

MinterEllison

21 July 2021

BY EMAIL ONLY

David Hatfield
Director | Adjudication
Merger & Authorisation Review Division
Australian Competition & Consumer Commission
david.hatfield@acc.gov.au

Copy to: miriam.kolacz@acc.gov.au

Dear Mr Hatfield

State of Victoria as represented by the Department of Health for authorisation AA1000491 – ongoing reporting obligations

1. On 13 August 2020 the Australian Competition and Consumer Commission (**ACCC**) granted authorisation to the Department of Health (formerly the Department of Health and Human Services) (the **Department**), together with specified private healthcare providers and public hospitals and healthcare facilities operating in the State of Victoria (together, the **Applicants**) to:
 - (a) discuss, enter into and give effect to contracts, arrangements or understandings (**Agreement(s)**) which have the broad purpose of maximising healthcare capacity and ensuring the State-wide coordination of healthcare services to facilitate the most efficient and effective allocation of healthcare during the period of the COVID-19 pandemic; and
 - (b) engage in other conduct that is related to the Agreements and is necessary or desirable to give effect to the Agreements and facilitate the objectives of the Agreements, at the request or direction of the Department or a Victorian public hospital or healthcare facility,

(the **Proposed Conduct**), (the **ACCC Authorisation Decision**).
2. The ACCC Authorisation Decision is subject to the following conditions:
 - (a) **Condition 1:** the Department provide regular updates to the ACCC in relation to the Proposed Conduct; and
 - (b) **Condition 2:** the Department notify the ACCC in the event that any additional private healthcare providers (to those listed in Attachment 1 of the ACCC Authorisation Decision) will participate in the Proposed Conduct.
3. The purpose of this letter is to provide the information necessary to comply with Condition 1, which is set out in the **Annexure** to this letter.
4. The Annexure to this letter contains information that is confidential to the Department. This confidential information has been highlighted in the Annexure in red highlighting. The Department requests that the ACCC treat the highlighted information as strictly confidential (subject to its usual confidentiality provisos) and that it be redacted from this document prior to publication on the ACCC's public register.

Please let us know if the ACCC has any questions.

Yours faithfully
MinterEllison

Contact: Tom Falls T: [REDACTED]

Partner: Geoff Carter T: [REDACTED]

Annexure – Condition 1 reporting

1. Summary of the agreements entered into under the Authorisation Decision

Parties to the Agreements

No additional Agreements have been entered into since our letter to the ACCC dated 18 June 2021.

Key features of the Agreement

Not applicable.

2. Summary of matters discussed at any meetings of the Private Hospital Coordination Group (PHCG)

We have set out a summary of matters discussed at the meetings of the PHCG that have occurred since 16 June 2021.

Meeting date	Summary of matters discussed
23 June 2021	
30 June 2021	
7 July 2021	

Meeting date	Summary of matters discussed
14 July 2021	