# MinterEllison

30 June 2022

BY EMAIL ONLY
David Hatfield
Director | Adjudication
Merger & Authorisation Review Division
Australian Competition & Consumer Commission
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Copy to: hannah.ransom@accc.gov.au and alex.cicchini@accc.gov.au

Dear Mr Hatfield

## State of Victoria as represented by the Department of Health for interim authorisation AA1000567 – ongoing reporting obligations

- On 2 December 2021 the Australian Competition and Consumer Commission (ACCC) granted authorisation to the Department of Health (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 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 contracts, arrangements or understandings referred to above 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 Authorisation).

- The Authorisation is subject to the following conditions:
  - (a) Subject to paragraph (b) below, the Department must provide updates to the ACCC on a quarterly basis (or as otherwise agreed with the ACCC), describing any conduct engaged in during that quarter in reliance upon this authorisation.
  - (b) If no conduct was engaged in during that quarter in reliance upon this authorisation, or if there has been no change in conduct since the last update was provided, the Department is not required to provide an update.
- The purpose of this letter is to provide the information necessary to comply with the conditions, 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.

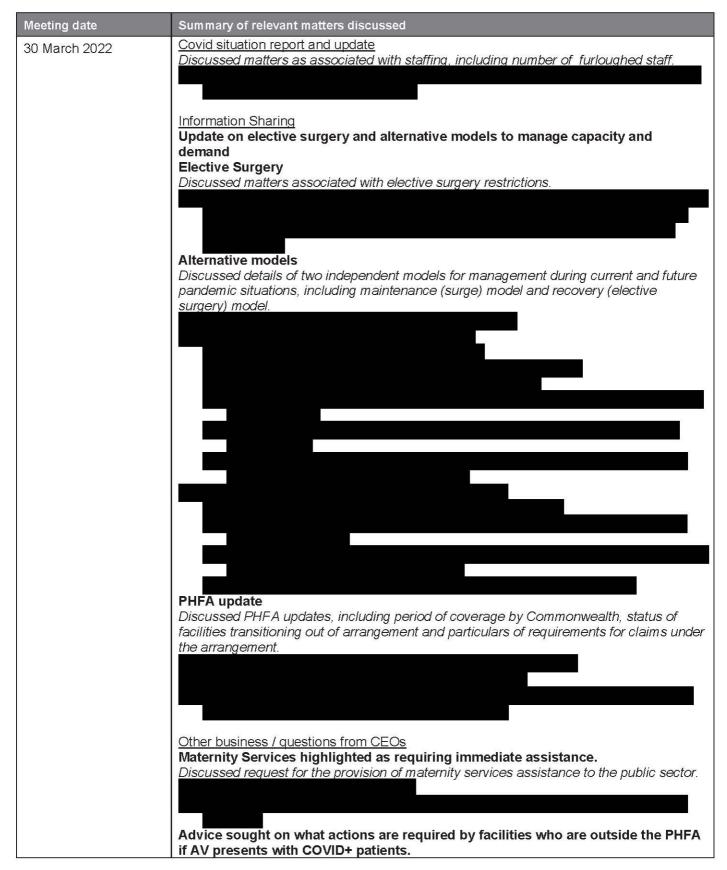
Please let us know if the ACCC has any questions.

