



**State of New South Wales as represented by the Ministry
of Health –
Application for authorisation AA1000507
Interim authorisation decision
1 May 2020**

Decision

1. The Australian Competition and Consumer Commission (the **ACCC**) has granted conditional interim authorisation in respect of the application for authorisation AA1000507, lodged by the State of New South Wales as represented by the Ministry of Health (the **Ministry**) on 30 April 2020.
2. The ACCC has granted conditional interim authorisation to the following parties who are engaged, or propose to become engaged, in the Proposed Conduct:
 - State of New South Wales as represented by the Ministry of Health;
 - New South Wales Public Health Organisations, in respect of public hospitals and healthcare facilities in the New South Wales public health system (**Public Health Organisations**);
 - the Australian Private Hospitals Association and Day Hospitals Australia (**Representative Bodies**);
 - the private healthcare operators (**Private Operators**) identified in **Attachment A**; and
 - any other person notified by the Ministry to the ACCC as intending to engage in the Proposed Conduct(together, the **Parties**).
3. The Ministry seeks authorisation for the broad purpose of maximising hospital capacity and ensuring the State-wide coordination of hospital and healthcare services in New South Wales to facilitate the most efficient and effective allocation of these resources and services during the period of the COVID-19 pandemic (the **Pandemic**) (see application for authorisation section 4.1).
4. The ACCC has granted conditional interim authorisation for the Parties to engage in the conduct described at paragraph 7 below, solely for the purpose of dealing with the effects of the Pandemic in New South Wales, and subject to conditions requiring the Ministry to provide the ACCC with regular updates regarding measures implemented under the interim authorisation, and to notify the ACCC of other person who seeks to engage in the conduct.
5. Interim authorisation commences immediately and remains in place until it is revoked, or the date on which the application for authorisation is withdrawn, or the date the ACCC's final determination comes into effect.

The application for authorisation

6. The Ministry has applied for authorisation to extend to itself and Public Health Organisations (in respect of public hospitals and healthcare facilities), the identified

Private Operators and the Representative Bodies. The Ministry is also seeking authorisation for any other person notified to the ACCC as intending to engage in the Proposed Conduct.

7. Authorisation is sought for the following conduct:
- (a) negotiating and entering into agreements between the Ministry and each of the Private Operators under which the Ministry will provide funding to the Private Operators on the condition that they provide certain services to The Ministry and Public Health Organisations (the **Partnership Agreements**, as further defined in paragraph 10)
 - (b) consistent with the Objectives (as defined in paragraph 12), coordinating:
 - (i) service and patient allocation between the Private Operators and Public Health Organisations
 - (ii) the restriction of the type of services provided by the Private Operators, or their capacity to provide services
 - (iii) the sharing, and allocation of resources, including staff and medical supplies and equipment, between the Private Operators and Public Health Organisations
 - (c) where it is necessary to facilitate the efficient integration and coordination of healthcare services across New South Wales and give effect to the Partnership Agreements, engaging in coordinated group discussions and sharing information with some or all of the Private Operators, Public Health Organisations and the Representative Bodies; and
 - (d) engaging in any other conduct that is necessary to facilitate the efficient integration of healthcare services across New South Wales and give effect to the Partnership Agreements, at the request or direction of the Ministry or Public Health Organisations
- (the **Proposed Conduct**).
8. The Ministry notes that it does not intend to enter into a Partnership Agreement with the Representative Bodies, but that the Representative Bodies may facilitate communication and cooperation between the Ministry, Public Health Organisations and Private Operators regarding the negotiation and implementation of Partnership Agreements.
9. In response to the Pandemic, the Australian Federal Government announced a range of temporary measures to increase the capacity of public and private health services to respond to the COVID-19 pandemic (the **Pandemic**). These temporary measures included restrictions on the ability of private healthcare providers to perform certain non-urgent elective surgeries and the expectation that they integrate with state and territory healthcare facilities as part of the response to the Pandemic. In return for this integration, the Federal Government guaranteed the viability of private healthcare providers.
10. The Federal Government has recently announced that the restriction on certain non-urgent elective surgeries will be lifted from 27 April 2020, and that category 2 and some important category 3 procedures can recommence across the public and private hospital sectors.¹ However, the Ministry has advised that private healthcare providers will still be required to make their infrastructure, equipment and services available to the public sector and they are unlikely to return to normal (pre-Pandemic) operations while the Pandemic's effects are being felt.

