



Australian Competition & Consumer Commission

Our ref: C2002/527
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4 December 2002

Mr Rodney J Hancock
PO Box 7176
DANDENONG 3175

sent to
attached list
GJ 5/12/02

Dear Mr Hancock

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

The Australian Competition & Consumer Commission (the Commission) has made a determination in respect of the above applications for authorisation. The applications seek authorisation for the calling and awarding of tenders by Health Purchasing Victoria (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HPV has not withdrawn its application for authorisation for the collective tender process.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 final determination in relation to HPV's 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 determination identifies a 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 proposed arrangements will generate some, small, public benefit through the requirement that successful tenders adhere to service level targets, and through ensuring that once a nursing agency has committed to provide a nurse for a shift, one will be available, which will also assist in improving patient care.

The determination identifies minimal public detriment flowing from the tender process. In particular, the Commission considered 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 determination therefore concludes that the public benefits likely to result from the arrangements would outweigh any anti-competitive detriment that may arise, subject to certain conditions being complied with. Accordingly, the Commission has granted authorisation to application Nos A90811 & A90812 subject to conditions outlined in section 7 of the determination. Authorisation has been granted for a period of 6 years.

A copy of the determination is available from the Commission's web site at www.accc.gov.au by following the links Adjudication, Authorisations, Recent applications finalised.

In accordance with s.101 of the *Trade Practices Act* 1974 a person dissatisfied with the Commission's determination has the right to apply to the Australian Competition Tribunal for a review of the determination. For your information, if such a review is made, each application must be lodged on the appropriate form within 21 days of the date of the determination, with the Registrar of the Tribunal. The Tribunal is located in the Office of the Registrar of the Federal Court in each State.

A copy of this letter together with the determination will be placed on the Public Register kept by the Commission.

Yours sincerely

Tim Grimwade
General Manager
Adjudication Branch

| Name | Company | Sal | end |
|---------------------------|--|--------------|-----------|
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| 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 |
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| Ms Sarah Gregson | 2 Rooney Street RICHMOND VIC 3121 | Ms Gregson | sincerely |
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| Ms Dorothy Watsons | 5 Matthew Ct COROWA NSW 2646 | Ms Watsons | sincerely |

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| Angela & Alan Sherratt | 86 St Andrews Street BRIGHTON VIC 3186 | Ms & Mr Sherratt | sincerely |
| Ms Robyn Schulz | 4 Kelvin Close NIDDNE VIC 3047 | Ms Schulz | sincerely |
| Ms J Macpherson | 16 Powlett Street HEIDERBERG VIC 3084 | Ms Macpherson | sincerely |
| Ms Sue Boucher | 8/1 Lawson Grove SOUTH YARRA VIC 3141 | Ms Bouchor | sincerely |
| Mr Malcolm Roberts | 5 Churchill Grove HAWTHORN VIC 3122 | Mr Roberts | sincerely |
| Ms Caroline Well | 6 Newham Grove ORMOND VIC 3204 | Ms Well | sincerely |
| Ms K Henrichs | 976 Park Street ABBOTSFORD VIC 3067 | Ms Henrichs | sincerely |
| Ms Jan McCormick | 7/64 Broadson ELWOOD VIC 3181 | Ms McCormick | sincerely |
| Ms Elizabeth Nogan | 44 Deep Creek Drive DONCASTER EST VIC 3109 | Ms Nogan | sincerely |
| Ms L Povey | 8 Stratford Way PT COOK VIC 3030 | Ms Povey | sincerely |
| Sir/Madam | 10 Edina Close BEACON COVE VIC 3207 | Sir/Madam | faithfully |
| Ms Elizabeth Buckley | PO Box 381 PANTON HILL VIC 3759 | Ms Buckley | sincerely |
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| Ms Heather Marriott | 15 Kuranga Rd VIEWBANK VIC 3084 | Ms Marriott | sincerely |
| Sir/Madam | 9 Dunnegan Crescent HACLEOD VIC 3085 | Sir/Madam | faithfully |
| Mrs Halyna Levkut | 7 Webb Close MEADOW HEIGHTS 3048 | Mr Levkut | sincerely |
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| Ms Diane Turner | 30 Boronia Street WARRAGUE VIC 3820 | 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 |
| Sir/Madam | 24 Charlton Street BLACKBURN NORTH VIC 3130 | Sir/Madam | sincerely |
| Ms Jenny Hillier | PO Box 88 YARRAGON VIC 3823 | Ms Hillier | sincerely |
| 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 Pauline Shelton | 2 Seaview Ave BENTLEIGH VIC 3204 | Ms Shelton | sincerely |
| Ms Regena Van Der Spek | 27 Gordon Street MONTROSE VIC 3765 | Ms Van Der Spek | sincerely |
| Mr Roger Smith | 9/9 Maxflo Court HIGHTT 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 |
| Ms Margaret Hall | 20 Alleyne Ave ARMADALE VIC 3143 | Ms Hall | sincerely |
| Ms Claire McCormack | 37 Werrbley Avenue YARRAVILLE VIC 3013 | Ms McCormack | sincerely |
| Ms Ann Johnstone | 11 A Harding Avenue BONBEACH VIC 3196 | Ms Johnstone | sincerely |
| Sir/Madam | 47 Mackay Street ESSENDON VIC 3040 | Sir/Madam | faithfully |

