



Our ref: AA1000511
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Dear Interested Party

The AMA (NSW) application for authorisation – VMO collective bargaining – AA1000511 – interim authorisation decision and interested party consultation

On 6 May 2020, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the Australian Medical Association (NSW) Limited (**AMA NSW**) (**the application**).

The purpose of this letter is to invite you to comment on the AMA NSW's application. You are welcome to pass this letter on to others who may wish to make submissions.

The application for authorisation

The application was lodged on behalf of the AMA NSW and participating Visiting Medical Officers (**VMOs**). The application seeks authorisation for the AMA NSW to collectively negotiate with private hospital and day hospital operators licenced in NSW concerning the terms and conditions (including remuneration) upon which medical practitioners will be engaged as VMOs to provide medical services to public patients in the private hospital system during the COVID-19 pandemic (**the Proposed Conduct**).

Five private hospital operators were specified in the application, but other hospitals and day surgeries may also be included upon the AMA NSW notifying the ACCC.

The AMA NSW sought interim authorisation for the Proposed Conduct, as well as authorisation for a period of 12 months from the date of the ACCC's final determination on the application. The AMA NSW proposes to negotiate contracts with three months terms and an option to renew for a further three months. A copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

On 8 May 2020, the ACCC granted conditional interim authorisation to enable the AMA NSW to engage in the Proposed Conduct, subject to certain notification and reporting requirements.

The ACCC's interim authorisation decision, including the conditions it has imposed, is available [here](#).

Submissions

The ACCC is now conducting a public consultation process and invites you to make a submission on the likely public benefits and effect on competition, or any public detriment, from the Proposed Conduct.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason we are taking a flexible approach to receiving feedback on the Proposed Conduct. We will accept written submissions at any time up until **29 May 2020**, however you may wish to contact us by phone to discuss your views before this deadline.

If you wish to provide a submission, please do so by email to adjudication@acc.gov.au with the subject 'AA1000511 – AMA (NSW) – submission'. Alternatively, if you would like to provide comments orally, please contact Thomas Shaw on 02 9102 4010 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the [ACCC's public register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

Timetable

An indicative timetable is below. This timetable is subject to change. The most up to date indicative timetable is available on the [ACCC's public register](#).

Indicative date	Stage in assessment process
6 May 2020	Lodgement of application, including request for interim authorisation and supporting submission.
8 May 2020	ACCC decision regarding interim authorisation.
8 May 2020	Consultation on the application and interim authorisation commences.
29 May 2020	Closing date for submissions from interested parties.
June 2020	Applicants respond to issues raised in the public consultation process.
July/August 2020	ACCC Draft determination.
August 2020	Public consultation on draft determination including any conference if called.
October 2020	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 Thomas Shaw on 02 9102 4010 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Philp'.

Susan Philp
Director
Adjudication

Interested Parties

- Adventist Healthcare Limited
- Australian Government Department of Health
- Australian Healthcare & Hospitals Association
- Australian Patients Association
- Australian Private Hospitals Association
- Australian Society of Anaesthetists
- Consumers Health Forum of Australia
- Day Hospitals Australia
- Evolution Healthcare
- Genesis Care Pty Ltd
- Health Care Australia Pty Limited
- Healthscope Operations Pty Limited
- Little Company of Mary Health Care Ltd
- NSW Ministry of Health
- Ramsay Health Care Australia Pty Limited
- Royal Australasian College of Surgeons
- Royal Australian College of General Practitioners
- Royal Australian College of Physicians
- St John of God Health Care
- St Vincent's Health Australia Limited