

Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023

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Submitted by: Australian and New Zealand Association of Oral & Maxillofacial Surgeons
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12 May 2023

Committee Secretary
Health and Environment Committee
Parliament House
George Street
Brisbane Qld 4000

E: hec@parliament.qld.gov.au

Dear Secretary,

Inquiry into the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023

Details of Individual Making this Submission

I, Belinda Mellowes (Executive Officer) make this submission on behalf of the Australian and New Zealand Association of Oral and Maxillofacial Surgeons Inc (ANZAOMS), the national peak professional organization representing this specialty.

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Background

Oral and Maxillofacial Surgery (OMS) is one of the 10 principal medical surgical specialties in Australia, recognised by the Medical Board of Australia. The AMC accredited training pathway for registration as a Specialist Oral and Maxillofacial Surgeon is the FRACDS (OMS).

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Submission

The Australian & New Zealand Association of Oral & Maxillofacial Surgeons (ANZAOMS) welcomes the opportunity to contribute to the consultation process for this bill and thanks the committee for taking the time to consider our concerns. We wish to raise an important matter in order to protect the public.

ANZAOMS supports the restriction of the title 'surgeon' in National Law. However, we wish to bring to the committee's attention an adverse consequence of the Bill as it currently stands.

Significantly, there is a loophole in the legislation in that its application only applies to medical practitioners and **not** other health practitioners who operate within the cosmetic surgery field.

Specifically, 'Oral surgeons' (as distinct from Oral & Maxillofacial Surgeons) are not encompassed by this legislation, as they are not medical practitioners. We consider this to be a significant flaw in this legislation.

Oral surgeons are dentists who have completed a post-graduate university-based dental course of 2- or 3-years duration, leading to a Masters in oral surgery, or a Doctor in Clinical Dentistry (Oral Surgery). Completion of the approved coursework leads to registration with the Dental Board of Australia as an "oral surgeon" dentist.

These practitioners perform cosmetic procedures and have just recently made a submission to widen their scope of practice in NSW. If the title of 'Oral Surgeon' is allowed to stand, the public will reasonably believe they are seeing a medically qualified surgeon for their procedures when they, are in fact, seeing someone who is a dental practitioner. Hence the public, will not have the same protections afforded by this Bill in this regard.

Medical regulators have undertaken extensive work to protect the public in the area of cosmetic surgery. However, this has not extended to the Dental regulators. In order to overcome this problem and to be consistent, the legislation must restrict the use of the word 'Surgeon' to those recognised Australian Medical Council (AMC) specialities, to protect the public.

The legislation as it stands, would allow Oral Surgeons to expand their scope further into cosmetic surgery without the restrictions of the Bill, which applies to medical specialists.

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ANZAOMS strongly urges further protections for the public through widening of the protection of the title of surgeon to include restriction on any specialty that could utilise this loophole to continue to practice unqualified and unsafe cosmetic surgery practices on the general public.

If this is not addressed now, the regulatory process for the desired public safety will be undermined.

Separately, we are concerned with section 5e of the proposed Bill. The freedom to allow future 'classes' to be free to use the title surgeon is a serious weakness as it allows those without full specialist education and training to adopt use of the title surgeon.

To address this potential weakness, we would suggest that either section 5e (line 32) is changed to read:

e) another class of *AMC accredited surgical specialist* prescribed as a surgical class by regulations made by the Ministerial Council

instead of its current wording

e) another class of *medical practitioner* prescribed as a surgical class by regulations made by the Ministerial Council

This change would ensure that standards of training of "surgeons" would be preserved into the future.

Alternatively, section 5 could be altered so that "AMC accredited surgical specialist" is put in place of "medical practitioner" in section a). Our understanding is that this would mean that sections 5d) and 5e) would be superfluous and could be removed.

As outlined previously, we seek confirmation, that health practitioners outside the field of the medical profession would not be able to take on the title surgeon.

We would urge the Committee to review 5e) and its future implications in order to preserve the positive intent of this important legislation.

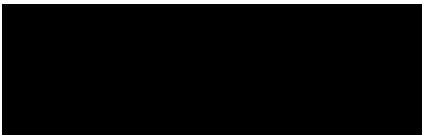


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ANZAOMS would be pleased to make representation to the committee in due course, and in particular would make ourselves available for presentation at the public hearing on 22 May, to further expand on our concerns, should this be possible.

Sincerely,



Belinda Mellowes
Executive Officer