



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1169
Contact Officer: Ilona Balint
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21 August 2008

Ms Margaret Brown
Minter Ellison
PO Box 7844
Waterfront Place
BRISBANE QLD 4001

Dear Ms Brown,

Australian Dental Association (ADA) applications for authorisation A91094 & A91095

I refer to the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 18 July 2008.

Interested party submissions

As you are aware, on 28 July 2008 the ACCC wrote to interested parties seeking submissions in relation to the applications. The ACCC requested submissions be provided by 15 August 2008.

The ACCC has received submissions from:

- Rural Dental Action Group
- Dental Practice Board of Victoria
- Centre for Oral Health Strategy, NSW and
- South Australia Health.

A copy of each of the submissions is attached. All publicly available submissions are also posted on the ACCC internet site at www.accc.gov.au.

If the ADA wishes to comment on the above submissions, please do so by **cob**
5 September 2008.

Request for further information

The ADA's applications for authorisation were lodged on Forms A and B. From this I understand the ADA wishes to seek authorisation for conduct that may be an exclusionary

provision (Form A) within the meaning of section 45 of the *Trade Practices Act 1974* in addition to conduct that may have the purpose or effect of substantially lessening competition (Form B). However, the description of the arrangement on Form A does not appear to include an exclusionary provision.

I note that you advised Mr Shane Chisholm of this office on 24 July 2008 that the following conduct which forms part of the arrangements for which authorisation is sought, may be an exclusionary provision:

The refusal of the dentists participating in a shared practice to supply services to consumers where they will not accept the agreed fee for dental services.

I would appreciate your written confirmation that this is correct. I also request that you provide a submission addressing the public benefits and detriments associated with this conduct.

I would be grateful for your response by **5 September 2008**.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Ilona Balint on (02) 6243 1113.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Chadwick', with a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication