

Allens Arthur Robinson

6 December 2005

Geoff Williams
Regional Director
Australian Competition & Consumer Commission
Level 7, Angel Place
123 Pitt Street
Sydney NSW 2000

ABN 47 702 595 758
The Chifley Tower
2 Chifley Square
Sydney NSW 2000
Australia
Tel 61 2 9230 4000
Fax 61 2 9230 5333

Correspondence
GPO Box 50
Sydney NSW 2001
DX 105 Sydney
www.aar.com.au

By Hand

FILE No:
DOC:
MARS/PRISM:

Dear Sir

Potential Third Line Forcing Conduct

We act for Medical Insurance Australia Pty Ltd (*MIA*).

We have been instructed to lodge a Form G Exclusive Dealing Notification in relation to potential third line forcing conduct by MIA under the *Trade Practices Act 1974 (Cth) (the Act)*. We enclose the notification filing fee of \$100.

MIA proposes to offer a discount on the premiums it charges for insurance for:

- non-procedural general practitioners; and
- specialists

that are contracted to work for Primary Health Care Limited and its related bodies corporate. Part of the premium discount is conditional on the insured completing a risk management education program conducted by MIA's parent company, Medical Defence Association of South Australia Ltd (the *IRM Program*). The IRM Program is provided at no cost if the insured completes a defined proportion of the IRM Program.

MIA submits that in relation to the statutory test under s93(3A), no public detriment will result from the conduct, but instead there will be clear public benefits. The offer encourages practitioners to take steps to manage risk actively. This is likely to materially raise the standard of patient care and consequentially help minimise professional indemnity claims.

If you have further queries in relation to this notification, please do not hesitate to contact me to discuss.

Yours sincerely

Fiona Crosbie
Partner
Fiona.Crosbie@aar.com.au
Tel 61 2 9230 4383

Encl

Our Ref FVCS:205272492

ejcs S0111637285v1 205272492 6.12.2005

Sydney
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FORM G

N. 31490

COMMONWEALTH OF AUSTRALIA*Trade Practices Act 1974 - Sub-section 93(1)***EXCLUSIVE DEALING:****NOTIFICATION**

To the Australian Competition & 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 proposed to engage.

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1. (a) **Name of person giving notice:**
Medical Insurance Australia Pty Ltd (ABN 99 092 709 629) (*MIA*)
- (b) **Short description of business carried on by that person:**
Insurance
- (c) **Address in Australia for service of documents on that person:**
C/- Emma Marsh
Allens Arthur Robinson,
Level 17, Chifley Tower,
2 Chifley Square
Sydney, NSW 2000
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:**
Insurance Services.
- (b) **Description of the conduct or proposed conduct:**
MIA proposes to offer a discount on the premiums it charges for insurance for:
- non-procedural general practitioners; and
 - specialists
- that are contracted to work for Primary Health Care Limited and its related bodies corporate, part of which discount is conditional on the insured completing a risk management education program conducted by MIA's parent company, Medical Defence Association of South Australia Ltd.



3. (a) **Class or classes of persons to which the conduct relates:**
Non-procedural general practitioners and Specialists contracted to work for Primary Health Care Limited.

(b) **Number of those persons:**
(i) **At the present time:**
Substantially more than 50

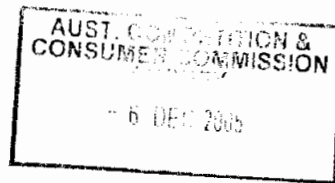
(ii) **Estimate within the next year:**
Substantially more than 50

(c) **Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:**
Not applicable

4. **Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:**

Emma Marsh
Allens Arthur Robinson
Level 17, Chifley Tower
2 Chifley Square
SYDNEY NSW 2000

Dated: 6.12.05



Signed on behalf of the person giving this notice:

Fiona Crossbie

(Signature)

.....
FIONA CROSSBIE

(Full name)

.....
PARTNER - ALLENS ARTHUR ROBINSON

(Description)