



**Australian Competition & Consumer Commission**

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Australia

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Our Ref: C2002/527

XX June 2002

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sent to attached  
1st of 2012

Dear xx

**Trade Practices Act 1974  
Application for Authorisation Nos A90811 & A90812  
lodged by Health Purchasing Victoria**

The Australian Competition and Consumer Commission (the Commission) has issued a draft determination in relation to application for authorisation registration numbers A90811 & A90812 lodged by Health Purchasing Victoria (HPV). The applications seek authorisation for the calling and awarding of tenders by HPV for the exclusive acquisition of temporary agency nursing staff from nursing agencies on behalf of several public and one private health service in metropolitan Melbourne and Geelong.

HPV's original intention in proposing the collective tender was to reduce agency nursing costs for the participating health services.

However, on 1 March 2002, the Victorian Department of Human Services (DHS) issued a written direction under section 42 of the *Health Services Act* 1998 (Vic) capping the rate which Victorian public hospitals and metropolitan health services can pay for agency nursing services and limiting the instances in which agency nurses can be employed to unexpected absences of permanent staff.

In effect, the written direction largely produces the outcomes the proposed tender process was designed to achieve.

The ACCC is not required under the authorisation process to assess whether the DHS direction generates a benefit to the public outweighing any detriment to the public. The ACCC has no view on this matter.

HPV has not withdrawn its application for authorisation for the collective tender process. The Commission has therefore proceeded with the authorisation process as set down in the *Trade Practices Act* (1974). In particular, it has now released a draft determination indicating what its proposed decision is on the HPV application.



The Commission has assessed the likely public benefits and effects on competition of the proposed tender process given that the written direction is already in place. In effect it has assessed whether any public benefit and anti competitive detriment results from the proposed tender arrangements in addition to that flowing from the written direction.

The draft determination identifies a small public benefit flowing from the collective tender in the form of administrative cost savings which could be expected to be directed towards improving patient care. The Commission also considered that the requirement that the successful tenderer meet service level targets would assist in improving patient care.

The Commission considers that minimal public detriment results from the tender process. In particular, the Commission considers that there is unlikely to be a significant reduction in agency nurse's remuneration from the collective tender process in addition to any reduction achieved by the price cap in the DHS direction.

The draft determination therefore concludes that the public benefits likely to result from the arrangements would outweigh any anti-competitive detriment that may arise. Accordingly, the Commission proposes to grant authorisation in relation to the applications.

A copy of the draft determination is available from the Commission's web site at [www.accc.gov.au](http://www.accc.gov.au).

Once the Commission releases a draft determination, the applicant or any interested party may call a pre decision conference. Interested parties must notify the Commission in writing within fourteen days of Tuesday 2 July 2002, that is, **by close of business on Tuesday 16 July 2002**, if they wish the Commission to hold a conference in relation to the draft determination. This deadline cannot be extended.

A pre-determination conference provides the opportunity to make an oral submission in response to the Commission's draft determination. Conferences are conducted informally, without participation of legal or other professional advisers.

In the event of such a conference taking place it would be held as soon as possible, but in any event no later than 15 August 2002.

You are also invited to make a written submission in response to the Commission's draft determination. Written submissions should be lodged **by close of business on Friday 26 July 2002**, at the following address:

The General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Submissions can also be lodged by e-mail to: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or by facsimile on (02) 6243 1211.

You may request that information you provide in a submission to the Commission be treated as confidential and not placed on the public register. The Commission may take into account

information for which it grants confidentiality, even if that information is not publicly available. Guidelines for seeking confidentiality are attached for your information.

A copy of this letter will be placed on the Public Register kept by the Commission. Should you require further information, please contact the Commission's Information Centre on 1300 302 502.

