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Mr Aaron Harper MP, chair
Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee,
Parliament House,
George Street,
BRISBANE QLD 4000

Email: health@parliament.qld.gov.au

Dear Mr Harper and Committee,

**Submission to the Queensland Parliament Committee reporting on the
Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018**

Victoria Point Surgery is a 16 doctor practice in the outer urban bayside suburbs of the Redlands. It provides services to a largely underserved population, with a diverse group of doctors and nurses. The doctors in the practice are however united by a concern for providing quality service to their patients. They realise that an essential component of providing good quality care is maintaining good health amongst all the doctors and nurses in the practice, particularly good mental health. It is therefore essential that doctors are able to access quality healthcare in a manner similar to the broader community. In order to access healthcare when required medical practitioners need to be able to do so without fear.

Patient safety is always our priority, it is essential practitioners report colleagues who endanger patient safety. We believe that the WA legislation (Health Practitioner National Law (WA) Act 2010) represents the best possible solution for protecting patient safety. Draconian mandatory reporting frameworks have a paradoxical effect of preventing notifications by keeping doctors away from treating clinicians and therefore are less likely to get help or be reported.

Suicide is a major problem confronting the medical community. Most doctors have three or four friends and colleagues who have unfortunately fallen victim to this scourge, mental health and particularly suicide is, unfortunately, a significant burden for the medical community. Suicide touches all our lives might deepen personal level as a tragically regular occurrence. All From 2001 to 2012, 369 suicides were reported across a range of health professionals across Australia during the 12-year study period. (Suicide by health professionals: a retrospective mortality study in Australia, 2001–2012 <https://www.mja.com.au/journal/2016/205/6/suicide-health-professionals-retrospective-mortality-study-australia-2001-2012>. Doctors already experience a substantial fear of seeking help, this legislation is likely to significantly exacerbate an already tragic problem.

Victoria Point Surgery.

The new legislation is very complex and difficult to apply to the clinical context. This lack of clarity fails to provide reassurance for doctors who wish to seek care. The explanatory notes add to this complexity. The explanatory notes advise that the legislation is interpreted in a 'holistic' manner. The very need to introduce this concept highlights the lack of clarity offered within the legislation. It also signals the significant difficulty that treating doctors will have when attempting to apply the legislation to the clinical space when caring for another health practitioner. The decision to introduce such complex legislation, rather than adopting the evidence-based Western Australian amendment, fails to address the barriers to health access for the health practitioner who is unwell.

Particular areas of concern legislation include: 141B Mandatory notifications by treating practitioners of substantial risk of harm to public

(1) Subsection (2) applies to a registered health practitioner (the treating practitioner) who, in the course of providing a health service to another registered health practitioner (the second health practitioner), forms a reasonable belief that the second health practitioner is placing the public at substantial risk of harm by practising the profession—

we believe the words "placing the public at substantial risk of harm" should be replaced by "placing the public at the school substantial harm".

We are also concerned with the provision to report practitioners "at risk of sexual misconduct" there being no evidence-based tools to make this assessment, it places both the treating practitioner and the practitioner been treated and unreasonable and unconscionable risk.

Victoria Point Surgery we share the Queensland government's concerns regarding the protection of patient safety. The best way to achieve this is to ensure that doctors get the help they need, if practitioners are still unfit to practice it is important, they have exposure to treating clinicians are able to make that judgement and are not hiding away because of fear from Draconian legislation.

Yours sincerely

Bruce Willett

principal Victoria Point Surgery.