

18 December 2012

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Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

**Attention: Luke Griffin (luke.griffin@acc.gov.au)**

Dear Mr Griffin

**Australian Dental Association: Authorisation applications A91340 and 491341 – Scope of application**

We refer to our letter of 15 December 2012.

As you are aware, the ADA has applied for authorisation for agreements in relation to the fees to be charged by dentists in a shared practice. This application was made by the ADA on behalf of ADA members who are general practice dentists and dental specialists, practising in a shared practice.<sup>1</sup>

The conduct for which authorisation is sought was described in the application in the following terms:

"The making of or giving effect to contracts, arrangements or understandings between two or more dentists and/or dental specialists who practise in a shared practice as to fees to be charged for dental services provided in the practice."<sup>2</sup>

It appears from the comments received from interested parties that there are concerns as to the extent to which the application seeks authorisation for conduct involving dentists who are not members of the ADA. To avoid any confusion as to scope of this application, the ADA wishes to amend the application such that authorisation is sought for:

- (a) the making of or giving effect to contracts, arrangements or understandings between two or more dentists and/or dental specialists who practise in a shared practice as to fees to be charged for dental services provided in the practice;
- (b) where at least one party to the contract, arrangement or understanding is a member of the ADA.

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<sup>1</sup> see Form A and Form B, paragraph 3(a).

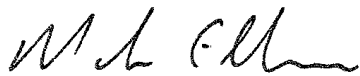
<sup>2</sup> see Form A and Form B, paragraph 2(a); also see paragraph 2.5 of the supporting submission.

The ADA notes that a party to a contract, arrangement or understanding of the type for which authorisation is sought could be a general practice dentist or dental specialist who is not a member of the ADA. The ADA seeks authorisation on the basis that section 88(6) of the *Competition and Consumer Act 2010* would extend the benefit of the authorisation (if granted) to such a person.

As noted in our earlier submissions, the ADA's membership accounts for approximately 90% of Australian dentists. The ADA believes there would be very few shared practices where none of the practitioners were members of the ADA.

If you have any questions please contact Justin Oliver on (07) 3119 6332.

Yours faithfully  
**MINTER ELLISON**



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