



Our ref: AA1000487
Contact officer: Mandy Bendelstein
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3 November 2020

Noelia Boscana
Partner
MinterEllison
Rialto Towers 525 Collins Street
Melbourne VIC 3000

By email: [REDACTED]

Dear Noelia,

Re: Private Healthcare Australia Limited application for authorisation – AA1000487

We refer to the reports provided by Private Healthcare Australia (**PHA**) to the ACCC pursuant to the reporting conditions of the interim authorisations granted 8 April 2020, 2 June 2020, and authorisation AA1000487 granted 17 September 2020 (the **Authorisation**).

The ACCC notes that the reports from PHA to the ACCC regularly contain records of discussions between PHA and its members that do not relate to, or are beyond the scope of, the Authorisation. We understand that PHA and its members have, since long before COVID-19 and the need for this authorisation, held regular meetings, and that the group continues to discuss 'business as usual' items that would otherwise have been discussed at an ordinary meeting, in addition to COVID-19-related issues that are the subject of the Authorisation.

PHA has provided the ACCC with confidential unredacted versions of the reports as well as redacted versions for the ACCC public register, which exclude material that does not relate to the Authorisation.

While the ACCC has agreed to publish only the redacted versions of these reports on our public register, we remind PHA and other parties to the Authorisation that:

- As set out in 5.8 of the Final Determination, legal protection extends to the Proposed Conduct (defined in 1.7) only insofar as it is for the sole purpose of addressing concerns that policyholders have, or may reasonably have, in relation to the COVID-19 pandemic; and
- Legal protection only applies if the conditions set out in 5.14 of the Final Determination are complied with.

Any discussions, sharing of information, contracts, arrangements, or understandings between PHA and its members that do not relate to, or are beyond the scope of the Authorisation are not protected from the competition provisions contained within Part IV of the *Competition and Consumer Act 2010* (Cth). Accordingly, all attendees should ensure that any such discussions comply with relevant provisions of the Act.

This letter will be placed on the ACCC's public register.

If you have any queries in relation to this matter please contact Mandy Bendelstein on (02) 9102 4037.

Yours sincerely



David Jones
General Manager
Competition Exemptions Branch