

26 August 2024

Rebecca Ryan
Assistant Director
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

By email: exemptions@accc.gov.au

Dear Ms Ryan

Re: response to an anonymous submission relating to draft determination on application for revocation of AA1000638 and the substitution of authorisation AA1000669

The ACCC has received an anonymous submission in response to the draft determination.

The anonymous submission expresses views on a range of competition and consumer issues relating to the sector that are outside the scope of this authorisation.

As such, the ADA does not propose to comment on those wider issues, other than to note that:

- The ADA has itself raised wider issues relating to the impact of private health insurer (PHI) arrangements in terms of both competition in dental services and consumer harms.
- Individual authorisations (such as this authorisation or authorisations by PHIs for preferred provider arrangements) cannot fix wider issues, because the role of the ACCC in each individual authorisation is to assess whether the application meets the statutory test for authorisation.
- In the case of this authorisation, the statutory test is met, for the reasons articulated in the draft determination.

In relation to any misconception as to the role of the ADA, the ADA does not control how members set prices.

As the ADA noted in its response to the ACCC prior to the draft determination, the ADA encourages members to act in accordance with relevant legislation and regulations, and publishes guidance appropriate to its role by way of policy statements, which are publicly available online at: <https://ada.org.au/about/policies/policy-statement-index>

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me at [REDACTED].

Yours sincerely,

[REDACTED]
Eithne Irving
Chief Executive Officer (Interim)