

Our ref: ATH:SPE006/2  
Your ref: C2010/42

29 January 2010

Sharon Clancy  
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Australian Competition & Consumer Commission  
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Dear Sharon

**Specialist Oncology Property Limited - Exclusive dealing notification N94403**

We refer to the above mentioned notification and confirm that we act for Specialist Oncology Property Limited.

We are instructed to respond to your request for further information dated 13 January 2010 as follows:

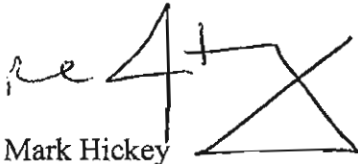
- 1 Two pharmacy groups were invited to submit proposals for the supply of pharmaceutical services, in particular chemotherapy drugs. They were chosen to tender for 2 key reasons, namely their existing facilities and expertise in North West Sydney and the cancer specialists who will be using the unit (Healthscope Limited) have experience with them and trust their clinical judgement. Both of the parties approached submitted tenders for the contract.

The lessee of the unit, Healthscope, was involved in this decision and was comfortable with these two companies being approached. Our client and Healthscope felt it would be better to build on already strong clinical relationships rather than introducing a new party with whom there was insufficient local experience.

- 2 Our client is unaware whether arrangements tying lease agreements to the supply of chemotherapy drugs is common place, however exclusive arrangements for the supply of chemotherapy drugs to oncology clinics and hospitals are common place. Given the specialised nature of this type of pharmacy and the specialised staff and infrastructure required, pharmacy supply companies prefer a defined supply period with exclusivity to ensure they obtain a return on their investment. To the best of our client's knowledge, all private chemotherapy units they are aware of have agreements in place with suppliers in the manner of the proposed agreement.

We trust this information will assist in the assessment of the notification. Please do not hesitate to contact us should you have any further questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Hickey', written over a printed name and title.

Mark Hickey  
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Accredited Specialist  
Business Law

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