

1 September 2017



Mr Darrell Channing  
Director  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
By email: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

AUSTRALIAN MEDICAL  
ASSOCIATION

ABN 37 008 426 793

T | 61 2 6270 5400

F | 61 2 6270 5499

E | [info@ama.com.au](mailto:info@ama.com.au)

W | [www.ama.com.au](http://www.ama.com.au)

42 Macquarie St Barton ACT 2600

PO Box 6090 Kingston ACT 2604

Dear Mr Channing

**RE: AMA NSW APPLICATION FOR AUTHORISATION – A91590**

I refer to the interested party consultation for the above application.

The AMA supports the application, which recognises the long established role of AMA NSW in public sector VMO negotiations over many years. While this authorisation covers negotiations with a private sector employer, the Northern Beaches Hospital (NBH) is being contracted to deliver public hospital services on behalf of the NSW Government and will form part of the Northern Sydney Local Health District.

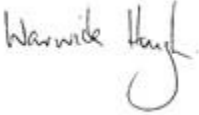
The ACCC has previously acknowledged the role played by AMA NSW in VMO negotiations, first authorising this conduct in 2008 and again for a further ten years in 2013. AMA NSW has demonstrated its balanced approach to negotiations, recognising the legitimate claims of its members and the need to support sustainable access to public sector services.

Approval of the application will support consistency in the terms and conditions offered to VMOs across public hospital services, which has been a clear public policy objective in NSW under the Health Services Act (1997) and the benefits of which are acknowledged in ACCC Authorisation number A91383. A level playing field will support recruitment and retention at the NBH, without disadvantaging or favouring other parts of the public hospital system in NSW.

It would also appear that many VMOs who will contract with the new NBH are likely to have current appointments at the Manly and Mona Vale hospitals that are based on the current VMO Determination. They will expect similar terms and conditions at the new hospital and anything less favourable could prove very disruptive. A collective approach to negotiations also offers the most efficient means of reaching agreement with a significant number of different specialty areas.

I note that AMA NSW is not seeking authorisation for collective boycott activity and individuals remain free to negotiate directly with the NBH if they choose. In this context, and given the history of VMO negotiations in NSW, it is very difficult to see any potential detriment in authorising the proposed conduct.

Yours sincerely

A handwritten signature in cursive script that reads "Warwick Hough".

Warwick Hough  
Director  
**General Practice and Workplace Policy Department**