Health Practitioner Regulation National Law Amendment (Fair Complaints, Clinical Independence and Integrity) Bill 2026

A Bill for an Act to amend the Health Practitioner Regulation National Law to provide for fair and timely notification processes, clinical independence, protection from regulatory capture, independent oversight and related purposes.

Part 1 Preliminary

1 Short title

This Act may be cited as the Health Practitioner Regulation National Law Amendment (Fair Complaints, Clinical Independence and Integrity) Act 2026.

2 Commencement

This Act commences on a day to be fixed by proclamation, but if it has not commenced within 6 months after assent it commences on the next day.

3 Law amended

This Act amends the Health Practitioner Regulation National Law.

Part 2 Fair and timely notifications

4 Amendment of section 3A (Guiding principles)

Section 3A(2)—

insert—

(d) regulatory action is to be risk-based, proportionate, timely and procedurally fair and is to avoid unnecessary harm to patients, practitioners and the health workforce;

(e) clinical independence and good-faith scientific disagreement are to be respected consistently with public safety;

(f) decisions are to be free from improper political, institutional and commercial influence.

5 Amendment of section 5 (Definitions)

Section 5—

insert—

collateral proceeding means a family-law, employment, commercial, insurance, refund, civil, criminal, disciplinary or other proceeding or dispute connected with the subject matter of a notification.

commercial health interest means an entity that manufactures, sponsors, supplies, markets, finances or insures a medicine, biological, medical device or health service, and includes an industry association and a person acting on behalf of such an entity.

material interest means a direct or indirect financial, professional, research, advisory, litigation, political or personal interest capable of giving rise to a reasonable apprehension of bias.

Reviewer means the National Scheme Complaints and Regulatory Integrity Reviewer appointed under section 246B.

6 Insertion of Part 8, Division 4A

After section 147—

insert—

Division 4A Intake screening

147A Initial screening

(1) Within 14 days after receiving a voluntary notification, the National Agency must screen the notification before requiring a response from the registered health practitioner or student.

(2) The screening must determine whether—

(a) the notification is within jurisdiction;

(b) the alleged facts, if accepted, are capable of constituting a ground for notification;

(c) the notification contains sufficient particulars to permit fair consideration;

(d) objective information is available that supports or contradicts the notification;

(e) the notification duplicates a matter already adequately dealt with;

(f) the notification is connected with a collateral proceeding or appears to have been made for an improper collateral purpose;

(g) the notification is frivolous, vexatious, misconceived or lacking in substance; and

(h) immediate action may be required.

(3) The National Agency may obtain information from the notifier or another entity for the screening without requiring a response from the practitioner or student.

(4) The National Agency must keep a written record of the screening decision and reasons.

147B Threshold for further action

(1) A voluntary notification may proceed beyond initial screening only if the National Agency is satisfied on reasonable grounds that—

(a) the notification raises a credible issue within a ground for notification; and

(b) further regulatory action is reasonably capable of protecting the public or maintaining public confidence in the safety of health services; and

(c) requiring a response or taking further action is proportionate to the apparent risk.

(2) A notification does not satisfy subsection (1) merely because the notifier is dissatisfied with an outcome, a recognised complication occurred, a requested medicine or service was refused, or the practitioner expressed a lawful clinical or public-policy opinion.

(3) Subsection (2) does not prevent action where the facts otherwise raise a credible issue of unsafe practice, impairment, misconduct or other ground under this Law.

147C Anonymous notifications

(1) The National Agency may protect a notifier's identity where reasonably necessary for safety, privacy or effective investigation.

(2) A notification made without the notifier's identity being known to the National Agency may proceed only if—

(a) independent objective material substantially supports the allegation; or

(b) the alleged facts disclose a serious and immediate risk to a person or the public.

(3) A practitioner must be given sufficient particulars to answer the substance of an anonymous notification unless withholding particulars is strictly necessary to avoid a serious risk to safety or prejudice to an active investigation.

147D Notifications connected with collateral proceedings

(1) A notifier must disclose any known collateral proceeding and any personal, financial or forensic benefit the notifier may obtain from the notification.

(2) Connection with a collateral proceeding does not of itself invalidate a notification.

(3) The National Agency must assess motive, timing, duplication, independent corroboration and the risk of the regulatory process being used to obtain leverage in another dispute.

