

Oral submission by Abbott

13 May 2020

Q: Has your organisation engaged in the Proposed Conduct, and if so, what was your experience in doing so? If not, why not?

Yes, we have participated in the industry working groups that MTAA and Pathology Technology Australia (**PTA**) have set up on the question of mobilising urgent medical supplies, in line with the government's request. We have specifically contributed to discussions on the diagnostic testing kits that are used to test for COVID-19. In March and April, there was an urgent need for real time information to be exchanged by government and industry. This has been facilitated by the working group. The authorisation essentially enables us to volunteer information with government in the presence of competing companies in accordance with the terms of the authorisation. This has helped government have visibility over supply chains, so they could consider alternatives if necessary. This has helped with timely decision making. It's also helpful to have our industry association, PTA, participating in the working group. Government agencies are relying on companies and industry associations to understand what supplies are covered and where supply constraints could have affected the public health response. The working group includes the Department of Industry, Department of Health and the Therapeutic Goods Administration. The working group information sharing under the authorisation assisted government to undertake specific contracting for supplies outside of the working group, based on information provided by the working group on supply and demand.

Q: Is the Proposed Conduct working as expected?

Yes, and it has enabled companies to share information with the government in accordance with the terms of the authorisation. We were essentially facing a situation where hospitals or laboratories in Australia were looking for supplies at the same time, in quantities they had never bought before. The market would not have fulfilled that in itself in an efficient manner. As a hypothetical example, there may have been a situation where states like Victoria and New South Wales outbid Queensland for certain supplies, and ended up with more supplies than they needed while Queensland was undersupplied. This is potentially still a problem, with some overhang of whoever got in first with the largest order receiving more stock. But these problems were foreseen and government could work on largely resolving them. The authorisation has created visibility into what supply and demand really looks like and enabled suppliers to meet a real urgent need.

Q: Are there any particular benefits or detriments that the Proposed Conduct is resulting in?

In terms of benefits, it's provided government with visibility over market supply conditions and factors that should be addressed as part of the pandemic response. Another is that it's helped facilitate greater awareness within government of the role of medical technology in the healthcare system in Australia. This may not have been intended but is certainly an incidental benefit. Government staff are much more aware of how important technology is in healthcare.

Q: Is the Proposed Conduct taking place as described in the application and the interim authorisation decision?

We have been mainly involved in the working group, with other companies sharing information about supply issues with government. From our involvement the Proposed Conduct has been taking place as described in the application and interim authorisation.