

National Health Practitioner Ombudsman (NHPO)
Ombudsman's investigation into delay and procedural safeguards

March 2025

Set and support standards of psychiatric practice

Royal Australian and New Zealand College of Psychiatrists submission

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About the Royal Australian and New Zealand College of Psychiatrists

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is a membership organisation that prepares doctors to be medical specialists in the field of psychiatry, supports and enhances clinical practice, advocates for people affected by mental illness, and advises governments on mental health care.

The RANZCP is the peak body representing psychiatrists in Australia and Aotearoa New Zealand and, as a binational college, has strong ties with associations in the Asia-Pacific region. The RANZCP is responsible for training, educating and representing psychiatrists and has more than 8700 members, including more than 5900 fully qualified psychiatrists and over 2500 members who are training to qualify as psychiatrists.

Introduction

The RANZCP's vision is to improve the mental health of communities through high quality psychiatric care. The [RANZCP Code of Ethics](#) seeks to cultivate and maintain the highest ethical standards for the profession of psychiatry as outlined in the RANZCP's [Strategic Plan](#).

The RANZCP welcomes the opportunity to provide feedback to the National Health Practitioner Ombudsman's (NHPO) investigation into delay and procedural safeguards for practitioners who are subject to immediate action ([the Investigation](#)). The RANZCP views the protection of the public as a priority, in addition to supporting the health and wellbeing of practitioners under investigation.

The RANZCP recommends further improvements in the timely undertaking of investigations. Reasonable timeframes for investigations will be of benefit to the public and practitioners under investigation. The RANZCP notes that an important factor in the provision of competent and safe psychiatry practice is the health and wellbeing of every psychiatrist. The [RANZCP Member Wellbeing Action Plan 2023-2027](#) provides over twenty-seven immediate, near term and extended term goals to improve the health and wellbeing of the psychiatry profession.

This submission has been developed in consultation with various RANZCP committees, including the Section of Private Practice Psychiatry and the Committee for Professional Practice. As such, the RANZCP is well positioned to provide advice about this issue due to the breadth of academic, clinical and service delivery expertise it represents. This submission builds upon the RANZCP's ongoing work in championing professionalism and high behavioural standards for members of the psychiatric profession.

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Consultation responses

1. Do you wish to remain anonymous?

No

2. Are you making a submission on behalf of an organisation/someone else?

Selection: I am making a submission on behalf of an organisation

Text: Royal Australian and New Zealand College of Psychiatrists (RANZCP)

3. What is your full name?

Dr Elizabeth Moore (President, RANZCP)

4. How would you prefer us to contact you?

Email: Policy@ranzcp.org

5. Do you think Ahpra and the National Boards handle matters where a health practitioner is subject to immediate action in a timely way?

The RANZCP recognises timeliness as critical to an effective complaints and resolution process. Timely and necessary action in response to complaints is important in providing effective public protection and confidence in the National Law and is the best way to reduce the burden of immediate action on medical practitioners. As called for in the RANZCP's May 2016 [submission](#) to the Senate Community Affairs References Committee's Inquiry into the Medical Complaints Process in Australia, the RANZCP has highlighted ongoing concerns in the length of time taken to investigate and resolve complaints, given the impact on complainants and practitioners.

As noted in the RANZCP's May 2021 [submission](#) to the Senate Community Affairs References Committee's Inquiry into the Administration of Registration and Notifications by the Ahpra, lengthy investigations impedes a doctor's ability to provide high quality care. Uncertainty on the duration of an investigation can cause undue stress on the practitioner under investigation. The RANZCP recommends that the Ahpra actively engages with medical colleges and relevant entities on developing a nuanced support system that encourages medical practitioners to access health and wellbeing support services.

6. Are you aware of any barriers to the timely finalisation of a matter where a practitioner is subject to immediate action?

Improved communication in notifying the RANZCP of an investigation would ensure a more streamlined process and allow for support to be offered to psychiatrists when it is needed most. The RANZCP should be routinely informed about complaints and their resolutions in a timely manner given its role in providing education, training, and professional development.

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7. Do you think improvements are needed to ensure matters are handled more quickly when a practitioner is subject to immediate action?

The RANZCP recommended in its May 2021 [submission](#) that the Ahpra work with the medical colleges to develop a clear procedure for handling notifications and informing the various parties concerned of any outcomes or restrictions on a practitioner. The RANZCP recommends regular meetings between the Ahpra and medical colleges, such as through the Committee of Presidents of Medical Colleges. This would help to improve the Ahpra's understanding of different medical specialities, their ethical standards and provide a regular forum for all relevant bodies to discuss issues of mutual interest. A more open dialogue and cooperation would ensure public protection and confidence in the National Law and its application. The RANZCP notes that the [Medical Council of New Zealand](#) regularly meets with the New Zealand Medical Colleges.

8. Do you think health practitioners are treated fairly when they are subject to immediate action?

The RANZCP views the protection of the public as a priority in addition to supporting the health and wellbeing of practitioners under investigation. Timely investigations within a reasonable timeframe would ensure adequate protection of the public. Health practitioners subject to immediate action will also be safeguarded from lengthy periods of uncertainty as to the outcome of their investigation.

9. Do you think there are sufficient procedural safeguards for health practitioners who have had immediate action taken against them?

The RANZCP emphasised in its May 2021 [submission](#) the importance of supporting the health and wellbeing of medical practitioners both during and after the investigation of a notification. There is an opportunity to provide additional support to practitioners that have accepted conditions on practicing after the outcome of an investigation as these practitioners are more vulnerable. It is also important to consider the unintended consequences of conditions. For example, if a practitioner has a requirement to complete additional documentation as part of their conditions, they may be unable to continue with the same patient load which can affect the viability of their practice.

The RANZCP recognises an opportunity to improve the appeal process timeframes for practitioners. Some members have reported that current timeframes may not allow enough time for practitioners to get legal advice and to consider all the options. It is essential that practitioners under investigation have all the necessary information for an appeal, so they are sufficiently informed before taking further steps in the legal process. Practitioners need to understand the implications of any appeal and we recommend the Ahpra consult with relevant entities such as the RANZCP to improve practitioner awareness of the timeframes, procedures and potential outcomes of the appeals process.

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10. Do you think reforms or additional procedural safeguards are needed for practitioners subject to immediate action?

Please refer to the RANZCP's response in Q6.

11. Please share any other information you think would be helpful to the investigation.

The RANZCP has no response at this time.

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References

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2. Royal Australian and New Zealand College of Psychiatrists. Position Statement 85: The contribution to practice made by psychiatrists who have a personal experience of mental illness. Melbourne (AU): RANZCP; [2016]. Available from: <https://www.ranzcp.org/clinical-guidelines-publications/clinical-guidelines-publications-library/the-contribution-to-practice-made-by-psychiatrists-who-have-a-personal-experience-of-mental-illness>
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4. Parliament of Australia. Senate Community Affairs References Committee. Administration of registration and notifications by the Australian Health Practitioner Regulation Agency and related entities under the Health Practitioner Regulation National Law. Canberra (AU): Commonwealth of Australia; 2021 May. Available from: <https://www.aph.gov.au/DocumentStore.ashx?id=c6d55472-cbda-4bc6-9f84-be9c1d6a804b&subId=707502>
5. Medical Council of New Zealand. Memorandum of understanding between the Medical Council of New Zealand and [college]. Wellington (NZ): Medical Council of New Zealand; 2021 Dec 1 [cited 2025 Mar 14]. Available from: https://www.mcnz.org.nz/assets/MOUs/74a87c2a3a/MoU_between_Council_and_Medical_Colleges_December_2021.pdf