

Annexure A

The parties have agreed the following relevant facts:

1. The Applicant is established pursuant to section 31 of the Schedule to the National Law, and has the functions referred to in section 35 of the Schedule to the National Law, including the referral of matters concerning registered health practitioners to responsible tribunals in participating jurisdictions.
2. The Respondent (DOB: 1959):
 - a. was first registered as a Medical Practitioner on 13 May 1986;
 - b. at all material times, was registered as a medical practitioner with general and specialist (General Practice) registration (MED0001549156) pursuant to the National Law; and
 - c. at all material times, practised as a general practitioner at a medical centre in the Perth metropolitan region (**Medical Centre**).

Applicable codes and standards

3. At all material times, the Respondent was required to comply with the Applicant's Good medical practice: a code of conduct for doctors in Australia (October 2020) (Code of conduct), which relevantly includes:
 - a. Section 5.3.1 – which required medical practitioners to understand their role as part of a team and to fulfil the responsibilities associated with that role.
 - b. Section 5.3.3 – which required medical practitioners to communicate effectively with other team members.
 - c. Section 5.3.5 – which required medical practitioners to act as a positive role model for team members.
 - d. Section 5.4.1 - which required medical practitioners to be fair and show respect for colleagues and co-workers.

First Receptionist

4. The First Receptionist (DOB: 2002) worked at the Medical Centre:

- a. In August 2022, the First Receptionist was employed on a casual basis as a receptionist at the Medical Centre.
 - b. The First Receptionist was employed in her role at the Medical Practice for approximately four weeks to 15 September 2022.
5. During the course of the First Receptionist's employment at the Medical Centre, the Respondent communicated with her in an unprofessional manner.

Particulars

- a. In or around mid to late August 2022, whilst the First Receptionist was sitting at the reception desk of the Medical Practice, the Respondent stated words to the effect that she 'was to sit there and look pretty'.
6. On 15 September 2022, one of the Respondent's hands made contact with the First Receptionist's buttock when they were both in the corridor of the Medical Practice.

Particulars

- a. During her shift on 15 September 2022, the First Receptionist was in the corridor of the Medical Centre.
 - b. As the Respondent entered the corridor one of his hands made contact with the First Receptionist's buttock on the outside of her clothing.
 - c. The First Receptionist jumped in response.
7. The Respondent did not provide an apology to or otherwise address the incident outlined in paragraph 6 above with the First Receptionist.

The Second Receptionist

8. The Second Receptionist (DOB: 2005) worked at the Medical Centre:
 - a. In 2021, the Second Receptionist was employed on a casual basis as a receptionist at the Medical Centre.
 - b. The Second Receptionist worked at the Medical Centre for approximately two years and left in July 2023.

9. During the course of her employment at the Medical Centre, the Respondent communicated with the Second Receptionist in an unprofessional manner.

Particulars

- a. On one occasion at the Medical Practice, the Respondent said words to the effect that the Second Receptionist 'looked youthful and beautiful'.
10. The Respondent engaged in inappropriate contact with the Second Receptionist at the Medical Practice.

Particulars

- a. When the Respondent required access to equipment at the Medical Practice, he placed his fingertips on the Second Receptionist's waist to indicate for her to move aside so he could get passed.

Mitigation

11. The Respondent submits and the Applicant accepts that the following matters are relevant in mitigation:
- a. the Respondent has made admissions and co-operated with the Applicant in these proceedings;
- b. the Respondent advised that the incident with the First Receptionist set out in paragraph 6 above was an accidental collision. He accepts that the First Receptionist believed there was more to the incident and regrets not better handling the aftermath;
- c. the Respondent acknowledges that there was a generational divide between him and the First and Second Receptionists. He concedes that he failed to recognise societal shifts that have reshaped the landscape of workplace interactions;
- d. the Respondent has reflected on his conduct and accepts that his attempt at a less than formal work demeanour could sometimes be received as awkward and clumsy;

- e. the Respondent has realised that being respectful to his professional colleagues is about understanding and adapting to evolving expectations and norms within the workplace;
- f. the Respondent has shown insight and remorse and apologised for falling short of expected standards; and
- g. the Respondent has undertaken relevant online training, including:
 - i. Professional Boundaries – A Health Professional’s Guide – CQ Uni;
 - ii. Building professional relationships - BMJ; and
 - iii. The impact of micro-behaviours - BMJ