

Oral Orders

Jurisdiction: STATE ADMINISTRATIVE TRIBUNAL File No: VR:27/2006  
Stream: VOCATIONAL REGULATION  
Act: PSYCHOLOGISTS REGISTRATION ACT 1976  
(WA)  
Heard: 03/28/2006  
Coram: MR M SPILLANE (MEMBER)  
Parties: THE PSYCHOLOGISTS BOARD OF WESTERN  
AUSTRALIA, SIMON BURKE

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- Orders:
1. The Tribunal is satisfied that the Respondent is guilty of improper conduct in a professional respect by reason of infamous conduct in that:
    - (a) He encouraged and/or permitted and was involved in a close sexual relationship of an intimate and emotional nature with a female person during a period in which the Respondent was that person's supervisor, appointed to fulfill a condition of that person's provisional registration as a psychologist pursuant to the Psychologists Registration Act 1976 ("the Act").
      - (i) The Respondent began supervising the person on 5 February 2003.
      - (ii) The relationship between the Respondent and the person commenced on 7 April 2005, and persisted until 2 June 2005.
      - (iii) Both the Respondent and the person were at all material times employed by the same organization.
    - (b) During the course of his supervision of that person the Respondent obtained from that person information of a personal nature, which information he used to further the development of the relationship described in paragraph (a) above. That information related to difficulties which that person was experiencing in her relationship with her partner, and was obtained by the Respondent in the period 15 February 2003 to 7 April 2005.
    - (c) The Respondent made a threatening remark to the person during the course of their relationship, the effect of which was that if that person revealed the existence of that relationship to any other person, the Respondent would deny the relationship existed.
  2. The Respondent be suspended from practice for a period of 7 months from 1 September 2005 to 31 March 2006.
  3. Upon expiration of the suspension on 31 March 2006, the Respondent undertake clinical practice under the supervision of a person approved by the Board until 1 April 2007.
  4. The Respondent must not act as a supervisor appointed to fulfill a condition of any persons provisional registration as a Psychologist pursuant to the Act.
  5. The Respondent undertakes that in the period in which he is registered to practice as a psychologist pursuant to the provisions of the Act he will not encourage, permit or be involved in relationships of a sexual, intimate or emotional nature with supervisees or other clients.
  6. The Respondent pay the Applicant's costs of the application fixed at \$3,400.000.