AUSTRALIAN COMPETITION & CONSUMER COMMISSION

Calvary - Holmesglen Private Hospital

MN-55010

Phase 1 Determination

Acquisition may be put into effect

28 April 2026

1. Determination and statement of reasons

Notified acquisition	Little Company of Mary Health Care Ltd (**Calvary**) proposes to acquire 100% of the assets of Holmesglen Private Hospital (**Holmesglen Private**) from Healthscope pursuant to a Business and Asset Sale Agreement (the **Acquisition**).
Determination	The Australian Competition and Consumer Commission has determined under section 51ABZE(1) of the *Competition and Consumer Act 2010* (Cth) that the Acquisition may be put into effect.
Parties to the Acquisition	The acquirer, Calvary is a not-for-profit, Catholic operator of public and private hospitals in Australia, with facilities in Victoria, New South Wales, South Australia, Tasmania, and the ACT. The target, Holmesglen Private, is a private hospital in Melbourne, Victoria which is currently operated by Healthscope. In May 2025, Healthscope's parent entities went into voluntary administration, and receivers and administrators were appointed by its lenders and the Healthscope Board respectively to conduct an orderly sale of the hospitals in its network.
Overlap and relationship between the parties	Calvary is a private and public hospital operator, and Holmesglen Private is a private hospital located in Moorabbin, Victoria. Calvary does not currently have any private hospitals in Victoria. Calvary operates one publicly-funded healthcare facility in Victoria, Calvary Health Care Bethlehem, located in the Melbourne suburb of Caulfield South, a 7km drive from Holmesglen Private. Calvary Bethlehem provides specialist healthcare services for patients with progressive neurodegenerative disease, and for palliative care more broadly. Holmesglen Private is a private hospital focused on acute medical and surgical care. Holmesglen Private does not have a palliative care unit.
Reasons for determination	When making a determination in Phase 1, the Australian Competition and Consumer Commission (**ACCC**) undertakes a competition assessment and considers whether it is appropriate for an acquisition to be approved or subject to further assessment in Phase 2 in accordance with section 51ABZJ of the *Competition and Consumer Act 2010* (Cth) (the **Act**). In doing so, the ACCC must have regard to the object of the Act and all relevant matters, including the interests of consumers. For more information about the ACCC's approach to considering notified acquisitions, see the ACCC's merger assessment guidelines and interim merger process guidelines. In conducting its competition assessment, the ACCC has considered the information and documents that were submitted with the notification form and information from third parties, including submissions expressing concerns that post-acquisition, Calvary, as a Catholic healthcare provider, is likely to discontinue the supply of some services, including certain reproductive procedures, at Holmesglen Private. The ACCC has determined that the Acquisition may be put into effect as it considers that the Acquisition is unlikely to have the

	effect of substantially lessening competition in any market. In reaching its decision, and based on the material before it, the ACCC makes the following findings. There is limited horizontal overlap between Holmesglen Private and Calvary Bethlehem, and they are not close competitors. Calvary Bethlehem is a public facility principally supplying palliative care services and treatment for progressive neurodegenerative disease, and it does not have operating theatres or provide acute care. Conversely, Holmesglen Private is a private hospital primarily providing acute medical and surgical care, and it does not have a palliative care unit. Holmesglen Private would likely continue to face competition from alternative suppliers of private hospital services in Melbourne. The ACCC considers that following the Acquisition, it is likely that Calvary, as a Catholic healthcare provider, will not provide the same breadth of services that Holmesglen Private currently provides and that certain services may not continue to be available at Holmesglen Private in the future. The ACCC has had regard to the future without the Acquisition, including the commercially likely scenarios for future ownership and operation of Holmesglen Private, and considers that the Acquisition is unlikely to have the effect of substantially lessening competition in any market.
Applications for review	A notifying party, or other person who has been allowed to do so by the Australian Competition Tribunal, may apply for review if they are dissatisfied with the determination. Pursuant to section 100C of the Act, applications for review of the determination are to be made to the Australian Competition Tribunal before the end of 14 calendar days after this statement of reasons was included on the ACCC's Acquisitions Register. To confirm whether there has been any application for review, please contact the Australian Competition Tribunal.

Determination made by a division of the Commission constituted by a direction issued pursuant to section 19 of the Act