

# Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — subsection 93 (1)*  
**NOTIFICATION OF EXCLUSIVE DEALING**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

## 1. Applicant

- (a) Name of person giving notice:  
*(Refer to direction 2)*

N98635 CC Pharmacy Management Pty Ltd ACN 1278 459 049 (“**Company**”)

- (b) Short description of business carried on by that person:  
*(Refer to direction 3)*

The Company licences to pharmacy businesses the right to operate under the name “My Medical Pharmacy” and to participate in the benefits of the network.

- (c) Address in Australia for service of documents on that person:  
Level 1, 55 Kirby Street, Rydalmere NSW 2116

## 2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

The proposed arrangement relates to the sale of pharmaceutical products in pharmacy businesses. In particular the goods can be classified as “dispensary products” and “over the counter products”. Dispensary products are pharmaceutical products which are dispensed by a pharmacy and which are only available on prescription. Over the counter products are those that are made available for sale in the pharmacy to the consumer that do not require a prescription. For the purposes of this notification, dispensary products and over the counter products will be collectively referred to as “the Pharmaceutical Products”.

- (b) Description of the conduct or proposed conduct:

The Company proposes to make it a requirement of the agreement (between the Company and each pharmacy) that the pharmacy use the following preferred suppliers of Pharmaceutical Product to the pharmacy business:

- (a) a preferred nominated wholesaler; and  
(b) a preferred generic supplier.

*(Refer to direction 4)*

**3. Persons, or classes of persons, affected or likely to be affected by the notified conduct**

- (a) Class or classes of persons to which the conduct relates:  
*(Refer to direction 5)*

The participating pharmacies in the network.

- (b) Number of those persons:

- (i) At present time:

0

- (ii) Estimated within the next year:  
*(Refer to direction 6)*

6

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable

**4. Public benefit claims**

- (a) Arguments in support of notification:  
*(Refer to direction 7)*

A restrictive supply arrangement, such as this one, that requires the network of pharmacies to purchase goods from a particular suppliers is central to the operation of a successful network. This arrangement will enable the Company, to maintain quality and consistency in each of the network outlets which is incredibly important in marketing the network and promoting a standard customer experience. In addition, the use of a preferred wholesaler and preferred generic supplier will result in efficiencies and costs savings that each network pharmacy will derive a benefit from (such as improved purchasing power leading to improved profitability) and ultimately the end consumer will benefit by way of lower everyday prices.

- (b) Facts and evidence relied upon in support of these claims:

Requiring all network pharmacies to use the same wholesaler and preferred generic supplier:

- The Company will negotiate bulk deals on behalf of the network with assurance that all network pharmacies are participating. This will lead to greater benefits derived from the contractual relationship with the preferred wholesaler and preferred generic supplier including lower prices offered to customers.
- The network pharmacy will remain responsible for ordering stock levels which are appropriate for the individual business.
- The proposed wholesaler preferred generic supplier are reputable and have been selected for the quality of their products.
- The Company receives financial benefits from the preferred suppliers in respect of this arrangement. Any prospective network pharmacy will be notified of this, prior to entering into an agreement with the Company.

## 5. **Market definition**

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):  
*(Refer to direction 8)*

The market is the sale of Pharmaceutical Products sold by a network of pharmacies to the public. Each pharmacy in Australia offers Pharmaceutical Products from which consumers can choose to purchase these products.

The network, My Medical Pharmacy represents a small proportion of the pharmacies operating within Australia.

## 6. **Public detriments**

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:  
*(Refer to direction 9)*

The Company does not consider that there is likely to be any significant detriment to the public as a result of the notification. The public should be able to take advantage of the benefits flowing from costs savings.

(b) Facts and evidence relevant to these detriments:

Not applicable.

**7. Further information**

(a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Sarah Lattimer, Level 1, 55 Kirby Street, Rydalmere NSW 2116 e: [sarah.lattimer@venturahealth.com.au](mailto:sarah.lattimer@venturahealth.com.au) p: 02 8841 8921

Dated..... 23/9/15.....

Signed by/on behalf of the applicant

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(Signature)

Mario Capanna  
CC Pharmacy Management Pty Ltd  
Sole Director/ Sole Secretary