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Richelle McCausland
National Health Practitioner Ombudsman and the National Health Practitioner Privacy Commissioner
complaints@nhpo.gov.au

Ms Sue Dawson - Independent Assessor of Independent review of complexity in the National
Registration and Accreditation Scheme
NRASComplexityReview@health.gov.au

Copied to:

Mr Martin Fletcher- CEO of the Australian Health Practitioner Regulation Agency
martin.fletcher@ahpra.gov.au

Professor Paul Kelly- Chief Medical Officer, Department of Health and Aged Care
paul.kelly@health.gov.au

Mr. Blair Comley- PSM, Secretary, Department of Health and Aged Care
blair.comley@health.gov.au

The Honourable Mark Butler, MP, Minister for Health and Aged Care
minister.butler@health.gov.au

Dear Ms Richelle and Ms Dawson

Exposing the Misuse of Emergency Suspension Powers: A Call for Justice in Australian Healthcare

In recent years, the Australian Health Practitioner Regulation Agency (Ahpra) and its associated Medical Boards have come under intense scrutiny for their misuse of emergency suspension powers. These powers, intended to safeguard public health, have increasingly been used in ways that cause profound moral injury to health practitioners, damage public trust, and undermine the ethical foundation of healthcare.

This submission highlights what can only be called grave systemic failings of Ahpra and the Boards. These bodies misuse statutory powers and they evade accountability. The submission illustrates the way these bodies target practitioners who uphold ethical standards. It also calls for a transformative overhaul of the regulatory framework to restore justice and equity in Australian health care.

Moral Injury and Abuse of Statutory Powers

Ahpra's misuse of emergency suspension powers inflicts immense moral injury on health practitioners. Many have been unjustly suspended not for harming patients but for standing by their ethical principles—principles that have traditionally been celebrated as the cornerstone of medical professionalism.

The length of these suspensions, which often stretch for years without resolution, compounds the harm. Practitioners are left in professional limbo, unable to work, support their families, or defend their reputations effectively.

Hypocrisy in Rule Application

The inconsistent application of Ahpra's regulatory powers is starkly highlighted in recent reports, such as in a case covered by *The Courier*. According to the article, a doctor with multiple allegations from nursing staff of rape, stalking, and sexual harassment remains in practice. This contrasts sharply with cases where doctors have been suspended for years without evidence of harm to patients or criminal misconduct but for merely having an opinion contrary to government guidelines, or for sharing views which some may arbitrarily deem to be politically incorrect.

This glaring hypocrisy undermines public trust and raises serious questions about the integrity and priorities of Ahpra and the Boards. While ethical practitioners are disproportionately targeted, serious allegations of criminal behavior appear to receive a more lenient response.

Targeting Ethical Practitioners

Some of the most egregious examples of Ahpra's overreach involve doctors who have correctly and intelligently prioritised their patients and their ethical obligations. These practitioners without evidence of harm have been forced to face protracted suspensions:

1. **Dr. Jereth Kok:** Suspended since **2019**, Dr. Kok has faced an over-four-year-long ordeal without any evidence of patient harm. His case highlights the punitive nature of Ahpra's actions against practitioners for expressing personal or professional views.
2. **Dr. Mark Hobart:** Suspended in **2021**, Dr. Hobart has been unable to practise for over **two years** as a result of regulatory action over his professional decisions, despite no patient complaints or harm.
3. **Dr. William Bay:** Suspended in **2022**, Dr. Bay has faced over 2 years of suspension for raising ethical concerns about regulatory overreach, again with no evidence of harm to patients.
4. **Dr. Valerie Peers:** Suspended for over 3 years, Dr. Peers who had an unblemished career for 57 years has endured an extended investigation process, leaving her career and livelihood in limbo.
5. **Dr. Denes Boursis:** Another practitioner targeted for upholding ethical principles, Dr. Boursis has also been subjected to over 3 years of suspension
6. **Dr. Mei Lei:** Suspended for over **three years**, Dr. Lei's case epitomises the punitive tactics used by Ahpra against those who advocate evidence-based practices and question prevailing narratives.
7. **Dr. Paul Oosterhuis:** is an anesthetist who spoke out early in the pandemic, questioning public health decisions that lacked robust evidence. Despite his efforts to highlight alternative, evidence-supported strategies, Dr. Oosterhuis was suspended and has faced extended investigations.
8. **Dr. Robert Brennan:** Another practitioner targeted for voicing concerns about public health measures, Dr. Brennan has been suspended and subjected to Ahpra's glacial investigation process, despite no evidence of patient harm.
9. **Dr. Gary Fettke:** Although eventually cleared, Dr. Fettke faced years of investigation and persecution over scientifically backed dietary advice he provided to patients, raising

concerns in a Senate inquiry about external influences such as the food industry shaping Ahpra's actions.

