



Contact officer: Alex Cicchini  
Contact phone: (03) 9910 9552

23 Marcus Clarke Street  
Canberra ACT 2601  
GPO Box 3131  
Canberra ACT 2601  
tel: (02) 6243 1111

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exemptions@acc.gov.au  
www.accc.gov.au

Dear Sir or Madam

## Applications for re-authorisation – Private Healthcare COVID-19 Arrangements - final determination

Between 26 August and 13 September 2021, the Australian Competition and Consumer Commission (the **ACCC**) received applications for revocation and substitution (referred to as **re-authorisation**) from relevant public health authorities in a number of Australian States and Territories (listed in the table below).

Each of the Applicants sought re-authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) (the **Act**) to continue to discuss, enter and give effect to agreements 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. The arrangements for which re-authorisation was sought are the same as those previously authorised by the ACCC. Authorisation provides protection from legal action under specified competition provisions in Part IV of the Act.

On 28 September 2021, the ACCC issued draft determinations proposing to grant re-authorisation and granting interim authorisation.

For the reasons set out in its determinations, the ACCC has decided to grant authorisation for 18 months, until 24 June 2023.

Copies of the final determinations are available on the ACCC's authorisations public register.

### Private Healthcare COVID-19 arrangements – Applications for authorisation

Authorisation No.	Jurisdiction	Applicant	Link
AA1000567	State of Victoria	Department of Health and Human Services	<a href="#">Link to Public Register</a>
AA1000570	Northern Territory of Australia	Department of Health	<a href="#">Link to Public Register</a>
AA1000572	State of Queensland	Queensland Health	<a href="#">Link to Public Register</a>

<sup>1</sup> For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

<b>AA1000573</b>	State of New South Wales	Ministry of Health	<a href="#">Link to Public Register</a>
<b>AA1000574</b>	State of Tasmania	Department of Health	<a href="#">Link to Public Register</a>
<b>AA1000575</b>	Australian Capital Territory	ACT Health Directorate	<a href="#">Link to Public Register</a>

### Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010* (Cth), a person dissatisfied with any of these determinations may apply to the Australian Competition Tribunal for review. An application for review must be made within 21 days of the date of a determination; that is, on or before **23 December 2021**. If no application to review is lodged by this date, the ACCC's determinations will come into force on **24 December 2021**.

An application for review of any of these determinations should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Alex Cicchini on (03) 9910 9552 (or [alex.cicchini@acc.gov.au](mailto:alex.cicchini@acc.gov.au)) or Hannah Ransom on (02) 6243 1255 (or [hannah.ransom@acc.gov.au](mailto:hannah.ransom@acc.gov.au)), or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely,



David Hatfield  
Director  
Competition Exemptions