

# MinterEllison

13 July 2020

## BY EMAIL ONLY

Ellie Dwyer  
Analyst | Adjudication  
Merger and Authorisation Review Division  
Australian Competition & Consumer Commission  
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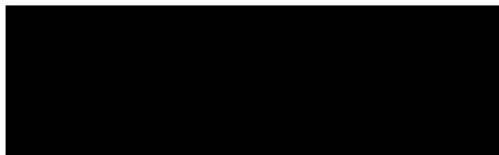
Copy to: mandy.bendelstein@acc.gov.au; isabelle.mauleon-wells@acc.gov.au;  
david.peters@acc.gov.au

Dear Ms Dwyer

### **Private Healthcare Australia (PHA) – application for authorisation AA1000487 – Fortnightly report to ACCC No 3**

1. We refer to our letter dated 2 July 2020 in which we provided the second fortnightly report pursuant to condition 2 of the conditional interim authorisation granted to PHA by the Commission.
2. The purpose of this letter is to provide the third fortnightly report which relates to the period from 29 June 2020 to 10 July 2020 and is set out in the **Annexure** to this letter and the **Attachments** to the Annexure.
3. The Annexure to this letter and the Attachments to the Annexure contain information that is confidential to PHA. This confidential information has been highlighted in the Annexure to this letter and in the Attachments to the Annexure in red highlighting. PHA requests that the ACCC treat the highlighted information as strictly confidential 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**

Contact: Noelia Boscana



## Annexure 1 – Fortnightly Report to the ACCC No. 3

### 1. Report

- 1.1 This Fortnightly Report sets out the details of the following three meetings that occurred during the period from 29 June 2020 to 13 July 2020:
- (a) Fortnightly CEO briefing on COVID-19;
  - (b) COVID-19 Working Group meeting; and
  - (c) Value of Private Health Meeting.
- 1.2 The relevant details of these meetings set out below are the date of the meeting, attendees, agenda items that relate to the Proposed Conduct and a summary of the topics discussed that relate to the Proposed Conduct. The minutes of each meeting are set out as Attachments to this report.

### 2. Fortnightly CEO briefing on COVID-19 with Dr Rachel David, PHA

2.1 *Date:* 3pm, 29 June 2020

2.2 *Attendees:*

- (a) Rachel David Chief Executive Officer, PHA
- (b) John Hill Chair, PHA
- (c) Gerard Fogarty Defence Health Limited
- (d) Sharon Waterhouse Phoenix Health Fund Limited
- (e) Mark Fitzgibbon nib Health Funds Ltd
- (f) Simone Tregeagle Railway & Transport Health Fund Ltd
- (g) Matt Walsh Australian Unity Health Limited
- (h) Craig Palmer AIA Health Insurance (MO Health Pty Ltd)
- (i) Dario Molina CBHS Corporate Health Pty Ltd
- (j) Byron Gregory Health Partners Limited
- (k) Brad Joyce Teachers Health Fund
- (l) Andrew Wilson Medibank Private Limited
- (m) Andrew Smith CBHS Health Fund Limited
- (n) Paul Lupo St. Lukes Health
- (o) Ian Whitehead Latrobe Health Services Limited
- (p) Gerard Op De Coul Mildura Health Fund
- (q) Rohan Mead Australian Unity Health Limited
- (r) Camilla Milazzo PHA
- (s) Lisa Minchin PHA
- (t) Jen Eddy PHA
- (u) Ben Harris PHA

(v) Justin James HIF Pty Ltd

2.3 *Agenda items:*

- (a) APRA updates
- (b) Premium increases

2.4 *Summary:*

[REDACTED]

2.5 *Minutes:* the minutes of this meeting are in Attachment 1.

**3. COVID-19 Working Group meeting**

3.1 *Date:* 2 July 2020

3.2 *Attendees:*

- (a) Ed Close nib Health Funds Ltd
- (b) Rachel David PHA
- (c) Lisa Minchin PHA
- (d) Ben Harris PHA
- (e) Jen Eddy PHA
- (f) Amanda Lean BUPA HI Pty Ltd
- (g) Raj Krishnaswamy GMHBA Limited
- (h) Jonathan Spiers Medibank Private Limited
- (i) Kathleen Weaver The Hospitals Contribution Fund of Australia Ltd
- (j) Alice Caldwell Teachers Health Fund
- (k) Christine Smyth Defence Health Limited

3.3 *Agenda items:*

- (a) Elective surgery
- (b) Funds' member support during COVID-19
- (c) Other

3.4 *Summary:*

- (a) The working group discussed the COVID-19 situation in Victoria, the fact that most hospitals are back at 100% of elective surgeries, [REDACTED]

[REDACTED]



3.5 *Minutes:* the minutes of this meeting are in Attachment 2.

