



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2010/42  
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11 January 2010

*This letter, with enclosures,  
was sent to the attached  
list of interested parties.  
SC*

Dear

**Exclusive dealing notification N94403 lodged by Specialist Oncology Property Limited**

The Australian Competition and Consumer Commission (the ACCC) has received an exclusive dealing notification from Specialist Oncology Property Limited (SOPL). The ACCC invites your comment on the notification. Information about the exclusive dealing notification process is attached.

**Proposed conduct**

The notification was lodged on 30 December 2009. Under the notified conduct, SOPL will lease a chemotherapy unit located in the medical suites adjacent to Norwest Private Hospital (the Unit) to Healthscope Limited on the condition that:

- all chemotherapy drugs administered by Healthscope Limited at the Unit be obtained exclusively from McBeaths Pharmacy Westmead
- Healthscope Limited enter into a licence agreement providing for McBeaths Pharmacy Westmead to occupy an area within the leased premises.

A copy of the notification, including SOPL's 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, your answers to the following questions will assist the ACCC in its consideration of the conduct:

1. Which oncology clinics and/or hospitals do you currently supply chemotherapy drugs to? Please include the location of the hospital.
2. Who are your competitors in the supply of chemotherapy drugs to oncology clinics / hospitals?

3. Please describe the arrangements by which chemotherapy drugs are supplied to oncology clinics and/or hospitals. How do oncology clinics / hospitals select their supplier(s) of chemotherapy drugs? Are arrangements tying lease agreements to the supply of chemotherapy drugs common place? Are exclusive arrangements for the supply of chemotherapy drugs to oncology clinics / hospitals common place?

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, please do so by **Friday, 29 January 2010**.

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

Please advise of any corrections to your address details or if you do not wish to receive further correspondence from the ACCC about this matter. You may forward this letter to any other party who may wish to make a submission to the ACCC regarding the 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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

Richard Chadwick  
General Manager  
Adjudication Branch

**Notification N94403 lodged by Specialist Oncology Property Limited**

**Interested parties 11 January 2009**

APHS Pharmacies  
Capital Pharmacy Group  
HPS Pharmacies  
North Shore Private Hospital Pharmacy  
Pharmatel Fresenius Kabi Pty Ltd  
Slade Pharmacy Services  
The Wesley Pharmacy  
Westmead Private Pharmacy