




Speech By
Robert Skelton


MEMBER FOR NICKLIN

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

 **Mr SKELTON** (Nicklin—ALP) (12.57 pm): I rise to speak in support of the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023. The bill's genesis was consultation in December 2021. Australian health ministers publicly released a consultation regulation impact statement on the use of the title 'surgeon' within the medical profession. To ensure everyone's voice was heard, an expert health consumer organisation was engaged to survey health consumers about their cosmetic surgery experiences. There was strong engagement in the consultation, with direct submissions from 150 professional stakeholders and nearly 1,400 responses to the consumer survey. In December 2022, Australian health ministers published a decision regulation impact statement which analysed the submissions and consumer survey responses. This informed the development of this bill.

In February of this year further targeted consultation was undertaken with professional stakeholders on all the cosmetic surgery legislative and non-legislative reforms agreed by all Australian health ministers. This included consultation on the classes of medical practitioner that will be included within the definition of 'surgical class', and thus able to use the title 'surgeon'. Feedback from consultation confirmed consumers often experience significant confusion about the titles and qualifications of medical practitioners. The feedback also indicated widespread concerns about the regulation of cosmetic surgery and instances of risk and harm associated with this industry. Although there were a variety of views about the most appropriate way to address the identified problems, stakeholders overwhelmingly did not support maintaining the status quo and largely supported title protection.

 **Mr SKELTON** (Nicklin—ALP) (2.56 pm), continuing: The bill aligns with the recommendation from the decision regulation impact statement. Consideration was given to ensure the right balance was reached between the rights and interests of practitioners and the safety of the public. With changes to the title of 'surgeon' in the national law, the bill responds to findings and recommendations on the regulation of cosmetic surgery in Australia and the strong need to strengthen title protections under the national law. As the host of the national law, it is our responsibility to make sure that our laws are meeting national standards. That is why passing this bill is so important.

The bill amends the national law to protect the title 'surgeon' within the medical profession. It does so by restricting which doctors can use the title 'surgeon'. It creates new criminal offences for doctors who unlawfully use the title 'surgeon' and do not have appropriate medical training. Queenslanders rely heavily upon what they are told by their doctor. Queenslanders trust that a doctor who calls themselves a surgeon or cosmetic surgeon has the training to go along with the title. This bill

gives Queenslanders the confidence that their doctors are appropriately trained and qualified. It is about reducing harm to Queenslanders. The serious and lasting harms that have been experienced by some patients are heartbreaking and unacceptable.

Cosmetic procedures seek to revise or change the appearance, colour, texture, structure or position of normal body features to achieve a more desirable appearance. In other words, they are procedures performed for non-medical reasons. Cosmetic procedures can be surgical or non-surgical. Cosmetic surgery comprises procedures that involve cutting beneath the skin—breast augmentation, rhinoplasty and liposuction. This form of surgery is often described as invasive. Purely cosmetic surgical procedures do not attract a Medicare rebate. Some other procedures may, such as for people recovering from breast cancer and so forth. Cosmetic non-surgical procedures do not involve cutting beneath the skin, although they may involve piercing of the skin. They include varicose vein treatment, laser skin treatment, mole removal, chemical peels and injections. These procedures are often described as non-invasive.

Cosmetic injectables, or injections, refer to prescription-only injectable medicines for cosmetic purposes. There are state requirements relating to permits, supply, storage and transport of these medicines. Cosmetic procedures are different than reconstructive surgery and other medical procedures. Reconstructive surgery is that which restores the form and function as well as normality of appearance. It may incorporate aesthetic techniques to restore normal appearance. Unlike cosmetic procedures, reconstructive surgery may be performed in a public hospital and attract, at least partially, a Medicare rebate.

Over the past year there have been a litany of appalling stories about poor practices in the cosmetic surgery industry, with permanent damage done to untold numbers of Queenslanders. Recent reviews across Australia showed the strong need to protect the title of 'surgeon' under the national law. During consultation, consumer surveys revealed that 237 respondents reported harm because of dodgy cosmetic procedures. We have heard heartbreaking stories from real-life people about practitioners inadequately prepared for emergencies to poor hygiene and infection control. The damage on some people's lives can be irreversible. These atrocious harms are the reason why we need to strengthen the definition of 'surgeon'.

Currently cosmetic surgery is not an approved speciality. This means that any medical practitioner may market themselves 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. Ahpra and the Medical Board of Australia have already cracked down on advertising and social media used to promote cosmetic surgery. The amendments in this bill will give Ahpra powers to take action if the title 'surgeon' is misused or consumers are misled about the qualifications of their practitioner. It is about making sure Queenslanders are protected from predatory practitioners claiming to have qualifications beyond their scope. The vast majority of doctors are doing the right thing. They are hard working, principled and act with the best interests in their patients in mind. These reforms are about protecting Queenslanders from unnecessary harm.

With regard to the impact on rural medicine, this bill has been a result of extensive efforts and consultation. The amendments within this bill aim to safeguard the title 'surgeon' within the medical profession while balancing the expectations Queenslanders have of medical care and practitioners. We must ensure that those who bear this title possess the advanced surgical training required to do so. We have heard stories from patients who have faced devastating consequences, including health complications, financial burdens and emotional distress. Recent cases highlight the dire need for regulation. For instance, a Sydney doctor with limited surgical training performed a procedure resulting in cardiac complications due to inadequate preparation and equipment. We cannot allow this to continue.

Medical practitioners holding a specialist registration in surgery, obstetrics and gynaecology or ophthalmology are included in the definition of 'surgical class' as they have undergone extensive and accredited surgical training. Practitioners in these specialties often practice complex surgery as part of their normal scope of practice. Although rural generalists are 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. 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 these amendments.

We know that many doctors are professional. Still, deceptive practices by a minority jeopardise Queenslanders' trust and wellbeing. The bill seeks to prevent such misrepresentation, safeguarding Queenslanders' trust in the medical profession and the health of Queenslanders. I thank the health

department, the health minister, the Health and Environment Committee and the parliamentary staff for their work on this bill. I would imagine that they would have seen some quite confronting things. I commend this bill to the House.