

PROFESSIONAL STANDARDS COMMITTEE (“PSC”)

Role of the PSC

The PSC conducts hearings into complaints (notifications), where it is anticipated that any penalty imposed is unlikely to include suspension or deregistration.

When a complaint is received about a medical practitioner, the Board must send the complaint to the medical practitioner to enable him/her to respond.

The complaint and the practitioner’s response are considered by the Board and where the Board considers it appropriate, the matter will be referred to PSC.

The medical practitioner will be given a notice of the referral of the complaint to the PSC (“Notice of Referral”).

Attached to the Notice will be a Statement of Proposed Facts & Statement of Allegations comprised in one document (“the Statement”) against the practitioner and a response to be completed by the Practitioner and returned to the Board (“Practitioner’s Response”).

The practitioner is required to inform the Board within 14 days of the date of receipt of the Notice of Referral whether the practitioner consents to the complaint being determined by the PSC.

The PSC must submit a report in writing detailing its findings and conclusions in relation to a matter referred to it and make a recommendation with reasons.

Complaints can be referred to the [State Administrative Tribunal \(“SAT”\)](#), where the penalty may include deregistration (or where the jurisdiction is considered more appropriate).

Who will be on the PSC?

Under the Medical Practitioners Act 2008 (“the Act”), a list of independent panellists has been appointed by the Minister for Health. These panellists include medical practitioners, lay and legal representatives. On each occasion that a complaint is referred to the PSC, a panel of 3 is drawn from the list of panellists.

Referral to the SAT

If after considering a complaint, the PSC is of the view that the matter is too serious to be dealt with by the PSC it will recommend that the matter be referred to the SAT.

The practitioner may inform the PSC that the practitioner wants the complaint referred to the SAT.

The SAT is an administrative tribunal which has the power to impose heavier penalties on the practitioner than the PSC. In particular the SAT has the power to suspend or deregister practitioner, in appropriate cases. The PSC does not have these powers.

Appeal

There is a process available to the practitioner for review of an order or decision of the PSC pursuant to s152 of the Act.

STATE ADMINISTRATIVE TRIBUNAL (“SAT”)

Role of the SAT

The [SAT](#) was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions.

Individuals, businesses, public officials and vocational boards can bring before the SAT many different types of applications related to civil, commercial and personal matters.

These range from reviews of multi-million dollar tax judgments and dog destruction orders to disciplinary proceedings, guardianship questions and town planning and compensation issues.

The SAT was established by the State Administrative Tribunal Act 2004 and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004(Conferral Act).

The Conferral Act refers to more than 130 existing Acts of Parliament, known as enabling Acts. The enabling Acts give the SAT the jurisdiction to make decisions on specific matters.

Approach

The SAT's approach is informal, flexible and transparent. The SAT:

- aims to make the correct or preferable decision based on the merits of each application;
- is not a court and, therefore, strict rules of evidence do not apply;
- encourages the resolution of disputes through mediation;
- allows parties to be represented by a lawyer, a person with relevant experience or by themselves;
- holds hearings in public in most cases; and
- provides reasons for all decisions and publishes most of them on the website.

The SAT's objectives are set out in the [State Administrative Tribunal Act 2004](#).