



Australian  
Competition &  
Consumer  
Commission

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### **Australian Divisions of General Practice Network Forum 2004 Welcome reception and presentation of Annual Achievement Awards**

**Adelaide**

**Thursday 23 September 2004**

**Graeme Samuel, Chairman**

*Awards co-presented by: The Hon Tony Abbott MP & ADGP Chairman, Dr Rob Walters*

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I am delighted to be able to be involved in the ADGP's Annual conference, and to play a part in your annual achievement awards. I congratulate the ADGP on its commitment to quality, service and professionalism in the field on general practice in Australia and congratulate everyone who has been nominated for awards for their outstanding achievements this year in their dedication to delivery quality medical services throughout Australia.

The ACCC has a close affinity with achievement awards such as these as they promote the achievement of better outcomes for consumers, a force that similarly drives the ACCC in all of its work.

An essential part of performing your job on a day to day basis is having access to all of the information that you need to run your business. This of course extends beyond the multitude of clinical skills you need to practice medicine, and includes all of the additional skills and pieces of information that doctors need as small business operators.

The ACCC has produced a new package of information designed specifically for doctors to provide details of how the competition and fair trading laws affect doctors' businesses, and the rights and obligations that it creates for doctors.

The ACCC Info kit for the medical profession provides doctors with straight-forward guidance on the competition and fair trading laws, helping them to comply with the Act.

The Info kit was developed in consultation with the ACCC's Health Services Advisory Committee (HSAC) as a ready reference tool for doctors about the application of the Act to a number of key areas including medical rosters, fee setting and collective negotiations. I would like to take this opportunity to thank ADGP Chairman, Mr Rob Walters, for his efforts and work within the HSAC forum to assist the ACCC in the development of this kit. Dr Walters was also helpful in putting the ACCC in touch with various GP and specialist groups in his home town of Hobart to

put the ACCC through its paces and make sure that the information contained in our Info Kit was useful, accurate and addressed doctors' concerns.

The ACCC Info kit for the medical profession explains what the Trade Practices Act means for doctors. The kit highlights the key things doctors need to know about how the Act affects their practice, and importantly, how it can assist them.

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 which has been included in your conference satchels.

Anatomy of the ACCC, explains the role and functions of the ACCC.

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.

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.

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, dealings with patients and informed financial consent.

The ACCC has an exhibition booth at the conference (stand number 60) and staff will be available over the next three days to provide you with copies of the ACCC Info kit and to discuss with you any questions or concerns you have about how the competition and fair trading laws might apply to your particular circumstances.

In short, all medical professionals need to be aware of their rights and obligations under the Trade Practices Act.

The ACCC Info kit for the medical profession can 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.

The process of developing this kit and its subsequent release has very much been a two way exchange of information which has been helpful to raise the ACCC's awareness of issues in the medical community, and should aid doctors to better understand the role of the ACCC, and how the Trade Practices Act impacts on the medical profession.

The ACCC is responsive to complaints and inquiries and staff are available to provide guidance to doctors on their rights and obligations under the Act. We accept that there are areas of concern in relation to the supply of some services particularly in connection with more remote locations, particular mixes of services and arrangements relating to collective negotiations. The Commission has signalled its willingness to work with interested stakeholders to address these matters effectively and expeditiously.

The ACCC recognises that doctors are very busy and operate in a high pressure environment, often with limited human and financial resources.

The ACCC is keen to work with doctors so that they understand their rights and obligations under the TPA so that they can get on with their important business of practising medicine, confident that their activities aren't in breach of the competition and fair trading laws.

The ACCC looks forward to talking with the medical profession and to working with doctors in the future.

Thankyou for the opportunity to speak at your annual conference and now on to the important business of the awards.