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27/01/2022

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Dear Sir/Madam

CALMS Ltd application for revocation of authorisation A91276 and substitution of AA1000602 – interested party consultation

On 19 January 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from CALMS Ltd (**CALMS**) (revocation and substitution). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

CALMS is seeking re-authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Re-authorisation would give it legal protection from competition laws to continue to engage in the use of a 'not to exceed' fee schedule (capped fee arrangement) in the provision of after-hours primary medical care in the ACT. CALMS is seeking re-authorisation for 10 years. A full copy of the application for re-authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

CALMS has also requested interim authorisation to allow it to continue to engage in this conduct prior to the ACCC's final determination in relation to the substantive application for authorisation, given the existing authorisation expires on 20 March 2022.

Making a submission

The ACCC invites you to make a submission on the application for re-authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission, please do so by **10 February 2022**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please email your submission to exemptions@acc.gov.au, with the subject 'AA1000602 – CALMS Ltd – submission'. Alternatively, if you would like to provide comments orally, please contact Gemma Smith via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the](#)

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

[Public Register for more information on how to make a request and how we assess requests\).](#)

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
19 January 2022	Lodgement of application
27 January 2022	Public consultation process begins
10 February 2022	Closing date for submissions from interested parties on interim authorisation and substantive application
17 February 2022	Applicant responds to issues raised in public consultation process
February-March 2022	ACCC issues draft determination and makes decision regarding interim authorisation
March 2022	Public consultation on the draft determination including any conference if called.
April-May 2022	ACCC final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Gemma Smith on (03) 9290 1405 or email gemma.smith@acc.gov.au or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions

List of Interested Parties consulted

ACT Health - Community Services
AMA (ACT) Limited
Dept of Health (Cth)
Royal College of General Practitioners
ACT Health Directorate
Ochre Health
Rural Doctors Association of Australia (RDAA)
Australian College of Rural and Remote Medicine (ACRRM)
Calvary Bruce Private Hospital Limited (Trading as Calvary Bruce Private Hospital)
Calvary Private Health Care Canberra Limited (Trading as Calvary John James Hospital)
Canberra Private Hospital Pty Ltd
Healthscope Operations Pty Ltd (Trading as National Capital Private Hospital)
The Canberra Hospital
Calvary Public Hospital Bruce
University of Canberra Hospital