Yours sincerely

Richard Chadwick  
A/g General Manager  
Adjudication Branch

Name	Company	Sal	end
Mr Rodney J Hancock	PO Box 7176 DANDENONG 3175	Mr Hancock	sincerely
Mr David M Lee	Unit 1/11 Kooyong Rd ARMADALE VIC 3143	Mr Lee	sincerely
Ms Jennie Hickey	2034 Whirohorse Rd BALWYN VIC 3103	Ms Hickey	sincerely
Mr Murray E Erwin	PO Box 7280 MELBOURNE VIC	Mr Erwin	sincerely
Ms A Perryman	3-312 Wattletree Rd MALVEN EAST 3145	Ms Perryman	sincerely
Ms Joanna Begabie	PO Box 323 CHELSEA VIC 3196	Ms Beabie	sincerely
Mr John H Tetley	15 Ganges Crt WERRIBEE VIC 3030	Mr Tetley	sincerely
Ms Grace Cumming	128 Raleigh Street THORNBURY 3071	Ms Cumming	sincerely
Ms Kerrin Harris	25 Narbur Drive SUNDURY VIC 3429	Ms Harris	sincerely
Miss Gabrielle Walpole	10 Ivan Street NORTH FITZROY 3068	Miss Walpole	sincerely
Ms Amy McKay	7 Moore Street RICHMOND VIC 3121	Ms McKay	sincerely
Ms Linda Sherwood	5 Bellgrire Ave MT WAVERLGY VIC 3149	Ms Sherwood	sincerely
Mr Nicholas Dorloff	6 Biziey Street MOUNT WAVERLGY VIC 3149	Mr Dorloff	sincerely
Ms Gay Doddiss	31 Broadford Rd WANDORG 3758	Ms Doddiss	sincerely
Mr Steve Judd	25 North St RICHMOND VIC 3121	Mr Judd	sincerely
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Ms Robyn James	333 Sheedy's lane MIA MIA VIC 3444	Ms James	sincerely
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Ms Robyn Schulz Ms J Macpherson	4 Kelvin Close NIDDNE VIC 3047 16 Powlett Street HEIDERBERG VIC 3084	Ms Schulz	sincerely
Ms Sue Boucher	8/1 Lawson Grove SOUTH YARRA VIC 3141	Ms Macpherson	sincerely
Mr Malcolm Roberts	5 Churchill Grove HAWTHORN VIC 3122	Ms Boucher	sincerely
Ms Caroline Well Ms K Henrichs	6 Newham Grove ORMOND VIC 3204 976 Park Street ABBOTSFORD VIC 3067	Mr Roberts	sincerely
Ms Jan McCormick Ms Elizabeth Nogan	7/64 Broadson ELWOOD VIC 3181 44 Deep Creek Drive DONCASTER EST VIC 3109	Ms Well	sincerely
Ms L Povey	8 Stratford Way PT COOK VIC 3030	Ms Henrichs	sincerely
Sir/Madam	10 Edina Close BEACON COVE VIC 3207	Ms McCormick Ms Nogan	sincerely
Ms Elizabeth Buckley	PO Box 381 PANTON HILL VIC 3759	Ms Povey	sincerely
Ms Elecia Adams	Main Rd POWELLTOWN VIC 3797	Sir/Madam	faithfully
Ms Heather Marriott	15 Kuranga Rd VIEWBANK VIC 3084	Ms Buckley	sincerely
Sir/Madam	9 Dunnegan Crescent HACLEOD VIC 3085	Ms Adams	sincerely
Mrs Halyna Levkut	7 Webb Close MEADOW HEIGHTS 3048	Ms Marriott	sincerely
Mr Lorenzo Calpito Ms Elizabeth James	1/182 Queens Street ALTONA 3081 44 Childs Street MELTON SOUTH 3338	Sir/Madam	faithfully
Ms Suzanne Carey-Thomas Ms Salma Juma	11 Lancefield Road WOODEND 3442 6/25 Balmoral Avenue EAST BRUNSWICK 3057	Mr Levkut	sincerely
Ms Diane Turner	30 Boronia Street WARRAGUE VIC 3820	Mr Calpito	sincerely
		Ms James	sincerely
		Ms Carey-Thomas Ms Juma	sincerely
		Ms Turner	sincerely

Sir/Madam	44 Hopetown Grove EAGLEMONT VIC 3079	Sir/Madam	faithfully
Ms Ann Parker	4 Corona crt DONCASTER EAST VIC 3109	Ms Parker	sincerely
Ms Roberta Callaghan	10B Cromwell Rd SOUTH YARRA VIC 3141	Ms Callaghan	sincerely
J Campbell	10 Elmore Ave CROYDON VIC 3136	Sir/Madam	faithfully
Ms Anjella Buckley	14 Helms Street NEWCOMBE VIC 3219	Ms Buckley	sincerely
Ms Lynn Wild	23 Oriole Drive WERRIBEE VIC 3030	Ms Wild	sincerely
Ms Lenisha Vesey	Antigone Mews 8 Samantha Drive MORNINGTON VIC 3931	Ms Vesey	sincerely
Ms Joanne Naqush	4 Ruleigh street THORNBURY VIC 3071	Ms Naqush	sincerely
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Ms Jenny Hillier	PO Box 88 YARRAGON VIC 3823	Ms Hillier	sincerely
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Sir/Madam	PO Box 24 GLEN HUNTLY VIC 3163	Sir/Madam	faithfully
Ms Pamela Chase	56 Elphin Grove HAWTHORN VIC 3122	Ms Chase	sincerely
Ms Elizabeth Cook	8/30 Fitzroy Street ST KILDA VIC 3053	Ms Cook	sincerely
Mr A Cameron	207 Penven Rd MAIN RIDGE VIC 3928	Mr Cameron	sincerely
Ms Tracey Vincent	23 Pane Street NORTHCOTE VIC 3070	Ms Vincent	sincerely
Ms Rebecca Kovas	1/17 Bulla Rd NORTH Essendon vic 3041	Ms Kovas	sincerely
Mr Adrian Maunder	90 Williams Rd DON VALLEY VIC 3139	Mr Maunder	sincerely

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Ms Regena Van Der Spek	27 Gordon Street MONTROSE VIC 3765	Ms Van Der Spek	sincerely
Mr Roger Smith	9/9 Maxflo Court HIGHETT VIC 3190	Mr Smith	sincerely
Ms Margaret Wilson-Edwards	4 Yeronga Avenue UPWEY VIC 3158	Ms Wilson-Edwards	sincerely
Ms Simone Tenge	3/38 Westbury Street ST KILDA EAST 3183	Ms Tenge	sincerely
Mr Duane Welsh	1 Barak Road PORT MELBOURNE VIC 3207	Mr Welsh	sincerely
Ms Kym Mai	15 Netherway Street CAMBERWELL VIC 3124	Ms Mai	sincerely
Ms Nicole Wellington	2 Hurstmon Street MALVERN VIC 3145	Ms Wellington	sincerely
Ms Elene Raftopoulos	322 Upper Hiedelberg Rd IVONHOE VIC 3079	Ms Raftopoulos	sincerely
Mrs S Kua	1/32 Bereley Street DONCASTER EAST VIC 3109	Mrs Kua	sincerely
Ms Christine Kain	1/128 Bedford Rd RINGWOOD EAST VIC 3135	Ms Kain	sincerely
Ms Sonia Altun	58 Burchall Grove NORTH DANDENONG vic 3175	Ms Altun	sincerely
Sir/Madam	10 Omega Crt MITCHAM VIC 3132	Sir/Madam	sincerely
Mr Michael Hoey	12 Moor Street FITZROY VIC 3065	Mr Hoey	sincerely
Ms Lisa Carlyon	11 Orville Street ALTONA MEADOWS VIC 3028	Ms Carlyon	sincerely
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Sir/Madam	47 Mackay Street ESSENDON VIC 3040	Sir/Madam	faithfully
Ms L Ortenbury	587 Burwood Hwy VERMONT SOUTH VIC 3138	Ms Ortenburg	sincerely
Ms Malinda O'Shannassy	100 Bent Street NORTHCOTE VIC 3070	Ms O'Shannassy	sincerely
Ms Olive Mahon	98 Lennox Street RICHMOD VIC 3121	Ms Mahon	sincerely
Ms Julie Brown	3 Somerville Rd YARRAVILLE VIC 3013	Ms Brown	sincerely
Ms Sue Year	33 Chambers COBURG VIC 3058	Ms Year	sincerely
Sir/Madam	149 Holmes Rd MOONEE PONDS VIC 3039	Sir/Madam	faithfully
Ms Suzanne McPhee	124 Green Street JUAULIVE VIC 3079	Ms McPhee	sincerely
Mr Gavin Dullard	8 Janet Street LOWER TEMPLESTOWE VIC 3107	Mr Dullard	sincerely
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Mr Anthony Cusinato	PO Box 477 HEIDELBERG VIC 3084	Mr Cusinato	sincerely
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Sir/Madam	PO Box 674 HEATHMONT VIC 3135	Sir/Madam	faithfully
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Mrs Wendy Morrow	PO Box 5036 WONGA PARK VIC 3115	Mrs Morrow	sincerely



