

The Health Practitioners Tribunal

Annual Report
2014-2015

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I Overview

By the *Health Practitioner Regulation National Law (Tasmania) Act 2010*, Tasmania became part of a National scheme providing for the regulation of prescribed health professionals who are:

- Chiropractic
- Dental (including dentists, dental therapists, dental hygienists, dental prosthetists and oral health therapists)
- Medical
- Nursing and midwifery
- Optometry
- Osteopathy
- Pharmacy
- Physiotherapy
- Podiatry
- Psychology
- Aboriginal & Torres Strait Islander Health Practice
- Chinese Medicine
- Medical Radiation
- Occupational Therapy

National Boards are established for each of these health professions and in some occasions local boards/committees are established in each State with the delegated authority from the National Board. The Boards have the primary role (amongst others) to:

- Register suitably qualified and competent persons within that health profession.
- Decide the requirements of registration.
- Develop approved standards, codes and guidelines for that health profession.
- Establish panels to conduct hearings about health, performance and professional standards of members.
- Refer matters about health practitioners to a responsible Tribunal (Tasmanian Health Practitioners Tribunal).

Boards or the delegated local committee may take action in respect of a health profession for any of the following:

- Performance management (competence)
- Health Management (impairment); or
- Conduct (discipline)

There is also the ability for a health professional affected by a decision of a Board in respect of his or her registration or a decision by a Board to take health, conduct or performance action against a health professional to appeal to the Health Practitioners Tribunal.

2 Constitution of the Tribunal

The Tribunal may be constituted by:

- the Chairperson or Deputy Chairperson sitting alone or;

- the Chairperson or Deputy Chairperson and two Professional Members; or
- the Chairperson or Deputy Chairperson and one Professional Member and one Community Member

The composition of any particular Tribunal hearing will be determined by the Chairperson but the Tribunal must be constituted either with professional members or a professional member and community member in addition to the Chairperson if either party so requests.

3 Requirements for Members

- **Chairperson:**

The Chairperson is a Magistrate appointed to the role by the Attorney General upon the recommendation of the Chief Magistrate.

The Chairperson may delegate to the Deputy Chairperson any of his or her functions under the *Health Practitioners Tribunal Act 2010* or any other Act.

- **Deputy Chairperson:**

The Deputy Chairperson is a Magistrate appointed by the Attorney General upon the recommendation of the Chief Magistrate.

The Deputy Chairperson is to act as the Chairperson whenever the Chairperson is absent from duty or from Tasmania or is unable to act as the Chairperson and also during a vacancy in the office of the Chairperson.

The Chief Commissioner and Commissioner of the Workers Rehabilitation and Compensation Tribunal as temporary magistrates were appointed Chairperson and Deputy Chairperson of the Tribunal. As those temporary magistrate appointments could not be maintained the *Health Practitioners Tribunal Act 2010* was amended to allow appointment of a legal practitioner of a minimum of 5 years standing to be appointed to these positions. It is intended that the current arrangement will continue with the reappointment of the Chief Commissioner and Commissioner of the Workers Rehabilitation and Compensation Tribunal to the respective positions with the Health Practitioners Tribunal.

- **Professional Members:**

The Chairperson may appoint a person to be a professional member of the Tribunal. A person may only be appointed to be a professional member of the Tribunal if the person is:

- (a) a registered health practitioner in respect of the health profession to which the proceedings relate;
- (b) in the Chairperson's opinion a person with suitable skill, knowledge or experience to assist in the proceedings; and
- (c) included in the list provided to the Chairperson by the National Board.

- **Community Members:**

The Chairperson may appoint a person to be the community member of the Tribunal. A person may only be appointed if :

- (a) he has at no time been a registered health practitioner or been registered in respect of a health profession; and
- (b) is not a member of a National Board or a State or Territory Board; and
- (c) is specified on a list of people who are suitable to be appointed. This list is prepared by the Attorney General.

4 Summary of Human Resources

The following table provides a summary of the number of Full Time Equivalent staff employed by the Tribunal as at 30 June each year. The Health Practitioners Tribunal is fostered by the Workers Rehabilitation & Compensation Tribunal and therefore utilises those staffing resources.

	30 June 2015 Actual	30 June 2016 Budget
Full Time Equivalent Staff	7.5	7.5

5 Tribunal Accommodation

The Tribunal shares accommodation with the Workers Rehabilitation & Compensation Tribunal and the Motor Accidents Compensation Tribunal. Signage at premises in both Hobart and Launceston reflect the three Tribunals. Given the intent to reappoint the Chief Commissioner and Commissioner of the Workers Rehabilitation and Compensation Tribunal to the respective positions with the Health Practitioners Tribunal it will continue to be collocated with and fostered by the Workers Rehabilitation and Compensation Tribunal.

The Tribunal Registry's Hobart premises are located at Level 7, NAB House, 86 Collins Street, Hobart. These premises consist of two hearing rooms, two conciliation rooms and 2 meeting rooms. In Launceston the Tribunal occupied premises on the corner of Brisbane and St Johns Streets consisting of a hearing room, conference room, meeting rooms and an office for Tribunal staff use. In August 2015 the Tribunals moved to new and improved premises at 1/111 St John Street in Launceston. Tribunal staff are based in Hobart and travel as required to the North of the State.

Video conference facilities are available at the premises in Hobart and Launceston.

6 Referrals to the Tribunal 2014-2015

The Tribunal received 8 applications in the 2014/2015 financial year.

