Buteyko from Russia, and is taught by BIM Practitioners accredited by the Buteyko Institute of Breathing and Health Inc. (BIBH). The significant features of the BIM are that it is:

- Effective - over 90% of course participants come off all asthma reliever medications within one week (medical trial results published in MJA Dec 1998)
- Safe - the BIBH follows international best practice asthma medication guidelines
- Scientifically based - based on the standard medical principles of respiration, the normalisation of breathing and the Bohr Effect

### Outcomes

- Significant reduction in, or elimination of asthma reliever and preventer medications (the reduction of preventer medication is done in consultation with the client's medical practitioner)
- Significant reduction in, or elimination of asthma symptoms and attacks and also the relief of other respiratory disorders
- Increased stamina and energy levels, better work performance, improved sleep, and better management of the symptoms of stress.

### Who does the Buteyko Institute Method Help?

The BIM is suitable for children from 3 years of age and adults of any age. It is effective for people with all types and degrees of severity of asthma, as well as people with other respiratory disorders such as emphysema, sinusitis, snoring and sleep apnea.

### The Personal Cost of Asthma

Every year many people with asthma suffer respiratory infections, sore throats, physical incapacity, fatigue, time off work or school with a poor quality of life, ongoing financial expense and a deteriorating condition. Learning the BIM will provide you with the knowledge and skills to get back your health and your life.

### How do you learn the Buteyko Institute Method?

The Buteyko Institute Method is taught in courses consisting of five sessions of ninety minutes. Clients are taught how to retrain their breathing to enable them to breathe correctly when sleeping, exercising, speaking, eating, and performing all daily activities. Improvement occurs within the first 24 hours.

### About the Buteyko Institute of Breathing and Health Inc.

The Buteyko Institute of Breathing and Health Inc. (BIBH) is the professional body representing the BIM and its Practitioners throughout the world. It is a not for profit organisation committed to improving health by correcting asthma and other breathing related disorders through research, development, promotion and application of the BIM. The BIBH currently has over fifty members in over twelve countries around the world and has developed standards for both the teaching of the BIM to clients, and for the training of new BIM Practitioners.