




Speech By  
**Julianne Gilbert**

**MEMBER FOR MACKAY**

---

Record of Proceedings, 12 September 2023

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

 **Mrs GILBERT** (Mackay—ALP) (3.55 pm): The public wants certainty and assurances when they access health care. The practitioner they choose must be trained, qualified and competent to carry out the procedures required. Medical practitioners also want their profession to be protected from practitioners who offer services without the required qualifications and registration. We have all heard stories in the media about surgery that has not gone well. People have been maimed for life or lost their lives due to errors in the performance of cosmetic surgery. We have seen an entire television show called *Botched* that usually features botched cosmetic surgeries. When 'Cheap Charlie' TV shows have enough fodder to make a whole series—not just one show—it is time we make these shows a thing of the past. We need to ensure that necessary boundaries are put in place in the medical arena to protect everyone.

Fashion trends, body image and beauty trends change with the generations. Unfortunately, we are seeing trends that require medical intervention to keep up with the modern look. Legislation and regulation are needed to keep pace with community trends and keep the public safe from cowboys in the health system who take advantage of people's insecurities and desire to get the current look. All patients seeking cosmetic surgery are required to have a referral from a general practitioner or other specialist medical practitioner. The referring medical practitioner must work independently of the medical practitioner who performs the surgery and must not perform cosmetic surgery or non-surgical cosmetic procedures themselves. This will not be a requirement for non-surgical cosmetic procedures. In both cosmetic surgery and non-surgical cosmetic procedures the medical practitioner who will perform the procedure must assess the patient for underlying psychological conditions. If there are indications that the patient has significant underlying psychological issues which may make them an unsuitable candidate for cosmetic procedures they must be referred for evaluation to a psychologist, psychiatrist or general practitioner.

The Health Practitioner Regulation National Law (Surgeons) Amendment Bill is necessary to ensure there is protection for the title 'surgeon' within the medical profession, to safeguard the public and strengthen the regulation of cosmetic surgery in Australia, and to clarify the decision-making authority of tribunals after hearing a matter about a registered health practitioner. With regulations and registration in place, practitioners who are not doing the right thing by their patients can be named and removed from the system.

This amendment sits with the national law and National Registration and Accreditation Scheme. The titles used by practitioners need to be regulated and protected for the protection of the public during services in health. As I mentioned, there are many fashion trends that require surgery. Because a person is not unwell at the time of surgery and it is elective, it does not mean that it does not come with the same health risks as any other surgery. The person performing the surgery needs to be qualified. Recent reviews into the regulation of cosmetic surgery in Australia demonstrated a need to strengthen

title protections under the national law to ensure that medical practitioners using the title 'surgeon' possess the degree of advanced surgical training and qualifications that health consumers already assume and expect. This bill will protect their title as a standalone title.

Currently, there is confusion in the rising cosmetic surgery area, where any medical practitioner can market themselves as a cosmetic surgeon regardless of their qualification and level of training. This makes it confusing for the general public, who wade through mountains of advertising material trying to make sense of the many titles and understand the levels of qualification a practitioner may have when trying to identify somebody competent and qualified. The uncertainty that currently exists with understanding the title 'surgeon' is causing risk to health consumers.

There has been considerable consultation regarding this bill to ensure medical consumers are protected, medical practitioners are protected and regulation is formed as needed. This bill will not only protect their title but also make it an offence if a practitioner not sufficiently trained and a member of a defined surgical class knowingly or recklessly uses the title.

When we need the services of a medical practitioner holding a specialist registration in surgery, obstetrics, gynaecology or ophthalmology, we expect a level of care that goes with the reputation of this specialised training. They are included in the definition of 'surgical class' as they have undergone extensive and accredited surgical training. The same level of confidence in cosmetic surgery needs to be built up in this list of practitioners. The initial classes of medical practitioners permitted to use the title 'surgeon' were determined by the health ministers with the advice of the Medical Board of Australia.

We must ensure that legislation passed in this House does not adversely affect others with unintended consequences. I am pleased that our rural generalists have been included in the considerations. The initial classes include the recognised medical specialties for which practitioners are required to have successfully undertaken significant accredited specialist surgical training. Although rural generalists are not included in the initial scope of 'surgical classes', the bill has been drafted to minimise any impact on the provision of rural medicine. While rural GPs will not be able to use the title 'surgeon', their Medicare reimbursements and scope of practice will not be impacted or limited by the bill. They will continue to be able to perform surgeries within their scope of practice. The bill will enable ministers to prescribe additional classes as being able to use the title 'surgeon'. This may include considering adding rural and remote medical practitioners in the future.

We know that the majority of doctors are dedicated and principled professionals. Still, deceptive practices by a minority jeopardise Queensland's trust and wellbeing. I thank our practitioners who are out there doing the right thing by Queenslanders day after day. I support the bill.