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A prescription for good practice

Launch of the ACCC Info kit for the medical profession

Harvey House, Wagga Wagga Base Hospital

Thursday 26 August 2004

Graeme Samuel, Chairman

Thank you all for joining me here in Wagga today, for the launch of the *ACCC Info kit for the medical profession*.

I'd especially like to welcome:

- Mrs Kay Hull, (Federal) Member for Riverina
- Councillor (Mr) Lindsay Vidler, Deputy Mayor of Wagga Wagga
- The Hon. Mr Tim Fischer, Chair of the Health Services Advisory Committee (HSAC)
- Dr Ken Mackey, Ms Lesley Fitzpatrick and ACCC Commissioner Mr John Martin, members of HSAC.

Campaigns by the Australian Competition and Consumer Commission targeting certain professions or industries are usually prompted by a rash of complaints or court cases which indicate there is a serious problem in that sector.

I'm pleased to say this is definitely NOT the case with the medical profession. In fact the ACCC has taken to court only four cases involving doctors—all involving allegations of collective agreements between doctors to either boycott persons or services, or to fix prices.

The ACCC has never taken court action claiming that medical rostering arrangements agreed between doctors breach the Trade Practices Act.

Despite this, it's fair to say that in recent years there has been a fair bit of confusion about just what the Trade Practices Act requires of doctors and the medical profession in general.

The Wilkinson Review found that the need for doctors to comply with the Act was not hindering recruitment and retention in rural and regional Australia, but there was a degree of uncertainty and confusion amongst doctors regarding the application of the law to their profession.

Out of this inquiry came the establishment of the Health Services Advisory Committee to promote consultation and the exchange of information between the ACCC and health professionals on matters relevant to the effective administration of the TPA.

And out of that consultation has come today's launch.

The kit has been developed to be a 'ready reference tool', for doctors, medical educators and practice managers to better understand the role of the ACCC, and their rights and obligations under the Trade Practices Act.

We've sought to make these documents as accessible and easy to understand as possible so the kit is a package of two quick reference guides and six topic specific leaflets.

- *A Prescription for Good Practice*—a handy two page guide to the entire kit.
- *Anatomy of the ACCC*, explains the role and functions of the ACCC.
- *Diagnosing unconscionable conduct – what does it mean for doctors?*, sets out the protection afforded under the Act to those subjected to harsh or oppressive commercial conduct, particularly in the context of contract negotiations.
- Also in the area of contract negotiations is *Cutting a deal – what doctors need to know about collective negotiations*, explains the relevance of competition law to collective bargaining and agreements between doctors.
- *Setting your fees straight*, provides guidance for doctors on how they can set their fees in accordance with the requirements of the Act.
- The *Medical roster checkup* and *leaflet* gives doctors guidance on the often misunderstood issue of medical rosters under the competition laws, and explains that rosters which have a key purpose of facilitating patient access to medical services, and which assist doctors to achieve sustainable working hours, do not breach the competition laws.

The *Medical roster checkup* is the first ACCC document of its kind. It is a two page quick reference guide which sets out a series of short questions that doctors can follow to ensure their roster complies with the Act.

- And lastly, *Straight talking with your patients*, explains the fair trading laws relevant to advertising of medical services and dealings with patients.

The *ACCC Info kit for the medical profession* brings together information that has been specifically drafted for doctors, drawing on the advice and assistance of doctors and other professional members of the Health Services Advisory Committee and I'd like to personally thank the members of the committee:

The Hon. Mr Tim Fischer—Independent Chair
Dr Ken Mackey—Rural Doctors Association of Australia
Ms Lesley Fitzpatrick—National Rural Health Alliance
Dr Robert Walters—Australian Divisions of General Practice
Professor Kerryn Phelps—Australian Medical Association
Dr David Thompson—The Royal Australian College of General Practitioners
Mr Chris Field—Australian Consumers' Association

Mr Alan Limbury—Trade practices solicitor and barrister
Professor Ian Wronski—Australian College of Rural and Remote Medicine
Mr John Martin—Australian Competition & Consumer Commission

Conclusion

Doctors—those practising and those still in training—should be aware of their rights and obligations under the Trade Practices Act.

The *ACCC Info kit for the medical profession* will assist you to comply with the law, and let you know what action you can take if others don't.

It makes clear that the Trade Practices Act protects you from having restrictions placed on your ability to practise, or having your practice damaged through the illegal actions of others that exclude you, are unconscionable, or mislead you.

The Act also provides the opportunity for redress where you have suffered loss or damage because of this sort of behaviour.

With the release of this kit, the ACCC is helping doctors to better understand the role of the ACCC, and how the Trade Practices Act impacts on their profession.

The ACCC is responsive to complaints and inquiries, and staff will provide guidance to doctors on their rights and obligations under the Act.

With the launch of this kit we aim to overcome the confusion that has existed within the medical profession about the Trade Practices Act; providing accessible, straight forward and relevant guidance for doctors on the competition and fair trading laws.

Thank you.