

**Health, Communities, Disability Services and Domestic and Family Violence Prevention  
Committee Inquiry:**

**Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017**

**SUBMISSION**

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I provide this submission to the inquiry of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) into the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2017 (the Bill), to present as evidence for Committee's consideration a statement of my personal experiences, including the direct impacts upon me, during and after being subjected to investigation by a health authority so empowered under the *Health Practitioner Regulation National Law Act 2009* (the Law).

This submission bears direct relevance to the Bill, because the Bill as tabled will provide additional powers to those health authorities established and/or empowered under the Law and some of those proposed additional powers, in my view, will only serve to increase the potential for health practitioners, subjected to such investigation under the amended Law, to suffer impacts similar to, and worse than, those I have experienced and am still experiencing, those powers without doubt being and becoming even more so, excessive, unwarranted, unfair and harmful.

It is of concern that we have recently witnessed two Senate inquiries into the Health Complaints Process in Australia, forming a report that was scathing of our regulatory bodies and their bullying culture in administering and implementing the National Law, a report that made numerous recommendation to address this culture, yet before us we now have a bill that seems to be oblivious to this fact and furthermore we see a bill that will grant more powers to a system and its regulatory bodies, which as it stands can only lead to even greater abuse in the treatment of our health practitioners and to the further detriment of medicine in general.

**A travesty indeed! It is a sad state of affairs when laws are required to guard against the incompetence and heartless culture dominating our health regulatory bodies, who have failed their duties as those empowered and entrusted to competently, impartial and wisely administer the law.**

At no point does the Bill even hint to address this current glaring and gapping imbalance and enshrine in law the much needed protection for our health **care** professional from the vexatious, the unscrupulous and the self invested complainant, nor from the bullying, supremacist and heartless culture (reminiscent of the Stanford Prison Experiment) seen within our regulatory bodies.

I ask myself, where is it that my good parliamentarians are seeking and receiving their "expert" and "independent" advice from?

Is it from those experts and independents who are current part of, and owned by, this broken system and thus those that are largely responsible for the ills we are witness too? For if so, these experts and independents can only offer you and I more of the same, regardless of how polished their advice and they may appear to be.

Or, does my parliament give ear to the public, in alignment to this great founding principle of parliament (a simple truth that if honoured leads one to the simple answers), and the individuals within the medical professions, those that are positioned to see and feel the truth of the matter, *they who are the matter*, and thus able to offer a clear way forward for all?

## **IMPACT STATEMENT**

### **By what authority empowered under the Law was I investigated?**

HCCC & Vic. Dental Board.

### **Was I investigated as a consequence of a notification (complaint) against me?**

Yes.

### **Do I feel the notification against me was vexatious, false or otherwise being without sound basis?**

Clearly yes for both investigations.

The first investigation arose out of an anonymous (later revealed “discretely” as from a temporary contracted staff member (supplied via an agency) whom I dismissed within hours of their commencement due to their unstable demeanor) vexation and “retaliatory” complaint.

The second investigation was once again instigated from a vexatious complainant, a patient who had a personal and unfounded gripe with an organization I was associated with, and thus was attempting to bring harm upon me as some sort of ill and misguided attack upon the organization.

### **How did I feel while under investigation?**

With both investigations, I experienced unwarranted high levels of stress.

As to why...

Health regulatory authorities in their investigations have adopted the position that one is guilty from the outset and thus one is required to establish one’s innocence. I believe this is

contrary to common law practice in the Commonwealth of Australia and in contravention of Universal Declaration of Human Rights – “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

*Our health regulators operate from a position of supremacy, and in essence attempt and largely succeed in bullying their targets (the health profession) to recant and submit to the agenda of the regulatory, be it a true position or not.*

Our regulators are judge, jury and executioner and in abuse of this position they have become the supreme bully.

To challenge the regulator is to call down its full wrath.

This I have personally witnessed, experienced and dearly paid the cost for.

#### **What were the other impacts to me personally during the investigation?**

The investigatory process holds nil regard for the individual and their time constraints pursuant to a busy medical practice which then translates to an overwhelm being experienced by the practitioner under “investigation”.

