

MinterEllison

24 June 2020

BY EMAIL ONLY

Susan Philp
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Australian Competition & Consumer Commission
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Dear Susan

State of Queensland as represented by Queensland Health for authorisation AA1000493 – response to request for further information

1. On 7 April 2020, the Australian Competition and Consumer Commission (**ACCC**) granted interim authorisation to Queensland Health, together with specified owners or operators of private health facilities in Queensland (and their related bodies corporate) and each of Queensland's Hospital and Health Services to 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.
2. We refer to the email from the ACCC dated 19 June 2020, in which the ACCC set out a request for further information.
3. The purpose of this letter is to provide a response to this request, which is set out in the **Annexure** to this letter.

Please let us know if the ACCC has any questions.

Yours faithfully
MinterEllison

Partner: Kathryn Finlayson

OUR REF: 1295011

Annexure – Response to request for further information

1. ACCC request for further information

- 1.1 The ACCC has requested that Queensland Health explain, prior to the COVID-19 pandemic:
- (a) in what circumstances would Queensland Health enter into agreements with private healthcare operators to provide services to public patients in their facilities;
 - (b) in broad terms, what form would this agreement take.

2. Response to request for further information

- 2.1 Prior to the COVID-19 pandemic, Queensland Health had existing agreements with some of the Private Hospital Operators to provide services to public patients.
- 2.2 The majority of these agreements were entered into by Queensland Health to enable the private sector to deliver elective surgical services and elective endoscopy services for patients where there was insufficient capacity to provide treatment within clinically recommended timeframes within Queensland public hospitals. Queensland Health may have also entered into individual agreements for limited purposes from time to time.
- 2.3 The agreements in relation to elective surgery and endoscopy adopted a fee for service model whereby Private Hospital Operators were paid for services provided at their facilities.