

Our Ref: 1146532
Your Ref: AA1000636

1 August 2023

By Email Only
Attention: Bethany White
Australian Competition & Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

Dear Ms White

Health Partners Limited – Application for authorisation AA1000636

As you are aware, we act for Health Partners Limited (**Applicant**) in respect of the above matter (**Application**).

We refer to the Draft Determination and Interim Authorisation Decision dated 13 July 2023 (**Draft Determination**). Our client broadly supports the comments made by the ACCC in the Draft Determination and invites the ACCC to make a final determination on the same terms.

Our client endorses the ACCC's conclusions in the Draft Determination that:

- the Proposed Conduct is likely to result in public benefits from:
 - increased access through price certainty for Health Partners' members in regional South Australia by providing increased access to known gap services for members; and
 - increased competition between health insurance providers, by enabling Health Partners, a relatively smaller health insurance provider, to better compete with larger providers of private health insurance in South Australia, which offer similar preferred provider agreements for their members;
- the Proposed Conduct is likely to result in minimal, if any, detriment;
- the Proposed Conduct is likely to result in a public benefit and that this public benefit would outweigh any likely detriment.

We also refer to the response from the Australian Dental Association (**ADA**) dated 26 July 2023 in respect of the Draft Determination (**ADA Response**).

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The Applicant notes that the ADA Response states that the '*ADA supports the... approach taken by the ACCC in the Draft Determination*' and '*supports the balance the ACCC has struck*'. As the ADA was the only party to raise any concerns in respect of the Application through the consultation process, but those concerns now appear to have been addressed, the Applicant trusts that a final determination can be issued consistent with the Draft Determination.

However, our client takes this opportunity to respond to certain issues raised in the ADA Response:

- The ADA reiterated its desire for there to be a 'win-win' for consumers in both the dental services and health insurance markets. Given the benefits identified in the Application and the benefits recognised in the Draft Determination, it is apparent there is a 'win-win' for consumers. We understand that the ADA is acknowledging this.
- Our client agrees with the ADA's assessment that a patient's choice with respect to their provider and treatment options is not undermined. Further, the narrow scope of the Draft Authorisation will ensure that the Applicant is not permitted to interfere with a patient's treatment decisions. Our client maintains that such decisions are best dealt with by the treating practitioner, acting in accordance with all relevant dental standards.
- Our client reiterates that all confidential and sensitive patient information is sufficiently protected. As above, the Applicant is not seeking to reach through to dictate patient outcomes. Rather it is seeking to ensure the Applicant's members receive adequate care.
- The Draft Determination will encourage competition between private health insurers, noting that many of the Applicant's larger competitors already have similar schemes in place.

We understand that a pre-decision conference is not required. Our client therefore looks forward to receiving the final determination.

If you have any questions in respect of the above, please feel free to contact us.

Kind regards



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