

**Gilbert Jewel**PR C2001/1712  
WF C2001/1711**From:** James Grabham [jgrabham@bigpond.com.au]**Sent:** Wednesday, 2 January 2002 6:49 PM**To:** adjudication@accc.gov.au**Subject:** ACCC Submission

D02/282



RAC0008QC9

2/1 Yarmouth St.

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## **Submission in opposition to the Government request to breach the trade practices act in relation to the Nursing Industry.**

The recent request to the ACCC by the Victorian Government to have permission to breach the trade practices act is something that should be opposed due to a range of factors. The specific request to fix prices and restrict trade can be opposed from a similar perspective for both factors

Firstly it is unreasonable for the government to be allowed to interfere in the relationship between a private contractor and their nominated agency in relation to the setting of wage and conditions, as requested in their ambit claim to be allowed to fix prices. If they are not prepared to incur these costs as agreed they always have the option to choose not to employ these contractors. If this is such an essential service and the prices are competitive then it should be adequately funded. The fact that the shortage of skilled practitioners has allowed this increase in fees to occur is as should be expected within the domain of the present culture of enterprise bargaining. This matter will not be resolved until appropriately qualified nurses are adequately remunerated.

Secondly as follows from the above, the right of the government to restrict trade is not of significance as if they feel the fees being requested by a agency is to high they can choose not to utilize those agencies unless they become competitive. If the agencies are already competitive then that is the appropriate fee and the government again needs to adequately fund this.

Thirdly, this whole attempt by the government is a mean spirited short term cost cutting measure that will not resolve the issue of inadequate wages and conditions within the public nursing sector. They have continued to fail to adequately address these issues and as a result nurses have left the industry and will continue to do so.

Within the critical care areas, the increase in wages has encouraged people such as myself to increase my availability, and for a lot of nurses has encouraged their return to the profession. Should this improvement in remuneration be ceased those nurses will just leave or withdraw their level of service yet again. This is in the context of their continuing to be a shortage of critical care nurses that is not met by the agency cover.

As to the restriction on nurses ability to be available to work for their agencies e.g. if you work in a area health service you will not be able to contract your services back to the service for extras as you desire is a ridiculous measure as the skilled sector will have little problem in going elsewhere for work and as a result all sectors will cease to have stability in their staffing ratios and familiarity to the area. Again this increased difficulty in an attempt to be adequately remunerated will lead to an increase in the withdrawal of services.

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The government needs to “finally” incur the costs of adequate and skilled happy staff and realize that the health services are not a charity service in regards to their relationship to employees. To expect a donation of \$25000 pa per individual or more from a lot of nurses is beyond a joke.

The reduction in agency staff will result in again increased pressure on the permanent staff left to bear the load and again a reduction in nurses in Victoria.

I hope that your commission will not allow its self to be bamboozled by the government’s inappropriate request and makes an appropriate and considered reply in the negative to such a request

Yours sincerely,

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