(4) If the notification lacks independent support and appears predominantly directed to an improper collateral purpose, the National Board must take no further action.

7 Amendment of section 149 (Preliminary assessment)

Section 149—

insert—

(4) A preliminary assessment must address the screening criteria in sections 147A to 147D and must be completed within 60 days after receipt of the notification.

(5) The practitioner or student must not be required to provide a substantive response before the initial screening is completed unless the National Board reasonably believes immediate action may be necessary.

8 Amendment of section 151 (No further action)

Section 151(1), “may decide”—

omit, insert—

must decide

Section 151(1)(a)—after “lacking in substance”

insert—

, fails to satisfy section 147B, or was made predominantly for an improper collateral purpose

Section 151—

insert—

(5) A decision under subsection (1) must be made at the earliest stage at which the relevant ground is established.

(6) The Board must notify the practitioner or student of the decision if the person was previously informed of the notification.

9 Insertion of sections 151A to 151D

After section 151—

insert—

151A Time for finalising notifications

(1) A National Board must use all reasonable endeavours to finally deal with a notification within 6 months after receipt.

(2) A notification involving exceptional clinical, forensic or evidentiary complexity must be finally dealt with within 12 months after receipt.

(3) A period during which a court, tribunal, coroner or law enforcement body has required the Board not to proceed is excluded.

(4) Failure to comply with this section does not terminate a notification or prevent action necessary to protect the public.

151B Extension approved by Reviewer

(1) Before a period under section 151A expires, a National Board may apply to the Reviewer for an extension not exceeding 90 days.

(2) The Reviewer may grant an extension only if satisfied that the Board has acted diligently, the outstanding steps are necessary, and the extension is proportionate.

(3) Further extensions require fresh applications and may not be granted merely because of workload, staff turnover or avoidable administrative delay.

(4) The Board must give the practitioner and notifier written reasons, the revised timetable and the steps to be completed.

151C Progress updates

(1) After initial screening, the National Board must give the practitioner and notifier a written progress update at least once every 30 days until final decision.

(2) The update must state the present stage, completed steps, outstanding steps, cause of any delay and expected decision date.

(3) Information may be withheld only to the extent strictly necessary to protect safety, privacy, legal privilege or an active investigation.

151D Consequences of unreasonable delay

(1) If the Reviewer finds unreasonable administrative delay, the Reviewer may direct a recovery timetable, reassignment, senior supervision, disclosure of information or reconsideration of the process.

(2) The Reviewer may recommend reimbursement of reasonable professional costs directly caused by the unreasonable delay.

(3) The annual report must identify the number of findings and the action taken.

10 Replacement of section 152 (Notice of notification)

Section 152—

omit, insert—

152 Notice to practitioner or student

(1) If a notification proceeds beyond initial screening, the National Board must as soon as practicable give written notice to the practitioner or student.

(2) The notice must state each material allegation, the statutory ground, the material relied upon, the response required, the response date, possible outcomes, the contact officer and support services.

(3) The notice must be neutral, must not state or imply guilt, and must not request an apology, admission or statement of remorse.

(4) Notice may be delayed only on the grounds currently stated in this section, and the reasons must be recorded and reviewed every 30 days.

Part 3 Procedural rights and practitioner wellbeing

11 Insertion of Part 8, Division 6A

After section 154—

insert—

Division 6A Fair process

154A Access to material

(1) A practitioner or student must be given all material relevant to an adverse decision, including materially exculpatory or contradictory material.

(2) Material may be withheld only to the minimum extent necessary to protect safety, privacy, legal privilege, a confidential source or an active investigation.

(3) A summary sufficient to permit a fair response must be given where full disclosure is withheld.

154B No compelled contrition or adverse inference

(1) No adverse inference may be drawn merely because a practitioner or student denies an allegation, requests particulars or evidence, obtains advice, exercises a review right or declines to apologise.

(2) An apology, reflection or remedial step may be considered only if genuinely voluntary and relevant to risk or remediation.

(3) A person must not be directed or pressured to make an admission the person does not believe to be true.

154C Reasons and separation of functions

(1) A final decision must include reasons addressing the principal evidence and submissions and explaining necessity and proportionality.

(2) In a serious or contested matter, a person materially responsible for investigation must not be the sole final decision-maker.

(3) A decision made contrary to subsection (2) is reviewable by the Reviewer.

