



**Australian
Competition &
Consumer
Commission**

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By email: tim.woodforde@nortonrose.com; andew.sorensen@nortonrose.com;

Dear Mr Woodforde and Mr Sorensen

Notifications N95945 and N96637 lodged by the Hospitals Contribution Fund

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC). These notifications have been placed on the ACCC's public register.

On 8 June 2012, the Hospitals Contribution Fund of Australia Limited (HCF) lodged notification N95945, under which HCF proposes to allow physiotherapists to participate in a program which will provide initial "no gap" consultations on condition that participating physiotherapists acquire electronic point of sale payment systems from the Health Industry Claims and Payment Service (HICAPS), or other providers approved by HCF.

Legal protection conferred by this notification commenced on 22 June 2012.

On 1 March 2013, HCF lodged notification N96637, under which HCF proposes to allow chiropractors, osteopaths and podiatrists to participate in programs on condition that participating chiropractors, osteopaths and podiatrists acquire electronic point of sale payment systems from HICAPS, or other providers nominated by HCF, such as CSC.

Legal protection conferred by this notification commenced on 15 March 2013.

The ACCC notes that interested parties initially raised objections that the notified conduct may give rise to detriments through foreclosing competition in the market for the provision of health claiming systems. In response to these submissions HCF provided public

submissions which set out the process by which HCF would approve additional providers of health claiming services, including which technical standards platforms must adopt to be accepted. In this regard, the ACCC notes that CSC has been approved as a supplier under these standards.

Having considered the notifications and submissions from HCF and interested parties, the ACCC does not intend to take further action in these matters at this stage. On the basis of the evidence currently available, the ACCC is satisfied that the likely benefit to the public from the notified conduct would outweigh the likely detriment to the public from the conduct.

As with any notification, the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct. This may include, but is not limited to, a situation where HCF did not approve a health claiming provider which was able to meet the technical standards required to implement the no-gap claiming solution.

A copy of 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 Mark Basile on (03) 9290 1855.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch