

# MinterEllison

21 August 2020

## BY EMAIL ONLY

Susan Philp  
Director | Adjudication  
Merger & Authorisation Review Division  
Australian Competition & Consumer Commission  
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Canberra ACT 3000  
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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

No Agreements have been entered into since 7 August 2020.

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

A summary of the matters discussed at meetings of the Private Health Facility Coordination Group held since 7 August 2020 are set out in the below table.

Date of meeting	Summary of matters discussed
18 August 2020	<b>Aged Care response:</b> A briefing on the Aged Care response to the pandemic was provided to the private hospital operators from the Assistant Deputy Director General of the Prevention Division (Queensland Health). Queensland Health raised for consideration leveraging staff of private hospital facilities to support aspects of such a response where appropriate within the scope of the staffing provisions of the PHFFA.