

Media release

4 April 2025



Avant Mutual acknowledges NSW Health doctors' concerns but urges caution amid proposed industrial action

Avant Mutual, Australia's largest medical indemnity insurer, today acknowledged the concerns of NSW doctors working in public hospitals and the challenges they face – but urged caution for those considering industrial action next week, highlighting the potential legal and professional consequences.

"We certainly acknowledge the concerns of doctors regarding their working conditions and the challenges they face in delivering high-quality patient care in NSW public hospitals," Avant Chief Medical Officer Professor Steve Robson said.

"While it is a matter for each doctor to decide, we also note the NSW Industrial Relations Commission (NSWIRC) dispute orders directing the Australian Salaried Medical Officers Federation (ASMOF) and its members to cease its proposed industrial action, effective immediately.

"We understand the frustrations of doctors, but industrial action carries risks. Avant urges all doctors to consider these implications carefully and seek appropriate advice before taking action," Professor Robson said.

Despite the NSWIRC dispute orders, ASMOF has indicated that industrial action will proceed from 8 April to 10 April 2025. Doctors should be aware that taking industrial action could result in:

- A breach of NSWIRC orders, with potential penalties for ASMOF.
- Suspension or modification of employment terms by NSW Health.
- Loss of pay for any period where usual duties are not performed.
- Breach of employment contracts and NSW Health policies.
- Possible disciplinary action by NSW Health.

Doctors should also consider whether industrial action aligns with their obligations under the Medical Board's *Good medical practice – A code of conduct for doctors in Australia*.

Implications for VMOs

The AMA (NSW) has advised that Visiting Medical Officers (VMOs) cannot participate in the proposed industrial action because the *Competition and Consumer Act 2010* (Cth) prevents them from collectively deciding to withdraw services (in whole or in part) and this includes industrial action.

Avant encourages all members to stay informed, review relevant industrial relations guidance—including recent advice from the AMA (NSW)—and seek further clarification from their medical defence organisation if required. More information is also available on Avant's website.

About Avant

Avant Mutual is a member-owned doctors' organisation and Australia's largest medical indemnity insurer, committed to supporting a sustainable health system that provides quality care to the Australian community. Our 90,000 members (more than half of Australia's doctors) are from all medical specialties and career stages and from every state and territory. Our products and services in the areas of insurance, lending, health and legal and practice management are all designed to support doctors in their professional and personal lives. For further information, please visit www.avant.org.au

Media

Suzanne Mercer
Mobile: +61 408 795 015
Email: suzanne.mercer@avant.org.au

Avant Mutual Group Limited

Telephone +61 2 9260 9000