




Speech By
Aaron Harper

MEMBER FOR THURINGOWA

Record of Proceedings, 12 September 2023

**HEALTH PRACTITIONER REGULATION NATIONAL LAW (SURGEONS)
AMENDMENT BILL**

 **Mr HARPER** (Thuringowa—ALP) (12.04 pm): I rise to give my contribution to the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023. I start by thanking all of the members of the health committee and offer a special thanks to the member for Lytton, who was a part of this inquiry and who I know will speak on this bill a little later. I also thank the secretariat and all of those who provided submissions and/or appeared before the committee during its public hearings on this bill.

One thing is absolutely clear: this bill is about patient safety. Protection of title is incredibly important to the health industry. It was only a number of years ago that we did the same thing in this place with the protection of title for paramedics. For a number of years now there has been a spotlight on cosmetic surgery and what can only be described as ‘cowboy’ surgery, placing individuals at great risk of damaging results that last a lifetime. Our regulatory body, Ahpra, has only recently targeted these individuals. This body of work we are doing in Queensland, as the lead jurisdiction, has enabled more to be done in this important space.

During the inquiry the committee heard a range of divergent views from peak bodies representing various medical practitioners and specialities as well as training organisations, lawyers and insurers. The committee deeply appreciates the views articulated by the various bodies and notes the concerns expressed in submissions and at the public hearing regarding who should be able to use the title ‘surgeon’. Whilst the various medical bodies could not reach agreement on this issue, there was broad agreement that protecting the public from harm caused by an unqualified or underqualified practitioner was key. I take the point made by the member for Mudgeeraba. The college representing rural generalists, for whom I have a great deal of respect as they do incredible work in rural, remote and regional Queensland, made submissions on this bill. Their speciality is currently before the Australian Medical Council for consideration. They do an outstanding job in regional Queensland.

The goal of reforming this national law to secure protection was widely endorsed. Queensland is very proud to be the host jurisdiction for the national law and to lead the nation in strengthening the regulation of the cosmetic surgery industry. At its core, the bill aims to protect the title ‘surgeon’ within the medical profession to safeguard the public and to strengthen the regulation of cosmetic surgery in Australia. The bill aims to clarify the decision-making authority of tribunals after hearing a matter about a registered health practitioner. The bill achieves its aims by amending the health practitioner national law. Queensland is proudly the host jurisdiction of the national law under the Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions between all states and territories and the Commonwealth. Australian health ministers agreed to the amendments proposed in the bill.

Our committee considered a range of factors relating to the national law which included: the views of stakeholders who engaged with the inquiry, the majority of whom indicated support for the proposed changes; public confusion about the term ‘surgeon’ and the use of the term by some practitioners; the

absence of minimum standards for who could call themselves a cosmetic surgeon; concerns about the regulation of cosmetic surgery and instances of risk and harm associated with the industry; and the expectation that all surgeons have comparable qualifications and advanced surgical training, including in respect of cosmetic surgery, which is not approved as a speciality under the national law.

The national law is the legal framework for Australia's National Registration and Accreditation Scheme for health practitioners. The scheme commenced in 2010 following the adoption of the national law by all Australian states and territories. Under the intergovernmental agreement for the scheme, Queensland is the host jurisdiction for this national law. The scheme ensures only health practitioners who are suitably trained and qualified to practise competently and ethically are registered to practise throughout Australia. It protects titles by restricting the usage of specified professional titles, including specialist titles. The scheme provides for disciplinary and prosecutorial sanctions against persons unlawfully using a protected title or falsely holding themselves out as holding either registration or a particular type of registration.

Restricting title usage to those appropriately qualified and trained allows the public to be confident that a health practitioner is registered under the national law. In respect of surgeons, the national law only protects the title 'surgeon' as an adjunct to approved specialist titles—for example, specialist plastic surgeon. As the national law does not protect 'surgeon' as a standalone title, any registered medical practitioner could call themselves a surgeon even if not registered in a surgical speciality and even without any significant postgraduate surgical training. As cosmetic surgery is not an approved speciality under the national law, those medical practitioners could market themselves as cosmetic or aesthetic surgeons regardless of qualifications and level of training. A diversity of qualifications and experience amongst purported surgeons confuses the public, who expect all surgeons to have comparable qualifications and appropriate advanced surgical training.

With regard to consultation, in response to concerns about adverse patient outcomes, in November 2021 the Medical Board of Australia and Ahpra commissioned an independent external review of patient safety issues in the cosmetic surgery industry. They received 249 submissions and 595 public survey responses, with the findings and recommendations handed down in September 2022. The consultation regulation impact statement, or RIS, Use of the Title 'Surgeon' by Medical Practitioners, sought feedback on potential issues arising from the use of the title 'surgeon' by the medical practitioners and proposed options for reform. It outlined a variety of patient harms caused by poor cosmetic surgery and post-surgery practices in cases where medical practitioners performed cosmetic surgery outside their scope of competence.

Submissions on the consultation RIS were received from 150 professional stakeholders and nearly 1,400 responses were made to a dedicated consumer survey. Further consultation findings demonstrated that there is significant public confusion about medical practitioners' titles and qualifications associated with the title 'surgeon' and a gap between consumer understanding of what a surgeon is and the use of the term by some practitioners. In December 2020 Australian health ministers published a decision RIS about medical practitioners' use of the title 'surgeon' under the Health Practitioner Regulation National Law. That decision RIS recommended restricting the use of the title 'surgeon' to medical practitioners with significant surgical training. This recommendation was informed by submissions to the consultation RIS, the independent review and the expert advice provided to health ministers by the Medical Board. The health ministers also agreed to strengthen the regulation of cosmetic surgery by protecting the use of the title 'surgeon' under national law to only being able to be used by those medical practitioners with appropriate advanced surgical training and qualifications.

As well as the title protection, health ministers agreed to further consumer protection measures for cosmetic surgery using complementary non-legislative actions which included: directing the Medical Board to develop an area-of-practice endorsement to establish the qualifications and training required to perform high-risk cosmetic surgery procedures; directing the Australian Commission on Safety and Quality in Health Care to review licensing standards; improving guidance and education for medical practitioners who perform cosmetic surgery; commissioning a public education campaign in relation to cosmetic surgery; and directing Ahpra to crack down—and that has recently happened—on misleading advertising in cosmetic surgery. As I stated at the beginning of my speech, that has only just happened recently and is widely supported by the broader medical community and representative bodies and will no doubt be welcomed by the members of our communities throughout Queensland, because, again, it is all about patient safety. I commend the bill to the House.