

Private and Confidential

17 August 2022

Dr William Bay
23 Jamie street
Mango Hill QLD 4509

By email: williamabay@gmail.com

Dear Dr Bay

Notice of decision to take immediate action

I refer to the Notice of proposed immediate action dated 2 August 2022.

You were provided with the opportunity to make submissions to the Medical Board of Australia (the Board) about the proposed immediate action.

On 15 August 2022, a written submission was made to the Board on your behalf.

Decision

On 16 August 2022, the Board considered your submissions and decided to take immediate action under section 156 of the *Health Practitioner Regulation National Law* (the National Law).

Specifically, the Board has decided to suspend your registration.

The decision takes effect from **today, 17 August 2022**. Under section 159 of the National Law this decision will continue to have effect until the suspension is revoked by the Board.

Reasons for decision

On the basis of the evidence before it, the Board reasonably believes that because of your conduct, you pose a serious risk to persons and it is necessary to take immediate action to protect public health or safety; and taking immediate action in respect of your registration is otherwise in the public interest.

1. The Office of the Health Ombudsman (OHO) have received a number of notifications about you, a generally registered medical practitioner from Queensland. Online, you are described as the leader of the Queensland Peoples' Protest. You have a prominent social media presence.
2. The notifications have been referred by the OHO to Ahpra, for the attention of the Medical Board of Australia. The notifications raise concerns about aspects of your behaviour, which is in the public domain, that appear inconsistent with the Board's *Good Medical Practice: A*

code of conduct for doctors in Australia (the Code of Conduct). Specifically, the notifications raise concerns that:

- a) You feature in videos posted to social media disseminating anti-vaccination information, making a number of anti-covid vaccine statements and statements which go against the public health response to COVID. A second video also shows you standing outside a patient's house, detailing her medical condition. This may amount to a possible breach of privacy noting the patient's house can be seen in the video.
 - b) You aggressively interrupted an AMA National Conference with approximately 400 doctors in attendance on 29 July 2022. The notifier states that you yelled anti-vaccination statements to attendees during a discussion about Australia's management of the COVID-19 pandemic and live streamed the incident on social media in an effort to falsely undermine public confidence in the COVID-19 vaccines.
3. The National Law requires us to undertake an assessment of the notifications. As part of that process, Ahpra undertook a search of your publicly accessible presence on social media. The search revealed a significant online presence, with videos featuring you making a significant number of statements about your views including:
- a) That COVID-19 vaccines are unsafe.
 - b) That medical practitioners have lied and deceived patients in relation to COVID-19 vaccines.
 - c) That Queensland Police support protest activity because they know that COVID-19 vaccines are evil.
 - d) That public health measures implemented during the pandemic represented tyranny.
 - e) That most doctors don't have their patient's interests at heart.
 - f) That doctors who do not speak out about COVID-19 vaccines are unethical.
 - g) That Government had been forcing doctors to be bad people.
 - h) That it is impossible for doctors to obtain informed consent for the COVID-19 vaccine because doctors are prohibited from talking about it.
 - i) That the Queensland Premier was a 'dark mistress' who had 'casted [sic] a ring of power' by amending the Public Health Act to give the CHO 'unlimited tyranny' over the people of Queensland and 'the power to hurt your family and hurt you'.
 - j) That data in support of COVID-19 vaccines was 'corrupt to its very core'.
 - k) During your outburst at the AMA's national conference, that all doctors of Australia were 'on notice by the people of Queensland' and 'had been warned'.
5. The Code of Conduct for medical practitioners published by the Board sets out the principles that characterise good medical practice and makes explicit the standards of ethical and professional conduct expected of doctors by their professional peers and the community.

6. Relevantly, the Code of Conduct requires that doctors act professionally and contribute to a respectful culture.
7. It also provides that doctors have a responsibility to promote the health of the community through disease prevention and control, education and screening. Good medical practice involves:
 - a. Understanding the principles of public health, including health education, health promotion, disease prevention and control and screening.
 - b. Participating in efforts to promote the health of the community and being aware of their obligations in disease prevention, screening and reporting notifiable diseases.
8. Your public commentary and the manner in which you choose to deliver your message lack professionalism.
9. Your statements about the unethical conduct of medical practitioner peers (and others) are untrue and disrespectful.
10. Your statements about concerns around the COVID-19 vaccine program might be framed as well meaning, but they are indiscriminate and come from an individual trusted by members of the public to provide truthful, reliable advice. Your statements represent personal views on matters that might have some, limited elements of fact (for instance, there have been deaths associated with the vaccine). However, they are made as if they are authoritative, coming from a medical practitioner, and without any suggestion that the advice is not reliable for everyone.
11. Because of this, your statements undermine public confidence in health directives and positions in relation to the COVID-19 vaccine that have been implemented to protect public health and safety during a global pandemic.
12. Your failure to behave in a professional, respectful manner when making false claims about the important, patient centred care provided by your peers, has the potential to cause harm to the community and your public commentary and the manner in which you deliver it is inconsistent with your professional obligations under the Code of Conduct, including the Board's guidance on social media^[1] and the joint statement of Ahpra and the Board.
13. Because of this, the Board believes you pose a serious risk to persons; and that it is necessary to take immediate action to protect the public.
14. The Board further believes that it is in the public interest to take immediate action in relation to your registration.
15. As outlined above, your public commentary demonstrates a failure to consider the public's safety, has publicly demeaned and denigrated other medical practitioners and government officials and represents behaviour that is wholly inconsistent with the expectations of a medical practitioner.

