

From: Corrigan, Michael [REDACTED]
Sent: Thursday, 23 April 2020 5:13 PM
To: Dwyer, Ellie; Neina Fahey
Cc: Ian Burgess; Chen, Justin; Saunders, Joe; Bell, Simon; Geoff Carter
Subject: RE: MTAA Interim Authorisation - update re Condition 1 [SEC=OFFICIAL] [CU-Legal.FID2998519]

Follow Up Flag: Follow up
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Dear Ellie

We refer to the ACCC's replacement interim authorisation decision in respect of MTAA, issued on 17 April 2020 (**Interim Authorisation Decision**).

Condition 2 (in paragraph 18) of the Interim Authorisation Decision provides that the MTAA must use all reasonable endeavours to provide 7 days' notice to the ACCC if any of the parties listed in Schedules 1 or 2 propose to engage in conduct listed in paragraphs 8(b)-(d).

We have been advised by MinterEllison, who are acting for Grey Innovation in respect of a project to locally manufacture ventilators in Australia, that Grey Innovation Pty Limited ACN 083 304 214 and Smiths Medical International Limited (a company incorporated and registered in England, Company Number 00362847) intend to engage in conduct of the kind referred to in paragraph (b) of the Interim Authorisation Decision. We are further advised that the agreement is part of the Australian Emergency Ventilator Project being conducted by a consortium established and led by Grey Innovation with Australian and Victorian Government backing and support, to support the humanitarian goal of preserving life in Australia in response to the COVID-19 pandemic state of emergency.

Please feel free to contact either me, or Geoff Carter at MinterEllison (whose contact details I have provided below) if you require further information or would like to discuss this further.

Kind regards

Michael

Geoff Carter
Partner

T [REDACTED] M [REDACTED]
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