¹ On 21 April 2020, the Prime Minister announced that, from 27 April 2020, category 2 and some important category 3 procedures can recommence across the public and private hospital sectors, please see: <https://www.health.gov.au/news/government-eases-elective-surgery-restrictions>

11. The Ministry expects to separately enter into substantially similar Partnership Agreements with each Private Operator. The key features of these agreements will include:
- (a) The Ministry will provide funding to the Private Operator on the condition that they provide certain services to the Ministry and Public Health Organisations, including:
 - (i) clinical services that are required to treat a patient referred to or transferred to the Private Operator by or one of the Public Health Organisations;
 - (ii) the provision of appropriate facilities, resources, supplies and other support services (including where the clinical treatment within the private facility is provided by clinicians from a Public Health Organisation); and
 - (iii) any other Pandemic support services that are required by the Ministry or Public Health Organisations and that the Private Operator is capable of providing;
 - (b) the Private Operator must maintain sufficient capacity and resources to meet the likely and anticipated volume of services required by the Ministry or Public Health Organisations;
 - (c) the Ministry or Public Health Organisations may require the Private Operator to participate in service control, integration and continuity groups established by the Ministry to facilitate and share information about the coordination of healthcare services across the Private Operators and Public Health Organisations;
 - (d) the Private Operator will retain operational control of their facilities (except in an emergency or a major default), however clinicians from a Public Health Organisation may perform clinical services at private facilities;
 - (e) subject to its obligations to provide capacity, resources and services to the Ministry and Public Health Organisations, the Private Operator will continue to provide services to private patients in accordance with its normal business practices;
 - (f) public patients will not be required to pay for any cost of treatment by, or using the resources or facilities of, a Private Operator; and
 - (g) to the extent that it is in the control of the Private Operator, it must maintain the full workforce at each of its facilities and do all things reasonably necessary to ensure that it remains viable during the Pandemic and can resume operations when the Pandemic ends.
12. The Ministry submits that the Objectives of the Partnership Agreements will include:
- (a) integrating the Private Operators with the Ministry's and the Public Health Organisations' response to the Pandemic to provide health services in accordance with their individual capabilities and capacities;
 - (b) ensuring the viability of Private Operators during the Pandemic so that they are able to resume operations once it ends;
 - (c) ensuring that Private Operators make available sufficient capacity and resources and provide the healthcare services that are required by the Ministry or the Public Health Organisations to respond to the Pandemic;
 - (d) ensuring that the Private Operators provide healthcare services in accordance with standards of safety, quality and timeliness, including that patients are treated in the most appropriate setting to optimise health outcomes;
 - (e) coordinating equipment, medical supplies and staffing resources to support the Ministry's and the Public Health Organisations' responses to the Pandemic;

- (f) ensuring that the Ministry and the Public Health Organisations obtain healthcare services and access to Private Operators' facilities, equipment and workforce in an efficient, cost-effective and flexible manner; and
- (g) collaborating in an environment that fosters innovation, continuous improvement, cost efficiency, transparency and open, honest and timely communication.

(the **Objectives**)

13. The Ministry further submits that:

- Authorisation is not sought for any coordination or agreement between Private Operators, including through the Representative Bodies, other than as requested or directed by the Ministry or Public Health Organisations to give effect to the Partnership Agreements. The Partnership Agreements are not intended to permit the Private Operators to coordinate the pricing of services, and
- The Partnership Agreements are not intended to affect any competitive processes concerning the provision of services to private patients by the Private Operators.

14. The Ministry seeks authorisation for 12 months from the date of a final determination by the ACCC, and notes that this period may need to be extended if the Pandemic and its effects continue beyond this period.

The authorisation process

15. Authorisation provides protection from legal action for conduct that may otherwise breach the competition provisions of the *Competition and Consumer Act 2010* (Cth) (the **Act**). Broadly, the ACCC may grant authorisation if it is satisfied that the benefit to the public from the conduct outweighs any public detriment, including from a lessening of competition. The ACCC conducts a public consultation process to assist it to determine whether proposed conduct results in a net public benefit.

Interim authorisation

16. The ACCC may, where it considers it appropriate, grant an interim authorisation which allows parties to engage in proposed conduct while the ACCC is considering the substantive application.

17. The Ministry has requested urgent interim authorisation so that the Federal Government's integration requirements can be implemented as soon as possible and to ensure that the New South Wales healthcare system can continue to efficiently and effectively respond to the Pandemic.

