

Australian Medical Association Limited

ABN 37 008 426 793

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



**PARLIAMENTARY COMMITTEE RECOMMENDATION ON
 MANDATORY REPORTING NOT IDEAL, BUT AN IMPROVEMENT**

The AMA is disappointed with the majority recommendation of a State Parliamentary Committee to pass without any further changes proposed mandatory reporting laws for doctors treating other medical professionals for mental health issues.

“While the Committee believes that the changes go in the right direction, it is frustrating that lawmakers continue to ignore the overwhelming advice of doctors and medical bodies about this issue,” AMA President, Dr Tony Bartone, said today.

“We have already lost too many talented, brilliant, and dedicated colleagues who felt they could not seek help because they would be reported.”

The Queensland Parliament Health, Communities, Disability Services, and Domestic and Family Violence Prevention Committee this week recommended passing the *Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018*.

The Committee has found that the Bill will effectively soften laws introduced in 2010, which had been interpreted as effectively barring doctors from accessing the same level of health services their patients enjoyed, for fear of potential repercussions.

But the Committee rejected calls to amend the laws to mirror the proven Western Australian model, which exempts treating doctors from reporting their doctor patients.

Under Council of Australian Governments (COAG) arrangements, once passed, the Queensland law will apply in all States and Territories except Western Australia, where doctors will remain exempted from mandatory reporting provisions.

“The Committee has sought to reassure stakeholders that the proposed law before the Queensland Parliament is an improvement on the status quo, and we hope that the law will be applied according to the findings and spirit of the Committee’s report, making it easier for doctors to seek the help they need,” Dr Bartone said.

“The AMA has gone to great lengths – appearing at consultations, writing submissions, talking to governments – over many years to highlight how this policy works, and why it needs to change.

“We had recommended the WA model because we know it has worked, and will continue to work, and because introducing it in the other jurisdictions would have brought much needed national consistency.

“In 2014, 74 per cent of respondents to the Independent Review of the National Registration and Accreditation Scheme called for a national exemption for treating doctors^[1]. That review recommended national adoption of the Western Australian law.

[1] [2014 Independent Review of the National Registration and Accreditation Scheme for health professions](#) p36

“In 2017, 75 per cent of submissions to the COAG Health Council called for the adoption of the WA model^[2], but lawmakers again chose to ignore the advice.

“The AMA notes that the dissenting report of the Committee calls for the adoption of a WA-style model to protect Queensland doctors and their patients.

“So while the report has chosen a different legislative model to the WA option, one significant positive of the report is that it again reaffirms that all Ministers do not want to see the law act as a barrier. It further reaffirms that Ministers believe the new model will remove that barrier.

“It will now be up to the Australian Health Practitioner Regulation Agency (AHPRA) and COAG Health Ministers to convince all practitioners who are unwell that the new provisions provide the necessary protections to seek treatment, and we will hold them to this.

“The AMA supports the Committee in its call for the development of a comprehensive education program to raise awareness of the proposed new mandatory reporting regime – to tell doctors that it is okay to seek help.

“The AMA calls on all governments supporting the national scheme to ensure that this guidance is delivered as soon as possible, not months or years from now, so doctors no longer need to suffer in silence.”

The AMA submission to the Parliamentary Inquiry is at <https://ama.com.au/submission/ama-mandatory-reporting-submission-2018>

^[1] [2014 Independent Review of the National Registration and Accreditation Scheme for health professions](#) p36

^[2] [Transcript - Public briefing by Department of Health held on 5 December 2018](#) p4

6 February 2019

CONTACT: Maria Hawthorne 02 6270 5478 / 0427 209 753

Follow the AMA Media on Twitter: http://twitter.com/ama_media

Follow the AMA President on Twitter: <http://twitter.com/amapresident>

Follow *Australian Medicine* on Twitter: <https://twitter.com/amaausmed>

Like the AMA on Facebook <https://www.facebook.com/AustralianMedicalAssociation>

^[2] [Transcript - Public briefing by Department of Health held on 5 December 2018](#) p4