

**Law - AMA NSW Appearance- 10 October 2011**

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**From:**  
**To:** <LawandJustice@parliament.nsw.gov.au>  
**Date:** 17/10/2011 10:29 AM  
**Subject:** AMA NSW Appearance- 10 October 2011  
**Attachments:** Fees comparison.docx; SKMBT\_C65211101709140.pdf

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Attention: Mr Stewart Smith/Rachel Callinan

Dear Mr Smith and Ms Callinan

At our appearance before the Committee, we were asked to provide to the Committee a copy of our letter dated 10 January 2010 to the Motor Accidents Authority, for the information of the Committee (I understand they wanted this provided to them prior to the appearance of the MAA before the Committee this afternoon).

We were also asked to provide a comparison of medico legal fees paid in various jurisdictions in NSW, which I have also attached.

Please do not hesitate to contact me should you wish to discuss,

Regards

Sarah

**Sarah Dahlenburg**

Director, Medico Legal and Employment Relations (Mon-Thur) | Australian Medical Association (NSW) Limited  
PO Box 121 St Leonards 1590



THE VOICE OF THE PROFESSION

## **Australian Medical Association (NSW) Limited**

*In reply please quote:  
BM0213-110/as*

From the President's Office  
*Dr Brian Morton  
MB BS, FRACGP, FAMA*

12 January 2010

Ms Carmel Donnelly  
General Manager  
Motor Accidents Authority of NSW

Dear Ms Donnelly

**Re: Motor Accidents Compensation Regulation 2005 – Indexation of Costs**

I refer to your letter of 14 December 2009 inviting comments on the draft Motor Accidents Compensation Regulation 2005. AMA (NSW) has been working towards a better working relationship with the MAA similar to that which has been established with WorkCover NSW and as the opportunity to provide feedback on the draft is greatly appreciated. The draft Costs and Fees Regulation 2010 has now been considered by the Council of AMA (NSW).

It is important to initially draw attention to the fact that medical practitioners, for the most part, provide services exclusively to patients in the interest of bettering their health and providing optimum wellness outcomes. The doctor/patient relationship is personal and the encroachment of legal matters into the treatment relationship often causes angst for the medical practitioner. This coupled with a lack of understanding of medical matters from legal professionals generally leads medical practitioners in a no win situation for which they receive little compensation.

We note that the revised fees are based on a historical perspective with CPI increases. AMA (NSW) objects to the basis for the fee determination, as we did upon its inception many years ago, and we furthermore do not believe that CPI accurately reflects the changes in financial demands of running a medical practice. It is our opinion that doctors, as professionals, should be entitled to charge commercial fees and not be restricted to maximums. However, in understanding the restrictions imposed by governmental budgets, we respectfully request considering of the following points:-

- Significant increases to hourly rates for witnesses specifically including travelling and preparation time to raise the fee level to that which is commensurate with the other professionals involved in the court system;
- Travel allowances to increase to commercial accepted minimums and to allow for additional charges such as airfares and taxi costs;
- Cancellation fees to be specified with a minimum of 100% expense and estimated cost reimbursements for less than 48 notice of cancellation of reports or witness attendances;
- Significant increases to medical reports with differentials only provided for reports provided by expert doctors versus all other medical practitioners.

### **Australian Medical Association (NSW) Limited**

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We stipulate again that the above comments are made from the perspective of treating doctors and their tumultuous dealings with legal matters in general. We hope that these suggestions may form grounds for a significant review of the MAA costs and fees regulation to accurately reflect the valuable work of the medical profession.

Yours sincerely

**DR BRIAN MORTON**  
*President*

Service	AMA/Law Society Schedule	WorkCover	Motor Accidents Authority
GP- Level A Consult	\$32.50	\$32.50	Section 56 of the Motor Accidents Compensation Act 1999 specifies AMA rate for medical treatment \$32.50
GP- Level B Consult	\$66.00	\$66.00	\$66.00
GP- Level C Consult	\$122.00	\$122.00	\$122.00
GP- Level D Consult	\$186.00	\$186.00	\$186.00
WorkCover Certificate	n/a	\$20.00 Plus GST	n/a
<b>GP- Treating doctor's report. No further examination required</b>	<b>\$405.00</b>	<b>\$226.80 per hour Plus GST</b>	<b>\$130</b>
GP- Treating doctor's report. Further examination required	\$470.00	-	\$195
Photocopying medical records etc	\$34.00 For 33 pages or less \$1.24 per page if more than 33 pages	\$30.00 For 33 pages or less \$1.00 per page if more than 33 pages	\$1 per page
Specialist- Initial attendance	\$146.00	\$146.00	\$146.00
Specialist- subsequent attendance	\$78.00	\$78.00	\$78.00
Psychiatrist- attendance less than 15 mins	\$76.00	\$76.00	\$76.00
Psychiatrist- attendance 15-30 mins	\$152.00	\$152.00	\$152.00
Psychiatrist- attendance 30-45 mins	\$225.00	\$225.00	\$225.00
Psychiatrist- attendance 45-60 mins	\$305.00	\$305.00	\$305.00
Psychiatrist- attendance 60-75 mins	\$340.00	\$340.00	\$340.00
<b>Specialist- Treating doctor's report. No re-examination required</b>	<b>\$800.00</b>	<b>\$324.10 per hour plus GST</b>	<b>\$260</b>
<b>Specialist- Treating doctor's report. Re-examination required</b>	<b>\$950.00</b>	-	<b>\$350</b>
<b>Attendance at court-expert evidence</b>	<b>\$1,145.00 for first 1.5 hours. \$730 per hour thereafter (pro rata if not full hour)</b>		<b>\$605 for first 1.5 hour, \$260 per hour thereafter (pro rata if not a full hour). Maximum \$2,165 (includes travel to and</b>

