



**Australian
Competition &
Consumer
Commission**

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Our Ref: N95607
Contact Officer: Clare McGinness
Contact Phone: (03) 9290 6909

28 October 2011

Dear Sir / Madam

**Exclusive dealing notification N95607 lodged by Cabrini Health Limited -
interested party consultation**

The Australian Competition and Consumer Commission (ACCC) has received an exclusive dealing notification from Cabrini Health Limited, and invites your comments on the notified conduct. Attached is a summary of the notification process, outlining the ACCC's role in assessing notifications and how to make a submission.

Cabrini Health proposes to require that any pathology services and medical imaging services for in-patients and out-patients of Cabrini Hospitals in Victoria (Malvern and Brighton) be supplied by Cabrini Pathology and Cabrini Medical Imaging, business units of Cabrini Health, and not third party pathology or medical imaging providers.

These requirements would pertain, unless the patient's medical practitioner forms the opinion that it is in the best interests of the patient for them to be referred to a third party provider. For more details please refer to the notification, which is available on the ACCC's website <www.accc.gov.au/ExclusiveDealingRegister>.

Request for submission

As a potentially interested party, the ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the exclusive dealing conduct.

If you intend to provide a submission in relation to Cabrini Health's notification, please do so by **Tuesday 15 November 2011**.

Submissions can be lodged by email to adjudication@accc.gov.au, by facsimile on (02) 6243 1211 or posted to GPO Box 3131, Canberra ACT 2601.

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

You may wish to forward this letter to any other party you think may wish to make a submission to the ACCC regarding the notification.

Timetable

The ACCC will progress its assessment of the notification in a timely manner. An indicative timetable is set out below for your information.

19 October 2011	Lodgement of notification and commencement of immunity.
28 October 2011	Public consultation process begins.
15 November 2011	Closing date for submissions from interested parties.
25 November 2011	Cabrini Health responds to issues raised in the public consultation process.
December 2011	ACCC decides to take no further action or issues a draft notice to revoke the notification
December/January	Public consultation on draft notice (if issued), including any conference if called.
February	ACCC decides to take no further action or issues a final notice revoking the immunity afforded by the notification.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Clare McGinness on (02) 9290 6909 or clare.mcginness@accc.gov.au.

Yours sincerely



Marie Dalins
Director
Adjudication Branch

**Exclusive dealing notification N95607 lodged by Cabrini Health Limited
- list of interested parties consulted on 28 October 2011**

1. Australasian Society for Ultrasound in Medicine
2. Australian Association of Pathology Practices
3. Australian Biologics Testing Services Pty Ltd
4. Australian Consumer Association
5. Australian Government Department of Health and Ageing - Private Health Insurance Branch
6. Australian Health Insurance Association Ltd
7. Australian Health Service Alliance
8. Australian Institute of Medical Scientists
9. Australian Medical Association
10. Australian Medical Association (Victoria)
11. Australian Private Hospitals Association
12. Australian Regional Health Group Ltd
13. BUPA Australia Group
14. Capitol Health
15. Consumer Action Law Centre
16. Consumer's Federation of Australia
17. Consumers Health Forum of Australia
18. HBF Insurance Pty Ltd
19. HCF - The Hospital Contribution Fund of Australia Limited
20. Health Care Complaints Commission
21. Healthscope (t/a Gribbles)
22. Hospital and Health Service Performance, State of Victoria Department of Health
23. Institute of Clinical Pathology and Medical Research
24. Insurance Australia Group
25. MDI Radiology
26. Medibank Private Limited & Australian Health Management Pty Ltd
27. MIA Victoria
28. NIB Health Funds
29. Pathology Associates (Healthbridge)
30. PathologyOne
31. Primary Health Care Limited
32. Private Health Insurance Administration Council
33. Private Health Insurance Ombudsman
34. Public Interest Advocacy Centre
35. Royal Australian and New Zealand College of Radiologists
36. Sonic Clinical Institute
37. Sonic Healthcare Limited
38. Sonic Healthcare t/a Melbourne Pathology
39. St John of God
40. St Vincent's Pathology
41. The Glen Endoscopy Centre
42. The Royal College of Pathologists of Australasia