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Ms Christine Stone	22 Prince Street HAMPTON VIC 3188	Ms Stone	sincerely
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Ms M McDonald	4/28 Hunter Street WEST BRUNSWICK VIC 3055	Ms McDonald	sincerely
Ms Annette Burke	4 Watermoor Ave KILSYTH VIC 3137	Ms Burke	sincerely
Mrs G Stephenson	63 Truman Street SPOTSWOOD VIC 3015	Mrs Stephenson	sincerely
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Sir/Madam	3/16 Charnwood Rd ST KILDA VIC 3182	Sir/Madam	faithfully
Sir/Madam	143 Normanby Ave THORNBURY VIC 3071	Sir/Madam	faithfully
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Mr Adam Cripps	12/29 Nunan Street EAST BRUNSWICK 3057	Mr Cripps	sincerely
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Ms Claire Daffey	22A Withers Street ALBERT PARK VIC 3206	Ms Daffey	sincerely
Mr Vincent Bacon	3/5 Ellison Street MALVERN EAST VIC 3145	Mr Bacon	sincerely
Ms J Hall	16 Kroules Street NORTHCOTE VIC 3070	Ms Hall	sincerely
Mr B Wilkinson-Beards	14 Thames Street NORTHCOTE VIC 3070	Mr Wilkinson-Beards	sincerely
Ms Carol Wall	3 Parklands Close DONVALE VIC 3111	Ms Wall	sincerely
Ms Karryn Dymke	3 Kenwood Crescent NORTH RINGWOOD VIC 3134	Ms Dymke	sincerely
Ms Joanne Herbert	8 Baxter Street ELTHAM VIC	Ms Herbert	sincerely
Ms Rosemary Sauders	3 Bagendon Crt KILSYTH VIC 3137	Ms Sauders	sincerely
Sir/Madam	58A Summit Road LILYDALE VIC 3140	Sir/Madam	sincerely
Sir/Madam	54 Rayment Street FAIRFIELD VIC 3078	Sir/Madam	sincerely
Ms Christine Foster	4 Dudley Street NORTH ESSENDON VIC 3041	Ms Foster	sincerely
Mr Paul Rankin	6 Sadie Street MOUT WAVERLEY VIC 3149	Mr Rankin	sincerely
Ms Helen Murphy	4 Hilgay Street COOLANOO VIC 3048	Ms Murphy	sincerely
Ms Margaret Keogh	1A Shepreth Street SURREY HILLS VIC 3127	Ms Keogh	sincerely
Ms Christina Widuckel	876 Swanston Street CARLTON VIC 3053	Ms Widuckel	sincerely
Ms Rose Hoey	8 Old Warrandyte Road DONVALE VIC 3111	Ms hoey	sincerely
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Ms Jaydie Knight	Twin Hills Nursing Agency Level 2, 50 Upper Heidelberg Rd IVANHOE VIC 3079	Ms Knight	sincerely
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Ms Rebecca Widuckel	8 Old Warrandyte Rd DONVALE VIC 3111	Ms Widuckel	sincerely
Ms Kristine Lim	7 Richard Street DONCASTER EAST VIC 3109	Ms Lim	sincerely
Mrs Celina De Rose	18 Thomasina Street East Bentleigh vic 3165	Mrs De Rose	sincerely
Ms Emma Waldron	59 Spring Street PORT MELBOURNE VIC 3207	Ms Waldron	sincerely