Consultation

18. The ACCC has not conducted a public consultation process in respect of the request for interim authorisation in light of the urgent need for the Parties to coordinate their response to the Pandemic as soon as possible to ensure New South Wales is well placed to respond to the public health emergency as it continues to unfold, and the compelling nature of the public benefits likely to result from the request for interim authorisation.

19. Further information in relation to the application for authorisation, including any public submissions received by the ACCC as this matter progresses, may be obtained from the [ACCC's Public Register](#). Submissions on the substantive application are due by 22 May 2020.

Conditional interim authorisation

Transparency and reporting

20. The Ministry recognises the ACCC's desire for there to be sufficient transparency over the integration arrangements in these circumstances and is prepared to provide updates to the ACCC on an agreed basis.
21. The ACCC considers that, given the breadth of the Proposed Conduct, it is appropriate for there to be sufficient transparency over the various agreements reached, strategies implemented and information shared.
22. As a result, the ACCC grants interim authorisation for the Parties to engage in the Proposed Conduct (described at paragraph 7 in this Interim authorisation decision document) subject to the following conditions:

Condition 1 – Reporting requirements

23. The Ministry must provide regular updates to the ACCC at a frequency agreed between the Ministry and the ACCC, and provide any additional information reasonably requested by the ACCC.

Condition 2 – Notification of future parties

24. To the extent that Ministry believes it necessary or desirable for any other private healthcare operators (other than the private healthcare operators listed in **Attachment A**) to participate in the Proposed Conduct, the Ministry must notify the ACCC of the identity of those parties.

Reasons for decision

25. In granting interim authorisation, the ACCC recognises the urgency of the request for interim authorisation in light of the potential significant increased demand on the New South Wales hospital system due to the Pandemic (as outlined in paragraph 7 above).
26. The ACCC notes that granting interim authorisation is likely to materially reduce competition in the supply of hospital services to patients whose elective surgeries are no longer subject to restrictions. However, due to the following factors, the ACCC considers it unlikely that the arrangements will significantly impact competition in the long term:
 - The Proposed Conduct, and interim authorisation itself, is a temporary measure. Authorisation is only sought for 12 months from the date of the ACCC's final determination and the Proposed Conduct can be discontinued in the event that the effects of the Pandemic subside at an earlier date.
 - The Proposed Conduct is a proposal by the New South Wales Government, seeking to implement a directive from the Federal Government, rather than having arisen as agreements between public and private hospitals themselves.
 - The Ministry does not intend to enter into any agreements with the Representative Bodies, and the participation of the Representative Bodies is limited to facilitating communication and cooperation between the Ministry, Public Health Organisations and Private Operators regarding the negotiation and implementation of Partnership Agreements. In addition, communications between the Representative Bodies and the Ministry and Private Operators will cease once the effects of the Pandemic subside.
 - The reporting and notification conditions provide transparency in relation to the conduct and parties protected by the interim authorisation, and if major concerns are identified, the ACCC is able to revoke the authorisation (including substituting a new

authorisation with narrower authorised conduct or imposing different conditions) or seek changes to the measures being implemented under it.

- The information that will be shared under the Proposed Conduct will predominantly be time-limited, so will lose relevance following the cessation of the Proposed Conduct.
- The interim authorisation does not extend to any price agreements between private hospitals for non-COVID-19 services.
- The Proposed Conduct does not extend to any coordination or agreement between Private Operators, including through the representative bodies, other than as requested or directed by the Ministry or Public Health Organisations to give effect to the Partnership Agreements.
- The Partnership Agreements are not intended to affect any competitive process concerning the provision of services to private patients by the Private Operators. Private patients with non-COVID-19 conditions, and those whose surgeries are no longer subject to restrictions, may, nevertheless, have fewer options for healthcare services during the Pandemic, resulting in less competition for those services. However, it is intended that once the circumstances of the Pandemic permit, the Ministry will seek to wind back and ultimately terminate the Partnership Agreements which would in due course enable each of the Private Operators to resume providing business as usual services to private sector patients.
- The ACCC may review its decision to grant interim authorisation at any time, including in response to feedback as the Proposed Conduct is implemented. If relevant industry participants have concerns regarding the Proposed Conduct during interim authorisation, they are encouraged to advise the ACCC.