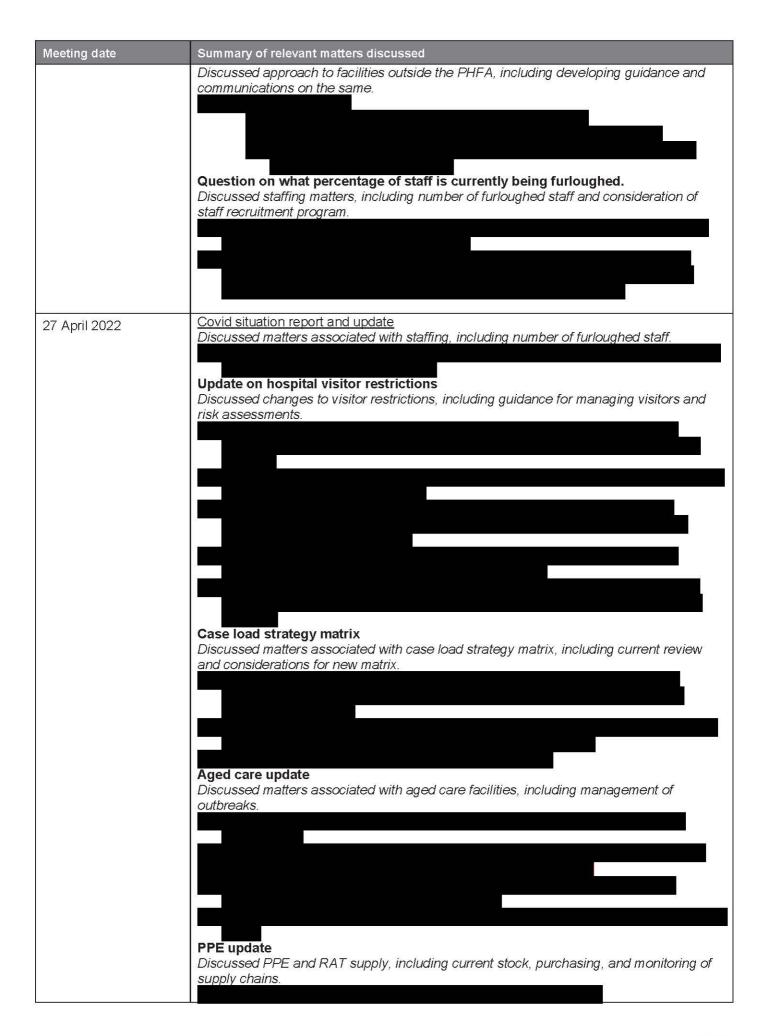
Yours faithfully MinterEllison	
Contact: Tom Faulls T:	
Partner: Geoff Carter T:	

