

Court of Appeal sets aside Tribunal finding of improper conduct

2 February 2015

The WA Court of Appeal has set aside a WA State Administrative Tribunal's finding that Dr Leila Dekker was guilty of improper conduct.

The former Medical Board of Western Australia referred Dr Dekker to the tribunal in 2006, about an incident in 2002 in which Dr Dekker had not stopped to check the passengers in a vehicle with which her car had collided. Dr Dekker had left the scene of the accident and driven to a nearby police station to report the accident.

The Board alleged that a registered medical practitioner could reasonably have been expected to render assistance, or first aid, at the scene to those in need. The tribunal heard the matter in October 2013.

In November 2013, the tribunal found that Dr Dekker had engaged in improper conduct by failing to assess and assist at the scene of the accident, when she was aware that people had or may have been injured. Dr Dekker appealed the tribunal's decision before it had considered a penalty.

After hearing Dr Dekker's appeal, the Court of Appeal set aside the tribunal's decision and dismissed the Board's application (in the tribunal) due to a lack of evidence. It also found that it would not be appropriate to return the matter to the tribunal.

The [reasons for the decision](#) are on the AustLII website.

For more information

- Lodge an [online enquiry form](#)
- For registration enquiries: 1300 419 495 (within Australia) +61 3 9275 9009 (overseas callers)
- For media enquiries: (03) 8708 9200