

## Panels Principles

The National Law establishes a scheme to protect the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered. These principles are designed to shape thinking about Panel Hearings. They support the Regulatory Principles and are designed to ensure that Panel Hearings and their outcomes are fair and serve the objectives of the National Scheme.

1. The primary role of a Panel is to conduct a hearing into allegations or concerns raised in relation to a practitioner, and to make findings and a decision on the basis of the evidence before them.
2. The Panel hearing is a formal proceeding between the practitioner and the panel. It is a process of enquiry that allows the practitioner to be heard. It is not an adversarial process.
3. Panels make findings and decisions with regard to the merits of the case, mindful:
  - That the board has established the Panel to consider a notification of a serious nature and to make a binding decision in relation to the practitioner
  - That the primary consideration of the Panel is the protection of the public
  - That any restrictions imposed are necessary and proportionate to ensure that the practitioner practises in a safe and appropriate manner
  - That the practitioner is a professional person for whom an adverse finding may have significant consequences.
4. The composition of Panels ensures that the allegations or concerns are heard and considered by fair minded representatives from the practitioner's profession, the broader community and in the case of a health panel, a specialist medical practitioner such as a psychiatrist or addiction medicine specialist.
5. Panels are accountable for the panel hearing process, the panel's findings, the decision and the written statement of reasons.
6. Panels are to:
  - Treat notifiers and witnesses with respect
  - Be mindful that in some circumstances the process of giving evidence can be challenging for notifiers or witnesses
  - Give consideration to adapting processes to facilitate the giving of evidence by notifiers or witnesses.
7. Panels decide on the process to be followed to hear the evidence in a fair and efficient way, noting panels are not bound by the rules of evidence but observe the principles of natural justice.
8. Panels implement a process that is timely, transparent and fair.
9. Panels observe the practitioner's right to:
  - Have a support person present and seek leave to be represented by that person, who may or may not be an Australian legal practitioner
  - Know the case put against them and respond to the case
  - Put their case to the panel, and be heard by an impartial decision-maker.
10. Panels provide the practitioner with an opportunity to make submissions in relation to any proposed restrictions or sanctions.