



WESTERN AUSTRALIA

30 October 2020

Dr David Russell-Weisz
Director General
Department of Health
Level 3, B Block
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EAST PERTH WA 6004

By post and by email: DGCorrespondence@health.wa.gov.au

Dear Dr Russell-Weisz

REPLACEMENT OF THE WA HEALTH SYSTEM MEDICAL PRACTITIONERS – AMA INDUSTRIAL AGREEMENT 2016

I refer to your correspondence, dated 7 October 2020, and WA Health's offer for the replacement of the *WA Health System Medical Practitioners – AMA Industrial Agreement 2016 (2016 Agreement)* which nominally expired on 30 September 2019.

The offer has been carefully considered by the Australian Medical Association WA (**AMA (WA)**) Council and is rejected.

As you know, we started out with 86 claims made by the AMA (WA), none of which were agreed, but we pared that down to reiterating the importance of job security for senior doctors and the ability to transfer and park accrued leave entitlements, as two issues that the AMA (WA) cannot concede. Public Hospital Doctors and the AMA (WA) Council believe the current provisions, and their application by health services, have had a destructive effect on workforce morale, junior doctor training and patient care.

Job Security for Senior Practitioners

We note that your offer not only seeks to legitimise current practices of non-compliance where senior practitioners are not offered a contract of five years, it still fundamentally fails to provide job security for senior practitioners. The retention of the 12 months' notice provision as a legitimate basis for non-renewal effectively means that every practitioner will remain at the mercy of arbitrary non-renewal.

Requiring an Employer to provide a reason for contract non-renewal does not protect senior practitioners from bureaucratic retribution, nor will it ensure that the non-renewal process will be enacted with any degree of probity, transparency or merit. Recent incidences of contract non-renewal where Employers have provided 'justification' have not allayed feelings of fear, mistrust and concern over speaking up for safety issues regarding workers and patients alike.

It is disappointing that WA Health has failed to provide a compelling reason as to why senior practitioners should not be afforded job security, particularly when all other public sector employees with more than two years' continuous service have been granted the right to convert from casual and/or fixed term to permanent employment. Further, the continual reference to the historical agreement where WA senior practitioners "traded away permanency" some twenty-four (24) years ago for five-year appointments and a salary increase:

- fails to reflect the true sentiment of the 1996 Industrial Agreement (**1996 Agreement**);
- overlooks the fact there have been seven (7) further industrial agreements that have followed the 1996 Agreement; and
- is a redundant justification in the context of good faith present-day bargaining.

Critically, WA Health has failed to outline how patient safety, workforce morale and doctor wellbeing will be safeguarded, and will not continue to be negatively impacted through the perpetuation of current job insecurity for senior practitioners.

Accordingly, it would be irresponsible for the AMA (WA) to agree to continue a system of senior practitioner appointments, which has routinely resulted in employer behaviours that negatively impact the safe function of the WA health system.

Ability to Transfer and Park Accrued Leave Entitlements

The AMA (WA) recognises the progress made to accommodate the unique way that Doctors in Training (**DiTs**) are required to move within WA's private and public health systems, interstate and overseas in order to complete their training. However, the AMA (WA) cannot accept an offer from WA Health which is contingent upon a reduction in rights for DiTs, whereby prior accrued entitlements are not recognised upon appointment to senior practitioner classifications.

Further, the proposal by WA Health is an absolute nonsense, given that it contravenes common law, legislative and long-standing public sector standards. It would be particularly egregious for the AMA (WA) to consider such a limitation, given that it is simply a cost-saving measure at the expense of DiTs, who are systematically denied access to their entitlements due to chronic workforce shortages.

AMA (WA) Log of Claims

A number of significant events have occurred since negotiations commenced in March 2019, notably a global health pandemic which has seen the WA Government rely more than ever on health workers and doctors to protect and secure the health of Western Australians, the State and its economy.

The recently announced \$1.2 billion budget surplus was achieved in no small part due to the AMA (WA)'s early COVID-19 advice on state border closure, our intervention in the *Artania* incident and the work of WA doctors and other frontline workers. Astoundingly, during the pandemic the WA Government has reduced the percentage of the total State Budget spent on Health and has not committed to any investment to address the medical workforce shortages.

It is paramount that WA Health has a stable, secure and safe medical workforce that is ready to respond to any increase in COVID-19 cases.

In spite of the commitment and dedication of WA doctors during this time, and the good faith the AMA (WA) has offered during protracted bargaining over the past 18 months, WA Health's failure to adequately address the AMA (WA)'s key concerns has led to the point where the AMA (WA) will now revert to the original 86 claims.

Further, given the significant amount of time that has passed since the AMA (WA) first provided its log of claims to WA Health, transpiring events and the conduct of Employers may result in the AMA (WA) being required to notify you of any relevant additional claims, until such time as agreement is reached.

The AMA (WA) continues to be available to meet and discuss any substantive proposals put forward in good faith.

Should you require any further information, please contact Warren Edwardes on 9273 3006 or Warren.Edwardes@amawa.com.au.

Yours sincerely



Dr Andrew Miller
PRESIDENT AMA (WA)

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