Three of those Applications were filed on behalf of a National Board

Applicant	Respondent	Filing Date	Determination Date	Outcome
Dr Malte Schlieter	Dental Board of Australia	28/07/2014		In progress
Dr Ian Wilson	Medical Board of Australia	2/10/2014	16/03/2015	Application dismissed with no order as to costs
Dr Nadira Pardo	Psychology Board of Australia	8/10/2014	26/08/2015	Application dismissed
Medical Board of Australia	Dr Humphrey Gomes	31/10/2014	4/06/2015	Respondent reprimanded and sanctions imposed
Medical Board of Australia	Dr Gregory Pitt	4/12/2014		In progress
Pharmacy Board of Australia	Lauren Duggan-White	19/12/2014	9/06/2015	Respondent reprimanded and sanctions imposed
Dr Edward Sibahi	Medical Board of Australia	12/05/2015		In progress
Dr Arlene Taylor	Medical Board of Australia	16/06/2015		In progress

7 Conciliation

Whilst there is no provision for conciliation in the legislation the parties may agree with the consent of the Chairperson that conciliation is an appropriate means of either resolving a matter in its entirety or reaching agreement in respect of the issue/s to be determined by the Tribunal.

In this financial year the Tribunal did not utilise the services of a Mediator.

The fee for an application during 2014/2015 was \$222.00 per application.

8 Appeals to the Supreme Court of Tasmania

There were no appeals to the Supreme Court in the 2014/2015 financial year.

9 Decisions of the Tribunal

All determinations of the Tribunal are in writing and published on www.austlii.edu.au/au/cases/tas/TASHPT/

11 decisions were published during the 2015/2015 financial year.

I 0 Report on Financial Statement

The Tribunal's Financial Statement for the financial year 2014/2015 is attached as Annexure I.

An Agreement has been concluded between the Department of Justice and the Australian Health Practitioner Regulation Authority as to the reimbursement (at a set rate) of certain costs incurred by the Department in respect of the functioning of the Tribunal (sitting fees, travel and decision preparation). The intent is that the Tribunal will render accounts to the Department of Justice for services provided and these will (to the extent provided by the Agreement) be recovered from the Australian Health Practitioner Regulation Agency.

In the 2014/2015 financial year the Tribunal received \$1,110.00 in application fees (as Health Practitioner Boards are not required to pay lodgement fees).

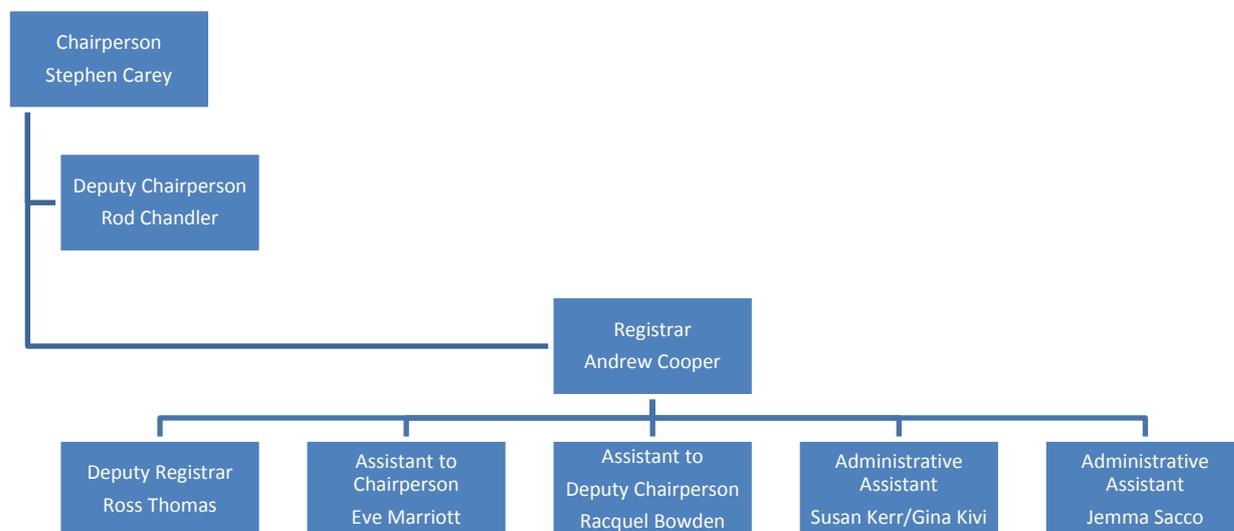
I I Intent for 2015-2016

- The Tribunal will continue to liaise with the Department of Justice in respect of ensuring appropriate resources are available in terms of Professional Members, Community Members.
- The Tribunal will consider updating and utilising it's existing case management system to capture statistical data however in the interim will commence utilising TRIM for records management.

I2 Members of Tribunal & Staff

The executive members of the Tribunal and staff of the Tribunal are detailed below.

I express my appreciation of their overall efforts and support given to me over the past year.



S Carey

Chairperson

Annexure I

Health Practitioners Tribunal Financial Report 2014-15

	YTD Actual	Variance
Revenue		
Other Revenue		
46102 Other Revenue	(1,110)	1,110
Total Other Revenue	(1,110)	1,110
Total Revenue	(1,110)	1,110
Operating Expenditure		
Salary Related Expenditure		
51101 Salaries and Wages	(4,038)	4,038
Total Salary Related Expenditure	(4,038)	4,038
Non Salary Expenditure		
52217 Email	72	(72)
52832 Voice (VOIP) – Calls and usage charges	299	(299)
Total Non Salary Expenditure	371	(371)
Total Operating Expenditure	(3,666)	3,666