



Australian  
Competition &  
Consumer  
Commission

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11 January 2012

Dear Sir/Madam

**Cabrini Health Limited – exclusive dealing notification N95607 withdrawn**

I refer to the exclusive dealing notification lodged by Cabrini Health Limited on 19 October 2011 in relation to conduct that may constitute exclusive dealing pursuant to subsections 47(2) and (3) of the *Competition and Consumer Act 2010* (the **Act**) (the **notification**).

In summary, Cabrini Health Limited proposed to require that any pathology services and medical imaging services to in-patients and out-patients of Cabrini Hospitals in Victoria be supplied by Cabrini Pathology and Cabrini Medical Imaging, business units of Cabrini Health, and not third party pathology or medical imaging providers.

A corporation may withdraw a notice to the ACCC at any time before the ACCC has notified the corporation that the conduct is not approved.<sup>1</sup> Once a notification has been withdrawn, a corporation may not lodge a further notification in relation to the same conduct or conduct to similar effect.<sup>2</sup>

By letter dated 6 January 2012, Cabrini Health Limited advised the ACCC that it withdrew the notification. Accordingly, the ACCC has discontinued its assessment of the notification and has closed the matter. Statutory protection conferred by the notification ceased to be in force on 6 January 2012.

The notification and all related documents will be placed on the ACCC's public register of withdrawn notifications (subject to any prior granted claims of confidentiality). If you wish to discuss any aspect of this matter, please do not hesitate to contact Clare McGinness on (03) 9290 6909 or Marie Dalins on (03) 9290 1893.

Yours sincerely

David Jones  
A/g General Manager  
Adjudication Branch

<sup>1</sup> section 93(6) of the *Competition and Consumer Act 2010*.

<sup>2</sup> section 93(10) of the *Competition and Consumer Act 2010*.

**Cabirni Health Limited – exclusive dealing notification N95602 – notification  
withdrawn - list of interested parties informed - 11 January 2012**

AMA Victoria  
Anatpath  
Australasian Society of Anatomical Pathologists  
Australian Diagnostic Imaging Association  
Australian Institute of Medical Scientists  
Bespoke Pathology Pty Ltd (TissuPath)  
BUPA Australia Group  
Consumers Federation of Australia  
Consumers Health Forum of Australia  
Department of Health  
Dr Lloyd McGuire  
Envoi Specialist Pathologists  
Focus Pathology  
Histolab Pty Ltd  
MDI Radiology  
Medibank and Australian Health Management Group (AHM)  
Nexus Pathology  
Perth Pathology  
Primary Health Care Ltd (Dorevitch Pathology)  
Private Health Insurance Ombudsman  
The Royal Australian and New Zealand College of Radiologists  
The Royal College of Pathologists of Australasia  
Uropath  
Other anonymous parties