

Form B

Commonwealth of Australia

Competition and Consumer Act 2010 — subsections 88 (1A) and (1)

AGREEMENTS AFFECTING COMPETITION OR INCORPORATING RELATED CARTEL PROVISIONS: APPLICATION FOR AUTHORISATION

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection(s) 88 (1A)/88 (1) of the *Competition and Consumer Act 2010* for an authorisation:

- to make a contract or arrangement, or arrive at an understanding, a provision of which would be, or might be, a cartel provision within the meaning of Division 1 of Part IV of that Act (other than a provision which would also be, or might also be, an exclusionary provision within the meaning of section 45 of that Act).
- to give effect to a provision of a contract, arrangement or understanding that is, or may be, a cartel provision within the meaning of Division 1 of Part IV of that Act (other than a provision which is also, or may also be, an exclusionary provision within the meaning of section 45 of that Act).
- to make a contract or arrangement, or arrive at an understanding, a provision of which would have the purpose, or would or might have the effect, of substantially lessening competition within the meaning of section 45 of that Act.
- to give effect to a provision of a contract, arrangement or understanding which provision has the purpose, or has or may have the effect, of substantially lessening competition within the meaning of section 45 of that Act.

(Strike out whichever is not applicable)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of Applicant:
(Refer to direction 2)

A91590

Australian Medical Association (NSW) Limited (hereinafter AMA (NSW)).

- (b) Short description of business carried on by applicant:
(Refer to direction 3)

AMA (NSW) is an independent association representing the State's medical profession. As an organisation of employers AMA (NSW) is a registered organisation under section 271 of the Industrial Relations Act 1996 (NSW). A core component of AMA (NSW)'s role is the provision of industrial representation for all Visiting Medical Officers (hereinafter VMOs) in New South Wales.

- (c) Address in Australia for service of documents on the applicant:

Australian Medical Association (NSW) Limited c/- TressCox Lawyers, GPO Box 7085, Sydney, NSW, 2001.

2. Contract, arrangement or understanding

- (a) Description of the contract, arrangement or understanding, whether proposed or actual, for which authorisation is sought:
(Refer to direction 4)

AMA (NSW) seeks authorisation to collectively negotiate the terms and conditions (including but not limited to remuneration) of VMO contracts for the treatment of public patients at the Northern Beaches Hospital.

- (b) Description of those provisions of the contract, arrangement or understanding described at 2 (a) that are, or would or might be, cartel provisions, or that do, or would or might, have the effect of substantially lessening competition:
(Refer to direction 4)

As above.

- (c) Description of the goods or services to which the contract, arrangement or understanding (whether proposed or actual) relate:

As above.

- (d) The term for which authorisation of the contract, arrangement or understanding (whether proposed or actual) is being sought and grounds supporting this period of authorisation:

5 years.

3. Parties to the proposed arrangement

- (a) Names, addresses and descriptions of business carried on by other parties or proposed parties to the contract or proposed contract, arrangement or understanding:

Healthscope Limited, Level 1, 312 St Kilda Road, Melbourne, Victoria, 3000.

- (b) Names, addresses and descriptions of business carried on by parties and other persons on whose behalf this application is made:
(Refer to direction 5)

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4. Public benefit claims

- (a) Arguments in support of authorisation:
(Refer to direction 6)

AMA (NSW) refers to Part 6 of its supporting submission.

- (b) Facts and evidence relied upon in support of these claims:

AMA (NSW) relies on its supporting submission.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (c) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

(Refer to direction 7)

AMA (NSW) refers to Part 7 of its supporting submission.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the authorisation, in particular the likely effect of the contract, arrangement or understanding, on the prices of the goods or services described at 2 (c) and the prices of goods or services in other affected markets:

(Refer to direction 8)

AMA (NSW) refers to Part 6 of its supporting submission.

- (b) Facts and evidence relevant to these detriments:

AMA (NSW) relies on its supporting submission.

7. Contract, arrangements or understandings in similar terms

This application for authorisation may also be expressed to be made in relation to other contracts, arrangements or understandings or proposed contracts, arrangements or understandings, that are or will be in similar terms to the abovementioned contract, arrangement or understanding.

- (a) Is this application to be so expressed?

No.

- (b) If so, the following information is to be furnished:

- (i) description of any variations between the contract, arrangement or understanding for which authorisation is sought and those contracts, arrangements or understandings that are stated to be in similar terms:

(Refer to direction 9)

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- (ii) Where the parties to the similar term contract(s) are known — names, addresses and descriptions of business carried on by those other parties:

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- (iii) Where the parties to the similar term contract(s) are not known — description of the class of business carried on by those possible parties:

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8. Joint Ventures

- (a) Does this application deal with a matter relating to a joint venture (See section 4J of the *Competition and Consumer Act 2010*)?

Not applicable.

- (b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?

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- (c) If so, by whom or on whose behalf are those other applications being made?

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9. Further information

- (a) Name and address of person authorised by the applicant to provide additional information in relation to this application:

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Dated.....

Signed by/on behalf of the applicant


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(Signature)

Fiona Davies
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(Full Name)

CEO
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(Position in Organisation)