

TRADE PRACTICES ACT 1974

CONSENT TO WITHDRAWAL OF SECTION 87B UNDERTAKING


BACKGROUND

1. On 25 October 2007, Symbion Health Limited ACN 004 073 410 (**Symbion**) gave, and the Australian Competition and Consumer Commission (**Commission**) accepted, an undertaking under section 87B of the *Trade Practices Act 1974* (Cth) (the **Act**) (the **Undertaking**) in relation to Healthscope Limited's (**Healthscope**) proposed acquisition of Symbion (the **proposed acquisition**).
2. On 27 November 2007, Healthscope announced it had decided not to proceed with the proposed acquisition. Symbion was subsequently acquired by Primary Health Care Limited on 28 April 2008.
3. As the proposed acquisition did not occur, the obligations contained in the Undertaking are now redundant.
4. Symbion has requested the Commission's consent to the withdrawal of the Undertaking, and the Commission gives that consent.

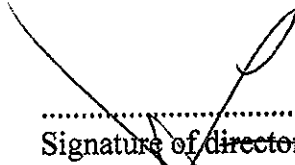
WITHDRAWAL

5. Pursuant to section 87B(2) of the Act, the Undertaking is withdrawn in its entirety, with effect on and from the date on which the Commission gives its consent to the withdrawal.

EXECUTED by SYMBION HEALTH LIMITED ACN 004 073 410 in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors:


.....
Signature of director

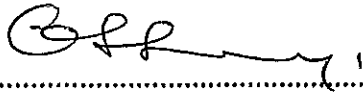
Edmund Bateman
.....
Name of director


.....
Signature of director/company secretary

Andrew DUFF
.....
Name of ~~director~~/company secretary

Dated this 25th day of MAY 2009

CONSENT given by the AUSTRALIAN COMPETITION AND CONSUMER COMMISSION pursuant to section 87B(2) of the *Trade Practices Act 1974 (Cth)*:



.....
Graeme Julian Samuel
Chairman
Australian Competition and Consumer Commission

Dated this 29th day of May 2009