

**VARIATION TO UNDERTAKING TO THE AUSTRALIAN COMPETITION AND  
CONSUMER COMMISSION GIVEN FOR THE PURPOSES OF SECTION 87B**

**BY**

**Australian Unity Health Limited ACN 078 722 568**

**1) Background**

- a) On 2 November 2017 the Australian Competition and Consumer Commission (ACCC) accepted an Undertaking given by Australian Unity Health Limited (**Australian Unity**) of Level 14, 114 Albert Road, South Melbourne, in the State of Victoria, pursuant to section 87B of the *Competition and Consumer Act 2010* (the Act) (the **Undertaking**).
- b) On 31 May 2018 the Commonwealth House of Representatives passed the *Private Health Insurance Legislation Amendment Bill 2018*. On 16 July 2018 the Commonwealth Minister for Health, the Hon Greg Hunt MP, released an exposure draft of the *Private Health Insurance (Reforms) Amendment Rules 2018*. Shortly after this, the Minister released an exposure draft of the *Private Health Insurance (Complying Product) Amendment (Terminating Products) Rules 2018* (collectively, the **PHI Reforms**).
- c) Australian Unity has applied to the ACCC to vary the Undertaking to ensure that it can comply with any current and future statutory requirements, including responding to and implementing the PHI Reforms as and when they come into effect.
- d) The ACCC is satisfied that the variation sought is appropriate in the circumstances.

**2) Commencement of this Variation to the Undertaking**

- a) This Variation comes into effect when:
  - a. The Variation is executed by Australian Unity, and
  - b. The ACCC accepts the Variation so executed.

**3) Variation to the Undertaking**

- a) The Undertaking is varied as follows:
  - i) insert the following wording after paragraph 20:

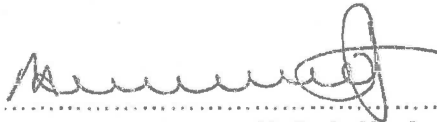
*"20A: Paragraph 20 above does not apply to any changes to benefits made by Australian Unity in order to comply with or reflect statutory requirements. For the avoidance of doubt this includes changes to benefits made in connection with amendments to the PHI Act or the subordinate legislation and rules to the PHI Act."*

**4) Acknowledgements**

- a) Australian Unity Health Limited acknowledges that:
- i) The ACCC will make this Variation available for public inspection, and
  - ii) The ACCC will from time to time, refer to this Variation including in news media statements and in ACCC publications.

Executed by

Australian Unity Health Limited pursuant to section 127(1) of the *Corporations Act 2001*




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**Melinda Honig**  
Secretary/Director      Company Secretary



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**Rohan Mead**  
Director                  Director

This 29 day of AUGUST 2018

Accepted by the Australian Competition and Consumer Commission pursuant to s87B of the *Competition and Consumer Act 2010*



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**Rodney Graham Sims**

Chair

This 31<sup>st</sup> day of August 2018