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# Establishing a National Registration and Accreditation Scheme for Health Practitioners: Health Practitioner Regulation National Law Bill 2009 (Qld)

<b>Bill:</b>	Health Practitioner Regulation National Law Bill 2009 (Qld)
<b>Date of introduction:</b>	6 October 2009
<b>Portfolio:</b>	Health
<b>Hansard Reference Second Reading Speech:</b>	Queensland Parliamentary Debates, 6 October 2009, pp 2512-2513

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## **Acknowledgments**

\* with research assistance by Elizabeth Young



## INTRODUCTION

The Hon Paul Lucas MP, Deputy Premier and Minister for Health, introduced the [Health Practitioner Regulation National Law Bill 2009 \(Qld\) \(the Bill\)](#) into the Queensland Parliament on 6 October 2009. The Bill sets out the framework for a national registration and accreditation system for health practitioners. The Minister for Health stated:<sup>1</sup>

The national consistency in registration and accreditation arrangements in this bill will help to improve the availability and flexibility of the provision of health services and also will protect the public, by using the highest possible registration and accreditation standards nationwide, from potentially harmful health outcomes.

This e-Research Brief provides a brief overview of the background to the Bill and links to a number of relevant documents.

## BACKGROUND

In June 2004, the Council of Australian Governments (COAG) agreed to commission a paper on health workforce issues and consider it within 12 months.<sup>2</sup> At the Commonwealth Government's request, the Australian Productivity Commission prepared the report - [Australia's Health Workforce](#). Amongst the Productivity Commission's recommendations were the recommendations that there should be a "single national accreditation board for health professional education and training"<sup>3</sup> and a "single national registration board for health professionals".<sup>4</sup>

In March 2008, the Council of Australian Governments (COAG) signed the [Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions \(Intergovernmental Agreement\)](#) in which they agreed to establish "a single national registration and accreditation scheme for health professionals".<sup>5</sup>

The [Intergovernmental Agreement](#) states that the objectives of the National Scheme, to be set out in legislation, are to:<sup>6</sup>

- (a) provide for the protection of the public by ensuring that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered;
- (b) facilitate workplace mobility across Australia and reduce red tape for practitioners;
- (c) have regard to the public interest in promoting access to health services; and
- (d) have regard to the need to enable the continuous development of a flexible, responsive and sustainable Australian health workforce and enable innovation in education and service delivery.

The principles under which the National Scheme will operate are (and these too will be set out in the legislation):<sup>7</sup>

- (a) it should operate in a transparent, accountable, efficient, effective and fair manner;
- (b) it should ensure that fees and charges are reasonable; and
- (c) it should recognise that restrictions on the practice of a profession should only occur where the benefits of the restriction to the community as a whole outweigh the costs.

Clause 6.3 of the [Intergovernmental Agreement](#) stipulates that Queensland "will host the substantive legislation to give effect to the national scheme".

## Links to Other Relevant Documents

- COAG, [Communiqué](#), Adelaide, 26 March 2008, p 5
- COAG, [Communiqué](#), Canberra, 14 July 2006, pp 2-5
- COAG, [COAG Response to the Productivity Commission Report on Australia's Health Workforce](#) (Attachment A: COAG, [Communiqué](#), 14 July 2006)

## ESTABLISHMENT OF THE NATIONAL SCHEME

The National Scheme will be established in three stages:<sup>8</sup>

1. the [Health Practitioner Regulation \(Administrative Arrangements\) National Law Act 2008 \(Qld\)](#) established the administrative arrangements for the National Scheme;
2. passage of the [Health Practitioner Regulation National Law Bill 2009 \(Qld\)](#) – the Bill

addresses “the more substantial elements of the National Scheme”;<sup>9</sup> and

3. the other Australian States and Territories will adopt the Queensland legislation (or corresponding legislation) and repeal existing registration legislation. Queensland will legislate any necessary consequential amendments and repeal any relevant existing health practitioner registration legislation.<sup>10</sup>

At the outset, the National Scheme will apply to ten health professions: medical, nursing and midwifery, pharmacy, physiotherapy, dental (dentists, dental prosthetists, dental therapists, dental hygienists), psychology, optometry, osteopathy, chiropractic and podiatry. There will be four “partially regulated professions” which will be included from 1 July 2012: Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice and occupational therapy.<sup>11</sup>

Under the proposed National Scheme, a health practitioner’s registration will be recognised throughout Australia. The Federal Minister for Health and Ageing, the Hon Nicola Roxon MP, identified potential benefits as including:<sup>12</sup>

- health practitioners no longer needing to hold additional or multiple registrations; and
- health practitioners from various jurisdictions being able to respond quickly to national emergencies.