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| 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 |
| Ms L Bunring | 7 Chapman Street SUNSHINE 3020 | Ms Bunring | sincerely |
| Ms Denise Conlon | 9 Hollygreen Drive WHEELERS HILL VIC 3150 | Ms Conlon | sincerely |
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| Sir/Madam | 9/74 Grayam Road ROSANNA VIC 3084 | Sir/Madam | faithfully |
| Mr Anthony Cusinato | PO Box 477 HEIDELBERG VIC 3084 | Mr Cusinato | sincerely |
| Sir/Madam | 53 Warrigal Rd SURREY HILLS 3127 | Sir/Madam | faithfully |
| Sir/Madam | PO Box 674 HEATHMONT VIC 3135 | Sir/Madam | faithfully |
| Ms Dianne Gould | 139 Brackenbury Street WARRANTYTE VIC 3113 | Ms Gould | sincerely |
| Mrs Wendy Morrow | PO Box 5036 WONGA PARK VIC 3115 | Mrs Morrow | sincerely |
| Ms K Davison | 63 Bena Street YARRAVILLE VIC 3031 | Ms Davison | sincerely |
| Ms Genevieve Morgan | 237 Highbury Rd BURWOOD VIC 3125 | Ms Morgan | sincerely |
| Ms Christine Stone | 22 Prince Street HAMPTON VIC 3188 | Ms Stone | sincerely |

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| Ms Roslyn Franet | 49 Fortona Ave NORTH BALWYN VIC 3104 | Ms Franet | sincerely |
| 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 |
| Ms Christina Fore | 13 Centaur Grove DONCASTER EAST VIC 3109 | Ms Fore | sincerely |
| Sir/Madam | 3 Telopea Avenue DONCASTER EAST VIC 3109 | Sir/Madam | faithfully |
| Ms Christine Calder | 55 Chapmans Road SILVAN VIC 3795 | Ms Calder | sincerely |
| Sir/Madam | 3/16 Charnwood Rd ST KILDA VIC 3182 | Sir/Madam | faithfully |
| Sir/Madam | 143 Normanby Ave THORNBURY VIC 3071 | Sir/Madam | faithfully |
| Mrs L Bennett | 300 South Mountain Rd WANDONG VIC 3758 | Mrs Bennett | sincerely |
| Ms Kerry Bailey | 21 Gladstone Park Drive GLADSTONE PARK 3045 | Ms Bailey | sincerely |
| Mr Adam Cripps | 12/29 Nunan Street EAST BRUNSWICK 3057 | Mr Cripps | sincerely |
| Sir/Madam | 8 Rountree Street HAMINTON VIC 3300 | Sir/Madam | sincerely |
| Ms Dianne Glare | 23 Mantell Street MOONEE PONDS 3039 | Ms Glare | sincerely |
| Ms Kathy Boyle | 38 Grana Grove GREENSBOROUGH VIC 3088 | Ms Boyle | sincerely |
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| Ms Claire Daffey | 22A Withers Street ALBERT PARK VIC 3206 | Ms Daffey | sincerely |

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| 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 |
| Ms Deborah Pashley | 24 Heatherdale Rd MITCHAM VIC 3132 | Ms Pashley | sincerely |
| Ms Jaydie Knight | Twin Hills Nursing Agency Level 2, 50 Upper Heidelberg Rd IVANHOE VIC 3079 | Ms Knight | sincerely |
| Ms Tiffany Dobson | 59 Hamilton Rd BAYWATER VIC 3153 | Ms Dobson | sincerely |
| Mr Jim Perkoulidis | 172 Liberty Pde HEIDELBERG WEST VIC 3081 | Mr Perkoulidis | sincerely |
| 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 |

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| 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 FOOSTCRAY 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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| Ms Lillian Chia | 14 Ramsey Street BURWOOD EAST 3151 | Ms Chia | sincerely |
| Miss Patricia Flanagan | 201/10 Lennox Street RICHMOND VIC 3106 | Miss Flanagan | sincerely |
| Ms Christine Unferdorben | 18 Leoni Ave HEATHMONT VIC 3135 | Ms Unferdorben | sincerely |
| | 39 Longview Rd WORTH BALWYN VIC 3104 | Sir/Madam | faithfully |
| Ms Yvonne Stephens | 4/280 Barkly Street ELWOOD VIC 3184 | Ms Stephens | sincerely |
| Ms Shirley Thornloe | 12 Washington Lane WOODEND VIC 3448 | Ms Thornloe | sincerely |
| Ms Marie Petras | 4 Bayliss Street PRESTON VIC 3072 | Ms Petras | sincerely |

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| Mrs Gillian Whitehead | 11 Hillcrest Avenue KEW VIC 3101 | Mrs Whitehead | sincerely |
| 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 |
| Ms Annie Mumford | 1 Bendigo Avenue ELWOOD VIC 3184 | Ms Mumford | sincerely |
| 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 |
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| Mr Russell Gilmour | 22 Albion Street ST KILDA EAST VIC 3183 | Mr Gilmour | sincerely |