



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91348
Contact Officer: Gina D'Ettorre
Contact Phone: (03) 9290 1403

16 November 2012

Sent via email

Dear Sir / Madam

**eRx Script Exchange Pty Ltd application for authorisation A91348
– interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from eRx Script Exchange Pty Ltd (eRx).

The ACCC invites you to comment on the application. For further information about the authorisation process, including how to make a submission to the ACCC, please refer to the attached summary.

eRx seeks authorisation to enter into a contract which has the purpose of enabling it to make its electronic pharmaceutical prescription exchange system (PES) interoperable with MediSecure's (MDS) PES and vice versa. Clause 14 of the proposed contract, which is the subject of this application, provides that following the introduction of interoperability, eRx and MDS will share equally in the fee which is charged to a pharmacy user and the Commonwealth by the PES to which the pharmacy is connected in respect of each prescription that has originated on the PES of the other party.

Please find a copy of the application for authorisation attached to this letter. It is also available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Interim authorisation

eRx has requested interim authorisation to enable it and MDS to commence the interoperability of their respective PES' in December 2012.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefits and detriments likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Submissions in relation to interim authorisation should be provided by **Friday, 23 November 2012**.

If you intend to provide a submission in relation to the substantive application for authorisation, please do so by **Friday, 14 December 2012**.

Alternatively, if you would like to provide comments orally, please contact Ms Gina D’Ettorre on (03) 9290 1403 (or at gina.d'ettorre@accc.gov.au) to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC’s public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

13 November 2012	Lodgement of application and supporting submission, including request for interim authorisation.
16 November 2012	Public consultation process begins.
23 November 2012	Closing date for submissions from interested parties on interim authorisation.
28 November 2012	Applicant responds to issues raised by interested parties in relation to interim authorisation request.
December 2012	ACCC decision regarding interim authorisation.
14 December 2012	Closing date for submissions from interested parties on the substantive application for authorisation.
January 2013	Applicant responds to issues raised in the public consultation process.
February/March 2013	Draft determination.

March/April 2013	Public consultation on draft determination including any conference if called.
April/May 2013	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you can, please also provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Ms Gina D'Ettorre on (03) 9290 1403 (or at gina.d'ettorre@acc.gov.au) or myself on (02) 6243 1266 (or at david.hatfield@acc.gov.au).

Yours sincerely



David Hatfield
Director
Adjudication Branch

List of interested parties

Australian Medical Association
Commonwealth Department of Health and Aging
Pharmacy Guild of Australia
Rural Doctors Association of Australia
The Australian Friendly Societies Pharmacies Association
The Society of Hospital Pharmacists of Australia