




Speech By
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MEMBER FOR TOOHEY

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HEALTH PRACTITIONER REGULATION NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.31 pm): I will start my contribution to the debate on this legislation by discussing the inquiry process. On 11 September 2024 the then minister for health, mental health and ambulance services and minister for women introduced the bill into the Queensland parliament. The bill was referred to the former Health, Environment and Agriculture Committee for detailed consideration. That committee called for and published 14 submissions on the bill before the dissolution of the 57th Parliament on 1 October 2024 which resulted in that bill lapsing. The bill was then reintroduced with substantially identical content, save for some sections being renumbered. The committee contacted submitters regarding the lapsed bill to determine if they wanted to resubmit their submissions, which some submitters chose to do. The committee also called for further submissions, with an additional 11 submitters making submissions. Submissions from both the previous and the current inquiries were considered by the committee in compiling its report on the bill.

As we know, the bill was introduced into this 58th Parliament by the Minister for Health and Ambulance Services, Hon. Tim Nicholls, and referred to the Health, Environment and Innovation Committee on 12 December 2024. As we have heard, the main aim of the bill is to deal with the large number of allegations of sexual misconduct received by the regulators in 2022-23. The opposition will support the passing of this piece of legislation, which is designed to protect patients when they require the services of a health practitioner. The Health, Environment and Innovation Committee report noted that in 2022-23 the regulators received 841 sexual misconduct allegations concerning 278 registered health practitioners, regarding that as a significant increase compared to previous years.

In February 2023, at the Health Ministers' Meeting the Australian health ministers agreed to amend the Health Practitioner Regulation National Law to enable the public to access information regarding health practitioners. The amendments to the national law are designed to expand the information available on the public register for practitioners who have engaged in serious sexual misconduct. The health ministers agreed that there should be consistency nationally—that is, that there be national consistency regarding the re-registration of practitioners as an essential step in protecting the public from health practitioners who have done wrong to their patients through their behaviour.

I am grateful to the committee chair for his foreword, which helped me understand the aim of the Health Practitioner Regulation National Law and Other Legislation Amendment Bill. The complaints process for health practitioners can be very demanding and the consequences and mental health issues that can arise are significant, as outlined in the chair's foreword to the committee report. The chair spoke about 16 health practitioners who have committed suicide while involved in the complaints process over four years. I agree with his comment that 'making the National Scheme safer for all its users is critically important'. He went on to explain that he was confident that the committee's recommendations and the bill's implementation would help strike a sufficient balance between patients' and practitioners' rights.

At the Health Ministers' Meeting, the ministers agreed that national consistency in the re-registration process is essential, as are increased protections for notifiers and prospective notifiers when making a complaint about a practitioner. The objectives of the agreed-upon amendments by the Australian health ministers are to protect public safety by establishing a nationally consistent process for practitioners to regain registration after their registration has been cancelled or they have been disqualified from registration by a tribunal and also to increase transparency for the public about disciplinary action against health professionals who have been found by a tribunal to have engaged in serious sexual misconduct. The health ministers agreed that it was also important to strengthen protections for notifiers and clarify consumer protections concerning non-disclosure agreements about health practitioners' health, conduct or performance.

The committee's report stated that to achieve these aims the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024 amends the national law to require cancelled and disqualified practitioners to seek a reinstatement order from a responsible tribunal before applying to a national board for re-registration. It expands the information required on national public registers in order to provide information about practitioners who have been found to have engaged in professional misconduct. As I said earlier, it also provides stronger protections for people who make notifications or assist regulators during investigations about registered health practitioners.

I do not think examining the bill's context can be harmful. The national law provides the legal framework for the National Registration and Accreditation Scheme for all health practitioners, which is administered by the Australian Health Practitioner Regulation Agency, known as Ahpra. The national law commenced in 2010 with its guiding principle being, firstly, to protect the public and, secondly, to ensure public confidence in the safety of services provided by health practitioners and students in Australia regardless of the state or territory in which the care is provided, which is paramount. The result is that the national scheme administers a singular registration for health practitioners and accreditation of health education providers.

The national scheme regulates an estimated 900,000 health practitioners under the national law, which established 15 national boards to regulate 16 professions. These services range from Aboriginal and Torres Strait Islander health practices to Chinese medicine, chiropractic, dental, medical, medical radiation, midwifery, nursing, occupational therapy, optometry, osteopathy, paramedicine, pharmacy, podiatry and psychology.

Importantly, Queensland is the host jurisdiction for the national law, wherein each participating jurisdiction applies the national law through local legislation with variations to suit each locality. The national law is set out in the schedule of the Health Practitioner Regulation National Law Act 2009 in line with the amendments agreed to by each state and territory health minister. The national board's functions include developing and approving standards, codes and guidelines for professions, including codes and guidelines for registered health practitioners, and registering students and practitioners.