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By email

Dear Madam or Sir

State of Western Australia as represented by the Department for Health - application for authorisation AA1000605 - draft determination & interim authorisation consultation

On 28 February 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the State of Western Australia as represented by the Department for Health (the **Department**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The Department is seeking authorisation under the *Competition and Consumer Act 2010*. Authorisation would give legal protection to arrangements for the purpose of maximising healthcare capacity and ensuring West Australian-wide coordination of healthcare services while responding to issues arising from COVID-19. This conduct was previously authorised, but that authorisation lapsed in September 2021. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

The ACCC has today issued a draft determination in respect of the application, proposing to grant authorisation, with a condition, until 24 June 2023. The ACCC also granted interim authorisation to allow the parties to engage in the proposed conduct while the ACCC completes its assessment of the substantive application.

A copy of the ACCC's draft determination and interim authorisation decision is attached and also available on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **8 April 2022**. Submissions should be emailed to exemptions@acc.gov.au with the subject "AA1000605 – Western Australia Department of Health – submission".

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **8 April 2022** by email to exemptions@acc.gov.au.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
28 February 2022	Lodgement of application and supporting submission.
17 March 2022	Draft determination with interim authorisation
8 April 2022	Public consultation on draft determination including any conference if called.
May/June 2022	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Alex Cicchini on (03) 9910 9552.

Yours sincerely



Jaime Martin
A/g Director
Competition Exemptions