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Submission: Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018 (QLD Parliament Health Committee)

The Australian Doctors' Federation (ADF) advises the QLD Parliament to adopt the West Australian provisions for mandatory reporting in the above Bill. These provisions exempt treating doctors from mandatory reporting.

The ADF maintains that the QLD Health Law Amendment Bill (as above) introduces even greater complexity and potential confusion in its changes to mandatory reporting rules.

Firstly, it maintains the existing notification threshold of all health professionals as being **'risk of substantial harm'**. (Section 140 (c)). It then introduces a new threshold for treating practitioners as **'substantial risk of harm'** (Section 141(b)(1)).

Hence for treating doctors, the risk threshold has moved up from risk to substantial risk, and the harm threshold has moved down from substantial harm to harm.

Even to those who are familiar with the details and peculiarities of legal definitions, this is a very confusing and a problematic change. Clearly any legislative construct with such serious implications for both health professionals and the public should not carry this level of ambiguity.

The ADF maintains that introducing the WA approach to mandatory reporting (whereby the treating doctor is exempted from mandatory reporting requirements) is a proven, successful and clearly understood model which enhances the ability of troubled health professionals to seek urgent treatment.

It should be noted that the WA approach does not remove any ethical obligation on a treating doctor to protect the public. Treating doctors may still report patients who they believe need to be reported. However, they will not be mandated to do so.

The WA model removes the absurdity that a registered health professional in trouble can seek counselling from a non-qualified counsellor who does not have a mandatory requirement to report them, while the fear of mandatory reporting deters the same registered health professional from seeking help and advice from a psychiatrist, general practitioner or psychologist under the same circumstances.

By changing the current bill to include the WA model, the QLD Parliament will be reducing fear for those health professionals who may avoid seeking treatment for a range of conditions including suicide and depression from qualified medical practitioners. Through this action, the QLD Parliament will send a strong and clear message to its health workforce. Namely, if you are at all concerned about your health, or the health of your colleagues, you should obtain professional treatment urgently and protect both yourself and the public from future harm.

Adopting the WA model which exempts treating doctors from mandatory reporting will help achieve this result. The ADF calls on the QLD Government to urgently rewrite the above Bill to incorporate the WA model of mandatory reporting.

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