

## Professional Standards Committee hearings: media information

Professional Standards Committees (PSCs) are independent statutory bodies established by the *Health Practitioner Regulation National Law (NSW) No 86a*. PSCs deal with complaints of unsatisfactory professional conduct against medical practitioners, which are prosecuted by the Health Care Complaints Commission (HCCC).

PSCs comprise a legally qualified Chairperson, two medical practitioners, and a non-medical member. PSC are legally separate from and independent of the Medical Council. The Council provides administrative and technical support to PSCs, but it is not a party to proceedings.

The following information is provided to assist media representatives who may wish to attend and cover PSC hearings:

1. **Location:** Unless otherwise indicated, PSC hearings are held on the premises of the Institute of Arbitrators and Mediators (IAMA) – Dispute Resolution Centre located at Level 9, Kusu House, 52 Phillip Street, Sydney. A map can be viewed at: <http://www.iamadrc.org.au/contacts.html>
2. **Hearing listings:** A weekly list of scheduled PSC hearings is published on the Medical Council's website ([www.mcnsw.org.au](http://www.mcnsw.org.au)). Hearing lists for the next week are generally published on a Friday afternoon. The list confirms the hearing commencement date and time, hearing room number, and the relevant medical practitioner's name. (Please note that at any time before or during proceedings the PSC Chair may make a non-publication direction in relation to the matter.)
3. **Non-publication directions:** The Chair of a PSC may make non-publication directions in relation to the identity of parties, witness and aspects of evidence. All persons must abide by any non-publication direction and must not communicate or disclose to anyone information covered by such a direction. Criminal penalties exist for a breach of a non-publication direction.
4. **General attendance information:** Please refer to the '*PSC hearings – attendance information*', available on the Council's website ([www.mcnswb.org.au](http://www.mcnswb.org.au)), which applies to all persons attending a PSC hearing, including media representatives.
5. **Case matters:** Complaints are prosecuted by the Health Care Complaints Commission (HCCC) and the particulars of a complaint being brought against a medical practitioner are presented to the PSC hearing by the Commission. Under the confidentiality provisions of the *Health Practitioner Regulation National Law (NSW)*, the Medical Council cannot disclose or confirm the nature or details of individual complaints. The Council must also abide by any non-publication directions made by a PSC. Media representatives should attend a PSC hearing to confirm the particulars of a complaint matter, or contact the HCCC to confirm the complaint details once proceedings have begun.
6. **Closed inquiries:** The *Health Practitioner Regulation National Law (NSW)* states that PSC hearings are to be open to the public, except where the Committee directs otherwise. When a hearing is closed a sign to that effect is placed on the hearing room door.
7. **Filming/recording:** Still photography or video or audio recording is not permitted in the hearing room. Filming is not permitted within the IRC complex without the specific permission of an IRC representative.
8. **Parties/witnesses:** Media representatives are not permitted to interview parties or witnesses in the hearing room.
9. **Decisions:** A PSC may hand down a decision at the conclusion of proceedings, or adjourn and provide its decision at a later date.

When a PSC hands down a decision it will make a finding on the complaint of unsatisfactory professional conduct against the doctor. If a complaint has been substantiated, it may also make orders or impose conditions on a doctor's registration. Under the *Health Practitioner Regulation National Law (NSW)*, a PSC must also provide a written statement of a decision to the complainant, the practitioner, and to the Medical Council within one month after the decision is made.

The Council must make publicly available a statement of decision if it is in respect of a complaint that has been proved or admitted in whole or in part, unless the PSC has ordered otherwise. Subject to any non-publication directions, the Council publishes such decisions on its website. Any orders or conditions imposed on a doctor's registration by a PSC are also reflected in the Register of Medical Practitioners

which can be viewed at the Australian Health Practitioner Regulation Agency website ([www.ahpra.gov.au](http://www.ahpra.gov.au)).