



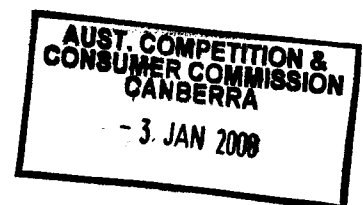
VICTORIAN HOSPITALS' INDUSTRIAL ASSOCIATION
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To: Ms Isabelle Arnaud	From: Ignatius Oostermeyer
Fax: 02 6243 1199	Pages: 3
Phone:	Date: 3/01/2008
Re: Application for Authorisation A91078	CC:
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2 January 2008

Ms. Isabelle Arnaud
 Director
 Adjudication Branch
 Australian Competition &
 Consumer Commission
 GPO Box 3131
 Canberra ACT 2601

Fax: (02) 6243 1199

Dear Ms. Arnaud

Re: Application for authorization A91078

Following my discussion today with two of your staff, we need to stress that the **primary** interested parties have not been advised by the ACCC of the RDAA's application for authorization pursuant to Section 88.

Despite of what your officers stated, the authorisation process can only be described as the **pre-eminent** process in terms of submissions by interested parties. This has been the case, as you would expect, in both the applications by the AMA (Vic.) in regard to Latrobe Regional Hospital and the Mercy (Werribee) Hospital.

The purpose of my discussion with your office was to ensure that all interested parties were properly advised of the application. It became abundantly clear that individual hospitals in the state of Victoria have not been advised despite the fact that legally they are the principal parties in this application for authorisation. That is, they directly engage the VMO GP either as an employee or a contractor. The parties listed do not include any of the public hospitals in this state, all of which are separate legal entities.

For your information, the Department of Human Services ("DHS") does not contract with any staff engaged by Hospitals, be they employees or contractors. Any contracts are between the Hospital and the individual GP VMO or the company/partnership. DHS is the funding body, and has in place a service agreement with each public hospital to provide various services. With respect to this application, DHS is a "secondary" interested party.

It seems that the practice the ACCC encourages as part of Section 93AB TPA notifications, which encourages the applicants to sit down with the target(s) prior to lodging an application for authorization, is a good practice. This would save a lot of work, misunderstanding, and could effectively speed up the process. The notification by the ACCC was the first indication that the RDAA is seeking authorization pursuant to Section 88 of the TPA.

HEALTH COMMUNICATIONS

HEALTH FINANCIAL

WORK PLACE LEGAL

VHIA MANAGEMENT SERVICES

VHIA TRAINING

In view of the fact that the period allocated is the statutory minimum period of 30 working days, the VHIA submits, by way of preliminary submission, that this period should be extended to 45 days as provided for in the TPA. This would permit us to seek instructions and gather relevant information with regard to our submission.

It has to be recognized that the situation in Victoria is radically different to other states as we have multiple employers – over 80 in effect – that engage General Practitioners who are the subject of this application.

In all other states, the Principal Contractor is the individual Health Department in that state. The application by the RDAA acknowledges this fact.

This makes it incumbent on the VHIA to ensure that we engage our members and ascertain their views. It also means that we need to gain information which is not readily available except by approaching each health service.

Please contact the undersigned should you wish to discuss this matter further on (03) 9561 4000.

Yours sincerely
VICTORIAN HOSPITALS' INDUSTRIAL ASSOCIATION

p.p. G. Anew

Ignatius Oostermeyer
Legal Practitioner
10085L