



**Australian
Competition &
Consumer
Commission**

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31 July 2012

Dear Sir/Madam

**St Vincent's Health Australia & Ors application for authorisation (A91295 - A91297)
- Draft Determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by St Vincent's Health Australia & Ors (SVHA Group) on 23 March 2012. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The Applicants are seeking authorisation to engage in joint negotiations by the SVHA Group with suppliers of goods and services and also with health insurers and other funding organisations as well as limiting, preventing or restricting the supply or acquisition of goods and services by any or all of the SVHA Group. The proposed conduct also includes exclusive dealing arrangements such that the supply of goods or services at St Vincent's Private Hospital is conditional on a third person acquiring goods or services from another entity in the Group.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years. The ACCC's assessment is set out in Chapter 4 on pages 10 to 25.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **14 August 2012**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **17 August 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

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

Timetable

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

23 March 2012	Lodgement of application and supporting submission.
5 April 2012	Public consultation process begins.
3 May 2012	Closing date for submissions for interested parties
14 May 2012	Applicants respond to issues raised in the public consultation process
31 July 2012	Draft determination.
17 August 2012	Public consultation on draft determination including any conference if called.
September 2012	Final determination.

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 Anna Giannakos on (03) 9290 6920 or by email anna.giannakos@accc.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', is positioned above the printed name and title.

Gavin Jones
Director
Mergers and Adjudication Group

**A91295 - A91297 - St Vincent's Health Australia & Ors
Draft Determination - Interested Party List – 31 July 2012**

1. Abbott Australasia Pty Ltd
2. Australian Government Department of Health and Ageing
3. Australian Health Insurance Association Ltd
4. Australian Medical Association
5. Baxter Healthcare Pty Ltd
6. Boston Scientific Pty Ltd
7. BUPA Australia Group
8. Clifford Hallam Healthcare
9. Department of Health (New South Wales)
10. Department of Health (Queensland)
11. Department of Human Services (Victoria)
12. Device Technologies Australia
13. Gilead Sciences
14. HCF - The Hospital Contribution Fund of Australia Limited
15. Johnson & Johnson Pacific Pty Ltd
16. Medibank Private Limited & Australian Health Management Pty Ltd
17. Medtronic Australasia Pty Ltd
18. Smith and Nephew Surgical Pty Ltd
19. Stryker Australia Pty Ltd
20. Symbion Pharmacy Services Pty Ltd
21. The Royal College of Pathologists of Australasia
22. Tissupath
23. Tyco healthcare Pty Ltd