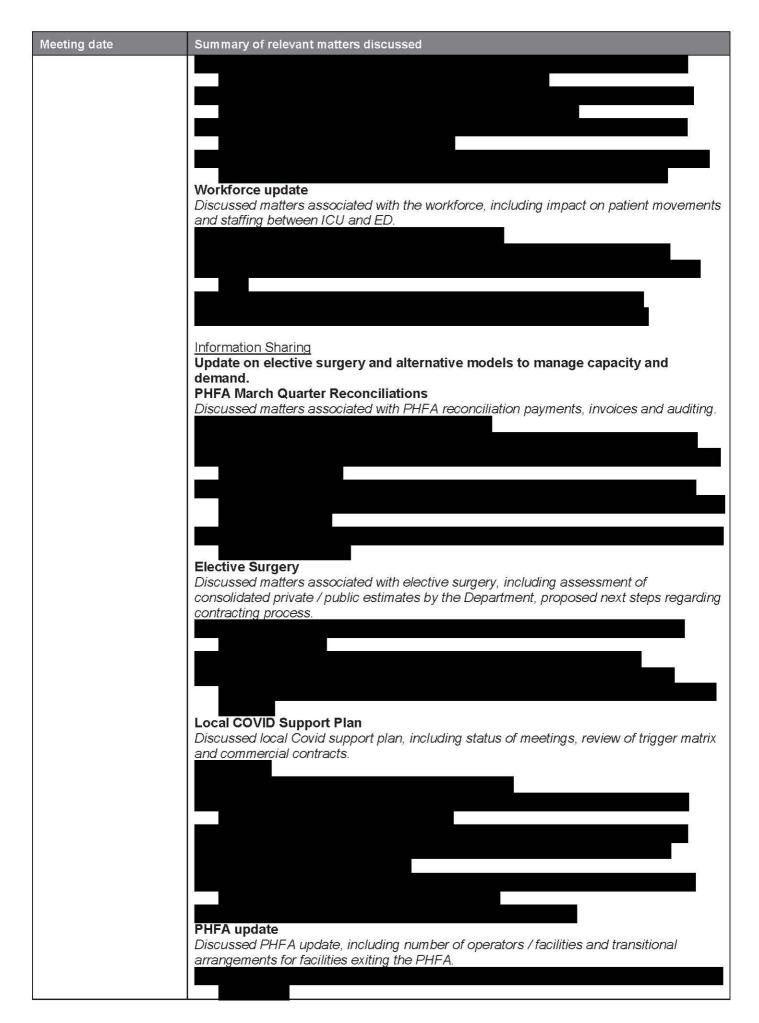
#### Annexure - Reporting Requirements

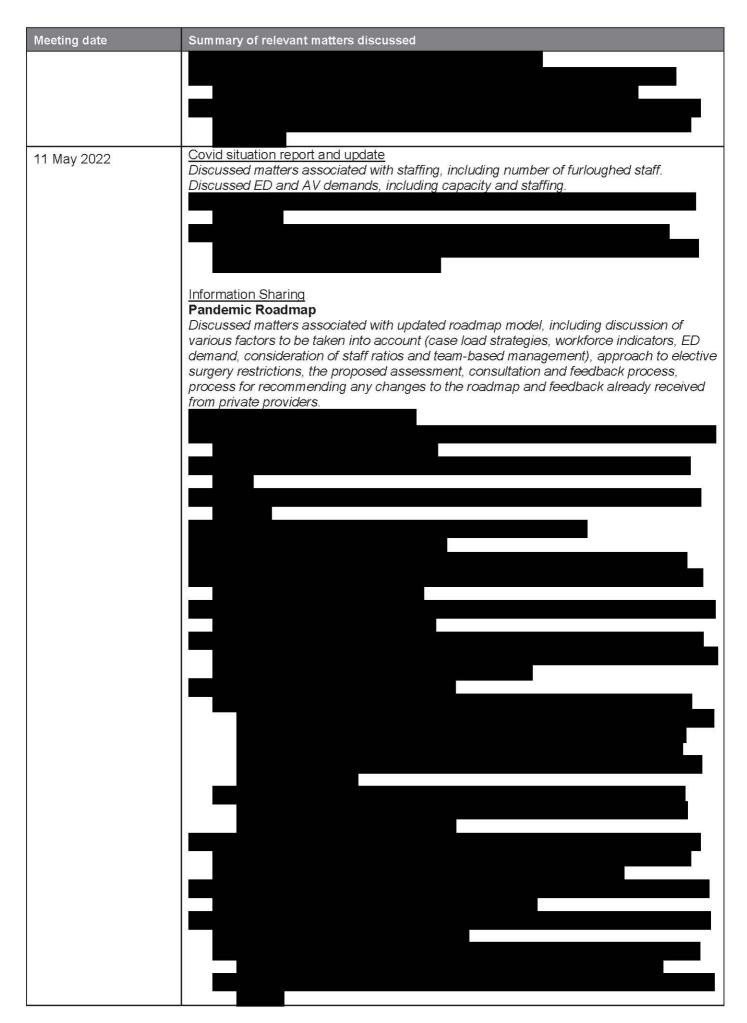
#### 1. Meeting of the Private Hospital Coordination Group (PHCG)

