



**Australian  
Competition &  
Consumer  
Commission**

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12 September 2012

Dear Sir/Madam

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

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by St Vincent's Health Australia & Ors on 23 March 2012.

The Applicants (St Vincent's Health Australia Limited, the Trustees of Mary Aikenhead Ministries, The Holy Spirit Northside Hospital and St Vincent's Private Hospital Sydney) 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.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for ten years. The ACCC's assessment is set out in Chapter four of its determination.

**Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 3 October 2012. If no application to review is lodged by this date, the ACCC's determination will come into force on 4 October 2012.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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](mailto:anna.giannakos@accc.gov.au).

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick  
General Manager  
Adjudication Branch

**A91295 - A91297 - St Vincent's Health Australia & Ors  
Final Determination - Interested Party List – 12 September 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