



**Australian
Competition &
Consumer
Commission**

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21 July 2015

Peter Armitage
Partner
Ashurst

By email: peter.armitage@ashurst.com

Dear Mr Armitage

Third line forcing notifications N98092 & N98093 lodged by Sydney Local Health District and Lifehouse Australia trading as Chris O'Brien Lifehouse

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 16 January 2015. The notifications are on the ACCC's public register.

Sydney Local Health District (SLHD) and Lifehouse Australia trading as Chris O'Brien Lifehouse (Lifehouse) propose to supply, or offer to supply, the benefit of appointment as an anaesthetist at (respectively) the Royal Prince Alfred Hospital (RPAH) and Lifehouse on condition that the anaesthetist also acquires the benefit of a conjoint appointment as an anaesthetist at the other organisation for the entire duration of the appointment and complies with the RPAH's Department of Anaesthesia's requirements concerning allocation of anaesthesia lists and on-call rosters.

Legal protection conferred by the notifications commenced on 30 January 2015.

On the basis of the information that you have provided it is not intended that further action be taken in this matter at this stage.

In response to a targeted consultation process conducted by the ACCC, one party indicated that some anaesthetists had concerns about the conduct and may make submissions to the ACCC to set these out. While the ACCC has not received any submissions to date, if further information or submissions are received the ACCC may review the notifications.

In this respect, as with any notification, please note that the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that SLHD and Lifehouse will disclose all relevant terms and conditions to prospective anaesthetists.

A copy of 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 Gavin Jones on (03) 9290 1475.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication