



—finding and keeping country doctors

On 29 August 2001 the Federal Government announced a review of the impact of Part IV of the Trade Practices Act on the recruitment and retention of medical practitioners in rural and regional Australia. The review was chaired by Mr Warwick Wilkinson.

The ACCC made two submissions to the review, submitting that there is no evidence the TPA hinders the recruitment or retention of doctors in the bush and that the shortages in rural health could be attributed to a multitude of reasons such as, lifestyle considerations, remuneration, family issues and indemnity insurance.

There are continuing assertions that genuine rosters are a breach of the Act. The ACCC has repeatedly and publicly said the Act doesn't prevent doctors from taking a much needed break from work while reaching an agreement with their colleagues to ensure that medical services continue to be available. **Genuine rosters are not a breach of the Act.**

Some interest groups want doctors exempted from the Act, saying the medical profession is different to any other sector in the community. Essentially, this is asking for doctors to be able to engage in anti-competitive conduct such as price-fixing and boycotts without restraint.

The professions, including the health sector, remain a priority area for the ACCC. It will investigate claims of independent doctors getting together and collectively agreeing to boycott bulk-billing, or independent doctors agreeing among themselves not to bulk bill and charge a collectively fixed fee to patients.

To help general practitioners understand trade practices law, the ACCC is writing a guide specifically for doctors. It will be finalised soon and will take into account the recommendations from the Wilkinson Review and the ACCC's final determination on the Royal Australian College of General Practitioners.



ACCC chairman leaving



Professor Allan Fels, AO, Chairman of the ACCC and its predecessor the TPC from 1991, has announced he will leave the ACCC on 30 June 2003. This cuts short his current appointment by one year.

He will resign to become Foundation Dean of the new Australia and New Zealand School of Government (ANZSOG).

Highlights during his TPC and ACCC chairmanships include:

- TPC enforcement of the competition and consumer

protection sections of the Trade Practices Act was substantially increased

- substantial increases in court-determined penalties
- extended coverage of the Trade Practices Act through *The Competition Policy Reform Act 1995*
- the 1995 merger of the Prices Surveillance Authority and the Trade Practices Commission to form the Australian Competition and Consumer Commission

- ACCC's role extended to cover major public utilities at federal level
- a general access regime under Part IIIA of the Act introduced
- the ACCC's three year enforcement role during the transition to the GST
- Trade Practices Act extension to deal with issues concerning small business
- Most recently, the ACCC submission to the Dawson Inquiry on the adoption of criminal sanctions for hard core collusion under Part IV of the Act.

The Treasurer has indicated he will be calling for nominations for Professor Fels' successor and the deputy chair position which has been vacant since the departure of Allan Asher.