

MEDIA RELEASE

Wednesday, 23 April 2025

Extreme Ahpra power used too readily and with too little oversight

The Australian Medical Association is calling for changes to the law governing the Australian Health Practitioner Regulation Agency (Ahpra) which — at present — allows an extreme power to be used too lightly.

In a submission to the National Health Practitioner Ombudsman (NHPO), which is investigating delay and procedural safeguards for health practitioners subject to immediate action from Ahpra, the AMA calls for balance in Ahpra's use of immediate action against practitioners, and for the introduction of rules to ensure Ahpra cannot leave practitioners subject to immediate actions to languish for years waiting for an outcome.

AMA President Dr Danielle McMullen said the submission makes it clear that Ahpra's immediate action powers must be used judiciously and balance protection of the public with the rights and wellbeing of practitioners.

"Patients need to have faith in the regulatory system governing doctors, and doctors need to be entitled to fair process with a concern for their wellbeing when an investigation arises," Dr McMullen said.

"We are extremely concerned by experiences shared with us from practitioners. We heard examples of the power being used when it was unclear what the risk to the public was, and of practitioners left waiting for years with minimal communication from Ahpra. Clearly, Ahpra needs greater accountability when it takes immediate action," Dr McMullen said.

"Immediate action is one of the strongest sanctions available to Ahpra allowing it to immediately suspend a practitioner or impose conditions after allegations have been made, but before any wrongdoing is proven. Such an action implies guilt before innocence can be proven, and can inflict irreparable damage to a practitioner's reputation, derailing their career and their relationships with patients, colleagues, and employers."

The submission outlines how the current power is used too readily, and that Ahpra and the relevant National Medical Board have little accountability to the practitioner once it has been used.

The AMA's submission recommends changes to the Health Practitioner National Law to mandate that Ahpra has a duty of care to the Registrant and in particular a duty to minimise the mental health impacts and financial effects on the health practitioner who may be subject to a notification.

It also argues the Medical Board should be required to present to the NHPO within one week of taking immediate action to justify the action, and to outline a reasonable timeframe for resolution of the investigation.

Dr McMullen said there needs to be a much stronger onus on Ahpra to protect the wellbeing of doctors who have been subject to a notification.

"We want a system that works to protect the public while ensuring fair process and recognising the detrimental effects the immediate action can have on doctors. Ahpra's own Expert Advisory Group identified

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16 deaths and four instances of attempted suicide or self-harm among practitioners who were subject to regulatory notifications," Dr McMullen said.

[Read the AMA's submission](#)

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