

# 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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## Ahpra public statements should be a last resort

The Australian Medical Association says Ahpra's new power to make public statements about health practitioners before the conclusion of investigations must only be exercised in the most extreme situations and only as a last resort.

The AMA objected to the new power legislated by the Queensland Parliament last year, saying the issuing of a public statement before action against a practitioner, was unjust and unnecessary given the powers Ahpra already had.

In a submission to Ahpra's consultation on how it would implement the new power, the AMA has sought to make Ahpra and the national boards more accountable in circumstances where this power is exercised.

The AMA says exercise of the power should be limited to the Ahpra CEO and chair of the relevant board, and every use of the power must be reported to the National Health Practitioner Ombudsman.

AMA President, Professor Steve Robson said making a public warning about a health practitioner before a process was complete was a severe and non-retractable step that could have life-long ramifications on the career the practitioner.

"The AMA is concerned there are no ramifications for those making these statements in the event they prove to have been made in error," Professor Robson said.

"This is manifestly unfair. Doctors and other health practitioners are rightly concerned about the impact of these powers which fundamentally disregard basic principles of natural justice.

"Ahpra is rushing through this consultation without allowing enough time to properly consider the proposed guidelines. We are calling on Ahpra to delay releasing the Regulatory Guide, planned for March, to allow more thorough consideration.

"This is particularly important given the impact a public statement can have in destroying a practitioner's professional reputation. The damage can't be undone if the statement needs to be later rescinded.

"We support the threshold for issuing a public statement being set at a high level, but it should be a last resort, having exhausted all other powers and processes first, including efforts to contact the practitioner and resolve the issue before the new power is exercised."

The AMA also raised concerns about the notice period practitioners would be given ahead of public statements being made, saying 24-hours' notice via email is unacceptable.

"Doctors and other health practitioners who are the subject of an investigation should be contacted by phone and SMS much earlier to allow time to appeal an impending public statement," Professor Robson said.

"The new power, which the AMA opposed from the outset, lacks accountability and practitioners have already expressed discontent at a notifications system where someone can submit a vexatious complaint and face no consequences. Ahpra needs to take on board our recommendations and accept they can do better."

Read the [AMA submission](#) and Ahpra's [draft guidelines](#).

**Contact:** AMA Media: +61 427 209 753 | [media@ama.com.au](mailto:media@ama.com.au)

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