

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)

N99719 Mr Cia Cen Lim
("Pharmacist")

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

Pharmacist
Meadows Community Pharmacy
59A Mawson Road, MEADOWS S.A. 5201

- (c) Address in Australia for service of documents on that person:

C/- Mr P Sayers
Health Partners Limited
Level 4, 101 Pirie Street
ADELAIDE SA 5000

2. Notified arrangement

(Refer to direction 4)

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

The provision by the Pharmacist of goods, other than pharmaceuticals available with a medical practitioner's prescription ("**Non Prescription Goods**").

- (b) Description of the conduct or proposed conduct:
- (i) The Pharmacist supplying or offering to supply Non Prescription Goods at a discount of 20% off its normal price on the condition that the person to whom the Pharmacist supplies or offers or proposes to supply Non Prescription Goods is a member of Health Partners and elects to contribute to its "Extras or Package" tables for general treatment health benefits services ("**Health Partners Extras or Package Members**").
 - (ii) The Pharmacist refusing to supply Non Prescription Goods at a discount of 20% off its normal price, for the reason that the person is not or has not agreed to become a Health Partners Extras or Package Member.

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)

Existing and future Health Partners Extras or Package Members.

- (b) Number of those persons:
(Refer to direction 6)

- (i) At present time:

In excess of 62,000.

- (ii) Estimated within the next year:

In excess of 62,000.

- (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)

- (i) Health Partners Extras or Package Members will receive a discount on Non Prescription Goods purchased from the Pharmacist;
 - (ii) Competition is promoted by encouraging competitors to offer similar discounts; and
 - (iii) Costs to Health Partners Extras or Package Members, who are otherwise not able to negotiate comparable discounts, are reduced.
- (b) Facts and evidence relied upon in support of these claims:

Not applicable.

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 suppliers of Non Pharmaceutical Goods in South Australia. These may be supplied by pharmacies, supermarkets and general merchants.

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)*

There is no likely detriment.

- (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:

C/- Mr P Sayers

Health Partners Limited
Level 4, 101 Pirie Street
ADELAIDE SA 5000

DATED

Signed by/on behalf of the applicant



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(Signature)

PETER SAYERS
HEALTH PARTNERS LIMITED
CHIEF FINANCIAL OFFICER