

MinterEllison

26 June 2020

BY EMAIL ONLY

Susan Philp
Director | Adjudication
Merger & Authorisation Review Division
Australian Competition & Consumer Commission
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Dear Ms Philp

State of Victoria as represented by the Department of Health and Human Services (DHHS) for authorisation AA1000491 – fortnightly reporting

1. On 17 June 2020 the Australian Competition and Consumer Commission (**ACCC**) granted interim authorisation to the DHHS, 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 DHHS or a Victorian public hospital or healthcare facility,

(the **Proposed Conduct**), (the **ACCC Interim Authorisation Decision**).
2. The ACCC Interim Authorisation Decision replaced the previous interim authorisation decision of the ACCC which was issued on 7 April 2020.
3. The ACCC Interim Authorisation Decision is subject to the following conditions:
 - (a) **Condition 1:** the DHHS provide regular updates to the ACCC in relation to the Proposed Conduct; and
 - (b) **Condition 2:** the DHHS notify the ACCC in the event that any additional private healthcare providers (to those listed in Attachment 1 of the ACCC Interim Authorisation Decision) will participate in the Proposed Conduct.
4. 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.

Please let us know if the ACCC has any questions.

Yours faithfully
MinterEllison

Contact: Tom Faulls T: [REDACTED]

Partner: Geoff Carter T: [REDACTED]

Annexure – Condition 1 reporting

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

Parties to the Agreements

No additional agreements have been entered into since our letter to the ACCC dated 12 June 2020.

Key features of the Agreement

Not applicable.

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

There have been no meetings of the PHCG since our letter to the ACCC dated 12 June 2020.