




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 12 September 2023

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Health, Mental Health and Ambulance Services and Minister for Women) (4.06 pm), in reply: I acknowledge all members for their contributions to the debate on the Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023. I thank members for their support for the bill. As we have heard from members across the House today, protecting the title 'surgeon' will provide important public health protection for Queenslanders and for all Australians.

At its core, this bill is about ensuring Australians can trust that a doctor using the title 'surgeon' has the appropriate qualifications and experience to do so. Throughout this process and in the chamber today, we have heard countless devastating stories of people being misled by unscrupulous doctors who use the title 'surgeon' to misrepresent their qualifications and put patients at risk of harm. This bill will put an immediate stop to this unethical behaviour.

I would like to respond to a matter raised by members opposite regarding our vital rural generalists. Our rural and remote GPs work tirelessly to provide quality, contemporary health services for our wonderful rural communities. They go above and beyond for their patients, and I want to thank each and every one of them for their work. This bill is about who can call themselves a surgeon. It defines the approved surgical classes to include medical practitioners who hold specialist registration in surgery, obstetrics, gynaecology and ophthalmology. These initial classes were determined by all health ministers with the expert advice of the Medical Board of Australia. This does not take away from the vital work performed by rural and remote GPs or the respect they deserve. As Ahpra made clear in its response to a question on notice to the committee—

No one wants to bring surgical services in rural Australia to a halt. Title protection is a restriction on language, not a restriction on practice.

This bill has been drafted to minimise any impact on GPs and the provision of rural medicine. While rural and other GPs will not be able to use the title 'surgeon', their Medicare reimbursements and scope of practice is not limited by the bill.

The bill also enables the ministerial council to make regulations prescribing additional classes of medical practitioner that can use the title 'surgeon'. The ability to prescribe additional classes will accommodate future changes to the medical profession and provide flexibility for health ministers to consider and adapt to new and unanticipated circumstances. As the member for Surfers Paradise noted, the Australian College of Rural and Remote Medicine and the Royal Australian College of General Practitioners have made a joint application to the Medical Board to recognise rural generalist medicine as a specialist field of practice. The application also seeks approval of the protected title of rural generalist. I trust the Medical Board will thoroughly assess this application and I look forward to the outcome of this process.

The members for Glass House and Moggill mentioned concerns raised by stakeholders about the impact on medical practitioners in the Australian Defence Force where titles such as Surgeon General are used. As the members noted, Queensland Health has discussed this issue with the Commonwealth Department of Defence. When read in the context of the objectives and guiding principles of the national law and the stated purpose of the bill, it is clear that the proposed title offences would not prohibit the use of customary names or titles used to refer to an official rank or title or otherwise generally understood to refer to matters distinct from the general provision of medical care. That includes titles such as Surgeon General, Surgeon Commander and Staff Surgeon.

The protection is just one of the actions health ministers are taking to improve the safety of the cosmetic industry. This bill will work in the context of these wider reforms which are designed to make the cosmetic surgery industry safer for consumers.

On 5 April this year, the Australian government, with the support of Queensland and all other states and territories, launched a national public education campaign to highlight the need for Australians to be aware of the risks involved in cosmetic surgery. The campaign advises the public to report cosmetic surgery issues to Ahpra's cosmetic surgery hotline. In addition, just last week health ministers approved new national cosmetic surgery standards and a new licensing framework for cosmetic surgery. These will contribute to the safe delivery of high quality cosmetic procedures in private health facilities. Health ministers have also approved an area-of-practice endorsement for cosmetic surgery to introduce new minimum standards for the education, training and qualification of Australian medical practitioners seeking to practise as cosmetic surgeons. Together these reforms will ensure the people of Queensland and Australia can be protected from predatory practitioners claiming to have qualifications beyond their scope. I am pleased the Australian health ministers prioritised this work so people can be confident they are receiving world-class health care by an appropriately accredited and qualified doctor.

Cosmetic surgery is invasive. It comes with the potential for serious complications. It is frequently irreversible and, sadly, it is often sought by potentially vulnerable people. As noted by the member for Southport and the submission he referenced made by Maurice Blackburn to the committee, cosmetic surgery has a unique position in the medical profession in that cosmetic surgery is commercial and for-profit, rather than being based on medical need. It can be a lucrative area of practice and financial gain that can compete with, and sometimes outweigh, patient wellbeing and safety considerations.

This bill will put an end to doctors labelling themselves cosmetic surgeons and misleading patients about their qualifications, skills and experience. There will now be serious consequences for those who flaunt the rules. Misusing the title 'surgeon' will be an offence that carries a maximum penalty of \$60,000 or three years imprisonment for an individual or \$120,000 for a body corporate. Ahpra will diligently enforce these new title protection provisions and ensure those few doctors who continue to falsely claim to be a surgeon suffer the appropriate consequences.

The bill demonstrates the Palaszczuk government's commitment to protecting its citizens and it will stop doctors from misleading their patients through the use of unearned titles. It will help patients to make informed decisions about their health care, and it will make a significant contribution to patient welfare.

I thank the Health and Environment Committee for its detailed examination of the bill, and I am grateful to the staff of the committee and stakeholders who made submissions and appeared before the committee. I would like to acknowledge my fellow health ministers for the spirit of collaboration with which they have approached the bill and for their ongoing commitment to strengthening regulation of the cosmetic surgery sector. Likewise, I extend my sincere thanks to the health departments of all states, territories and the Australian government and to the staff of Ahpra for their efforts in urgently progressing these national reforms. I thank the hardworking staff at the Department of Health and the former health minister for progressing work on this important reform. I commend the bill to the House.