

MinterEllison

26 June 2020

BY EMAIL ONLY

Susan Philp
Director | Adjudication
Merger & Authorisation Review Division
Australian Competition & Consumer Commission
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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.

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

Since 12 June 2020, 1 Agreement has been entered into with the following party:

- Marie Stopes International, contract executed on 16 June 2020.

Key features of the Agreements

The key features of the Agreement are the same as those outlined in the letter to the ACCC dated 15 May 2020.

An Abeyance clause has also been drafted and issued to all 27 Private Hospital Operators that have a current Agreement although none have been executed as at 26 June 2020. The reason this variation is being proposed is that, with the easing of elective surgery restrictions, some private facilities have been able to return to a level of normal business to the point that the viability payments may no longer be required. In this situation, while Private Hospital Operators may contemplate exiting the Agreement, abeyance may be preferable to termination because the Agreement is able to be turned back on in the event that, for example, there is another spike in COVID-19 cases and/or a return to restrictions being placed on elective surgery. It is Queensland Health's preference to introduce this clause into all of the Queensland Agreements so that the option to place Agreements into abeyance is available to all Operators.

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

No meetings of the Private Health Facility Coordination Group have been held since 12 June 2020.