



**Australian
Competition &
Consumer
Commission**

Our Ref: C2008/628
Contact Officer: Sharon Clancy
Contact Phone: (02) 6243 1217

17 July 2008

*This letter, with
enclosures, was sent
to the attached list
of interested parties.*

SC

17/7/08

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Dear

Application for authorisation A91088 lodged by the Australian Medical Association (NSW) Limited - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Australian Medical Association (NSW) Limited (AMA NSW) on 22 April 2008. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for a period of five years to AMA NSW to collectively negotiate with:

- NSW Health the standard terms and conditions, including rates of remuneration, of contracts for Visiting Medical Officers (VMOs) engaged in the New South Wales (NSW) public hospital system
- public health organisations (PHOs) in NSW (as set out in attachment A to the draft determination) on issues relevant to the engagement of VMOs by PHOs but excluding standard VMO contract terms and conditions and rates of remuneration.

The proposed authorisation does not extend to any collective decision by current or future VMOs in the NSW public hospital system to engage in collective boycott activities.

The ACCC's assessment is set out in Chapter 5 of the draft determination.

Next steps

Once the ACCC issues a draft determination, AMA NSW or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft

determination. Conferences are conducted informally, without the participation of legal or other professional advisers.

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 **1 August 2008**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **5 August 2008**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, 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 (guidelines are attached).

Timetable

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

22 April 2008	Lodgement of application
29 April 2008	Public consultation process begins
23 May 2008	Closing date for submissions from interested parties
16 July 2008	Draft determination
July / August 2008	Public consultation on draft determination, including any pre-decision conference if called
August / September 2008	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 Sharon Clancy on (02) 6243 1217.

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch

Application for authorisation A91088 lodged by AMA NSW

List of interested parties - 17 July 2008

ACT Health
Australian College of Rural and Remote Medicine
Australian Consumer Association
Australian General Practice Network
Australian Healthcare & Hospitals Association
Australian Medical Association
Australian Medical Association (ACT)
Australian Medical Association (NT)
Australian Medical Association (QLD)
Australian Medical Association (SA)
Australian Medical Association (TAS)
Australian Medical Association (VIC)
Australian Medical Association (WA)
Australian Private Hospital Association
Australian Rural and Remote Workforce Agencies Group
Australian Rural Health Education Network
Australian Society of Anaesthetists
Catholic Health Australia
Commonwealth Department of Health and Ageing
Consumer Health Forum
Department of Health (New South Wales)
Department of Health (South Australia)
Department of Health (Western Australia)
Department of Health and Community Services (Northern Territory)
Department of Health and Human Services (Tasmania)
Department of Human Services (Victoria)
Department of Innovation, Industry, Science and Research
Health Consumers of Rural and Remote Australia
National Rural Health Alliance
Queensland Health
Royal Australasian College of Physicians
Royal Australasian College of Surgeons
Royal Australian College of General Practitioners
Rural Doctors Association of Australia
Rural Doctors Association of NSW