



**Australian
Competition &
Consumer
Commission**

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13 February 2013

Dear Sir/Madam

Australian Dental Association Inc. application for authorisation A91340 – A91341 – draft determination and interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Australian Dental Association Inc. on 29 October 2012.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

The Australian Dental Association Inc. is seeking authorisation to enable dental practitioners to reach agreements as to the fees to be charged for dental services provided within a shared practice where at least one party to the agreement is a member of the ADA.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years.

Interim authorisation

The ACCC has also decided to grant interim authorisation in respect of the application for authorisation from 1 March 2013. Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **8 March 2013**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **1 March 2013**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

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

Indicative date	Stage in assessment process
29 October 2012	Lodgement of application and supporting submission.
5 November 2012	Public consultation process begins.
13 February 2013	ACCC decision regarding interim authorisation.
13 February 2013	Draft determination.
February / March 2013	Public consultation on draft determination including any conference if called.
March / April 2013	Final determination.

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 Luke Griffin on 02 6243 1114.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch