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Re: Victorian Civil and Administrative Tribunal requirements for Health Practitioner Regulation National Law matters

Thank you for the opportunity to comment on the Victorian Civil and Administrative Tribunal requirements for Health Practitioner Regulation National Law matters.

The Royal Australasian College of Surgeons (RACS) was established in 1927 and is the leading advocate for surgical standards, professionalism and surgical education in Aotearoa New Zealand and Australia. RACS is a not-for-profit organisation representing more than 8,300 surgeons and 1,300 surgical Trainees across nine surgical specialties. Approximately 95 per cent of all surgeons practicing in New Zealand and Australia are Fellows of the College (FRACS).

RACS is committed to ensuring the highest standard of safe and comprehensive surgical care for the communities it serves and, as part of this commitment, strives to take informed and principled positions on issues of public health.

The Victorian State Committee, which represents nearly 2000 of this surgical cohort across Victoria, recently met to discuss the options of the proposed changes. Therefore, the Committee will respond only as it relates to surgeons and surgical trainees and surgery-related matters, not on behalf of other health professionals, and provides the following comments.

Concerning the number of practitioners that *'must be health practitioners with professional qualifications in the health profession regulated by the National Board that is a party to the proceedings'*, the Victorian State Committee strongly support the maintenance of this requirement for all hearings, as professional peers are best placed to provide knowledge and expertise on matters that are referred to VCAT, including -

- cautioning or reprimanding a practitioner
- imposing a condition on a practitioner's registration
- requiring a practitioner to pay a fine
- suspending a practitioner's registration for a specified period
- cancelling a practitioner's registration.

Further, the VSC strongly supports any action by VCAT should always address the following.

1. Ensure procedural fairness for practitioners involved – this includes adequate time to respond, support for people present, the ability to appeal decisions, and no public release of information until a determination is reached.



2. There is recognition that these proceedings cause significant stress on the practitioners involved, and adequate support must be provided throughout the process.
3. In any proceedings that specifically examine a practitioner's area of specialty, the panel members should also include members of that specialty without a conflict of interest that can provide specific feedback.

In relation to the formation, number, and experience of the rest of the panel, the Victorian State Committee has no formal position. However, the current formation, which includes a legal professional, is reasonable and supports the inclusion of a community/consumer representative if deemed appropriate and supports changing the number required to constitute a panel if needed.

The Victorian State Committee strongly supports improving gender diversity and balance on all panel hearings and commends the panel for considering gender diversity when constituting a panel; the Committee would like to see a formalised requirement to achieve this balance consistently.

The Victorian State Committee would also support consideration of broader social diversity on panels to represent those for whom the panel has been convened.

Yours sincerely,

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Chair, Victorian State Committee

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