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06 December 2011

Dr Richard Chadwick
General Manager
ACCC - Adjudication Branch

Ms Clare McGinness
Senior Project Officer
ACCC - Adjudication Branch

By email

Dear Dr Chadwick & Ms McGinness

CABRINI HEALTH - EXCLUSIVE DEALING NOTIFICATION

We refer to your letter of 1 December 2011.

As requested, Cabrini Health (**Cabrini**) has treated its response to Question 1 as a priority.

We are instructed to respond to Question 1 of the ACCC's request for further information as follows:

- Cabrini considers that the notified conduct is consistent with the Health Insurance Act 1973 (**HIA**). Cabrini would not knowingly engage in conduct in breach of the HIA. Accordingly, Cabrini would only implement the notified conduct in a way that it considers complies with the HIA (including in relation to any future amendments to the HIA). Cabrini further considers that the intent of the HIA was not to prevent conduct such as the notified conduct namely that aimed at patient safety and quality of care;
- Cabrini has not yet engaged in the notified conduct; and
- Cabrini does not consider that the requirements of the HIA are relevant to the ACCC's consideration of this matter under the Competition and Consumer Act.

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If you have any queries please contact Marko Filipovic on (03) 9274 5349.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Leanne Hanna'.

Leanne Hanna

Special Counsel

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