^[1] *Social media: How to meet your obligations under the National Law* issued by the Medical Board of Australia, available at: www.medicalboard.gov.au.

Public Confidence

16. Your registration as a medical practitioner requires you to behave to high professional and ethical standards. Your decision to use the stage of a private conference of your peers to make public threats towards them and others brings into question your ability to behave in accordance with the standards of the profession and broader health system, including principles that are detailed in the Code of Conduct and the Board's other guidelines.
17. The Code directly requires medical practitioners to protect and promote the health of individuals and the community and to advocate for the protection and advancement of the health and wellbeing of individual patients, communities and the population generally.
18. The Board considered that knowledge of your profession may lend credibility to your position which is in contrast with and has the potential to undermine reasonable public health positions. Further, you have made denigrating public comments about medical practitioners and others that are inconsistent with core requirements of professional standards set for the profession.
19. You have engaged in conduct that may erode the intrinsic trust that the public has in medical practitioners and the advice of medical practitioners. The conduct is in the public knowledge and, if left unaddressed, is likely to adversely impact public opinion of the medical profession and have a material or lasting negative effect on the profession's reputation. A perception of a failure to act, on the part of the Board, when on notice of conduct erodes the public's confidence in:
 - a. the standards to which the profession is held; and
 - b. the protective function of the Board and/or regulator.
20. The reputation of the profession and the standards to which the profession is held must be maintained. In order to retain its confidence, the public must see them being maintained.
21. The objectives of the national registration and accreditation scheme include providing for the protection of the public by ensuring that (amongst other things) only registered health practitioners who are able to practise in an ethical manner are registered.

Competing Public Interests

22. Immediate action is only taken when it is necessary and proportionate to do so.
23. We have had regard to the competing public interest of free debate about the risks and benefits of the vaccine program and the policies of Government used to protect the public during the pandemic. You may have some reasonable bases to disagree with Australia's or Queensland's response to the pandemic.
24. However, you have not engaged in professional, respectful and reasonable debate about your concerns, as a medical practitioner, with public health policy or specific COVID-19 advice.
25. The manner in which you deliver your message has had, and continues to have, the potential to damage the professional reputation of medical practitioners.

26. You have been widely observed to be making disrespectful and disparaging comments about your peers, in relation to the medical profession generally, individual political leaders and the regulation of medicine as a whole.
27. The taking of immediate action to preserve the public's confidence in medical practitioners is considered a primary public interest. This is particularly so given:
 - a. the matters set out above; and
 - b. that a decision not to take immediate action would be contrary to community expectations.

Procedural fairness and an opportunity to respond

28. On 29 July 2022, the Board proposed to take immediate action and set out the reasons upon which it proposed to suspend your registration.
29. You were given an opportunity to provide written or verbal submissions in response to the proposal by 9 August 2022.
30. The Board agreed to a request for an extension of time to provide those submissions to 15 August 2022.
31. A written submission was received from you on 15 August 2022.
32. The Board has had regard to that submission in reaching its decision.
33. In fact, in that written submission, you
 - a. confirm that you are currently practising as a GP Registrar at Woody Point Medical Centre, and
 - b. advise that you are not vaccinated against COVID-19.
34. Since 29 January 2022, there have been public health directions in force in Queensland that require registered health practitioners, providing services in a healthcare setting, to comply with COVID-19 vaccination requirements.
35. In circumstances where you have publicly stated that you have made the choice to remain unvaccinated and have confirmed in your written submissions that you are currently practising as a GP registrar at Woody Point Medical Centre, the Board reasonably believes that you have been practising in contravention of Public Health Directions, and are likely to continue to do so in the absence of regulatory action.
36. Medical practitioners are required to practise in accordance with the laws in place in Australia and its federation of states and territories.
37. You do not have to be vaccinated against COVID-19, but it is a contravention of the declaration made under the Public Health Act to practise the profession of medicine while unvaccinated.