27. There are likely to be significant public benefits in the current emergency circumstances, including:

- enabling an effective and efficient integrated medical response to the Pandemic in New South Wales
- reducing the likelihood that Private Operators will have to reduce their operations as a result of funding issues caused by the impact of the Pandemic or Federal Government's restrictions
- ensuring that there is sufficient healthcare available in New South Wales to respond to the anticipated clinical needs of patients during the Pandemic, so that all New South Wales patients will receive appropriate healthcare
- providing the Ministry and Public Health Organisations with service capacity oversight to distribute service delivery to meet periods of peak demand and minimise patient transfers between healthcare facilities, which will allow patients to receive the best possible care available at the time, including by ensuring there are adequate intensive care facilities available
- ensuring, to the extent possible, that medical and protective equipment and relevant supplies are available where needed to respond to the Pandemic, and
- supporting Private Operators to continue operations and retain staff during and after the Pandemic, to ensure competition for the provision of private health services is preserved and consumers continue to have a choice of private or public care.

28. The ACCC is satisfied that the extraordinary circumstances of the COVID-19 crisis and the importance of co-ordinating the supply of healthcare services to address the crisis warrant the granting of interim authorisation.

Reconsideration of interim authorisation

29. The ACCC may review a decision on interim authorisation at any time, including in response to feedback raised following interim authorisation. The ACCC's decision in relation to the interim authorisation should not be taken to be indicative of whether or not the final authorisation will be granted.

Attachment A – Details of other persons who are engaged, or propose to become engaged, in the Proposed Conduct

In addition to the Ministry, the persons who are engaged or who are proposed to become engaged in the Proposed Conduct are:

- 1 The following New South Wales private healthcare operators (and their related bodies corporate) (**Private Operators**):
 - Adventist Healthcare Limited
 - Alpha Pacific Hospitals Pty Ltd
 - Alpha Westmead Private Hospital Pty Limited
 - Alwyn Holdings Pty Ltd
 - AME Hospitals Pty Ltd
 - AME Properties Pty Ltd
 - Armidale Hospital Pty Limited
 - Australian Hospital Care (Lady Davidson) Pty Ltd
 - Bondi Newco Pty Ltd
 - Brisbane Waters Administration Pty Limited
 - Calvary Health Care Riverina Limited
 - Captia Pty Limited
 - Central Coast Private Hospital Pty Ltd
 - Central Lakes Hospitals Pty Ltd
 - Central West Medical Group Pty Ltd
 - Charlestown Private Hospital Pty Ltd
 - Delmar Private Hospital Pty Ltd
 - East Sydney Day Hospital Pty Ltd
 - Eastern Suburbs Private Hospital Pty Ltd
 - Forster Private Hospital Pty Ltd
 - Gordon Clinic Pty Limited
 - HCOA Operations (Australia) Pty Limited
 - Health Care Corporation Pty Ltd
 - Healthe Care Dubbo Pty Ltd
 - Healthe Care Hironnelle Pty Ltd
 - Healthe Care Lingard Pty Ltd
 - Healthe Care North Gosford Pty Ltd
 - Health Care Speciality Holdings Pty Ltd
 - Health Care Sugrival Holdings Pty Ltd
 - Healthscope Operations Pty Ltd
 - Herglen Pty Ltd

- Hurstville Private Pty Ltd
- Hyperbaric Health Pty Ltd
- Insight Newco Pty Ltd
- Kaizen Hospitals (Holroyd) Pty Limited
- Kaizen Hospitals (Malvern) Pty Limited
- Kogarah Private Hospital Pty Ltd
- Lakeview Private Hospital Pty Ltd
- Lifehouse Australia Limited as Trustee for the Lifehouse Australia Trust
- Macquarie Health Corporation Corporation Limited
- Macquarie Hospital Services Pty Ltd
- Maitland Private Hospital Pty Ltd
- Mayo Healthcare Group Pty Ltd
- Minchinbury Community Private Hospital Pty Limited
- MQ Health Pty Limited
- Mt Wilga Pty Ltd
- NBH Operator Co Pty Ltd
- Newcastle Private Hospital Pty Limited
- North Shore Private Hospital Pty Limited
- P.O.W. Hospital Pty Limited
- Peninsula Health Care Pty Limited
- Phiroan Pty Ltd
- Pittwater Hospital Services Pty Ltd
- Presbyterian Church (NSW) Property Trust
- President Private Hospital Pty Limited
- Pruinosa Pty Ltd
- Ramsay Health Care Australia Pty Ltd
- Royal Rehabilitation Centre Sydney
- RR Private Limited
- Shellharbour Private Hospital Pty Limited
- Sidbeal Pty Ltd
- South Coast Private Pty Limited
- St John of God Hawkesbury District Health Campus Ltd
- St John of God Health Care Inc
- St Luke's Care
- St Vincent's Private Hospitals Ltd
- Sutherland Heart Clinic Pty Ltd
- Sydney Surgery Centre Pty Ltd

