

I am writing as a previous panel member of the Professional Service Review Tribunal. I wish to comment on the structure and composition of the PSR and on operating procedures and processes.

Currently decisions made by some PSR Committees have been brought into question by the administrative oversight of the Department in failing to confirm the suitability of panel members with the Australian Medical Association prior to their appointment. This should not be interpreted as a flaw in the appointment process, but rather an error in the completion of the process by the Department on these occasions.

I have not had any concerns about the credentials of other panel members on PSR committees to which I have been appointed. Indeed it would be difficult to imagine any of them would have been thought unsuitable by the AMA were the appointment process correctly followed. Other panel members have been well respected members of the profession.

If the legislation is to be reviewed it could be improved by requiring panel members to be approved by the relevant Australian Medical Council recognised specialist college rather than the AMA. In addition to being considered suitable by the relevant specialist college, panel members should be required to be in active practice. This would ensure panel members are accurately able to form judgements based upon the current view of appropriate practice.

Complaints about the operating procedures and processes have been brought largely by those who have had findings against them. Complaints are broadly that the process is unfair and lacks natural justice.

I, like other PSR panel members, received training prior to serving on a committee. The importance of bringing an open mind to each committee and ensuring a fair process for the person under review was emphasised in this training. This has been my experience on the panel.

In hearings, the person under review, in my experience, has always been accompanied by a lawyer for support. If the process was not fair, if the committee appeared to have prejudged the person under review or if it was straying from the services being reviewed there is ample opportunity for the lawyer to raise this concern during the committee hearing or on appeal.

The current process affords the person under review the opportunity to come to an arrangement with the Director of the PSR and avoid a hearing, the ability to make submissions at the conclusion of any hearing and even the capacity to make submissions in response to the draft committee report before a final report is made. Medical practitioners also have the capacity to appeal committee decisions and the experience is that they make full use of the appeal process. The system is replete with natural justice.

Appearing before a PSR committee is a stressful process for the person under review. This would also be the case for a person appearing before other federal committees where the individual often lacks legal support or the extensive natural justice process in the PSR system.

As practicing health professionals in addition to being committee members I can assure you that panel members are mindful of the impact of the hearing upon the person under review. In general hearings do not extend for more than two consecutive days. Frequent adjournments are called as we wish to ensure the evidence is collected fairly. In my experience if the person under review

appears to be unwell during the hearing this is usually identified by the panel before the person under review's accompanying lawyer and the hearing is adjourned or completed.

Complaints about the current Professional Service Review Scheme often come from those who believe that a medical degree should afford them unfettered access to Medicare. They have often disconnected from peers in the profession and from accepted practice. They have not surprisingly found themselves subject to an adverse finding from a PSR panel. Often issues discovered during committee hearings are referred to the medical board.

The silent majority of medical practitioners, when asked to reflect upon the matter, can see the need for a review process to protect the integrity of Medicare and of our profession. There is a safeguard in knowing that concerns will be reviewed by peers selected for their high regard within the profession and trained to ensure they can bring a fair and open mind to every hearing.

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