

MinterEllison

29 May 2020

BY EMAIL ONLY

Susan Philp
Director | Adjudication
Merger & Authorisation Review Division
Australian Competition & Consumer Commission
23 Marcus Clarke Street
Canberra ACT 3000
susan.philp@acc.gov.au

Copy to: emma.stiles@acc.gov.au | sophie.matthiesson@acc.gov.au | adjudication@acc.gov.au

Dear Susan

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

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 (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**), (the **ACCC Interim Authorisation Decision**).
2. The ACCC Interim Authorisation Decision is subject to the following conditions:
 - (a) **Condition 1:** Queensland Health provide regular updates to the ACCC in relation to the Proposed Conduct; and
 - (b) **Condition 2:** Queensland Health notify the ACCC in the event that any additional private healthcare providers (to those listed in Attachment 1 of the ACCC Interim Authorisation Decision) will participate in the Proposed Conduct.
3. On 7 May 2020, the ACCC requested that Queensland Health provide the updates required by Condition 1 to the ACCC every 14 days, commencing 13 May 2020.
4. 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.
5. Annexure 1 to the letter contains certain information in respect of the Agreements 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. Summary of the agreements entered into under the ACCC Interim Authorisation Decision

Parties to the Agreements

No Agreements have been entered into since 15 May 2020.

Nambour Day Surgery Pty Ltd signed an Agreement on 15 May 2020. It is yet to be executed by Queensland Health.

Key features of the Agreement

The key features of the Agreement signed by Nambour Day Surgery Pty Ltd are the same as those outlined in the letter to the ACCC dated 15 May 2020.

2. Summary of matters discussed at any meetings of the Private Health Facility Coordination Group

No formal meetings of the Private Health Facility Coordination Group (**PHFCG**) were held between 15 May and 26 May 2020. However, while not a formal meeting of the PHFCG, a meeting was held on 19 May 2020, which was attended by representatives from Queensland Health and Ramsay Healthcare, St **Vincent's, Healthscope, Uniting Care** and Mater. A summary of the matters discussed at this meeting are set out in the below table.

Date of meeting	Summary of matters discussed
19 May 2020	