38. On this further basis, the Board believes that it is in the public interest to take immediate action.
39. You indicated you would, and were given an opportunity to, make further verbal submissions before the Board. On 16 August 2022, an opportunity to make verbal submissions was afforded to you, by way of attendance at a meeting convened entirely online, including members based in various jurisdictions around the country.
40. At the time for the submission you appeared via video link. You were standing outside of Ahpra's Brisbane office holding a megaphone, in front of a crowd of protestors. You were live streaming the video via your phone.
41. When invited by the Chair of the Board to cease live streaming in order to commence the meeting and provide submissions, you attempted to converse with the Chair through the megaphone directed at your phone and also at the protestors surrounding you. We understood you to be refusing to end the live stream of the proceedings. Meetings at which show cause submissions are received are not public hearings, and this was explained to you.
42. Contrary to your written submission that the Board should sit and discuss the concerns you hold privately, you made a mockery of this *in camera* proceeding; a proceeding that could have provided an opportunity for dialogue with the Board.
43. Although audio for the meeting was distorted by the megaphone, the Board understood you to indicate that you were not prepared to cease the live stream before leading protestors in a chant of "kick me out". Attempts to commence the meeting were then abandoned by the Chair.

Form of Action

44. Notwithstanding your submissions, having regard to the above, and noting the Board's paramount role of public protection, it is necessary to take immediate action now by way of suspending your registration.
45. The Board considered suspension is the appropriate regulatory force in this instance because:
 - a. on the basis of the evidence currently available, and subject to further enquiries, you have behaved in a manner that demonstrates a general absence of qualities essential for a medical practitioner, including the ethical exercise of judgment and integrity, and respect; and
 - b. this form of immediate action is proportionate to the alleged conduct, and lesser forms of regulatory action would be insufficient to protect public confidence in the reputation of the medical profession whilst the matter is being further considered.

Information Considered

1. Notification 00502227
2. Notification 00502429
3. Notification 00503368
4. Transcripts of videos referred to in notifications

5. Your post on Twitter regarding being removed from the AMA National Conference (<https://twitter.com/seamus11796776/status/1553219572513193984>)
6. Notice of proposed immediate action
7. Written submissions
8. Supporting information

Further action – investigation

As you are aware, the Board has also decided to refer the matters for investigation under section 160(1) of the National Law. You will receive further correspondence about this decision.

This further action is separate to the decision to take immediate action.

Notice to employer

Under section 206 of the National Law, your employer(s) and/or places of practice will be given notice of the Board's decision.

You have advised that you are working as a GP Registrar at Woody Point Medical Centre, including after-hours urgent care. You are also employed by National Home Doctor (13sick) and self-employed at Aussie Home Doctor.

Appeal Rights

A decision to suspend your registration is an appellable decision.

If you wish to appeal, you must apply to the Queensland Civil and Administrative Tribunal no more than 28 days after being given notice of the decision.

The contact details of the Tribunal are:

Queensland Civil and Administrative Tribunal
Level 9, 259 Queen Street BRISBANE QLD 4000
Telephone: 1300 753 228
Website: www.qcat.qld.gov.au

Information Privacy

The way Ahpra collects, uses and discloses personal information is set out in our [Privacy Policy](#) and is consistent with our legal obligations.¹

Board decisions, and reasons for decisions, are usually provided to notifiers. In this case the notifier has not been provided with the reasons for the Board's immediate action decision.

Support

We recognise that having a notification raised about you can be stressful. You should remember to take care of yourself and talk to your friends, family or colleagues about how you are feeling. There are people at Ahpra who they can contact at all stages of the notifications/investigation process. If you need support, we would encourage you to use the independent [practitioner support services](#) and [other support services](#) that are available.

¹ See *Privacy Act 1988* (Cth); Australian Privacy Principles; Health Practitioner Regulation National Law

Further information

We acknowledge that the immediate action process can be stressful and note the availability of the Queensland Doctors' Health Programme, which is a confidential service for doctors with any health concerns (07 3833 4352), should you wish to contact them.

If you have any queries, please contact ImmediateAction.Referrals@ahpra.gov.au quoting the reference numbers below.

Yours sincerely

Ahpra

Ahpra

on behalf of the Medical Board of Australia

Reference Number: 00502227, 00502429, 00503368

Enc: Section158 of the National Law

MIA01a

Section 158 Notice to be given to registered health practitioner or student about immediate action

158—Notice to be given to registered health practitioner or student about immediate action

- (1) *Immediately after deciding to take immediate action in relation to a registered health practitioner or student, the National Board must—*
 - (a) *give written notice of the Board's decision to the health practitioner or student; and*
 - (b) *take the further action under this Part the Board considers appropriate, including, for example, investigating the practitioner or student or requiring the practitioner or student to undergo a health or performance assessment.*
- (2) *The notice must state—*
 - (a) *the immediate action the National Board has decided to take; and*
 - (b) *the reasons for the decision to take the immediate action; and*
 - (c) *the further action the National Board proposes to take under this Part in relation to the health practitioner or student; and*
 - (d) *that the registered health practitioner or student may appeal against the decision to take the immediate action if the action is to suspend, or impose a condition on, the practitioner's or student's registration; and*
 - (e) *how an application for appeal may be made and the period within which the application must be made.*