




Speech By
Barry O'Rourke

MEMBER FOR ROCKHAMPTON

Record of Proceedings, 26 February 2019

**HEALTH PRACTITIONER REGULATION NATIONAL LAW AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr O'ROURKE** (Rockhampton—ALP) (12.08 pm): I rise to speak in support of the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018. This bill will make two priority reforms to the health practitioner regulation national law following an agreement by all Australian health ministers. The first is an amendment to the mandatory reporting requirements for treating health practitioners. This amendment will encourage registered health practitioners to have the confidence to seek treatment for their own health condition. Secondly, the bill will increase the maximum penalties for persons who falsely hold themselves out to be a registered health professional, thus strengthening patient and consumer protections under the national law.

The national law commenced operation in 2010 and has established 15 national boards that register and regulate health practitioners from 16 health professions including doctors, nurses, midwives, dentists, pharmacists and psychologists. Queensland parliament is the host jurisdiction for the national law and any changes to the law must be agreed by health ministers of all states, territories and the Commonwealth at the COAG Health Council before they are introduced. On 12 October 2018 COAG Health Council approved amendments to the national laws to implement these two priority reforms.

AHPRA and the national boards are notified about registered health practitioners who may be placing the public at risk of harm. In Queensland, mandatory reports are made through the Queensland Health Ombudsman and dealt with under Queensland's co-regulatory arrangements. The mandatory reporting provisions in the national law require employers and registered health practitioners to report certain conduct of other registered health practitioners. This includes intoxication at work, sexual misconduct in connection with the practice of a health profession and placing the public at risk of substantial harm.

Concerns have been raised that these requirements may discourage health practitioners from seeking treatment due to the requirement to make a mandatory report, particularly where the patient practitioner is seeking treatment for mental health issues or drug and alcohol problems. Given these concerns, the bill makes several significant changes to the threshold for mandatory reporting requirements applying to treating practitioners. The threshold only requires reporting if there is a substantial risk of harm to the public and includes guidance about factors a treating practitioner may consider in deciding whether a practitioner patient's impairment would meet the threshold of substantial risk of harm. Treating practitioners are to use their professional judgement, expertise and holistic assessment when considering whether an impairment is being managed appropriately to mitigate risks to the public. It is important to give registered health practitioners greater confidence to seek treatment for their health issues and that it is done in a way that does not compromise the safety of the patient or the public.

This bill also strengthens requirements for the reporting of sexual misconduct including a new requirement to report risks of future sexual misconduct. This will ensure that if a treating practitioner becomes aware that a practitioner patient is, for example, grooming a child or a patient, they would be required to report the matter to the regulator. Subject to the bill being passed, Commonwealth, state and territory health ministers have asked the Australian Health Practitioners Regulation Agency, in conjunction with stakeholders, to develop educational material.

Secondly, the bill will introduce a maximum penalty for persons who falsely hold themselves out to be a registered health professional. The bill will double the maximum penalty for holding out and related offences to \$60,000 for an individual and, where relevant, \$120,000 for a body corporate. The bill will also introduce an imprisonment term of up to three years for the most serious offences. These reforms strengthen patient and consumer protection.

This bill demonstrates an ongoing commitment to protecting the health and safety of the public and a focus on professional and competent practice by health professionals. It will enable health practitioners to have the confidence to seek help when they need treatment for their own health conditions. This is vital not only for their own wellbeing but also to ensure that the public receives safe health care. I commend the bill to the House.