




Speech By
Cynthia Lui

MEMBER FOR COOK

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

 **Ms LUI** (Cook—ALP) (3.28 pm): I rise to speak in support of the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023. I acknowledge the Health and Environment Committee for their work in the examination of the bill. I commend the work of the committee during the consultative process, allowing a broad range of stakeholder views from peak bodies representing various medical practitioners and specialties as well as training organisations, lawyers and insurers.

A large number of submitters expressed direct support for the bill's title protection amendments, with advocates for title protection recognising that the amendments would likely reduce consumer confusion around practitioner titles, qualifications and skill levels thereby better informing patient decision-making and enhancing protections for cosmetic surgery consumers. Feedback from a consultation regulation impact statement has confirmed widespread uncertainty regarding the use of this title in the cosmetic surgery sector. The general public reasonably assumes that practitioners using the title 'surgeon', 'cosmetic surgeon' or 'aesthetic surgeon' have attained a minimum level of specialised surgical training. However, this is not always the case.

The intent of this bill is absolutely fair and necessary as it is about reference to a specific title to reduce confusion for the public. As highlighted in the bill, there are currently limited safeguards around the use of the title 'surgeon' in the medical context. Currently, the law only protects the title 'surgeon' as an adjunct to an approved specialist title—for example, specialist plastic surgeon—with specialist titles reserved for the practitioners registered in a relevant speciality. The title 'surgeon' as a standalone title is not restricted so 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.

It has become evident that a very small number of clinicians have breached the trust of their patients. By claiming the title of 'surgeon' without the requisite qualifications, these clinicians may have misled patients into the procedures they might not have otherwise consented to. Our paramount concern is the safety and wellbeing of all Queenslanders. Surgeons hold a unique place in the public's esteem. They have to train for many years to attain their qualifications. Becoming a surgeon is an arduous journey that demands years of rigorous education, extensive training and unwavering dedication. I would like to extend my heartfelt congratulations to all Queensland surgeons and doctors for their invaluable contributions to our community, enhancing and saving lives through their exceptional and unwavering commitment to health care. While the majority of doctors in Australia uphold the highest ethical and professional standards, it is regrettable that a small number may engage in unethical practices, underscoring the importance of measures to protect patients and maintain trust in the medical profession.

Some of reported stories are deeply troubling—clinicians downplaying the recovery from major cosmetic procedures, patients experiencing severe post-procedure pain, infections, wound complications and allegations of malpractice leading to serious health complications. During the

consultation process, consumer surveys revealed that 237 respondents reported harm because of dodgy cosmetic procedures. We have heard heartbreaking stories from real-life people, from practitioners, of inadequately prepared for emergencies, poor hygiene and infection control. The damage to people's lives can be irreversible. Even though the various medical bodies could not reach agreement on this issue, there was broad agreement that protecting the public from harm caused by unqualified or underqualified practitioners was key.

This bill aims to protect the title 'surgeon' within the medical profession to safeguard the public and strengthen the regulation of cosmetic surgery in Australia. The bill also aims to clarify the decision-making authority of tribunals after hearing a matter about a registered health practitioner. The bill achieves its aim by amending the Health Practitioner Regulation National Law.

In making its recommendation, the committee has considered a range of factors relating to the national law. These include: 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 use of the term by some practitioners; the absence of minimum standards for who could call themselves a surgeon; concerns about the regulation of cosmetic surgery and instances of risk and harm associated with the industry; the expectation that all surgeons have comparable qualifications and advanced surgical training, including in respect of cosmetic surgery which is not an approved speciality under the national law; and ambiguity around the operation of section 196 of the national law that sets out the decisions a tribunal may make after hearing a matter about a registered health practitioner.

The amendments to this framework are supported under the national framework. Queensland is the host jurisdiction for 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. All Australian health ministers agreed to the amendments proposed in this bill. The national law is the legal framework for Australia's national registration and accreditation scheme. The scheme ensures only health practitioners who are suitably trained and qualified to practise competently and ethically are registered to practise throughout Australia. These reforms, supported by the states and territories and the Commonwealth, will certainly provide clarity for use of the title 'surgeon' and address confusion surrounding the use of the title into the future. I commend the bill to the House.