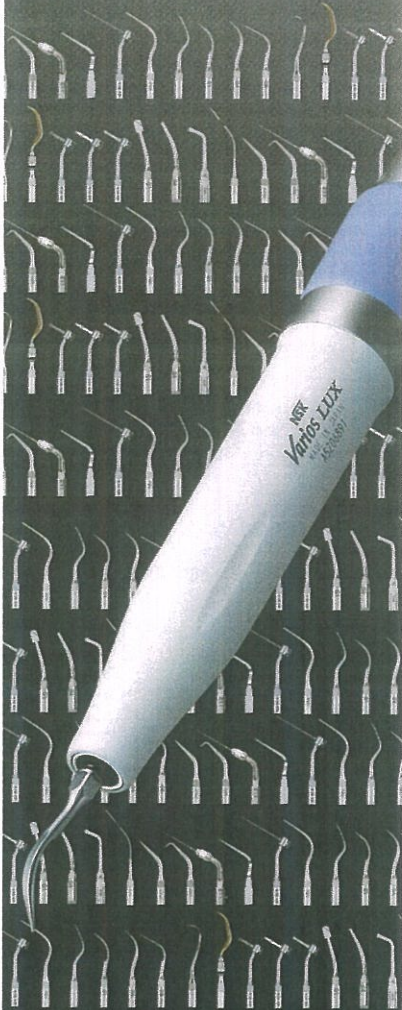


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ACCC vs Orthodontists

Breaking News
from Clark Jacobs:
Update on ACCC vs Drs Ranu,
Crowe & Stankevicius

Associateship agreement deemed to be in breach of the Trade Practices Act, ACCC action continues.

The ACCC has instigated legal proceedings against three Associate Orthodontists practising in Tasmania. Whilst there has been some noise on this matter in the media generally and from the ADA, there has been little articulation of the wider impetus and rationale of the ACCC in pursuing this case.

Drs Ranu and Ors have had several associate agreements in place for some 15 years which included direct reference to and a quantification of, pricing, client referral, retention and allocation and also the geographical area in which they could practice, including strong restraint provisions. Further, the agreements went on to outline methodology preventing other Orthodontists setting up competing practices in Northern Tasmania.

The ACCC's argument revolves around section 45 of the Trade Practices Act 1974 which states:

If a provision of a contract made before the commencement of the Trade Practices Amendment Act 1977:

- a) is an exclusionary provision; or*
 - b) has the purpose, or has or is likely to have the effect, of substantially lessening competition;*
- that provision is unenforceable.*

The ACCC's case is clearly that they interpret the fee and trade provisions in the Doctors' Associate agreement to be anti-competitive. A directions hearing is set down for Justice Heerey in the Federal Court on 16 October 2007. We will keep you updated on the progress of the case.

What does this mean for your practice?

In essence, all associateship practices should be reviewing their agreements and business practices for what may be construed to be anti-competitive clauses or behaviour. Please contact Garry Pammer or Heath Stewart at Clark & Jacobs on (02) 9264-1111 if you wish to discuss your position.

William Green celebrates 30 years with Kodak

William Green is celebrating its relationship of more than 30 years with the same manufacturer of its highly successful range of x-ray and imaging products. Now known as Kodak Dental Systems, the company commenced distributing the range when under the Trophy brand in the late 1970's.

"With the invention of the Trophy RVG [Radiovisography] in 1982, the first digital intraoral radiography system, the Trophy factory has made continuing advancements in digital imaging," said Ryan Green, Digital Imaging product manager at William Green.

"It was with some trepidation that we introduced digital radiography to Australia but after more than 25 years in the field, the RVG system has set the trend and continued

to dominate the digital x-ray market.

"It is still the only direct USB sensor on the market that has equalized or ever exceeded the performance of film, with a true resolution of greater than 20 line-pairs per mm. This combined with Kodak's powerful yet easy to use dental imaging software is why the Kodak Dental Systems package has continued to grow so well."

The Kodak range of imaging products includes intraoral x-ray generators, direct Super CMOS x-ray sensors, indirect phosphor plate systems, OPG and cephalometric, intraoral and extraoral cameras and the ILUMA cone beam imaging system.

For more information on the Kodak range, please contact William Green Pty Ltd on 1300-363-830 or in NZ 0800-749-473.