



Our ref: AA1000628
Contact officer: Sophie Magliano
Contact phone: 03 9658 6429

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

28/11/2022

exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Party

Application for revocation of authorisation AA1000472 and substitution of AA1000628 – interested party consultation

On 16 November 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from eRx Script Exchange Pty Ltd (**eRx**) (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.

eRx is seeking re-authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Re-authorisation would allow it to facilitate the inclusion of Symbion Pty Ltd t/a Minfos (**Minfos**), a third provider of Conformant Prescription Delivery Services (**CPDS**) in the exchange of electronic scripts. The current authorisation will expire on 30 June 2025, however eRx seeks revocation and substitution to support a rebuild of the infrastructure supporting the exchange of CPDS data to accommodate the entry of Minfos.

The parties also seek to ensure that the ongoing operational costs of the IT infrastructure necessary to facilitate the interoperability of the CPDS are shared equally between them. Those IT services will be provided by Medication Knowledge, which is jointly owned by the parent companies of the pre-existing parties to authorisation AA1000472.

Specifically, the revised authorisation will allow the parties to give effect to:

- a revenue sharing arrangement that will underpin the exchange of prescription data between the parties and will be substantially similar to the revenue sharing arrangement the subject of the authorisation AA1000472.
- the fixing, controlling or maintaining of the fees that Medication Knowledge will charge for its services to the parties.

eRx is seeking re-authorisation until 30 June 2025, which is the same term as its current authorisation.

A full copy of the application for re-authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

eRx has also requested interim authorisation to allow entry by Minfos into the market prior to the ACCC's final determination in relation to the substantive application for authorisation.

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

Submissions in relation to interim authorisation should be provided by **2 December 2022**. Extensions are not normally granted for submissions on interim authorisation.

Making a submission

The ACCC also 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 on the application for reauthorisation, please do so by **25 January 2023**. 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 'AA1000628 – eRx Script Exchange Pty Ltd – submission'. Alternatively, if you would like to provide comments orally, please contact Sophie Magliano 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 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
9 November 2022	Lodgement of application and supporting submission.
28 November 2022	Public consultation process begins.
2 December 2022	Closing date for submissions on interim authorisation.
December 2022	ACCC decision regarding interim authorisation.
25 January 2023	Closing date for submissions from interested parties.
February 2023	eRx responds to issues raised in the public consultation process.
March 2023	Draft determination.
March 2023	Public consultation on draft determination including any conference if called.
May 2023	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 Sophie Magliano on 03 9658 6429 or exemptions@acc.gov.au.

A handwritten signature in black ink, appearing to be 'Tony Hilton', written over a light grey circular stamp.

Yours sincerely
Tony Hilton
Director
Competition Exemptions

Interested Party List

Australian Association of Consultant Pharmacy
Australian College of General Practitioners
Australian College of Rural and Remote Medicine
Australian Digital Health Agency
Australian Friendly Societies Pharmacies Association
Australian Medical Association
Australian Private Hospitals Association
Catholic Health Australia Incorporated
Chemist Warehouse Group
Chemotherapy Compounding Group
Choice
Consumer Health Forum
Council on the Ageing
Department of Health (Cth)
Generic and Biosimilar Medicines Association
Health Care Consumers Association
Leading Age Services
Medical Software Industry Association
Medicines Australia
National Aboriginal Community Controlled Health Organisation
National Pharmaceutical Services Association
National Seniors Australia
Pharmaceutical Society of Australia
Pharmacy Board of Australia
Pharmacy Guild of Australia
Primary Health Networks
Professional Pharmacists Australia
Rural Doctors Association of Australia
Society of Hospital Pharmacists of Australia