




Speech By
Lance McCallum

MEMBER FOR BUNDAMBA

Record of Proceedings, 12 September 2023

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

 **Mr McCALLUM** (Bundamba—ALP) (3.45 pm): I rise in support of the Health Practitioner Regulation National Law (Surgeons) Amendment Bill. We know that community members and Queenslanders have a high degree of trust when it comes to the advice that is given to them by doctors. Indeed, we rely very heavily on the advice coming from our doctors. It is clear that the vast majority of doctors are giving us the best advice. They have our best interests at heart and they are giving us their qualified medical advice to help keep us well and to help us recover from injury. They are doing the right thing. They are hardworking, very principled and acting in the best interests of their patients.

That trust is the same, if not higher, when it comes to the use of the word 'surgeon' because the term 'surgeon' carries enormous weight in the community. Assumptions are invariably made about the expertise of the person who is using the title of 'surgeon'. Community members, whether in Bundamba or right throughout Queensland, trust that a medical professional who is calling themselves a surgeon, or indeed a cosmetic surgeon, has the full appropriate training that goes along with that title.

This bill gives Queenslanders the confidence that their doctors are appropriately trained and qualified. To allow people who have not undergone the appropriate training to use the term 'surgeon' is misleading and undermines the principle of informed and free consent and does absolutely nothing to protect the public and to give the public confidence. It is very pleasing to see that this bill responds to that issue, along with the findings and recommendations into the regulation of cosmetic surgery in Australia and the strong need to strengthen title protections under our national laws. Queensland, as a host of the national law, has a responsibility to make sure that our laws are indeed meeting the national standards. That is why this bill is so important.

It amends the national law to protect the title 'surgeon' within the medical profession, and it achieves that by restricting which doctors can use the title 'surgeon'. Medical practitioners who hold specialist registration in surgery, obstetrics, gynaecology or ophthalmology are included in the definition of surgical class as they have undergone extensive and accredited surgical training. Practitioners in these specialities often practise complex surgery as part of their normal scope of practice. This bill creates a new criminal offence for doctors who unlawfully use the title 'surgeon' and do not have the appropriate medical training. It makes it an offence for a medical practitioner who is not a member of a defined surgical class to knowingly or recklessly hold themselves out as being a member of a surgical class and using the title 'surgeon' when they are not entitled to do so. Importantly, employers or other persons who knowingly or recklessly use the title 'surgeon' or hold a medical practitioner out as being a member of a surgical class when they are not are also culpable under these new offence provisions. These offence provisions carry maximum penalties of \$60,000 or three years imprisonment for an individual or \$120,000 for a body corporate. These provisions mirror maximum penalties for existing offences under the national law that prohibit the misuse of a professional and specialist title.

In reading the committee report and some of the submissions to this bill I want to mention the submission from Maurice Blackburn Lawyers. I will read an extract from their submission because I think it is a really good and clear communication of this issue. It states—

Cosmetic medicine and surgery occupy a unique position within the healthcare profession. Normally, medical or surgical treatment is provided in the context of some illness, injury or disease. By contrast, cosmetic surgery or treatment is generally non-essential, motivated by aesthetics and instigated by the patient. More than any other area of medicine, it is a commercial arrangement usually carried out in a 'for profit' environment and this dramatically changes the dynamic and the relationship between doctor and patient.

Recent reviews across Australia show the strong need to protect the title 'surgeon' under the national law. Currently, cosmetic surgery is not an approved speciality. That means that any medical practitioner could hold themselves out as a cosmetic or aesthetic surgeon even if they do not have the appropriate qualifications. Cosmetic procedures that are not performed by appropriately qualified practitioners are putting lives at risk and in some cases causing permanent harm to patients. We heard harrowing stories from patients who faced really devastating long-lasting consequences, including health complications, financial disaster and the emotional stress that goes along with all of that which they will carry with them for the rest of their lives. In one instance, a Sydney doctor with limited surgical training performed a procedure resulting in cardiac complications due to inadequate preparation and equipment. This is horrifying. Over the past year or more there has been a litany of stories about poor practices in the cosmetic surgery industry that caused permanent damage to patients in Queensland. Consumer surveys revealed that 237 respondents reported harm because of dodgy cosmetic procedures. These are heartbreaking stories from real people, and it is the result of practitioners inadequately being prepared for emergencies and poor hygiene and infection control. The damage that is inflicted on patients can be completely irreversible. That is why the amendments in this bill will give Ahpra the power to take action if the title 'surgeon' is misused or if consumers are misled about the qualifications of their practitioner.

Ultimately, it is about making sure that Queenslanders are protected from predatory practitioners who claim to have qualifications far beyond their scope. We need to ensure as best we can that those who bear the title 'surgeon' possess the advanced surgical training required to do so. It is about reducing harm to Queenslanders and making sure there are proper surgical outcomes. The serious and lasting harm that has been experienced by some plastic surgery patients is absolutely heartbreaking, it is unacceptable and it is completely avoidable. These reforms are about protecting Queenslanders from completely unnecessary harm. I commend the bill to the House.