



Susan Philp
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22 May 2020
Matter 82701213
By Email

Dear Ms Philp

Application for authorisation AA1000506 - request for further information

I refer to your letter dated 13 May 2020 requesting further information and updates from the Crown in Right of Tasmania as represented by the Department of Health (the **Department**) regarding the interim authorisation granted to the Department on 1 May 2020 (**Interim Authorisation**).¹

The ACCC has requested that the Department provides further information concerning:

- (a) the circumstances in which the Department would restrict the services provided by a Private Operator, or its capacity to provide services; and
- (b) any principles agreed between the Department and Private Operators in implementing this aspect of the Proposed Conduct.

This information is provided below, with reference to the management of restrictions that are currently in place on Private Operators and the potential for restrictions to be applied in the future.

1 Current restrictions on Private Operators

Following the outbreak of COVID-19, the ability of Private Operators to provide non-urgent elective surgeries has been restricted by the National Cabinet.

On 21 April 2020, the National Cabinet announced that these restrictions would start to be eased, and that category 2 and some important category 3 procedures could recommence across the public and private hospital sector from 27 April 2020.

On 15 May 2020, National Cabinet agreed that each state and territory of Australia would determine the level of normal surgical activity that could be safely restored within different geographic areas of that state or territory, including at private facilities. It was agreed that this would occur in accordance with certain principles, set out at:

<https://www.health.gov.au/news/australian-health-protection-principal-committee-ahppc-statement-on-restoration-of-elective-surgery> (the **Principles**).

In Tasmania, the Department has decided to let Private Operators determine the level to which they will respectively increase their surgical activity (up to 100 per cent normal surgical activity levels) in accordance with the Principles. The Department has requested that each Private Operator submits an updated 'elective surgery restoration plan' which outlines their proposals to increase elective surgery and provides assurances regarding their compliance with the Principles.

¹ Unless otherwise indicated, defined terms in this letter are the same as those set out in the Interim Authorisation.



2 Possible restrictions on Private Operators in the future

In the event that COVID-19 cases increase in Australia and there is a surge in demand for hospital and health services, the Department has the ability to re-introduce restrictions on Private Operators, in line with the Principles. In accordance with the Principles, such restrictions would be put in place to ensure there is sufficient hospital capacity and available PPE and pharmaceuticals to manage the surge in demand.

In addition, pursuant to the Agreements that the Department is in the process of finalising with Private Operators, Private Operators may be required to provide pandemic support functions, including by participating in and contributing to the Department's emergency and pandemic response planning and implementation measures.

Please contact us if you wish to discuss any of the matters in this letter.

Yours sincerely

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