Mr James Grabham	2/1 Yarmouth Street RINGWOOD VIC 3134	Mr Grabham	sincerely
Ms Sue Davis	8 Queen Street SURREY HILLS VIC 3127	Ms Davis	faithfully
Miss Kylie Draper	30 Wall Street RICHMOND VIC 3121	Miss Draper	sincerely
Mrs June Avanessian	151 Morack Road VERMONT SOUTH 3133	Mrs Avanessian	sincerely
Miss Jane Fleming	58 Khartoum Street WEST FOOTSCRAY VIC 3012	Miss Fleming	sincerely
Mr Ian Edgecombe	129 Victoria Road NORTHCOTE VIC 3070	Mr Edgecombe	sincerely
Ms Sasha Rich	6/58 Aderey Ave KEW VIC 3101	Ms Rich	sincerely
Ms Morag Miller	8 Lamont Street ALEXANDRA VIC 3714	Ms Miller	sincerely
Mrs Beverley Picken	4 Roxburgh Court EPPING VIC 3076	Mrs Picken	sincerely
Sir/Madam	41 Roland Ave STRATHMORE VIC 3041	Sir/Madam	faithfully
Miss Lisa Norgate	3 Munro Street EAST KEW VIC 3066	Miss Norgate	sincerely
Mrs Kathryn Scetrine	28 Kangaroo Ground – Warrandyte Rd NORTH WARRANDYTE VIC 3113	Mrs Scetrine	sincerely
Sir/Madam	14 Hooper Crescent WEST BRUNSWICK VIC 3055	Sir/Madam	faithfully
Mr Kevin Corbell	PO Box 262 EAST MELBOURNE VIC 8002	Mr Corbell	sincerely
Ms Claire Hudson	11 Keystone Crescent KEW EAST VIC	Ms Hudson	sincerely
Ms Rachel Pyrohiw	11/21 Richardson Street ESSENDON VIC 3040	Ms Pyrohiw	sincerely
Mrs Vernice Kominarski	47 Lynwood Parade LOWER TEMPLESTOWE 3107	Mrs Kominarski	sincerely
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Miss Patricia Flanagan	201/10 Lennox Street RICHMOND VIC 3106	Miss Flanagan	sincerely
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Ms Marie Petras	4 Bayliss Street PRESTON VIC 3072	Ms Petras	sincerely
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Mrs Deborah Matricardi	10 Bodkin Street KYNETON VIC 3444	Mrs Matricardi	sincerely
Ms Carol Varenholt	30 Kangerong Rd BOX HILL VIC 3128	Ms Varenholt	sincerely
Sir/Madam	39 Cressy Street MALVERN VIC 3144	Sir/Madam	sincerely
Sir/Madam	97 Emerald Monbulk Rd EMERALD VIC 3782	Sir/Madam	sincerely
Sir/Madam	31/23 George Street FITZROY VIC 3065	Sir/Madam	sincerely
Ms Noela Samtori	149 George Street FITZROY VIC 3065	Ms Samtori	sincerely
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Ms G Lawrance	2/32 Nicholson Street BRUNSWICK EAST VIC 3057	Ms Lawrance	sincerely
Ms Angela Coward	6/43 Grandview Grove PRAHRAN EAST VIC 3181	Ms Coward	sincerely
Ms Carol Mckenzie	51 Florence Street WILLIAMSTOWN VIC 3016	Ms McKenzie	sincerely
Mr Russell Gilmour	22 Albion Street ST KILDA EAST VIC 3183	Mr Gilmour	sincerely