



## **Mandatory Reporting – AMA Queensland Position**

Mandatory reporting laws were introduced in Queensland in early 2020. The threshold for reporting a concern about impairment, intoxication and practice outside of professional standards were raised when the *Australian Health Practitioner National Law and Other Legislation Amendment Bill* was brought before the Queensland Parliament in 2019. This threshold was raised to when there is a substantial risk of harm to the public. The maximum penalty for not reporting these matters are \$60,000 or 3 years' imprisonment, or both.

The law requires the health practitioner to mandatory report all forms of 'notifiable conduct' undertaken by another health practitioner. Notifiable conduct means a health practitioner has:

- practised their health profession while intoxicated by alcohol or drugs
- engaged in sexual misconduct in connection with the practice of their profession
- placed the public at risk of substantial harm in the practice of their profession because of an impairment
- placed the public at risk of harm by practising their profession in a way that constitutes a significant departure from accepted professional standards

We believe that these mandatory reporting laws actively discourage medical practitioners with an impairment or drug or alcohol problems from seeking the help they need from a fellow doctor. If the medical practitioner in need seeks help from another medical practitioner, that practitioner really has no choice but to report the practitioner under mandatory reporting laws.

This also has an impact on the confidential relationship a doctor has with their patient. These mandatory reporting laws have an impact on both the patient and the doctor in the sense that the patient is at risk of being treated by a doctor who has themselves been left untreated. In relation to the doctor, Queensland sees at least four doctors take their own lives every year.

Western Australia is the only State to exempt health practitioners who provide healthcare to other health practitioners. However, practitioners can make a voluntary notification if they have concerns about their practitioner/patient's ability to soundly practice.

The Western Australian model provides treating practitioners with a complete exemption from mandatory reporting across all forms of 'notifiable conduct'. Notifiable conduct means a health practitioner has:

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- placed the public at risk of harm by practising their profession in a way that constitutes a significant departure from accepted professional standards.

AMA Queensland believes that Queensland's mandatory reporting laws should reflect WA's 'lite' model which only requires cases of sexual misconduct to be mandatorily reported. Rather than



discouraging medical practitioners from seeking the help that they need, WA's model actively encourages doctors to seek help from their peers. The WA-lite model protects patients and saves doctors. Rather than requiring a practitioner to mandatorily report another, it instead relies on health practitioners' ethical and professional obligations to report a practitioner-patient who may put public safety at risk.

Note: when the *Australian Health Practitioner National Law and Other Legislation Amendment Bill* was brought before the Queensland Parliament in 2019, the LNP, who agreed with AMA Queensland's position, sought an amendment to the Bill to reflect WA's 'lite' model, but the Bill passed without amendment.