




Speech By
Dr Christian Rowan

MEMBER FOR MOGGILL

Record of Proceedings, 12 September 2023

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

 **Dr ROWAN** (Moggill—LNP) (3.35 pm): I rise to address the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023. On 20 April 2023, the former minister for health and ambulance services introduced this legislation into the Queensland parliament, specifically to amend the Health Practitioner Regulation National Law Act 2009. The main purpose of this legislation and, as stated in the explanatory notes, the objectives of these amendments are to, firstly, protect the title 'surgeon' within the medical profession to safeguard the public and strengthen the regulation of cosmetic surgery in Australia and, secondly, clarify through technical amendments the decision-making authority of tribunals after hearing a matter about a registered health practitioner.

The introduction of this legislation came following the February 2023 meeting of Australian health ministers where amendments to Australia's national registration and accreditation scheme under the national law were agreed to. As with previous amendments and legislation brought to the Queensland parliament in relation to the Health Practitioner Regulation National Law Act 2009, such amendments, when agreed to nationally, are first introduced into the Queensland parliament before then being adopted nationally. Queensland has proudly been the host jurisdiction for the national law after all states and territories agreed to the adoption of the national scheme in 2010.

Broadly speaking, the purpose and intent of this legislation is to address and clarify the specific use of the title 'surgeon' particularly in the context of cosmetic surgery. Over the last several years Australia has seen a growing and concerning trend in adverse patient outcomes and significant and permanent damage inflicted on an untold number of Australians due to substandard practices of various so-called cosmetic surgeons. Indeed, it has been acknowledged that reform to the cosmetic surgery industry and the associated restriction of the use of the title 'surgeon' to medical practitioners within approved surgical classes has gained more traction and public prominence due to the ongoing publication by national media outlets of the significantly inferior and alleged dangerous practices of cosmetic surgeons and the associated concerns for patient safety. There have also been various investigations undertaken by many regulators across multiple state jurisdictions.

The prevalence of such allegations and substantial examples of poor clinical practices and the jeopardising of patient safety has ultimately resulted in the labelling of such practitioners as being cosmetic cowboys. Such allegations made against the multibillion dollar cosmetic surgery industry in Australia have included serious hygiene and safety breaches, significant infections and various instances of botched procedures, resulting in patients suffering severe and lasting pain and patients requiring additional treatments and hospitalisations.

As the Queensland parliament's Health and Environment Committee identified, it was in response to the growing concerns about adverse patient outcomes and the jeopardising of patient safety that the Medical Board of Australia and the Australian Health Practitioner Regulation Agency jointly commissioned an independent external review of patient safety issues in the cosmetic surgery

industry in November 2021. Following extensive consultation, including the consideration of 249 written submissions and almost 600 survey responses, the independent review was handed down on 1 September 2022.

As a precursor to the consideration of amendments by Australian state and territory health ministers in February this year, the independent review found that, when it came to cosmetic surgery, universal minimum standards for education, training and qualifications were non-existent in Australia. The review also noted issues surrounding the use of the title of 'cosmetic surgeon'. The review similarly found that it was possible for any medical practitioner to offer and perform invasive cosmetic surgical procedures without having undertaken appropriate training or having amassed sufficient supervised experience to reach an acceptable level of competency. As was stated in the final review report—

In these circumstances, consumers are largely left on their own when it comes to selecting a practitioner to perform cosmetic surgery, having to sift through a plethora of advertising and marketing material and try to make sense of numerous qualifications, in an attempt to identify a qualified and competent practitioner.

Having identified, through a national consultation process, the need to restrict the use of the title 'surgeon' to medical practitioners with significant surgical training, additional and targeted consultation on which medical practitioners should be entitled to use the title 'surgeon' was undertaken in February 2023. As advised by Queensland Health in correspondence to the Health and Environment Committee, stakeholders overwhelmingly supported the scope of the title protection of the term 'surgeon' in the legislation, including submissions and consultation with the Royal Australasian College of Surgeons, the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Royal Australian and New Zealand College of Ophthalmologists, the Australian Medical Association, the Australasian College of Dermatologists, the Australasian Society of Aesthetic Plastic Surgeons, the Australian Society of Plastic Surgeons, the Royal Australian College of General Practitioners and the Cosmetic Physicians College of Australasia.

