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By email

Dear Sir/Madam

Private Healthcare Australia Limited – Application for revocation of authorisation AA1000487 and substitution with another authorisation - AA1000545 – Interim authorisation decision

The ACCC has decided to grant conditional interim authorisation in respect of the application for revocation of authorisation AA1000487 and substitution with another authorisation, lodged on 3 March 2021 by Private Healthcare Australia Limited (**PHA**) on behalf of itself, the Members Health Fund Alliance and Private Health Insurers (together the **Participating Parties**).

PHA requested interim authorisation because authorisation AA1000487, granted on 17 September 2020, is in force until 31 March 2021.

Conditional interim authorisation is granted to enable the Participating Parties to continue to engage in the proposed conduct that was authorised in authorisation AA1000487 and on the same conditions as those imposed under authorisation AA1000487, excluding any measure to utilise unreleased deferred claims liability¹ that was provisioned for during the COVID-19 pandemic.

A copy of the ACCC decision, including the reasons for the decision, is attached and available on the [ACCC Public Register](#).

PHA requested interim authorisation to continue to engage in the proposed conduct that was authorised in AA1000487 and for expanded conduct in relation to the deferred claims liability, the age of dependants and any other measure formulated in response to the COVID-19 crisis or its economic or social effects, as notified by PHA.

Interim authorisation does not extend to the Participating Parties engaging in the expanded conduct.

Interim authorisation commences immediately and remains in place until it is revoked, the date the ACCC's final determination comes into effect or the date on which the application for authorisation is withdrawn.

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 for revocation and substitution with another authorisation.

¹ During the COVID-19 pandemic, health insurers made provision for deferred claims liability due to the reduction in claims for health services during the pandemic.

Next steps

The ACCC will now proceed with its assessment of PHA's substantive application for revocation and substitution of authorisation.

The ACCC will soon invite interested parties to make submissions on PHA's substantive application. After considering submissions, the ACCC will release a draft determination which will take account of any submissions from interested parties and PHA and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both PHA and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on conditional interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Simon Bell on 02 6243 1232.

Yours sincerely



Susie Black
Director
Competition Exemptions