

gordoneyesurgery

24th June 2010.

Dr. Richard Chadwick,
General Manager,
Adjudication Branch,
Australian Competition & Consumer Commission.

Dear Dr. Chadwick,

I write to you in response to your letter of 9th June 2010, with regard to Vision Group Holdings Ltd.'s application for authorisation A91217 - Draft Determination.

I represent the partners and associates in a large multi-surgeon ophthalmology clinic geographically close to the Vision Eye Institute in Chatswood and wish to comment on your draft determination and request a pre-decision conference.

Firstly, I wish to record my surprise at the lack of consultation with regard to this draft determination. My colleagues and I had no knowledge of the public consultation process that apparently began on the 7th April 2010. Although the draft determination was issued on 9th June, it has only reached me two days ago. This gives me very little time to seek professional advice.

I note the ACCC considers that on balance "the likely benefits that will result from the arrangement will outweigh any public detriments" and that the ACCC proposes to grant authorisation for five years. The main area of concern I see, is the potential for a common fee between the Vision Group Holdings group. As many of these centres are major urban centres, this may not be a great problem. However there are also rural areas involved and this could potentially impact on the fee structure for these rural areas where traditionally fees have not been as high as in large capital cities which would disadvantage those patients.

If however, the ACCC considers as in your draft determination that "any detriment that may result from adopting uniform prices is likely to be limited", I feel that the same determination should apply to our practice. Like Vision Group, we operate under a shared business structure where the ophthalmologists work as a team with shared patient records, common facilities, common policies and common procedures. We are in competition with local ophthalmology groups, including Vision Eye Institute Chatswood. We therefore are in exactly the same position as the Vision Group's practices as described paragraph 4 of your summary.

However, we have always abided by ACCC guidelines. We have three partners and a number of associates. Fee structures are determined by individual practitioners without collusion. We have differential fees for the same procedure with different people, determined often by their degree of sub-specialisation. We have different fee structures for tests between different members of our group, again based on their degree of sub-specialisation.

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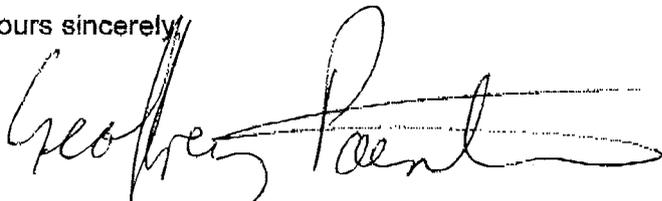
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We have always abided by the ACCC Guidelines and therefore feel that if indeed, you grant this determination for the Vision Group, we feel our group, which consists of thirteen ophthalmologists, should also be exempt. A number of large multi-doctor ophthalmology practices operate under the same model as ours and therefore, they also should be considered exempt. Taking this one step further, if ophthalmological practices of this size are considered exempt, then all medical practices of this size should also be considered exempt.

I feel this would create a significant precedent for the ACCC and would substantially alter the ACCC's ability to regulate competition within the Australian health care industry.

I therefore request the ACCC hold a pre-decision conference in relation to this draft determination, to discuss this very important and wide ranging determination. Considering the limited public consultation in the past and short time frame to respond to this draft determination, a request also that this pre-decision conference be held with sufficient preparation time for us to seek a professional opinion.

Yours sincerely,



Dr. GEOFFREY PAINTER:-

for Gordon Eye Surgery surgeons:-

Dr. Sara Booth Mason
Dr. John Grigg
Prof. Stuart Graham
Dr. Sish Lal
Dr. Karin Attebo
Dr. Nikil Kumar
Dr. Brian Chua