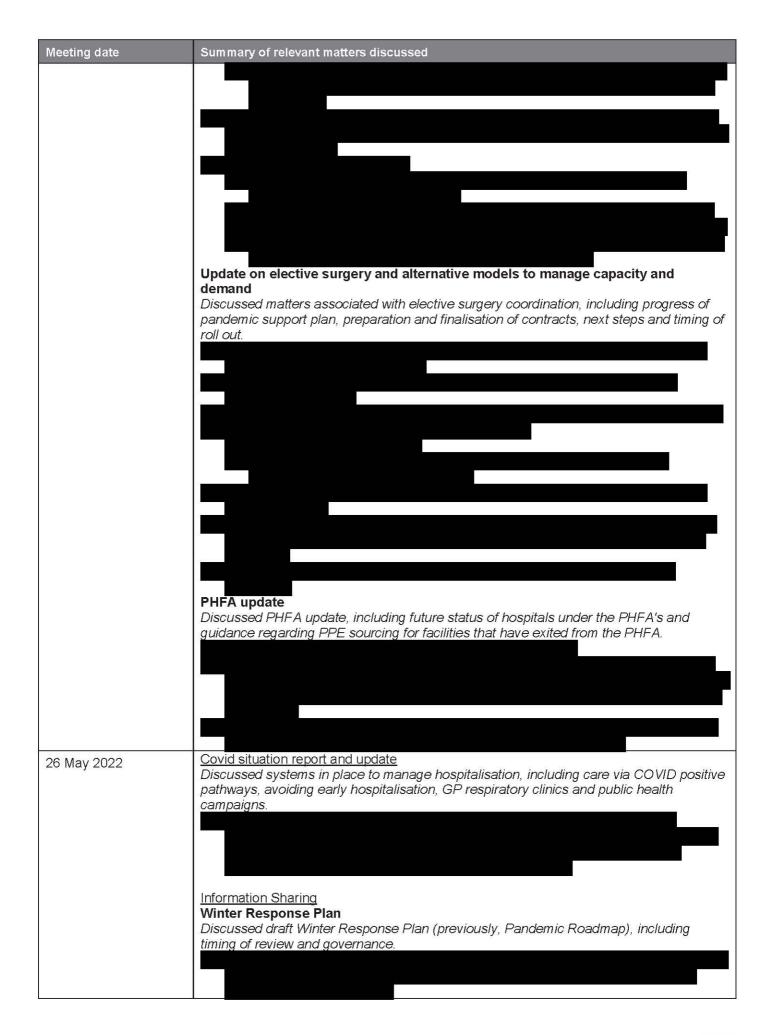
We have set out below a summary of relevant matters discussed at the meetings of the PHCG that have occurred since 16 March 2022 aside from a meeting of the PHCG that occurred on 15 June 2022. The minutes for that meeting are still being finalised. As such, a report on that meeting will be included in the next reporting letter.

