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HUMAN RIGHTS COMMISSION  
REJECTS DISCRIMINATION  
COMPLAINT

A decision handed down by the Human Rights and Equal Opportunity Commission (HREOC) totally vindicates the integrity and impartiality of the AMC and its examiners.

The case was brought against the Australian Medical Council by overseas trained doctor Dr B M Siddiqui, who has sat and failed the AMC's clinical examination four times. The case was heard in late 1997 and early 1998 but no decision was handed down until January 2000.

"I am delighted that the credibility and integrity of the AMC and its examiners has been vindicated beyond doubt by an independent authority," AMC President, Dr Kerry Breen said.

"This complaint sought to discredit senior staff and independent examiners who provide their services to help overseas trained doctors seeking registration in Australia – but it has had the reverse effect," Dr Breen said.

In its decision, the Commission rejected out of hand Dr Siddiqui's allegations that:

- the AMC had acted in breach of the *Racial Discrimination Act*
- he had been victimised by the AMC as a result of his previous legal action against it. (In 1996, a full bench of the Federal Court held that the AMC did not discriminate against Dr Siddiqui.)

Under state laws, Dr Siddiqui, a graduate of Osmania University in India – along with all other overseas trained doctors seeking general (non-specific) registration in Australia - must pass the AMC examination, involving a written multiple choice exam and a clinical examination. The exam is designed to ensure that successful candidates are equipped to provide safe medical care to the Australian community.

The Commission's decision confirmed that the AMC's examination process was fair and impartial and was pitched at the standards expected of final year medical students in Australian universities, Dr Breen said.

He said the Commission's decision also supported a finding handed down by the peak international body dealing with racial discrimination - the United Nations Committee on the Elimination of Racial Discrimination or CERD - that:

- There was no evidence to support the candidate's claim of victimization by the AMC
- The existence of the examination did not constitute racial discrimination

- The requirement to pass the AMC examination to ensure a candidate is safe to provide care to patients in Australia does not violate the right to work or the free choice of employment

While dismissing Dr Siddiqui's claim in its entirety, the Commission identified some areas in which the AMC examination could be strengthened.

Changes to the clinical examination introduced by the AMC in 1997 have already addressed some of the issues raised by the Commission and last year the AMC foreshadowed further changes to improve the efficiency of the examination.

"It is important that overseas trained doctors, as well as the Australian community, have confidence in the standards and integrity of the AMC examination," Dr Breen said.

He said that the discrimination cases before the Commission have been time consuming and costly.

"Now that the matter has been resolved the AMC can concentrate its efforts on further improving its examination processes and assisting overseas trained doctors to enter the medical workforce in Australia," Dr Breen said.

The full HREOC decision is available on the internet on [www.hreoc.gov.au](http://www.hreoc.gov.au) determination H97/190.

Ends.

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