

Private and public hospitals can continue cooperating on COVID-19

9 July 2020

Private and public hospital operators, along with government health authorities in each Australian state and territory, will be able to continue working with each other in response to the COVID-19 pandemic, under the ACCC's proposed authorisation announced today.

Allowing the private and public systems, and state governments, to coordinate will help ensure an efficient and effective allocation of hospital resources and services during the pandemic.

For example, health providers would be able to discuss expected capacity and demand for services, jointly procure and distribute medical equipment and supplies, and share staff.

The State and Territory Governments have applied for authorisation through the ACCC because without it, the coordination risks breaching competition law. The ACCC granted interim authorisation for the conduct in April.

"It is clear that there are significant public benefits from public and private health systems coordinating to respond to the pandemic," ACCC Commissioner Stephen Ridgeway said.

"While we have been fortunate to see relatively low numbers of COVID-19 cases in recent months, the current situation in Victoria indicates that health systems across Australia may need to swiftly respond to any sudden rises in patients with COVID-19."

"These authorisations will ensure arrangements can be made to support the timely deployment of critical resources," Mr Ridgeway said.

The ACCC proposes to grant authorisation to the parties in each jurisdiction to coordinate their response to the pandemic until 30 September 2021.

The ACCC invites submissions from interested parties on the draft determination before it issues its final determination.

More information on the applications of Victoria, Queensland, NSW, ACT, SA, WA, NT and Tasmania, including details on how to make a submission are available on the ACCC's public register.

Notes to editors:

ACCC authorisation provides statutory protection from court action for conduct that might otherwise raise concerns under the competition provisions of the Competition and Consumer Act 2010.

Broadly, the ACCC may grant a final authorisation when it is satisfied that the likely public benefit from the conduct outweighs any likely public detriment.

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