

Australian Medical Association Limited

ABN 37 008 426 793

39 Brisbane Avenue, Barton ACT 2600: PO Box 6090, Kingston ACT 2604
 Telephone: (02) 6270 5400 Facsimile (02) 6270 5499
 Website : <http://www.ama.com.au/>



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Law change threatens doctors’ hard-earned reputations and risks their mental health

The Australian Medical Association says new national laws allowing the public naming of medical practitioners under investigation are unjust, won’t improve patient safety and will seriously impact the mental health of Australian doctors.

The Queensland Government today passed legislation (which is expected to become law in all states and territories) allowing regulators to publicly name practitioners during an investigation — before that investigation is completed and any findings are made.

AMA President Professor Steve Robson said the changes fly in the face of natural justice principles and have the potential to seriously damage a practitioner’s mental health, their reputation and career.

“We fully support a scheme that protects public safety, is transparent and accountable and the regulator already had significant powers under the previous legislation. These changes go too far,” he said.

“Investigations can be long and incredibly stressful for doctors, and complaints about medical practitioners can be vexatious. Allowing a public statement before an investigation is completed is unjust and unnecessary.

“We also know that regardless of the outcome of an investigation, any public statement made by a regulator about a complaint is likely to remain publicly accessible even if it is revoked by regulators because it is without substance or was issued in error.”

The AMA welcomed the decision of Health Ministers to take on board the findings of the Cosmetic Surgery Review and stakeholder concerns to maintain the ban on the use of testimonials for cosmetic surgery because they could be fake, misleading or deceptive.

Professor Robson said the Australian Health Practitioner Regulation Agency already had extensive powers to limit a doctor’s practise during an investigation if there were risks to the public.

“The new legislation will result in no more protection for patients; however, naming and shaming a doctor before any findings have been made will lead to more mental stress for doctors who are already working under immense pressure and in very difficult circumstances.

“The impact of this legislation on the livelihoods and mental health of doctors cannot be downplayed and the case for increased scrutiny and punitive action has not been demonstrated.”

Professor Robson said the process that led to the changes was flawed and lacking in meaningful consultation, which was appalling given the implications for the lives and work of medical practitioners.

The national law changes are automatically applied in states and territories, except Western Australia, which must pass corresponding legislation, and New South Wales and South Australia, which must make regulations to apply the changes.

[Read the AMA's submission to the legislation](#)

Contact: AMA Media: +61 427 209 753 | media@ama.com.au

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