- The Congregation of the Religious Sisters of Charity Australia
- The Hills Clinic Pty Ltd
- The Hunter Valley Private Hospital Pty Ltd
- Trustees of the Roman Catholic Church of Diocese of Lismore
- Vexal Pty Ltd
- Waratah Private Hospital Pty Ltd
- Wesley Community Services Limited
- Westmead Rehabilitation Hospital Pty Ltd
- Wolper Jewish Hospital
- Woodose Pty Ltd

Day only facilities

- AAC Norwest Day Surgery Pty Ltd
- Albury Day Surgery Pty Ltd
- AMJO Medial Services Pty Ltd
- Andrew Chang Services Pty Ltd
- Angelo Tsirbas
- B. Braun Avitum Australia Pty Ltd
- Baardon Medical Services Pty Ltd
- Betryan Investments Pty Ltd
- Bredd Pty Limited
- Calvary Health Care Riverina Limited
- Campsie Day Surgery Pty Ltd
- Central Coast Surgery Pty Ltd
- Centre for Digestive Diseases Pty Ltd
- CFC Global Pty Ltd
- City West Day Surgery Pty Ltd
- Coffs Harbour Day Hospital Pty Ltd
- Cosmos Cosmetic Day Surgery Pty Ltd
- Cura Newco 5 Pty Ltd
- Dalmarte Pty Ltd
- Dee Why Endoscopy Pty Ltd
- Dr R Fitzsimons, Jennifer Arnold Pty Ltd, S.T. Chung & Co Pty Ltd, S M D M Pty Ltd, Dev Jyoti Pty Ltd
- Drs S & N Sachdev
- Duer Investments Pty Limited
- Eastern Heart Clinic Pty Limited
- Edward Sun Proprietary Limited, Richard Foster Pty Limited

- Elida Holdings Pty Ltd
- Endoscopy Service Pty Ltd
- Felpet Pty Ltd
- Fresenius Medical Care Australia Pty Ltd
- Galome Pty Ltd
- Genea Limited
- Genesis Cancer Care Victoria Pty Ltd
- Germoline Pty Ltd
- Ghabrial Medical Services Pty Ltd
- Hamilton Day Surgery Pty Ltd
- Hathorn Holdings Pty Ltd
- HCoA Operations (Australia) Pty Limited
- Healthwoods Day Surgery Pty Ltd
- Hereward Pty Ltd
- Hodgkinson, Darryl James
- Idameneo (123) Pty Ltd
- Integrated Clinical Oncology Network Pty Ltd
- IVF Australia Pty Ltd
- Kearns & Smith Eye Services Pty Ltd
- Kogarah Day Surgery Pty Ltd
- Lacular Pty Limited
- Lau, Dr A T S
- Lithgow Community Private Hospital Limited
- Liverpool Day Surgery Pty Ltd
- Luke Hazell Pty Ltd
- Madison Day Surgery Pty Ltd
- Marie Stopes International
- Mark Paul Kohout
- Miranda Day Surgery Pty Limited
- NDH Newco 1 Pty Ltd
- Newcastle Endoscopy Centre Pty Limited
- Newcastle Eye Hospital Pty Limited
- Newland Street Specialist Centre Pty Ltd
- Nexus Day Hospitals Pty Ltd
- Northern Cancer Institute (Frenchs Forest) Pty Limited
- Northern Cancer Institute Pty Ltd
- Oopchar Trading Pty Ltd

