

**Question on notice no. 5**

**Portfolio question number: Ahpra-074**

**2023-24 Supplementary Budget estimates**

**Community Affairs Committee, Australian Health Practitioner Regulation Agency Portfolio**

**Senator Malcolm Roberts:** asked the Australian Health Practitioner Regulation Agency on 26 October 2023—

Senator ROBERTS: Many doctors in Australia were suspended for commenting on COVID vaccinations. Many of the concerns expressed have now been shown to be evidence-based. Can you please explain Ahpra's actions which deprived Australia of valuable medical manpower at a key juncture when doctors were sorely needed?

Mr Fletcher: I think we have previously advised the committee that there were, in fact, 31 practitioners suspended associated with concerns in relation to COVID-19 and the pandemic. There has been no further use of our IA, or immediate action, powers or suspensions since we last met with the committee. There are 15 practitioners who are currently suspended. In nine of those cases, there is an investigation ongoing. In six of those cases, a referral has been made to the tribunal. We make a referral to the tribunal—it is the independent tribunal in each state and territory—where there is a concern about possible professional misconduct. Those tribunal matters are either at a hearing stage or awaiting an outcome. That's the current status of practitioners who have been suspended. Of the ones who are no longer suspended, there have been two where we've completed tribunal proceedings and the tribunal has taken action. In other words, it has upheld the view that there was a finding that required action on the part of the tribunal. Six of those practitioners have either surrendered their registration or moved to a form of non-practising registration. We've closed those matters on the basis that there wasn't a public interest in continuing to pursue those matters. One has surrendered, awaiting a tribunal outcome. Five have had their suspension lifted. Another restriction was imposed by a board. That might be a condition on their registration or an undertaking that they've agreed to accept in relation to certain requirements on their registration around additional education, training or supervision.

Senator ROBERTS: Are we able to get the details of those cases on notice?

Mr Fletcher: I can certainly provide that data to you, yes. We need to be careful not to identify individuals. We can certainly give you some of the general themes in relation to the actions we've taken.

**Answer —**

Please see attached.

## Senate Committee: Community Affairs Committee

### QUESTION ON NOTICE

#### Supplementary Budget Estimates 2023-2024

**Question Subject:** Covid-19 related notifications - data on suspensions of registration and general themes

**Type of Question:** Hansard page 68

**Senator:** Malcolm Roberts

**Question:**

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## Answer:

### Data

When considering notifications about COVID-19 vaccination related issues, we review any public health orders or guidance issued by governments and how they apply to practitioners and the concerns being raised. For example, if the concern is about contraindications and granting exemptions, we would reference the ATAGI advice and relevant state or territory guidance at that time. We also provide an opportunity for the practitioner to respond to any proposed regulatory action before a final decision is made by a Board.

The data on *immediate actions* remains the same as the data we last reported on. There has been no further use of immediate action powers since then for Covid-19 related matters.

There are **136,742** registered medical practitioners in Australia (as at June 2023).

Of the **31 practitioners** that had been suspended (where any aspect of conduct that led to suspension related to COVID-19):

- 15 practitioners remain suspended:
  - 9 remain under investigation
  - 6 have been referred to tribunal and are awaiting hearing/outcome.
- 15 practitioners are no longer suspended:
  - 2 have had tribunal proceedings completed and were subject to tribunal action, i.e. reprimand, suspension or conditions
  - 6 have surrendered their registration, or have applied to and transitioned to non-practising registration and their matter closed
  - 1 has had the suspension lifted as they had surrendered but has been referred to tribunal and is awaiting hearing/outcome
  - 5 have had their suspension lifted and replaced by other 'relevant action', either caution, conditions or undertakings (s156 or s178 actions)
  - 1 related to a student and the matter has closed with no further action
- 1 practitioner has had their registration subsequently cancelled by a tribunal and is no longer registered (the reasons for the cancellation did not relate to COVID19 issues).
- Of the 10 practitioners that were suspended specifically in relation to vaccination statements:
  - 5 remain suspended:
    - 3 remain under investigation
    - 2 have been referred to tribunal and are awaiting hearing/outcome
  - 3 have had their suspension concluded after they decided to surrender their registration.
  - 2 have had their suspension lifted and replaced by other 'relevant action', either conditions or undertakings (s156 or s178 actions).

### General themes

In relation to the 31 practitioners suspended, the general themes are:

- conduct associated with spreading misinformation about COVID-19 or vaccination advice alone, or in conjunction with other conduct. These claims included that the COVID-19 pandemic was fake, that the vaccination program was about government led mind control or in some instances representing that patients would develop cancer by having a vaccination administered.

- failing to comply with public health orders when restrictions were in place to limit the spread of COVID-19 in the community.
- serious, possibly fraudulent, behaviour involving issuing fake vaccination administration certificates, or bulk exemption certificates for patients that we allege had not been appropriately assessed, which thwarted the efficacy of the vaccination program and in some cases, may have resulted in improper charges to Medicare.
- prescribing unapproved treatment for the management or prevention of COVID-19 at a time that it may have not been lawful to do so.