I note that Queensland Health advised that the Australian College of Rural and Remote Medicine had raised some concerns with respect to the implications for rural medicine. However, Queensland Health further advised—

Although the ACRRM fellowship is not included in the initial scope of the 'surgical classes,' the Bill has been drafted to minimise any impact on the provision of rural medicine.

As such, I am satisfied with the advice at this point. However, there is still significant work to be undertaken with respect to rural medicine recognition and specifically the subspecialist areas including rural generalist surgery.

In my remaining time I wish to briefly acknowledge concerns pertaining to any potential impacts on Australian Defence Force surgeon titles. As per the Health and Environment Committee's report, I note that the Medical Indemnity Protection Society questioned the impact of proposed title protection amendments on medical practitioners employed in the Australian Defence Force, given that certain ADF medical practitioners carry titles such as Surgeon General, Surgeon Commander, Lieutenant Surgeon or Staff Surgeon. The Queensland Department of Health, through its interactions with the Commonwealth Department of Defence on the subject of the use of the title 'Surgeon General', advised—

The title protection provisions should not be construed so broadly as to reach matters that have no connection to the regulation of registered health practitioners or the provision of regulated health services.

When read in the context of the objectives and guiding principles of the Health Practitioner Regulation National Law ... the purpose of the National Law's title protection scheme, and the stated purpose of the Bill, it is clear that the proposed title offences would not prohibit use of customary names or titles—such as 'Surgeon General,' 'Surgeon Commander' or 'Staff Surgeon'—that are used to refer to an official rank or title, or that are otherwise generally understood to refer to matters distinct from the general provision of medical care.

With reference to both current and former ADF personnel who have served as Surgeon General of the Australian Defence Force, I take this opportunity to acknowledge the service of the current Surgeon General of the Australian Defence Force and Commander Joint Health, Rear Admiral Sarah Sharkey RAN AM CSC. I also acknowledge Commodore Sonya Bennett, Director-General Royal Australian Navy Health Reserves, who will assume the position of Surgeon General and Commander Joint Health of the Australian Defence Force in December 2023. I congratulate and wish Commodore Bennett all the very best given her appointment.

I would also like to recognise former surgeon general of the ADF, Emeritus Professor John Pearn AO RFD. Professor Pearn is a world-leading paediatrician, academic and medical researcher. Major General Pearn served for 38 years in the Royal Australian Army Medical Corps, including three years as the Surgeon General of the Australian Defence Force.

Finally, whilst taking the opportunity to acknowledge senior military medical professionals, I also mention Brigadier Isaac Seidl AM, the Director-General of Operational Health within Joint Health Command in the Australian Defence Force. It was certainly a pleasure to catch up with Brigadier Seidl at the recent Combined Health Corps Conference, particularly given we completed our specialist fellowship training in medical administration together as health colleagues.

In concluding my contribution today, I believe it is important to acknowledge, just as the Queensland parliament's Health and Environment Committee has done, that whilst various medical bodies were not able to reach full agreement on the issue of who should be allowed to use the title 'surgeon' there was broad agreement that protecting the public from harm caused by unqualified or underqualified health practitioners is critical.

Ultimately, the goal of reforming the national law to secure patient protection was widely endorsed. It must be remembered that cosmetic surgery, as with any form of surgery, is invasive and carries associated risks to patients. Accordingly, it should only be performed by highly trained and appropriately accredited medical practitioners. The Royal Australasian College of Surgeons remains the appropriate specialist professional entity to ensure high standards of training, assessment and certification for medical professionals undertaking such surgical procedures in Australia.

As a registered specialist physician and senior leader of the medical profession in Queensland, I strongly support the amendments and reforms contained within the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023.