154D Practitioner wellbeing

(1) The National Agency must maintain a practitioner wellbeing protocol approved by the Reviewer.

(2) The protocol must provide trained contact officers, risk-sensitive communications, independent navigation support, regular contact for identified at-risk persons and collection of no more health information than is relevant and necessary.

(3) Support information obtained through an independent confidential service is not to be disclosed to the National Agency without consent except where required by law or necessary to address a serious and imminent threat.

(4) A serious self-harm or suicide incident connected in time with a regulatory process must be independently reviewed and de-identified findings published.

Part 4 Clinical independence and regulatory integrity

12 Insertion of Part 10A

After Part 10—

insert—

Part 10A Clinical independence and regulatory integrity

228A Clinical independence in relation to medicines

(1) A National Board must not make an adverse finding merely because a medicine or therapeutic approach—

(a) is generic, inexpensive, off-patent or not commercially sponsored;

(b) is used off-label in a manner otherwise lawful;

(c) is controversial or inconsistent with a non-binding policy; or

(d) is not supported by a manufacturer or commercial health interest.

(2) Subsection (1) does not excuse unlawful, dishonest, reckless or clinically unsafe practice.

(3) A decision about prescribing must be based on the evidence reasonably available at the relevant time, legality, scope and competence, informed consent, dose, monitoring, contraindications, documentation and the circumstances of the individual patient.

(4) Patent status, profitability, sponsor preference and public controversy are irrelevant except to the extent they bear on availability, authenticity, quality or a disclosed conflict of interest.

228B Evidence neutrality

(1) A National Board must identify the clinical standard and evidence relied upon and the date at which the standard is applied.

(2) The Board must consider materially relevant evidence presented by the practitioner and must not exclude evidence solely because it concerns an off-patent or non-commercial therapy.

(3) Weight is to be determined transparently by methodological quality, relevance and reliability.

(4) Good-faith scientific disagreement is not of itself professional misconduct.

228C Public register of interests

(1) The National Agency must maintain a searchable public register of material interests declared by Agency Board members, National Board members, committee members, senior executives, investigators, principal legal advisers and external experts.

(2) A declaration must cover the preceding 5 years and include relevant employment, consultancies, research funding, grants, speaking fees, travel, hospitality, gifts, shares, patents, advisory positions and paid litigation roles.

(3) A material change must be disclosed within 14 days.

(4) Necessary personal information unrelated to the interest must not be published.

228D Disclosure and recusal

(1) A person with a material interest in a matter must disclose it before participating.

(2) The person must not receive confidential material, advise, investigate, vote or otherwise participate if a reasonable person might apprehend that the interest could influence the function.

(3) A recusal decision and reasons must be recorded and, subject to lawful confidentiality, published.

(4) Failure to disclose is serious misconduct for employment or appointment purposes and must be referred to the Reviewer.

228E Independent experts

(1) An external expert must be selected under published merit and conflict criteria.

(2) Before appointment the expert must disclose material interests, prior public positions and any relationship with a party, competing product or commercial health interest.

(3) The National Agency must avoid repeated dependence on a single institution, consultancy or commercially funded network and must maintain a diverse expert pool.

(4) An expert report must identify material contrary evidence, limitations and uncertainty.

228F Industry communications and benefits

(1) The National Agency must publish a quarterly log of substantive communications with commercial health interests concerning standards, guidelines, enforcement priorities or classes of medicine or treatment.

(2) An Agency or National Board decision-maker must not accept a gift, sponsored travel, hospitality or other benefit from a commercial health interest, other than a nominal benefit permitted by rules approved by the Ministerial Council.

(3) Deliberate concealment of a communication or prohibited benefit is serious misconduct and must be referred to the Reviewer.

228G Post-service employment

(1) For 2 years after leaving office, a former senior executive, Agency Board member or National Board chair must not accept paid employment or consultancy work from a commercial health interest materially affected by a matter for which the person had substantial responsibility during the preceding 2 years.

(2) The Reviewer may grant a written exemption where no reasonable apprehension of influence arises.

(3) Exemptions and reasons must be published.

228H Protected integrity disclosures

(1) A person who in good faith discloses suspected improper commercial influence, evidence suppression, undisclosed conflict or unlawful expenditure to the Reviewer is protected from civil, criminal and administrative liability for the disclosure.

