



DLA Piper Australia
140 William Street
Melbourne VIC 3000
PO Box 4301
Melbourne VIC 3001
Australia
DX 147 Melbourne
T +61 3 9274 5000
F +61 3 9274 5111
W www.dlapiper.com

Our ref: 0514125

29 November 2011

Mr Richard Chadwick
General Manager
ACCC - Adjudication Branch

Ms Clare McGinness
Senior Project Officer
ACCC - Adjudication Branch

By email

Dear Mr Chadwick & Ms McGinness

CABRINI HEALTH - EXCLUSIVE DEALING NOTIFICATION

Thank you for your letter to Cabrini Health's Simon Woods of 23 November 2011 inviting it to respond to the ACCC's request for additional information in assessing the above noted exclusive dealing notification and interested party submissions received by the ACCC.

In your letter the ACCC requests that Cabrini Health respond to the ACCC's request for further information and provide any response to the interested party submissions by COB Friday 2 December 2011.

We write on behalf of Cabrini Health to request that the ACCC grant it an extension to this time frame for the following reasons:

- We are informed that the Cabrini Health pricing information requested by the ACCC is complex. Accordingly, compiling the information that would best assist the ACCC in its assessment, in light of those interested party submissions that relate to the relative pricing of Cabrini Health's pathology and medical imaging services, is likely to require additional time;
- Given the number of issues raised by both the ACCC and the interested parties in their respective submissions, we will require additional time to liaise with Cabrini Health to address the respective issues appropriately; and

DLA Piper Australia is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of offices and regulatory information can be found at www.dlapiper.com



- To date we have only received 19 of the 25 interested party submissions that the ACCC had received and which Ms McGinness informed Fleur Gibbons of in their telephone conversation of 23 November 2011. Given that Cabrini Health is yet to receive the outstanding submissions, the provision of Cabrini Health's response to those submissions by this Friday 2 December 2011 is not feasible.

Cabrini Health further requests that the ACCC provide to us a copy of any remaining non-confidential submissions from interested parties at the earliest opportunity and in respect of the one submission we understand to be confidential, a summary of the contentions advanced in the confidential submission (that does not disclose any information of a confidential nature) so as to ensure that Cabrini Health is awarded procedural fairness, again at the earliest opportunity.

Assuming that the remaining non-confidential submissions and summary of the points advanced in the confidential submission are provided to us in a timely fashion, Cabrini Health would propose to respond to the ACCC's request for additional information and comment on the interested party submissions by **COB Friday 9 December 2011**.

If the ACCC requires any further information on the matters noted herein, please do not hesitate to contact us. In the alternative, we look forward to receiving confirmation from the ACCC that it grants the extension of time requested by Cabrini Health.

Yours sincerely

Marko Filipovic
Solicitor
Direct +61 3 9274 5349
marko.filipovic@dlapiper.com

Fleur Gibbons
Partner
Direct +61 3 9274 5840
fleur.gibbons@dlapiper.com