It is a remarkable conclusion to come to, but this body is forced to conclude that the prolonged nature of these suspensions and investigations seems less an administrative failing and more a deliberate tactic to suppress dissent and deter other practitioners from speaking out. These cases reek of blind system defence that has nothing to do with patient welfare.

Driving Ethical Doctors Out of the Profession

Ahpra's actions have had far-reaching consequences for the medical workforce and concomitantly for patients. Many ethical doctors, unwilling to endure the stress, financial hardship, and reputational damage of drawn-out investigations, have chosen to retire or leave the profession.

This exodus of experienced and principled practitioners robs the healthcare system of some of its most dedicated members, leaving a knowledge gap and patients struggling to access care. With many Australians already facing weeks-long delays for appointments, this regulatory overreach is exacerbating the workforce crisis.

Ironically, while Australia struggles to fill the gaps with overseas-trained doctors, Ahpra's actions are effectively pushing out locally-trained, highly-skilled practitioners. This is not only counterproductive but actively harms public health.

A Systemic Erosion of Natural Justice

The courts have also been complicit in enabling these injustices. Instead of upholding natural justice and scrutinising regulatory overreach, judicial decisions often side with Ahpra and the Medical Boards. This judicial deference exacerbates the harm caused by unjust suspensions and perpetuates a culture of impunity within regulatory bodies.

Health practitioners find themselves trapped in a Kafkaesque system where Ahpra acts as police, judge, jury, and executioner. The absence of effective checks and balances allows the agency to wield disproportionate power with little accountability; there is for all practical purposes no avenue of appeal, and this fosters a culture of fear within the medical profession.

The Chilling Effect on Healthcare

Ahpra's actions extend beyond the individuals targeted. The misuse of emergency suspension powers sends a chilling message to all healthcare professionals: challenging the status quo or speaking for patients' best interests could lead to career destruction. This stifles innovation, open dialogue and the moral courage required to address systemic issues in healthcare.

The Path Forward: A Call for Reform

The current regulatory framework is broken. It prioritises punitive measures over fairness, wields unchecked power, and fails to serve the best interests of practitioners or patients. To restore justice and equity, the following reforms are essential:

1. **Abolishing Ahpra:** The replacement of Ahpra with independent, democratically elected Boards accountable to the profession. This ensures representation and reduces the risk of external influences compromising regulatory integrity.

2. **Support for Suspended Practitioners:** The introduction of income support for doctors suspended during investigations. This reform would incentivise timely resolution of cases, mitigating financial and emotional harm to practitioners.
3. **Independent Oversight:** Establishment of an independent body to oversee the actions of regulatory authorities, ensuring transparency, accountability, and adherence to principles of natural justice.
4. **Judicial Reform:** Encouragement of courts to rigorously examine cases of regulatory overreach, holding Ahpra and the Boards accountable for abuses of power.
5. **Timely Resolution of Complaints:** Imposition of mandatory strict timelines for investigations to prevent indefinite suspensions and the harm they cause.
6. **Protecting Ethical Practitioners:** Implementation of safeguards to protect doctors from regulatory persecution when they uphold ethical principles. These should include mechanisms for appealing unjust decisions and restoring reputations.
7. **Rebuilding Public Trust:** The safeguard of transparency in decision-making processes and involvement of practitioners and community representatives in shaping regulatory policies.

Conclusion

Ahpra's misuse of emergency suspension powers and its targeted persecution of ethical practitioners represent a betrayal of its mandate to protect public health. By pushing ethical doctors out of practice and creating a climate of fear, Ahpra is actively undermining the healthcare system and harming public health.

The time has come for transformative reform. By abolishing Ahpra and devolving power back to state elected medical boards to seek a transparent, accountable, and democratic system, we can restore fairness, protect practitioners and rebuild the integrity of Australian healthcare.

Our organisation of highly qualified professional people intends to be firmly on the record with the above, speaking strongly for these changes in a bid to ensure that regulatory authorities cease blindly serving and protecting the system, but instead direct their attention to the best interests of all Australians by encouraging and observing effective and independent scientific findings in the interests of patients.

Kind regards

Kara Thomas

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Secretary of the Australian Medical Professionals Society on behalf of AMPS membership.