



Susan Philp
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19 May 2020
Matter 82700322
By Email

Dear Ms Philp

Application for authorisation AA1000507 - Request for update

I refer to your letter dated 13 May 2020 requesting further information and updates from the State of New South Wales as represented by the Ministry of Health (the **Ministry**) regarding the interim authorisation granted to the Ministry on 1 May 2020.

In fulfilment of Condition 1 of the interim authorisation, the ACCC has requested that the Ministry provide updates every 14 days, commencing 19 May 2020, regarding:

- 1 any contracts, arrangements or understandings entered into under the interim authorisation (**Agreements**); and
- 2 any matters discussed at any meetings of service control, integration and continuity groups established by the Ministry (**Ministry Group(s)**).

The Ministry's response is set out below.

1 **Agreements**

Parties

The Ministry has entered into separate Agreements with each of the following parties, as at 18 May 2020:

- 1 Lakeview Private Hospital Pty Ltd
- 2 East Sydney Day Hospital Pty Ltd
- 3 Healthe Care Specialty Holdings Pty Ltd
- 4 Healthe Care Surgical Holdings Pty Ltd
- 5 Healthscope Operations Pty Ltd
- 6 Lifehouse Australia Limited as Trustee for the Lifehouse Australia Trust
- 7 Calvary Health Care Riverina Limited
- 8 MQ Health Pty Ltd
- 9 Ramsay Health Care Australia Pty Ltd
- 10 Pittwater Hospital Services Pty Ltd
- 11 Alwyn Holdings Pty Ltd
- 12 Woodose Pty Ltd
- 13 Central West Medical Group Pty Ltd
- 14 Wolper Jewish Hospital

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- 15 Hereward Pty Ltd
- 16 Oopchar Trading Pty Ltd
- 17 Albury Day Surgery Pty Ltd
- 18 Ranchbelt Pty Limited
- 19 Parramatta Eye Centre Pty Ltd
- 20 Idameneo (123) Pty Ltd
- 21 Baardon Medical Services Pty Ltd
- 22 The Surgical Chamber Pty Ltd
- 23 SMDCC Pty Ltd
- 24 Kearns & Smith Eye Services Pty Ltd
- 25 Newland Street Specialist Centre Pty Ltd

Key Features

The key features of the above Agreements are consistent with those identified in the application for authorisation lodged on 30 April 2020, being:

- (a) The Ministry will provide funding to the Private Operator on the condition that they provide certain services to the Ministry and Public Health Organisations, including:
 - (1) clinical services that are required to treat a patient referred to or transferred to the Private Operator by or one of the Public Health Organisations;
 - (2) the provision of appropriate facilities, resources, supplies and other support services (including where the clinical treatment within the private facility is provided by clinicians from a Public Health Organisation); and
 - (3) any other Pandemic support services that are required by the Ministry or Public Health Organisations and that the Private Operator is capable of providing;
- (b) the Private Operator must maintain sufficient capacity and resources to meet the likely and anticipated volume of services required by the Ministry or Public Health Organisations;
- (c) the Ministry or Public Health Organisations may require the Private Operator to participate in service control, integration and continuity groups established by the Ministry to facilitate and share information about the coordination of healthcare services across the Private Operators and Public Health Organisations;
- (d) the Private Operator will retain operational control of their facilities (except in an emergency or a major default), however clinicians from a Public Health Organisation may perform clinical services at private facilities;
- (e) subject to its obligations to provide capacity, resources and services to the Ministry and Public Health Organisations, the Private Operator will continue to provide services to private patients in accordance with its normal business practices;
- (f) public patients will not be required to pay for any cost of treatment by, or using the resources or facilities of, a Private Operator; and



- (g) to the extent that it is in the control of the Private Operator, it must maintain the full workforce at each of its facilities and do all things reasonably necessary to ensure that it remains viable during the Pandemic and can resume operations when the Pandemic ends.

2 Ministry Group(s) meetings

There have been no meetings of any Ministry Groups to date.

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

Yours sincerely



Sarah Benbow
Partner
Herbert Smith Freehills



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