



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1573
Contact Officer: Kristy Randall
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13 October 2008

Mr Stuart Giles
Managing Partner
APHS
46 Dividend Street
Mansfield QLD 4122

Dear Mr Giles

**Exclusive dealing notifications N93592-N93594 lodged by Janene Lea Garde,
Megan Farnsworth and Bruce Heal trading as HPS Pharmacies**

The Australian Competition and Consumer Commission (the ACCC) has received a number of exclusive dealing notifications involving HPS Pharmacies (HPS). The ACCC invites your comment on the notifications. Information about the exclusive dealing notification process is attached.

Proposed conduct

The notifications were lodged on 23 September 2008 and relate to the exclusive supply of pharmaceutical products by HPS to a group of hospitals operated by Calvary Health Care Adelaide Limited.

A copy of the notifications, including a supporting submission, is enclosed.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. In particular, any answers to the following questions will assist the ACCC in its consideration of the conduct:

1. Which hospitals do you currently supply pharmaceutical products to (including the location of the hospital)?
2. Who are your competitors in the supply of pharmaceutical services to hospitals?

3. Please describe the arrangements by which pharmaceutical services are supplied to hospitals.
4. Are exclusive arrangements for the supply of pharmaceutical services to hospitals common place?
5. If there is any further information you consider would be helpful in our assessment, please include this information in your submission.

If you intend to provide a submission in relation to the Applicants' exclusive dealing notifications, please do so by **Wednesday 29 October 2008**. It would be helpful if in your submission you could provide an email address for future correspondence.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this notification.

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 Kristy Randall on (02) 6243 1061.

Yours sincerely



Joanne Palisi
Director
Adjudication Branch