

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE  
TRIBUNALS IN NSW**

**Organisation:** Australian Medical Association (NSW) Limited

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**Parliament of New South Wales  
Legislative Council  
Standing Committee on Law and Justice**

**Inquiry into Opportunities to Consolidate Tribunals in  
New South Wales**

**Submission by**

**Australian Medical Association (NSW) Limited**



## **1. Introduction**

AMA is a medico-political organisation that represents over eight thousand doctors in training, career medical officers, staff specialists, visiting medical officers and specialists and general practitioners in private practice.

AMA (NSW) welcomes the opportunity to make a submission on the important issue of whether various Tribunals in NSW should be consolidated, and in particular comment on the operation of the Medical Tribunal in NSW.

Any questions regarding this submission should be directed to:

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## **Introduction**

AMA (NSW) does not generally assist or represent its' members in disciplinary matters before the Medical Tribunal. Since the introduction of the requirement for all medical practitioners to hold indemnity insurance, the Medical Defence Organisations in New South Wales have largely represented doctors in the Medical Tribunal. However, from time to time AMA (NSW) has supported members through a Medical Tribunal matter, and is also aware of how the Tribunal operates from discussion with the medical defence organisations.

AMA (NSW) is also a registered employer organisation in the New South Wales industrial relations jurisdiction.

## **Submission**

AMA (NSW) notes that there are several options canvassed in the Terms of Reference Issues Paper. AMA (NSW) has no view regarding which option is preferable, but rather makes the following general submission.

Over the period of its' operation, both the Medical Tribunal and the Industrial Relations Commission have developed expertise in their respective jurisdictions. It is the view of AMA (NSW) that this expertise should not be lost, as may be the case if the various Tribunals are consolidated. If industrial relations matters and medical practitioner disciplinary matters became part of a broader range of areas that a consolidated Tribunal considered, it would be more difficult for expertise to be developed in a particular area. AMA (NSW) notes that currently two members of the Industrial Relations Commission also hear Medical Tribunal matters and that has worked well. It is noted that this has probably worked well as it is possible to retain or develop an expertise over a few areas, but to do so across multiple jurisdictions is more difficult.

AMA (NSW) also strongly submits that Medical Tribunal matters should be heard by a member of the Judiciary. The role the Tribunal is to protect the public in relation to the registration of medical practitioners, and will often make decisions that will have serious consequences for a medical practitioner. For these reasons, AMA (NSW) believes the Tribunal members consideration medical practitioner matters should be members of the Judiciary.

AMA (NSW) further submits that if a consolidated Tribunal is to be formed, case load should be carefully considered so that matters concerning medical practitioners can be heard in appropriate time frames. It is often the case that medical practitioners will be suspended pending the outcome of a Medical Tribunal matter, so expediency in the hearing of a medical practitioner matter is important.

It is noted that currently medical practitioners generally regard the Medical Tribunal as functioning well, and changes may erode the confidence of medical practitioners in the jurisdiction, particularly if specialised expertise is lost.

Finally, AMA (NSW) notes that on previous occasions when the issue of consolidation of Tribunals has been considered, similar views have been expressed.

#### **Conclusion**

AMA (NSW) submits that the functions of both the Industrial Relations Commission and the Medical Tribunal perform well currently. AMA (NSW) would be opposed to any reform that meant expertise in either jurisdiction was lost.