## **Links to a Selection of Other Documents**

### ***Consultation Papers***

- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Further Consultation Paper: Proposed arrangements for specialists within the National Registration and Accreditation Scheme for the Health Professions](#), 21 January 2009. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Other matters for inclusion in Bill B](#), 12 November 2008. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Proposed arrangements for accreditation](#), 6 November 2008. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Proposed arrangements for information sharing and privacy](#), 3 November 2008. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Proposed arrangements for handling complaints, and dealing with performance, health and conduct matters](#), 7 October 2008. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Proposed registration arrangements](#), 19 September 2008. [Submissions received](#)
- Australian Health Ministers’ Advisory Council, National Registration and Accreditation Scheme for the Health Professions, [Consultation Paper: Issues supplementary to the Intergovernmental Agreement on a National Registration and Accreditation Scheme for the health professions to be included in the first bill](#), 13 August 2008. [Submissions received](#)

### ***Media Releases and Ministerial Statements***

- Australian Health Workforce Ministerial Council, [Health Ministers Announce Appointments to National Boards for the National Registration and Accreditation Scheme](#), 31 August 2009.
- Hon Paul Lucas MP, Deputy Premier and Minister for Health, [National Registration and Accreditation for Health Professionals a Step Closer](#), Media Statement, 10 July 2009
- Australian Health Workforce Ministerial Council, [Communiqué](#), 8 May 2009
- Australian Health Ministers Conference, [Communiqué](#), 5 March 2009
- Public Interest Advocacy Centre Ltd, Council of Social Service of New South Wales and

Choice, [National Registration of Health Professionals Must Deliver an Independent and Transparent Complaints Process](#), Media Release, 4 December 2008

- Hon Stephen Robertson MP, Minister for Health, [Queensland Leads the Way on National Registration for Health Professionals](#), Media Release, 29 October 2008
- Australian Health Ministers' Conference, [National Registration and Accreditation Scheme for Health Professions: Health Ministers outline consultation arrangements](#), Ministerial Statement, 4 September 2008
- Chiropractors' Association of Australia, [Peak Health Body Welcomes National Accreditation and Registration Scheme for Health Professionals](#), Media Release, 25 March 2008

### **Journal Articles**

- Cate Carrigan, Eight into One: National Registration by 2010, *Australian Nursing Journal*, 15(11), 2008, pp 24-27

### **Newspaper Articles**

- Julia Medew, Scheme to Compel Health Workers to Dob in Rogues, *Age*, 11 March 2009, online
- Siobhan Ryan, National Doctors Register at Risk, *Australian*, 24 February 2009
- Natasha Bita, Health Workers to Face Checks on National Register, *Australian*, 13 August 2008, online
- Jennifer O'Reilly, A Healthy Initiative: A new code of conduct is being drawn up for the medical profession, *Townsville Bulletin*, 4 November 2008, p 9
- Former Patel Patient Backs National Doctors Register, *ABC News Online – Regional*, 26 March 2008
- Siobhan Ryan, AMA 'Throws Wobbly' on Doctor Register, *Australian*, 26 March 2008, p 6
- Siobhan Ryan and Paul Maley, Register to Track Doctors, *Australian*, 25 March 2008, p 2
- Justine Ferrari, Doctor Register to Prevent New 'Butcher' Cases, *Australian*, 3 March 2008, p 3
- Janelle Miles, Dodgy Doc's File of Shame, *Courier Mail*, 28 February 2008, p 1

### **Other Online Articles**

- NSW Nurses' Association, [National Registration of Nurses and Midwives](#), *Union News*, 3 April 2009
- Australian Psychological Society, [What a National Psychology Board Will Mean for Current Registrants](#), *InPsych*, February 2009
- Australian Psychological Society, [Overview of the New National Registration and Accreditation Scheme and its Introduction](#), *InPsych*, February 2009
- Warwick Plunkett, [Moving to National Pharmacist Registration](#), *Pharmacist*, 27(12), 2008, p 961
- Australian College of Midwives, [National Registration: What will it mean for midwives?](#)

## **EXPOSURE DRAFT**

An [Exposure Draft](#) of the Health Practitioner Regulation National Law was released by the Australian Health Workforce Ministerial Council for public consultation on 12 June 2009.

### **National Registration and Accreditation Implementation Project**

- Australian Health Workforce Ministerial Council, [Ministers Consider Submissions on Legislation on National Registration Scheme](#), 27 August 2009
- [Submissions](#) received in response to the [Exposure Draft](#).
- Australian Health Workforce Ministerial Council, [Ministers Release Draft Legislation for](#)

[National Registration and Accreditation Scheme for the Health Professions](#), 12 June 2009

- Australian Health Workforce Ministerial Council, [Guide](#) to the Exposure Draft of the Health Practitioner Regulation National Law 2009
- [Frequently Asked Questions](#) on the Exposure Draft of the Health Practitioner Regulation National Law 2009

### **Journal Articles**

- Kerry J Breen, [Viewpoint: National registration legislative proposals need more work and more time](#), *Medical Journal of Australia: Rapid Online Publication*, 21 September 2009
- Judith M Healy, Costanza L Maffi and Paul Dugdale, [A National Medical Register: Balancing public transparency and professional privacy](#), *Medical Journal of Australia*, 188(4), 2008, pp 247-249.

