

# MinterEllison

16 September 2020

## BY EMAIL ONLY

Ellie Dwyer  
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Merger and Authorisation Review Division  
Australian Competition & Consumer Commission  
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Dear Ms Dwyer

### **Private Healthcare Australia (PHA) – application for authorisation AA1000487 – Fortnightly report to ACCC No 7**

1. We refer to our letter dated 24 August 2020 in which we provided the sixth 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 seventh fortnightly report which relates to the period from 24 August 2020 to 4 September 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 and yellow highlighting. The information highlighted in red constitutes information that relates to the Proposed Conduct and the information highlighted in yellow constitutes information that does not relate to the Proposed Conduct. 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. 7

### 1. Report

1.1 This Fortnightly Report sets out the details of the following meeting that occurred during the period from 24 August 2020 to 4 September 2020:

- (a) Fortnightly CEO briefing on COVID-19; and
- (b) COVID-19 Working Group meeting.

1.2 The relevant details of this meeting 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 the meeting are set out as Attachments to this report.

### 2. Fortnightly CEO briefing on COVID-19

2.1 *Date:* 1:00pm, 24 August 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) Barbara Cruz Railway & Transport Health Fund
- (g) Matt Walsh Australian Unity Health Limited
- (h) Greg Morris 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 Smith CBHS Health Fund Limited
- (m) Paul Lupo St. Lukes Health
- (n) Ian Whitehead Latrobe Health Services Limited
- (o) Gerard Op De Coul Mildura Health Fund
- (p) Rohan Mead Australian Unity Health Limited
- (q) Camilla Milazzo PHA
- (r) Jen Eddy PHA
- (s) Ben Harris PHA
- (t) Justin James HIF Pty Ltd
- (u) Rob Seljak Queensland Teachers' Union Health Fund Limited
- (v) John Van Der Wielen HBF Health Limited
- (w) Simone Tregear Railway & Transport Health Fund

- (x) Lisa Minchin PHA

2.3 *Agenda items:*

- (a) General update
- (b) Premium increase update
- (c) Update by Ben Harris
- (d) Update by Jennifer Eddy

2.4 *Summary:*

- (a) Dr David provided a general update regarding COVID-19, including that private hospitals in Victoria would be bringing in a number of aged care residents, which would impact on the return to elective surgery. [REDACTED]
- (b) Dr David advised funds to continue promoting how they are giving back to, and supporting members, specifically in relation to investing in telehealth and minimal out of pocket expenses.

[REDACTED]

[REDACTED]

- (e) PHA's High Claims Report was released on the date of this meeting.
- (f) Ms Eddy requested that funds continue to provide information to PHA regarding how funds are supporting their members so this can be shared on social media.

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

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

3.1 *Date:* 3 September 2020

3.2 *Attendees:*

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

3.3 *Agenda items:*

- (a) COVID-19
- (b) Upcoming premium increases

3.4 *Summary:*

- (a) The group discussed that there has been direct communication with the public and media about the 1 October premium increase and that funds have sent letters to members about this increase.
- (b) Telehealth will continue after 30 September and funds were asked to advise PHA if they were going to stop using the telehealth codes.

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

**4. Next Fortnightly Report**

PHA will submit the next fortnightly report pursuant to the conditional interim authorisation on Monday, 21 September 2020.

## Attachment 1 – Fortnightly CEO briefing on COVID-19

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

1pm, 24/08/2020

Via teleconference

#### Invitees

Rachel David	Chief Executive Officer, PHA
John Hill	Chair, PHA
Gerard Fogarty	Defence Health Limited
Sharon Waterhouse	Phoenix Health Fund Limited
Mark Fitzgibbon	nib Health Funds Ltd
Barbara Cruz	Railway & Transport Health Fund
Matt Walsh	Australian Unity Health Limited
Greg Morris	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 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
Jen Eddy	PHA
Ben Harris	PHA
Justin James	HIF Pty Ltd
Rob Seljak	Queensland Teachers' Union Health Fund Limited
John Van Der Wielen	HBF Health Limited
Simone Tregeagle	Railway & Transport Health Fund
Lisa Minchin	PHA

#### Open

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

Mr Hill noted the apology received from Andrew Wilson of Medibank Private Limited and and Tim Tez of AIA Health Insurance.

#### General update

Dr David provided a general update regarding the COVID-19 Pandemic.

Dr David informed the group that it is understood that the private hospitals in Victoria will be bringing in a number of aged care residents. This will have an impact on the return to full elective surgery which is already delayed and also raises issues regarding workforce and recruitment.



It was noted that all other states elective surgery is returning to full capability.

**Premium Increase Update**

[REDACTED]

Dr David advised the funds to continue to promote how they are giving back to members and their continued commitment to support their members, specifically in relation to investing in telehealth and minimal out of pocket expenses.

[REDACTED]

**Update by Ben Harris**

[REDACTED]

**Update by Jennifer Eddy**

[REDACTED]

The group was informed that PHA's High Claims Report was released today and PHA will continue to deliver a factual narrative in the lead up to the 1 October 2020 premium increases.

Ms Eddy requested that the funds continue to provide information to PHA about how the funds are supporting their members for use on social media.

**The meeting closed at 1:23pm.**



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

## COVID-19 UPDATE 3 September 2020 MINUTES

### Attendees

Rachel David	PHA
Lisa Minchin	PHA
Ben Harris	PHA
Jen Eddy	PHA
Amanda Lean	BUPA HI Pty Ltd
Jonathan Spiers	Medibank Private Limited
Kathleen Weaver	The Hospitals Contribution Fund of Australia Ltd
Alan Brindell	The Hospitals Contribution Fund of Australia Ltd
Sandra Jones	Queensland Teachers' Union Health Fund Limited
Christine Smyth	Defence Health Limited
Ed Close	nib Health Funds Ltd

Apologies: Raj Krishnaswamy (GMHBA Limited), Alice Caldwell (Queensland Teachers' Union Health Fund Limited)

The main issues discussed during the meeting were COVID-19, 1<sup>st</sup> October, and the upcoming premium rounds.

There has been direct communication with the public and media about the Premium increase on 1<sup>st</sup> October. Funds have sent letters to their members to inform them of the increase.



[REDACTED]

[REDACTED]

[REDACTED]

Telehealth will continue post 30<sup>th</sup> September. Please advise PHA if your fund is not going to keep using the Telehealth codes.

[REDACTED]