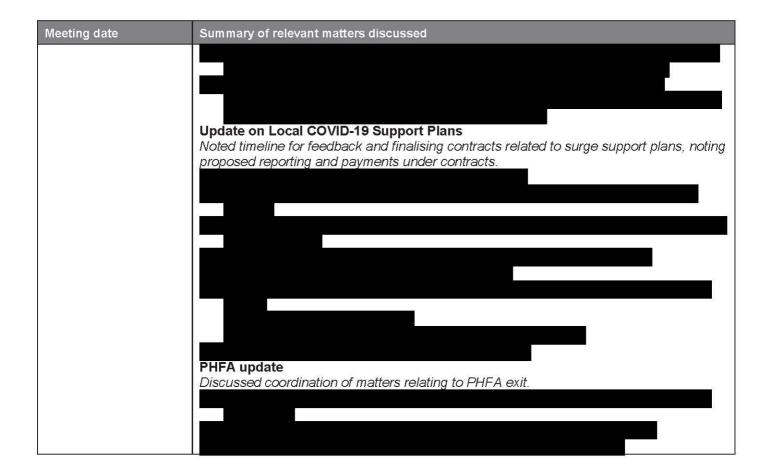








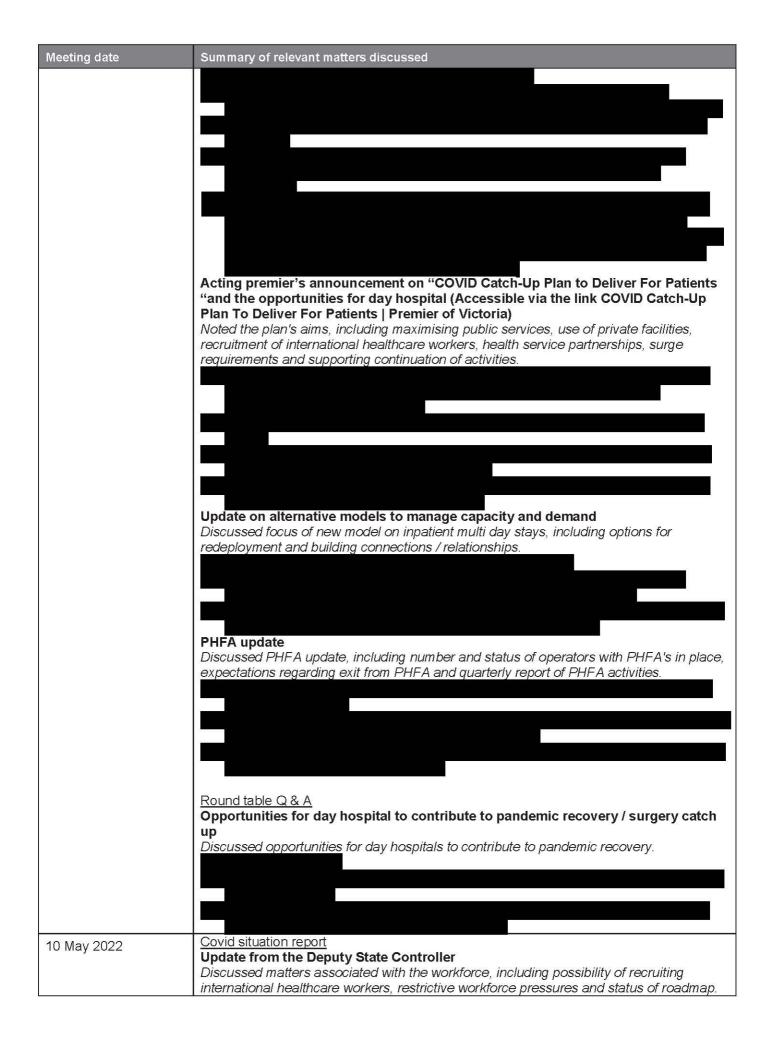




### 2. Meeting of the Day Procedure Centre CEO (DPC)

We have set out below a summary of relevant matters discussed at the meetings of the DPC that have occurred since 8 February 2022 aside from a meeting of the DPC that occurred 14 June 2022. The minutes for that meeting are still being finalised. As such, a report on that meeting will be included in the next reporting letter.

Meeting date	Summary of relevant matters discussed
8 March 2022	Covid system update Noted implementation of Healthcare workforce recovery plan, including staff ratios under Healthcare Act.
	Information Sharing PHFA update
	Discussed current PHFA status, including status and number of operators with PHFA's in place.
	International recruitment of healthcare staff  Noted consideration of international recruitment of workforce.
	Private deployment survey results  Discussed survey results, including response rate and feedback from hospitals.
	Update on staff deployment clause Discussed amendments to staffing, including expanding secondment eligibility and
	historical work hours for casual staff.
	Alternative models to managing capacity and demand  Discussed future planning for the two independent models – pandemic maintenance and
	pandemic recovery, including timing for reviews / meetings to commence.
12 April 2022	Information Sharing Update from the Deputy State Controller
	Discussed health system capacity, including number of staff furloughed, vacancy and sick leave rate, ED presentations, COVID streaming, transition from Pandemic Orders to policy / recommendations / guidance and planning for upcoming winter season.



Meeting date	Summary of relevant matters discussed
	Update on alternative models to manage capacity and demand Discussed timing of PHFA and matters associated with the development of alternative models.