



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2012/1047  
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13 February 2013

Dear Sir/Madam

### **eRx Script Exchange Pty Ltd application for authorisation A91348 draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by eRx Script Exchange Pty Ltd (eRx) on 13 November 2012.

eRx is seeking 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.

#### **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 until 30 June 2017.

#### **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 **Thursday, 28 February 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 **Thursday, 28 February 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 the application.

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.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>13 November 2012</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>16 November 2012</b>	Public consultation process commenced.
<b>23 November 2012</b>	Closing date for submissions from interested parties on interim authorisation.
<b>6 December 2012</b>	ACCC decision regarding interim authorisation.
<b>14 December 2012</b>	Closing date for submissions from interested parties on the substantive application for authorisation.
<b>13 February 2013</b>	Draft determination.
<b>February/March 2013</b>	Public consultation on draft determination including any conference if called.
<b>March/April 2013</b>	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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely



David Hatfield  
Director  
Adjudication Branch