



The Royal Australian and New Zealand  
College of Radiologists<sup>®</sup>

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The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Dear Sir / Madam

**Exclusive Dealing Notification N95607 lodged by Cabrini Health Limited**

I refer to the ACCC's letter of 28 October 2011 inviting the College to make a submission in relation to the Notification of Exclusive Dealing lodged by Cabrini Health Limited.

The College contends that a 'request' for medical imaging is a referral for a specialist medical opinion based on the referrer's assessment of the patient's needs. The referring practitioner should be able to refer to whomever he or she pleases. It also believes that there should be no actual or perceived conflict of interest in the relationship between the referrer and the provider of medical services.

The College notes that the Notification documents submitted by Cabrini Health Limited appear to make no reference to the Commonwealth Government's recent measure to allow patients to obtain medical imaging services from any accredited medical imaging provider notwithstanding the 'preference' of the referring practitioner. The College is aware that the Commonwealth legislation enacting this measure is in the final drafting stage.

Accordingly, if it has not already done so, the ACCC may wish to seek the advice of the Medical Benefits Division of the Commonwealth Department of Health and Ageing and Medicare Australia, in this regard.

Yours sincerely

Don Swinbourne  
**Chief Executive Officer**

14 November 2011