

Received 16/7/08  
SC

Ms Sharon Clancy  
Assistant Director  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Dear Ms Clancy

**Application for authorisation A91088 lodged by the Australian Medical Association (NSW) Limited ("AMA")**

I refer to previous correspondence between the Department of Health and the ACCC in relation to this matter, and to your e-mail of 7 July 2008 providing a further submission of the AMA.

In this further submission the AMA, for the first time, makes explicit reference to examples of its role in assisting groups of VMOs in relation to local arrangements with public health organisations in order to give effect to or implement centrally determined standard terms and conditions of VMO contracts.

The Department remains of the view, consistent with its previous submissions, that the role of public health organisations in determining terms and conditions of VMOs is limited, and that the terms of the authorisation sought by the AMA does not appropriately recognise that limited role. The Department regards this as particularly important given the AMA's stated objective in making its application for authorisation is "to preserve the current status quo", an objective the Department does not oppose.

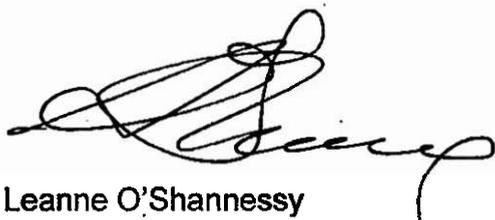
Accordingly, and in the light of the material provided by the AMA in its most recent submission, the Department submits that if the ACCC was minded to grant a draft determination in this matter, the determination should be in terms to the following effect:

*The AMA (NSW) may collectively negotiate:*

- (1) *with the NSW Department of Health (the Department) in relation to the terms and conditions (including but not limited to remuneration) of visiting medical officer contracts in the New South Wales Public Hospital System; and*
- (2) *with public health organisations in relation to any local arrangements that are necessary to give effect to terms and conditions agreed under (1), such arrangements to be not inconsistent with such terms and conditions.*

If you have any questions, or wish to discuss further, please contact Dean Bell, Principal Legal Officer, on (02) 9391 9601.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leanne O'Shannessy', written in a cursive style.

Leanne O'Shannessy  
**Acting General Counsel, and Director of Legal and Legislation**

*16 July 2008*