(2) A person must not dismiss, disadvantage, harass or threaten another person because of a protected disclosure.

(3) Contravention of subsection (2) is an offence. Maximum penalty: 200 penalty units.

Part 5 Independent review and accountability

13 Insertion of Part 12A

After Part 12—

insert—

Part 12A National Scheme Complaints and Regulatory Integrity Reviewer

246A Office of Reviewer

The office of National Scheme Complaints and Regulatory Integrity Reviewer is established.

246B Appointment and independence

(1) The Ministerial Council must appoint the Reviewer by unanimous written decision after public merit selection for a term not exceeding 5 years.

(2) The Reviewer must not be directed by the National Agency or a National Board.

(3) A person is ineligible if, during the previous 5 years, the person held senior employment with the National Agency or a commercial health interest.

(4) The Reviewer may be removed only for proved misbehaviour, incapacity or serious breach of this Law, with reasons tabled in each participating Parliament.

246C Functions and powers

(1) The Reviewer may, on complaint or own initiative—

(a) review unreasonable delay, procedural unfairness, conflict management, expert selection, industry influence and compliance with Parts 8 and 10A;

(b) require documents and information;

(c) direct disclosure, recusal, reassignment, a timetable, correction or reconsideration according to law;

(d) conduct systemic and thematic audits;

(e) refer suspected corruption, criminal conduct, serious maladministration or unlawful expenditure to an appropriate authority; and

(f) publish de-identified findings and recommendations.

(2) The Reviewer must not substitute a clinical merits decision assigned by this Law to a Board, panel or tribunal, but may set aside a procedurally unlawful decision and require reconsideration by an unconflicted decision-maker.

(3) A person must comply with a lawful requirement of the Reviewer. Maximum penalty: 100 penalty units.

246D Annual integrity report

(1) Within 3 months after each financial year, the Reviewer must give the Ministerial Council a report on compliance, delays, conflicts, recusals, industry contacts, protected disclosures, expert appointments and implementation of directions and recommendations.

(2) The report must be tabled in each participating Parliament and the Commonwealth Parliament within 15 sitting days after receipt.

14 Amendment of section 237 (Protection for notifiers)

Section 237—

insert—

(5) This section does not protect a person to the extent the person knowingly gives false or fabricated information or is reckless as to whether material information is false or misleading.

(6) Failure to substantiate a notification does not of itself establish absence of good faith.

15 Insertion of section 237A

After section 237—

insert—

237A Knowingly false or fabricated notification

(1) A person must not, with intent to cause professional, personal, forensic or financial harm, make a notification containing information the person knows is materially false or fabricated.

Maximum penalty: 200 penalty units.

(2) A prosecution may be commenced only with the written consent of the Director of Public Prosecutions for the relevant jurisdiction.

(3) No offence is committed merely because a notification is mistaken, unsubstantiated, withdrawn or made by a person experiencing illness, impairment or distress.

16 Amendment of schedule 3, clause 8 (Annual report)

Schedule 3, clause 8(2)—

insert—

(c) notification performance against statutory timeframes, including median and 90th-percentile completion times;

(d) the number of matters dismissed without practitioner response and the grounds for dismissal;

(e) the number of extensions, unreasonable-delay findings and remedial directions;

(f) de-identified data on serious practitioner wellbeing incidents;

(g) declared interests, recusals, industry communications and integrity breaches;

(h) consultant and external legal expenditure, contract purpose, deliverables and implementation status; and

(i) de-identified outcomes concerning generic, off-patent and off-label medicines.

Part 6 Transitional provisions and review

17 Application to existing notifications

(1) Sections 151A to 151D, 154A to 154D and Part 10A apply to a notification not finally dealt with on commencement.

(2) For a notification older than 6 months at commencement, the National Board must within 30 days issue a recovery timetable or apply to the Reviewer for an extension.

(3) Nothing in this section requires disclosure contrary to an existing court order or law.

18 Independent statutory review

(1) The Ministerial Council must cause an independent review of this Act to begin 2 years after commencement.

(2) The review must examine public protection, notification quality and duration, practitioner and notifier experience, workforce effects, pharmaceutical and other commercial influence, operation of the Reviewer and unintended consequences.

(3) The report must be completed within 6 months and tabled in each participating Parliament and the Commonwealth Parliament within 15 sitting days.