- Parramatta Eye Centre Pty Ltd
 - PDS Investment Holdings Pty Limited
 - Peter Anthony Martin Pty Ltd
 - Port Macquarie Ophthalmic Surgery Pty Ltd
 - Poruby Pty Limited
 - Presmed Australia Pty Ltd
 - Radiation Oncology Associates Pty Limited
 - Ramsay Health Care Australia Pty Ltd
 - Ranchbelt Pty Limited
 - Randwick Endoscopy Centre Pty Ltd
 - Regional Imaging Limited
 - Riverina Cancer Care Centre Pty Ltd
 - Shewhing Pty Limited
 - Sight for Life Foundation
 - Skin & Cancer Foundation Australia
 - SMDCC Pty Limited
 - South Medical Pty Ltd
 - South Western Day Surgical Centre Pty Ltd
 - Southern Suburbs Day Procedure Centre Pty Limited
 - Southside Cancer Care Centre Pty Ltd
 - Sydney Day Surgery Prince Alfred Pty Limited
 - Sydney Vision Services Pty Ltd
 - Takirosavi Pty Ltd
 - The Eye Institute Pty Ltd
 - The Surgical Chamber Pty Ltd
 - The Trustees of the Roman Catholic Church for the Diocese of Lismore (St Vincent's ospital)
 - Trustee of the Baydoor Trust
 - Tweed Surgicentre Pty Ltd
 - VEI Services Pty limited
 - Votraint No 604 Pty Ltd
 - Wollongong Day Surgery Pty Ltd
- 2 The Australian Private Hospitals Association and Day Hospitals Australia (**Representative Bodies**).
- 3 New South Wales Public Health Organisations as defined in the Health Services Act 1997 (NSW) (**Public Health Organisations**). This covers public health facilities, including the following:
- Albury Wodonga Health - Albury Campus

- Armidale Rural Referral Hospital
- Auburn Hospital & Community Health Services
- Ballina District Hospital
- Balmain Hospital
- Balranald Multi Purpose Service
- Bankstown-Lidcombe Hospital
- Baradine Multi Purpose Service
- Barham Koondrook Soldiers Memorial Hospital
- Barraba Multi Purpose Service
- Batemans Bay Hospital
- Bathurst Base Hospital
- Batlow/Adelong Multi Purpose Service
- Bellinger River District Hospital
- Belmont Hospital
- Berrigan War Memorial Hospital/Multi Purpose Service
- Bingara Multipurpose Service
- Blacktown Hospital
- Blayney Multipurpose Service
- Blue Mountains District Anzac Memorial Hospital
- Boggabri Multi Purpose Service
- Bombala Multi Purpose Service
- Bonalbo Hospital
- Boorowa Multi Purpose Service Hospital
- Bourke Multi Purpose Service
- Bourke Street Health Service Goulburn
- Bowral Hospital
- Braeside Hospital
- Braidwood Multi Purpose Service
- Brewarrina Multi Purpose Service
- Broken Hill Base Hospital
- Bulahdelah Community Hospital
- Bulli Hospital
- Byron Central Hospital
- Calvary Health Care Sydney Ltd
- Calvary Mater Newcastle
- Camden Hospital
- Campbelltown Hospital
- Canowindra Soldiers Memorial Hospital

- Canterbury Hospital
- Casino And District Memorial Hospital
- Cessnock District Hospital
- Cobar District Hospital
- Coffs Harbour Base Hospital
- Coledale Hospital
- Collarenebri Multi Purpose Service
- Concord Repatriation Hospital
- Condobolin District Hospital
- Condobolin Retirement Village
- Coolah Multi Purpose Service
- Coolamon-Ganmain Multi Purpose Service Hospital
- Cooma Hospital & Health Service
- Coonabarabran District Hospital
- Coonamble Health Service
- Cootamundra District Hospital
- Corowa Health Service
- Cowra District Hospital
- Crookwell District Hospital
- Culcairn Multi Purpose Service Hospital
- Cumberland Hospital
- David Berry Hospital
- Delegate Multi Purpose Service
- Deniliquin Hospital
- Denman Multi Purpose Service
- Dorrigo Multi Purpose Service
- Dubbo Base Hospital
- Dunedoo Multi Purpose Service
- Dungog Community Hospital
- Emmaville - Vegetable Creek Residential Aged Care
- Eugowra Memorial Multi Purpose Service
- Fairfield Hospital
- Finley Hospital & Community Health Care
- Forbes District Hospital
- Gilgandra Multi Purpose Service
- Glen Innes District Hospital
- Gloucester Soldiers Memorial Hospital
- Goodooga Hospital