The reality of knowing that one is in the hands of a *supremacist, bullying and uncaring authority* that holds one’s livelihood in their hands, an authority that is answerable to virtually no one and thus delivers its bias with unchecked impunity is a very stressful position to have oneself placed in, as you could imagine.

Thus, envisage the mental, emotion and physical costs to one’s body and being, they are substantial, as are the financial costs. There is no recourse to compensation, no redress to costs and no counselling or support, not even provision within national law to appeal the decision of the “authority”.

*For a system that’s duty is to regulate and thus support health **care**, it is clearly a system that is **void of the concept of care**.*

***Care must be enshrined in National Law. Care and love for all is the foundational principle from which all laws if true are developed from.***

#### **What were the impacts on my family, friends and close colleagues that I observed and/or felt personally during and as a consequence of the investigation?**

Everyone within my circle and who interacted with me, the public, my family, my friends and my patients suffered as a result of my preoccupation with the imposition I was subjected to from the investigations.

**How did I feel after the investigation?**

Raped

**Do I feel I was fairly treated by being subjected to investigation as I was?**

Clearly no.

**Was I subjected to a prohibition order as a result of the investigation?**

No.

**What were /are the impacts to me personally despite the fact that there was NO prohibition order, as the complaint was not upheld?**

This system forces one to deliver health care with the overtones of defensive medicine, at great cost to the public, and the psychological health of the practitioner.

This is “modern” medicine, this is the medicine that National Law supports, this is the medicine that vested interests have manipulated into being and “benefit” from.

**Do I feel I was fairly treated despite the fact that NO prohibition order was imposed upon me?**

No

**Did I / do I feel those in authority who investigated and adjudicated my case did so fairly, without bias and prejudice; and were competent, with the knowledge, experience, training and understanding required to properly perform their investigation / adjudication?**

No

## **RECOMMENDATIONS**

Based on my personal experiences as outlined above in this submission, and my understanding of the similar experiences of other practitioners, I recommend that:

1. The committee recognizes the evidence submitted by myself and other practitioners to the committee during this inquiry and validates all expressions in that evidence from

practitioners of feeling unfairly treated, harmed and traumatised, their experiences in having their careers irrevocably impacted, by the harsh and overbearing powers and conduct of authorities permissible under the current Law.

2. The committee, proceeding from recommendation 1 above, accepts that the Law as implemented is producing harmful outcomes that are either not intended by the original policy intentions, or if intended by those policy intentions, are an indication that the **policy intentions were/are disturbingly wrong**, and either way accepts responsibility on behalf of all participating legislatures to take immediate and assertive actions to initiate the required far reaching reform so clearly needed.
3. The committee, with regard to the Bill before it, in examining the Bill scrutinises all provisions of the Bill to identify all clauses that may impose upon, or permit, further unfairness, harm and detriment to practitioners in addition to that which is currently permitted and occurring under the existing Law, and recommends either that the Bill not be passed in its entirety, or the removal of those clauses from the Bill.
4. The committee, as an instrument of the Parliament of Queensland, the host jurisdiction for the application of the National Law in Australia, recognizes its key responsibility, and that of the Queensland Parliament, to initiate appropriate measures to correct the significant and disturbing deficiencies of the Law and the resulting harm and detriment to practitioners as presented in the evidence before this inquiry and outlined in this submission.
5. The committee, in recognizing its responsibilities and those of the Queensland Parliament, as stated in recommendation no. 4 above, recommends in its report to the House on this Bill that Queensland acts assertively and urgently to call for a royal commission, as a matter of priority, to review the Law and the operations of all health authorities that are established by and empowered under the Law in all participating jurisdictions of Australia.
6. The committee, as paramount to the Bill proceeding, recommends amendments to the Bill to enact that the rights and interests of practitioners are seen as equal to those of their patients and the general public. Practitioners have equal rights to be protected from abuse, a right to freedom of association and should not be investigated on the basis of vexatious, malicious or otherwise unsubstantiated complaints.
7. The committee, recommends amendments to the Law that strongly discourage via substantial penalties the perpetration of vexatious complaints.

In making my submission request for my submission to be made public under parliamentary privilege.



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Dental Surgeon.**



**Date:** 11 / 07 / 2017

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