

8 November 2021

## BY EMAIL ONLY

David Hatfield  
Director  
The Australian Competition and Consumer Commission  
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Dear Mr Hatfield

### State of Queensland as represented by Queensland Health for authorisation AA1000493 – Condition 1 update

1. On 13 August 2020, the Australian Competition and Consumer Commission (**ACCC**) granted 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 (together, the **Applicants**) to discuss, enter into and give effect to contracts, arrangements or understandings (**Agreement(s)**) 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 **Proposed Conduct**), (**Authorisation AA1000493**). The ACCC granted authorisation until 30 September 2021.
2. Authorisation AA1000493 was subject to the following conditions:
  - (a) **Condition 1:** Queensland Health must provide regular updates to the ACCC at a frequency agreed between Queensland Health and the ACCC, and provide any additional information reasonably requested by the ACCC; and
  - (b) **Condition 2:** To the extent that Queensland Health believes it necessary or desirable for any other private healthcare operators (other than the private hospital operators listed in Attachment 1) to participate in the Proposed Conduct, Queensland Health must notify the ACCC of the identity of those parties.
3. On 28 August 2020, the ACCC requested that under Condition 1 of Authorisation AA1000493, Queensland Health provide a report in the event that:
  - (a) a new Agreement with a Private Hospital Operator is entered; or
  - (b) a Private Health Facility Coordination Group meeting is held.
4. On 27 August 2021, Queensland Health lodged an application for interim authorisation and revocation of Authorisation AA1000493 and substitution of a new authorisation. On 28 September 2021, the ACCC granted interim authorisation in relation to the same conduct and parties, and with the same conditions, as specified in Authorisation AA1000493.
5. The purpose of this letter is to provide information necessary to comply with Condition 1, which is set out in **Annexure 1** to this letter.
6. Annexure 1 to the letter contains certain information which is confidential to Queensland Health. This confidential information has been highlighted in the Annexure in red highlighting. Queensland Health requests that the ACCC treat the highlighted information as strictly confidential (subject to its usual confidentiality provisos) and that it be redacted from this document prior to publication on the ACCC's public register.

Please let us know if the ACCC has any questions.

Yours faithfully  
**MinterEllison**



Partner: Kathryn Finlayson

OUR REF: 1295011

## Annexure 1 – Condition 1 reporting

### 1. Meeting of the Private Health Facility Coordination Group

Meetings of the Private Health Facility Coordination Group were held on 17 September 2021, 8 October 2021 and 22 October 2021. A summary of the matters discussed at the meetings is set out in the below table.

Date of meeting	Summary of matters discussed
17 September 2021	[Redacted content]
8 October 2021	
22 October 2021	