- Gosford Hospital
- Goulburn Base Hospital
- Gower Wilson Multi Purpose Service
- Grafton Base Hospital
- Greenwich Hospital
- Grenfell Multi Purpose Service
- Griffith Base Hospital
- Gulargambone Multi Purpose Service
- Gulgong Health Service
- Gundagai District Hospital
- Gunnedah District Hospital
- Guyra Multi Purpose Service
- Hay District Hospital
- Henty Multi Purpose Service
- Hillston District Hospital
- Holbrook District Hospital
- Hornsby Ku-Ring-Gai Hospital
- Hunter New England Mental Health Service
- Inverell District Hospital
- Ivanhoe Health Service
- Jerilderie Multi Purpose Service
- John Hunter Hospital Royal Newcastle Centre
- Junee Multi Purpose Service
- Karitane
- Kempsey District Hospital
- Kurri Kurri District Hospital
- Kyogle Memorial Multi Purpose Service
- Lake Cargelligo Multi Purpose Service
- Leeton District Hospital
- Lightning Ridge Multipurpose Health Service
- Lismore Base Hospital
- Lismore Base Hospital - Riverlands Drug & Alcohol Service
- Lithgow Hospital
- Liverpool Hospital
- Lockhart & District Hospital
- Long Jetty Health Care Facility
- Lourdes Hospital & Community Services
- Macksville District Hospital

- Maclean District Hospital
- Macquarie Hospital
- Manilla Health Service
- Manning Rural Referral Hospital (Taree)
- Mercy Care Hospital - Young
- Mercy Health Service
- Merriwa Multi Purpose Service
- Milton Ulladulla Hospital
- Molong Health Service
- Mona Vale Hospital
- Moree District Hospital
- Moruya District Hospital
- Mount Druitt Hospital
- Mudgee Health Service
- Murrumbah-Harden Hospital
- Murwillumbah District Hospital
- Muswellbrook Hospital
- Narrabri District Hospital
- Narrandera Hospital
- Narromine Hospital & Community Health
- Nepean Hospital
- Neringah Hospital
- Nimbin Multi Purpose Service
- Nyngan Multi Purpose Service
- Oberon Multi Purpose Service
- Orange Health Service
- Pambula District Hospital
- Parkes District Hospital
- Peak Hill Health Service
- Port Kembla Hospital
- Port Macquarie Base Hospital
- Portland Tabulam Health Centre
- Prince Albert Tenterfield
- Prince Of Wales Hospital
- Queanbeyan District Hospital
- Quirindi Community Hospital
- Royal Hospital For Women
- Royal North Shore Hospital

- Royal Prince Alfred Hospital
- Royal Rehabilitation Hospital - Coorabel/Moorong
- Ryde Hospital
- Rylstone District Hospital
- Sacred Heart Health Service
- Scott Memorial Hospital, Scone
- Shellharbour Hospital
- Shoalhaven District Memorial Hospital
- Singleton District Hospital
- South East Regional Hospital
- Springwood Hospital
- St George Hospital
- St Joseph's Hospital
- St Vincent's Hospital (Darlinghurst)
- St Vincent's Hospital (Lismore)
- Sydney Children's Hospital
- Sydney Hospital And Sydney Eye Hospital
- Tamworth Rural Referral Hospital
- Temora Hospital
- The Children's Hospital At Westmead
- The Forensic Hospital
- The Maitland Hospital
- The Sutherland Hospital
- The Tweed Hospital
- Tibooburra Health Service
- Tingha Multipurpose Service
- Tocomwal Hospital
- Tomaree Community Hospital
- Tottenham Hospital
- Trangie Multi Purpose Health Service
- Tresillian Family Care Centre - Belmore
- Tresillian Family Care Centre - Willoughby
- Tresillian Family Care Centre - Wollstonecraft
- Trundle Multi Purpose Service
- Tullamore Multi Purpose Health Service
- Tumbarumba Multi Purpose Service
- Tumut District Hospital
- Urana Health Service

- Urbenville Health Service
- Wagga Wagga Rural Referral Hospital
- Walcha Multipurpose Service
- Walgett Health Service
- War Memorial Hospital
- Warialda Multipurpose Service
- Warren Multi Purpose Health Service
- Wauchope District Memorial Hospital
- Wee Waa Community Hospital
- Wellington Health Service
- Wentworth District Hospital
- Werris Creek Community Hospital
- Westmead Hospital
- Wilcannia Health Service
- Wilson Memorial Community Hospital
- Wingham Community Hospital
- Wollongong Hospital
- Woy Woy Public Hospital
- Wyalong Hospital
- Wyong Public Hospital
- Yass District Hospital
- Young District Hospital

4 Any other person notified to the ACCC from time to time as intending to engage in the Proposed Conduct.