



THE SENATE

STANDING COMMITTEE ON EDUCATION AND EMPLOYMENT

1 February 2019

Dr Zena Burgess, Chief Executive Officer
Royal Australian College of General Practitioners
via email:
cc:

Dear Dr Burgess

The Education and Employment References Committee is undertaking an inquiry into the appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive. Details about the inquiry are available from the committee's website.

At a public hearing in Perth on 29 January 2019, the committee received evidence that jobactive providers are contacting doctors to seek changes to patient diagnoses. The committee also heard that Centrelink was in some cases rejecting valid medical certificates.

Attached is a copy of the transcript from the hearing (see evidence given by the Western Australian Network of Alcohol and Other Drug Agencies, Mr Alan Bateson and Mr Milan Pospisil) and tabled medical certificates from Mr Bateson and Mr Pospisil.

The committee would appreciate a public comment from the Royal Australian College of General Practitioners on these issues. As the committee is due to report to the Senate on 13 February 2019, the committee would appreciate a response by 8 February if possible. The committee has written to the Australian Medical Association on the same matter.

Should you have any further queries regarding this correspondence please contact the committee secretariat on (02) 6277 3521, or by emailing eec.sen@aph.gov.au.

Yours sincerely

Senator Gavin Marshall
Chair
References Committee

12 February 2019

Senator Gavin Marshall
Chair, Education and Employment References Committee
PO Box 6100, Parliament House
Canberra ACT 2600

Email: eec.sen@aph.gov.au

Dear Senator Marshall

Rejection or attempts to alter medical certificates

Thank you for providing the Royal Australian College of General Practitioners (RACGP) the opportunity to respond to matters relating to medical certificates that were raised at the public hearing of the Education and Employment References Committee on 29 January 2019.

The RACGP is Australia's largest professional general practice organisation, representing more than 39,000 members working in or towards a career in general practice.

By way of background, a 'medical certificate' is defined in the Fair Work Act 2009 as 'a certificate signed by a medical practitioner'. A 'medical practitioner' is defined as 'a person registered, or licensed, as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners'.

General Practitioners (GPs) are trained specialist medical practitioners as recognised by the Australian Health Practitioner Regulation Agency (AHPRA) and the Medical Board of Australia (MBA). GPs undergo years of specialist training, and adhere to the rules for completing a medical certificate to an appropriate standard as found in the Medical Board of Australia's [code of conduct](#). These rules include:

- being honest and not misleading when writing reports and certificates, and only signing documents doctors believe to be accurate
- taking reasonable steps to verify the content before signing a report or certificate, and not omitting relevant information deliberately.

Medical practitioners who issue misleading certificates can face disciplinary action as well as civil and criminal legal action.

Where Centrelink has reservations about accepting a medical certificate, it is recommended that, with patient consent, the Centrelink officer or case manager contact the doctor to directly discuss their concerns, instead of relying on the patient as a conduit of information and communication. Certificates that are issued should never be altered by either the patient or the receiving authority.

Our understanding is that Centrelink may have the right to request the recipient to undertake an independent medical examination of their capacity to safely undertake work.



Royal Australian College of General Practitioners

Healthy Profession.
Healthy Australia.

I hope the RACGP's response is of assistance. If you have any further questions or comments regarding this correspondence, please contact myself

Yours sincerely

Dr Harry Nespolon
President