



23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111
exemptions@acc.gov.au

www.acc.gov.au

Our ref: AA1000569
Contact officer: David Hatfield
Contact phone: (02) 6243 1266

23/09/2021

By email

Dear Madam or Sir

The AMA (NSW) – application for authorisation AA1000569 - draft determination & interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application to revoke authorisation AA1000511 and substitute authorisation AA1000569 for the one revoked (**re-authorisation**) lodged by the Australian Medical Association (NSW) (**AMA NSW**) on 30 August 2021.

For the reasons set out in its draft determination, the ACCC proposes to re-authorise the AMA NSW to enable itself and participating visiting medical officers (VMOs) to collectively negotiate with private hospitals and day surgeries licensed in New South Wales. The collective negotiations relate to the terms and conditions (including remuneration) for VMOs engaged to provide medical services to public patients in the NSW private hospital system as part of the response to the COVID-19 pandemic.

This conduct was previously authorised by the ACCC on 26 August 2020 until 30 September 2021. AMA NSW seeks re-authorisation on the same terms as the existing authorisation because the COVID-19 Pandemic continues to affect the provision of medical services in NSW.

The ACCC has also granted urgent interim authorisation to enable AMA NSW to continue to engage in the conduct authorised by the ACCC on 26 August 2020, while the ACCC is considering the substantive application for re-authorisation.

A copy of the ACCC's draft determination is attached, and also available, along with the application, on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination or interim authorisation, please lodge your submission by **14 October 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject "AA1000569 – AMA NSW – submission". If you prefer to make an oral submission, please contact me via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **7 October 2021** by email to exemptions@acc.gov.au.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
30 August 2021	Lodgement of application.
23 September 2021	Public consultation process begins.
14 October 2021	Closing date for submissions from interested parties.
28 October 2021	Applicant responds to issues raised in the public consultation process.
November/December 2021	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact me on (02) 6243 1266 or by email: david.hatfield@acc.gov.au

Yours sincerely



David Hatfield
Director
Competition Exemptions