

COSMETIC PHYSICIANS COLLEGE of AUSTRALASIA LTD.



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13th August 2018

Ms Jessica Falvey
A/Committee Manager
Legislative Assembly Committees
Healthcare Complaints Commission Committee
Via email hccc@parliament.nsw.gov.au

Dear Ms Falvey

1. Page 8, The Chair requested a copy of the relevant section of the CPCA's Constitution, after Dr Grose's answer relating to the Constitution's provision for complaints and potential disciplinary action in relation to College membership.

The relevant section is Section 8. If there is a complaint by the public, the CPCA Board, after considering the complaint, would then request the member to respond. The matter is treated as if a member is making the complaint.

Note that under National Law (AHPRA) the CPCA is bound to report a complaint to AHPRA about poor treatment in addition to the actions in the Constitution.

The relevant CPCA Constitution clause is:

8 DISCIPLINARY PROCEEDINGS / MISCONDUCT

8.1 Non-compliance with Constitution, misconduct

If any member shall willfully refuse or neglect to comply with the provisions of this Constitution; or

If a member shall lodge a complaint against another member alleging one or more of the following:

- (a) That the member has refused or neglected to comply with the provisions of this Constitution;*
- (b) That the member has engaged in conduct unbecoming of a member;*
- (c) That the member has engaged in conduct, including but not limited to, non-adherence to the policies and guidelines of the College, that brings the College into disrepute;*
- (d) That the member has engaged in conduct that is, or is likely to be, harmful to the interests of the College;*
- (e) That the member does not hold the qualifications required for the class of membership which he, she or it holds;*

The Board may conduct such inquiries and investigations as it considers appropriate into the subject matter of any complaint lodged pursuant to this clause and other matters concerning any conduct of the member.

The member is obliged to cooperate honestly and openly with the Board for the duration of the investigation.

If the Board considers it appropriate and the Board formulates a charge or allegation concerning the matter, the member shall:

- (i) Be given notice within 14 days of a meeting of the Board particularising and stating the specific nature of the charge or allegation against the member;*
- (ii) Be given the opportunity of responding either orally at the meeting, or in writing, to the charge or allegation.*

8.2 *(a) The Board may amend the particulars of the charge or allegation against the member if additional information is gained during investigation;*

(b) The member shall be given not less than 14 days' notice to respond to any amendment.

8.3 *Following consideration of the charge or allegation the Board shall resolve to uphold or dismiss the charge or allegation in part or in full.*

8.4 *The Board, on consideration of the charge or allegation, shall resolve to:*

- (a) Take no further action; or*
- (b) Censure the member; or*
- (c) Suspend the member for such period as the Board shall determine; or*
- (d) Take such action as the Board resolves.*

8.5 *Subject to clauses 8.2 and 8.4, the Board will not be bound by rules of evidence or procedure, and no member of the Board will be prevented from participating in the consideration and resolution of a charge or allegation because of prior familiarity or dealings with the member, or another person involved in the subject matter for the charge, provided that the Board is of the bona fide belief that he or she can bring a fair and open mind to the matter.*

8.6 *The Board may, if it determines that there are exceptional circumstances, suspend a member's membership pending consideration of the charge or allegation against the member, without first giving the member an opportunity to be heard in relation to the allegations or charge.*

8.7 *During a period of suspension, the member will remain liable for all liabilities and obligations of membership but will not enjoy any of the rights and privileges of membership.*

8.8 *If a member is found by the Board to have made a vexatious, dishonest, mischievous or unreasonable complaint against another member, the Board, at its discretion, may bring disciplinary action against the offending member.*

8.9 *Any unresolved dispute will be referred for mediation by a mutually agreed Mediator in accordance with the mediation rules of the Institute of Arbitrators and Mediators Australia ('IAMA'). If no agreement can be reached on an appointee within 7 days, the mediator shall be appointed by the Chair of the NSW Chapter of IAMA. The cost of mediation will be borne by the party against whom a decision is made or shared equally if the Mediator decides this is reasonable.*

2. Page 6, Walt Second asserts the CPCA website has issued “a warning to your members” on “the front page of your website”, to which both Dr Molton and Dr Grose reply they are “not aware of that” – and the Chair suggests they may wish to “formally respond” to the Committee on the assertion.

Subsequent examination of Mr Second’s assertion has revealed:

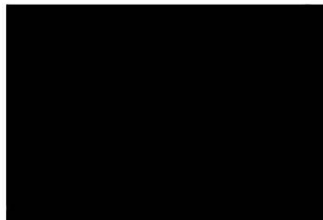
- (a) There was not any such “warning to CPCA Members” on the front page of the CPCA website.
- (b) Rather any latest media coverage that includes a mention of the CPCA is always noted on the website Home Page.
- (c) In the instance Mr Second refers to, an article from Spa & Clinic magazine was noted as having been published on July 18. That article – and the specific lines quoted by Mr Second re “several organisations have been contacted by Hazzard” – was written by the magazine’s own journalist.
- (d) A quote from CPCA Vice President Dr David Koseno (also referred to by Mr Second) appears in the article and was also noted – however there is no mention by Dr Kosenko or any other CPCA representative of any ‘warning’ whatsoever.
- (e) Hence what was read on the CPCA website landing page was a sentence from the Spa & Clinic article, written by that magazine’s journalist (the full article was duly hyper-linked in the media section of the website). It was posted for the information of members, as an executive member of the College was quoted in the article. There was no comment from the College whatsoever – it was just a link.

3. Page 4, Dr Molton’s answer to Mark Taylor re different levels of CPCA Membership.

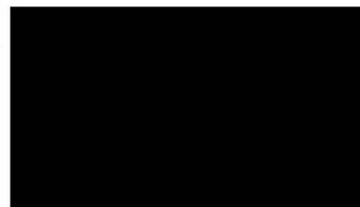
On a point of clarification: where Dr Molton refers to “examinations before progressing to the next stage”, some details of those progressions are currently being finalized.

Yours faithfully

**COSMETIC PHYSICIANS COLLEGE
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