



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: TRACKIT: 51935  
Contact Officer: Gina D'Ettorre  
Contact Phone: 03 9290 1483

10 September 2013

Dear Sir/Madam

### **Australian Medical Association (NSW) application A91383 for re-authorisation of collective bargaining re VMOs – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application from the Australian Medical Association (NSW) Limited (**AMA (NSW)**) to revoke a previous authorisation and grant a substitute authorisation (re-authorisation).

The ACCC invites you to comment on the application. Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

#### **The application**

AMA (NSW) seeks re-authorisation to collectively bargain on behalf of visiting medical officers (VMOs) in the New South Wales public hospital system with:

- NSW Ministry of Health (NSW Health) regarding the standard terms and conditions of contracts, including but not limited to remuneration and
- public health organisations (PHOs) regarding issues relevant to the engagement of VMOs by PHOs, excluding standard VMO contract terms and conditions and rates of remuneration.

A full copy of the application for authorisation is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>. Alternatively, you can contact Gina D'Ettorre on the details below to obtain a hard copy of the application and submission.

#### **Background**

The ACCC previously granted authorisation to AMA (NSW) to collectively bargain on behalf of VMOs in NSW with NSW Health about the terms and conditions, including remuneration, for VMOs in the public hospital system, and with PHOs regarding the terms and conditions, excluding remuneration, of VMOs in the NSW public hospital system, at the local level. Authorisation was granted on 13 August 2008 until 31 December 2013.

## Interim authorisation

AMA (NSW) has also requested interim authorisation to allow it to continue to negotiate with NSW Health and PHOs in the event that the ACCC does not issue a final determination before the existing authorisation expires on 31 December 2013.

The ACCC will consider whether interim authorisation is appropriate at the time that it issues a draft determination. Should interim authorisation be necessary, the ACCC will seek comments about the potential effects of granting interim authorisation from interested parties and make a decision about interim prior to the expiration of the existing AMA (NSW) authorisation.

## Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the collective bargaining arrangements during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the collective bargaining during the previous authorisation period.

If you intend to provide a submission on the substantive application for re-authorisation please do so by **Tuesday, 24 September 2013**.

Alternatively, if you would like to provide comments orally, please contact Gina D'Ettorre to organise a suitable time – contact details are provided below.

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

## Timetable

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

Indicative date	Stage in assessment process
6 September 2013	Lodgement of application and supporting submission, including request for interim authorisation
10 September 2013	Public consultation process begins.
24 September 2013	Closing date for submissions from interested parties.
7 October 2013	Applicant responds to issues raised in the public consultation process.

Indicative date	Stage in assessment process
October/November 2013	Draft determination.
October/November 2013	Public consultation on draft determination including any conference if called.  ACCC decision regarding interim authorisation, if required.
December 2013	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application[s] at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 me on 02 6243 1266, or at [david.hatfield@acc.com.au](mailto:david.hatfield@acc.com.au), or Gina D'Ettorre on 03 9290 1483 or at [gina.dettorre@acc.gov.au](mailto:gina.dettorre@acc.gov.au).

Yours sincerely



David Hatfield  
Director  
Adjudication Branch

## **INTERESTED PARTIES – INITIAL CONSULTATION**

### **Local Hospital Networks (or Local Health Districts)**

#### **NSW**

Far West Local Hospital District

Hunter New England

Northern NSW Local Health District

Murrumbidgee Local Health District

Western NSW Local Health District

Southern NSW Local Health District

Southern NSW Local Health District

Mid North Coast Local Hospital District

Central Coast Local Health District

Illawarra Shoalhaven Local Health District

Nepean Blue Mountains Local Health District

Northern Sydney Local Health District

South Eastern Sydney Local Health District

South Western Sydney Local Health District

Sydney Local Health District

Western Sydney Local Health District

#### **Government/Associations**

Australian College of Rural and Remote Medicine

Australian Consumers Association

Australian General Practice Network

Australian Healthcare and Hospitals Association

Australian Healthcare Reform Alliance

Australian Indigenous Doctors' Association

Commonwealth Department of Health and Ageing

Consumers Health Forum

Australian Medical Association

Rural Doctors Association of Australia