

28 October 2022

BY EMAIL ONLY

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Dear Mr Hatfield

State of Queensland as represented by Queensland Health for authorisation AA1000572 – Reporting requirements

1. On 2 December 2021, the Australian Competition and Consumer Commission (**ACCC**) granted authorisation to Queensland Health, together with specified owners or operators of private health facilities (**Participating Providers**) in Queensland (and their related bodies corporate) and each of Queensland's Hospital and Health Services (together, the **Applicants**) to discuss, enter into and give effect to contracts, arrangements or understandings (**Agreement(s)**) which have the broad purpose of maximising healthcare capacity and ensuring the State-wide coordination of healthcare services to facilitate the most efficient and effective allocation of healthcare during the period of the COVID-19 pandemic (the **Conduct**), (**Authorisation AA1000572**). The ACCC granted authorisation until 24 June 2023.
2. Authorisation AA1000572 was subject to the following conditions:
 - (a) Subject to paragraph (b) below, Queensland Health must provide updates to the ACCC on a quarterly basis (or as otherwise agreed with the ACCC), describing any conduct engaged in during that quarter in reliance upon this authorisation; or
 - (b) If no conduct was engaged in during that quarter in reliance upon this authorisation, or if there has been no change in conduct since the last update was provided, Queensland Health is not required to provide an update,

(Reporting Requirements).
3. On 13 December 2021, the ACCC confirmed the first report under the Reporting Requirements would be due at the end of March 2022. In accordance with the Reporting Requirements, the reports are due at the end of each quarter.
4. The purpose of this letter is:
 - (a) to provide further information necessary to comply with the Reporting Requirements, which is set out in **Annexure 1** to this letter; and
 - (b) to advise that as of 30 September 2022, all Private Health Facility Funding Agreements (**PHFFAs**) had been terminated.
5. We are instructed that no further Conduct will occur in reliance upon the Authorisation. On that basis, and given paragraph (b) of the Reporting Requirements, Queensland Health understands that no further reports will be required in accordance with the Reporting Requirements. Please let us know if the ACCC would prefer Queensland Health to take a different approach.

Please let us know if the ACCC has any questions.

Yours faithfully
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Partner: Kathryn Finlayson



OUR REF: 1295011

Annexure 1 – Reporting Requirements

1. Meeting of the Private Health Facility Coordination Group

We refer to our letter of 6 October 2022, which contained Queensland Health's third report in accordance with the Reporting Requirements.

In error, one meeting of the Private Health Facility Coordination Group (**PHFCG**), which was held on 15 September 2022, was not included in that third report. As set out in the above letter, this was the last meeting of the PHFCG before the PHFFAs were terminated in September 2022. A summary of the matters discussed at the meeting held on 15 September 2022 is set out in the below table.

Date of meeting	Summary of matters discussed
15 September 2022	<p>General COVID-19 Update: Update provided on updated guidance documents including changes to management of linen, patient placement advice, escalation and de-escalation of PPE in healthcare facility, community health and correctional services, care of the deceased, recommended approach to assessing close contact exposure in the hospital setting, optimising the supply of PPE, management of HCWs exposed to or with COVID-19, management of COVID-19 outbreaks in the hospital setting, fever/testing clinics. Update also provided on Chief Health Officer mask mandate pending changes based on information from Australian Health Protection Principal Committee (AHPPC) and international literature.</p> <p>Action Register: Update was provided on action items contained on the action register about current MBS rules, reduction in beds as part of the transition out, workshops to plan for December surge, termination of Private Health Facility Funding Agreements (PHFFA).</p> <p>Issues/discussions: Discussion about the end of the emergency pandemic response and termination of PHFFAs, patients being discharged, transition out plans underway, patients being flipped to local agreements with Health and Hospital Services (HHS), low risk of patients after 1 October, correspondence to be sent out regarding termination, workshops to discuss future models, what worked well and what could work well in the future, assistance with PHFFAs winding down, continuation of invoice payments and activity reconciliation after termination.</p>