
From: Paul Berman [REDACTED]
Sent: Friday, 5 June 2020 7:26 AM
To: Lee, Steven
Cc: Erol Arican; Palisi, Joanne; Gordon, Emma; Jenkins, Virginia; Richard Seneviratne
Subject: RE: ACCC consultation - ANZIGA request for interim authorisation [SEC=OFFICIAL]

Dear Mr Lee,

Please see our answers below in red.

The only point to add is that we would request that Supagas also be included within the authorisation. We have a medical business that could also be impacted. There could be a flow on effect on the hospitals, medical practices, and patients that we provide services and medical goods to if we cannot supply.

We would be more than happy to provide further details should you require.

Please do not hesitate to contact me if Supagas can be of any further assistance.

Regards

Paul Berman
Managing Director



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From: Lee, Steven <Steven.Lee@accc.gov.au>
Sent: Tuesday, June 2, 2020 1:34 PM
To: Paul Berman [REDACTED]
Cc: Erol Arican [REDACTED]; Palisi, Joanne [REDACTED]; Gordon, Emma [REDACTED]; Jenkins, Virginia [REDACTED]
Subject: ACCC consultation - ANZIGA request for interim authorisation [SEC=OFFICIAL]

OFFICIAL

Dear Mr Berman

The Australian Competition and Consumer Commission (**ACCC**) is seeking your preliminary views on a request for interim authorisation by the Australia New Zealand Industrial Gas Association (**ANZIGA**) on 21 May 2020.

Broadly, ANZIGA has applied for authorisation to enable its members and other suppliers of medical oxygen to exchange information and make and give effect to contracts, arrangements or understandings to ensure security of supply of medical oxygen to hospitals and similar medical facilities during the COVID-19 pandemic (the **Proposed Conduct**). Further details about the Proposed Conduct are contained in the **attached** application for authorisation.

The purpose of this email is to invite you, as a potentially interested party, to provide your urgent preliminary views on the Proposed Conduct. If you do not wish to comment at this stage, no further action is required from you.

In particular, the ACCC is interested in your preliminary views on:

1. Whether the Proposed Conduct is needed to ensure the supply of medical oxygen during the COVID-19 pandemic? **Yes, it is required. Contingency between suppliers would better maintain supply of medical gases during a pandemic.**
2. Any public benefits or detriments likely to result from the Proposed Conduct? **Nothing further than already outlined in the request for authorisation.**
3. Any concerns that the proposed cooperation could reduce competition beyond the end of the COVID-19 pandemic? **We do not believe so.**
4. Whether the Proposed Conduct is likely to impact your business during the period of any interim authorisation or in the future? If so, how? **Not to the extent that the proposed conduct is extended to include Supagas's medical business.**
5. Whether there is a need for any interim authorisation to be subject to conditions and, if so, the conditions that might be required? **We do not believe so subject to our response in point 4 above.**

To inform the ACCC's decision on whether to grant urgent interim authorisation, the ACCC would appreciate your views on these questions or any comments on the application by **10am Friday, 5 June 2020**. The ACCC intends to commence a broader consultation process at a later date, and any response you provide now will not impact your ability to provide a further submission in future.

We would be happy to discuss your response or receive a written submission. We place information and submissions received in response to an application for authorisation on a public register unless it has been excluded. Please see our [Guidelines for excluding information from the public register](#) for more information.

Please feel free to contact me if you have any queries or concerns or if you would like to provide an oral submission.

Kind regards

Steven Lee

Analyst | Adjudication | Merger & Authorisation Review
Australian Competition & Consumer Commission
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T: 02 6243 1347 | <http://www.accc.gov.au>

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.