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Dear Ahpra,

RE: Targeted consultation on how Ahpra and the National Boards propose to use the new power to issue interim prohibition orders

RACS appreciates the opportunity to contribute to this targeted consultation on how Ahpra and the National Boards propose to use the new power to issue interim prohibition orders (IPOs).

RACS is the leading advocate for surgical standards, professionalism and surgical education in Australia and Aotearoa New Zealand, representing more than 8,300 surgeons and 1,300 surgical trainees and Specialist International Medical Graduates.

RACS has provided previous submissions to the consultation led by the NRAS Review Implementation Project Secretariat on the draft *Health Practitioner Regulation National Law Amendment Bill* on 6 July 2021 (see [here](#)) and the subsequent consultation held by the Queensland Parliament Health and Environment Committee on 8 June 2022.

The drafted wording for a new chapter on IPOs in the Regulatory Guide is predominantly supported. RACS notes that it largely addresses unregistered practitioners and/or those providing surgical services and calling themselves 'surgeons' against the National Law.

Please find below short answers in feedback to the questions posed as part of this targeted consultation.

Is the guidance about the show cause process clear?

Yes, it is easy to understand. RACS would note that an interim period with show cause is desirable provided it is an opportunity for the alleged unregistered practitioner to prepare proper legal defence within a transparent process.

Is the guidance about the duration of an IPO clear? This includes:

- a. Variation of grounds for the IPO
- b. Revoking the IPO
- c. Extending the IPO by the decision maker and a tribunal
- d. When a tribunal may vary, revoke, extend or substitute an IPO

Yes, it is easy to understand. However, RACS reiterates its earlier comments that 60 days is a long time for a practitioner not to be working especially when incurring significant practice costs. RACS is of the view that any cases involving IPOs must be expedited so that it only remains in place for the shortest possible period as legislated to complete an investigation. Given the duration of past investigations conducted by Ahpra (periods of 18-24 months have been cited) it would be useful to monitor the occurrence for IPOs that are in place for the full duration and that need to be extended.



Will publishing FAQs help practitioners and consumers better understand how we will use this new power? Is there other information we should consider providing?

There would be value in publishing a FAQ.

Are there ways we can explain how this new power may be used to avoid misunderstandings among practitioners and consumers?

Partnering with medical colleges in an awareness and educational campaign would be beneficial. This proactive initiative could assist in mitigating any potential stress, mistrust, and anxiety to come.

We are looking forward to further engaging on this important initiative with Ahpra in the interest of improving patient safety.

Yours sincerely

Associate Professor Kerin Fielding
President, RACS

Professor Mark Frydenberg
Chair, Health Policy & Advocacy Committee