#### **4. Value of Private Health Meeting**

4.1 *Date:* 7 July 2020


4.2 *Attendees:*

- |     |              |  |
|-----|--------------|--|
| (a) | Matthew Koce | Members Health Fund Alliance             |
| (b) | Michael Roff | Australian Private Hospitals Association |
| (c) | James Kemp   | Catholic Health Australia                |
| (d) | Steven Rubic | Healthscope                              |
| (e) | John Hill    | PHA                                      |
| (f) | Danny Sims   | Ramsay Healthcare                        |
| (g) | Rachel David | PHA                                      |
| (h) | Lisa Minchin | PHA                                      |

4.3 *Agenda items:*

- (a) Resumption of elective surgery and barriers to returning to business as usual
- (b) Other business

4.4 *Summary:* The group discussed:

- (a)  Social distancing may impact the full return to elective surgery; and
- (b) COVID-19 updates including lockdown of social housing flats and impending state lockdown of Victoria.

4.5 *Minutes:* the minutes of this meeting are in Attachment 3.

#### **5. Next Fortnightly Report**

PHA will submit the next fortnightly report pursuant to the conditional interim authorisation on Monday, 27 July 2020.

## Attachment 1 – Minutes of Fortnightly CEO briefing on COVID-19 with Dr Rachel David, PHA

### Fortnightly CEO briefing on COVID19 with Dr Rachel David, Private Healthcare Australia Ltd (PHA)

3pm, 29/06/2020

Via teleconference

#### Invitees

Rachel David	CEO, PHA
John Hill	Chair, PHA
Gerard Fogarty	Defence Health Limited
Sharon Waterhouse	Phoenix Health Fund Limited
Mark Fitzgibbon	nib Health Funds Ltd
Simone Tregear	Railway & Transport Health Fund Ltd
Matt Walsh	Australian Unity Health Limited
Tim Tez	AIA Health Insurance (MO Health Pty Ltd)
Dario Molina	CBHS Corporate Health Pty Ltd
Byron Gregory	Health Partners Limited
Brad Joyce	Teachers Health Fund
Andrew Wilson	Medibank Private Limited
Andrew Smith	CBHS Health Fund Limited
Paul Lupo	St. Lukes Health
Ian Whitehead	Latrobe Health Services Limited
Gerard Op De Coul	Mildura Health Fund
Rohan Mead	Australian Unity Health Limited
Camilla Milazzo	PHA
Lisa Minchin	PHA
Jen Eddy	PHA
Ben Harris	PHA
Justin James	HIF Pty Ltd
Emily Amos	Bupa HI Pty Ltd
Rob Seljak	Teachers Health Fund

#### Not Present

John Van Der Wielen HBF Health Fund Limited

#### Open

The Chair, Mr Hill opened the meeting at 1pm.

Mr Hill noted the apology received from Mark Fitzgibbon from nib Health Funds Limited and Sheena Jack from The Hospitals Contribution Fund of Australia Ltd.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Further discussion was had regarding the COVID-19 situation in Victoria and Elective surgery.

[REDACTED]

[REDACTED]

**Questions**

The CEOs asked Dr David questions regarding the above topics which Dr David answered.

**The meeting closed at 3:27pm.**

## Attachment 2 – Minutes of COVID-19 Working Group meeting



Private Healthcare Australia  
Better Cover. Better Access. Better Care.

### Working Group 2 July 2020 MINUTES

#### Attendees

Ed Close	nib Health Funds Ltd
Rachel David	PHA
Lisa Minchin	PHA
Ben Harris	PHA
Jen Eddy	PHA
Amanda Lean	BUPA HI Pty Ltd
Raj Krishnaswamy	GMHBA Limited
Jonathan Spiers	Medibank Private Limited
Kathleen Weaver	The Hospitals Contribution Fund of Australia Ltd
Alice Caldwell	Teachers Health Fund
Christine Smyth	Defence Health Limited

#### Elective Surgery

Most of the hospitals are back at 100%.  
[REDACTED]

Discussion was had regarding the COVID-19 situation in Victoria and Elective surgery.  
[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

Ben Harris commented on the following points:

[Redacted]



**Attachment 3 – Minutes of Value of Private Health Meeting**



**Private Healthcare Australia**  
Better Cover. Better Access. Better Care.

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ABN: 35 008 621 994

**Dr Rachel David**  
CHIEF EXECUTIVE OFFICER

**Minutes of Value of Private Health Meeting**

1:00pm Tuesday 7<sup>th</sup> July 2020

**Attendees:**

- Matthew Koce                      Members Health Fund Alliance
- Michael Roff                        Australian Private Hospitals Association
- James Kemp                        Catholic Health Australia
- Steven Rubic                        Healthscope
- John Hill                             PHA
- Danny Sims                         Ramsay Healthcare
- Rachel David                        PHA
- Lisa Minchin                        PHA

**Welcome and apologies**

No apologies

[REDACTED]

Social distancing may impact the full return to the pathway to elective surgery.

[REDACTED]



**Other business & next meeting – JH/ALL**

Victoria have announced 190 COVID-19 cases

Media has reported on social housing flats being in lockdown

There has been discussion around a state lockdown for up to 4 weeks in Victoria

**Next meeting: 3:30pm on 11<sup>th</sup> August 2020**