## **SENATE INQUIRY**

On 19 March 2009, the Senate referred the design of the proposed registration and accreditation scheme for the health professions to the Senate Community Affairs Committee.<sup>13</sup> The inquiry primarily examined the exposure draft of the Health Practitioner Regulation National Law.<sup>14</sup> The Committee provided its report to the National Registration and Accreditation Implementation Project (NRAIP) so that it could be taken into account in the NRAIP's final recommendations on the proposed National Law to the Australian Health Workforce Ministerial Council.<sup>15</sup>

- Australian Senate, Community Affairs Legislation Committee, [National Registration and Accreditation Scheme for Doctors and Other Health Workers](#), August 2009
- [Submissions](#) received by the Community Affairs Legislation Committee
- [Public Hearings and Transcripts](#)

## **THE HEALTH PRACTITIONER REGULATION NATIONAL LAW BILL 2009 (QLD)**

[The Bill](#) proposes to continue the administrative arrangements established by the [Health Practitioner Regulation \(Administrative Arrangement\) National Law Act 2008 \(Qld\)](#). The Government's intention is that the Bill will repeal the *Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 (Qld)* from 1 July 2010 and from that date, the Health Practitioner Regulation National Law (National Law) will apply.<sup>16</sup>

The National Law is scheduled to the Bill. It deals with matters such as the establishment of relevant bodies,<sup>17</sup> accreditation, registration, and information and privacy.

Provided the Bill is passed by the Queensland Legislative Assembly, the other Australian states and territories will introduce, and "use their best endeavours to enact", bills applying the Queensland legislation as law in their jurisdiction.<sup>18</sup> Each jurisdiction will repeal its existing registration legislation relating to the health professions so that the scheme can be established on 1 July 2010.<sup>19</sup>

### **Links to the Bill and Related Documents**

- [Health Practitioner Regulation National Law Bill 2009 \(Qld\)](#)
- [Explanatory Notes](#)
- [Second Reading Speech](#) (pp 2512-2513)
- Australian Health Ministers' Advisory Council, [Regulatory Impact Statement for the Decision to Implement the Health Practitioner Regulation National Law](#), 3 September 2009
- [Health Practitioner Regulation \(Administrative Arrangements\) National Law Act 2008 \(Qld\)](#)

### **Media Releases**

- Hon Paul Lucas MP, Deputy Premier and Minister for Health, [Queensland: State Government introduces National Registration and Accreditation into Parliament](#), Media Statement, 6 October 2009
- Hon Nicola Roxon MP, Minister for Health and Ageing, [National Registration and Accreditation One Step Closer](#), Media Release, 7 October 2009



- AMA, [National Registration and Accreditation – Queensland must set example for other states](#), Media Release, 7 October 2009

## ENDNOTES

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- 1 Hon Paul Lucas MP, Deputy Premier and Minister for Health, Health Practitioner Regulation National Law Bill 2009 (Qld), [Second Reading Speech](#), Queensland Parliamentary Debates, 6 October 2009, pp 2512-2513, p 2513.
- 2 Australian Government, Productivity Commission, [Australia's Health Workforce](#), Research Report, pp iv-v.
- 3 Australian Government, Productivity Commission, [Australia's Health Workforce](#), Research Report, Recommendation 6.1, p xxxix.
- 4 Productivity Commission, [Australia's Health Workforce](#), Recommendation 7.2, p xl.
- 5 COAG, [Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions \(Intergovernmental Agreement\)](#), clause 5.1.
- 6 [Intergovernmental Agreement](#), clause 5.3.
- 7 [Intergovernmental Agreement](#), clause 5.4.
- 8 Health Practitioner Regulation National Law Bill 2009 (Qld), [Explanatory Notes](#), p 3.
- 9 [Explanatory Notes](#), p 2.
- 10 The Hon Paul Lucas MP said in his [Second Reading Speech](#) (p 2513) that he intends to introduce the Queensland bill early in 2010.
- 11 [Explanatory Notes](#), p 3.
- 12 Hon Nicola Roxon MP, Minister for Health and Ageing, [National Registration and Accreditation One Step Closer](#), Media Release, 7 October 2009.
- 13 Australian Senate, [Parliamentary Debates](#), 19 March 2009, p 2001.
- 14 Australian Senate, Community Affairs Legislation Committee, [National Registration and Accreditation Scheme for Doctors and Other Health Workers](#), August 2009, p 2.
- 15 Community Affairs Legislation Committee, [National Registration and Accreditation Scheme for Doctors and Other Health Workers](#), p 2.
- 16 It is intended that the National Scheme will apply in all Australian jurisdictions from 1 July 2010: Australian Health Workforce Ministerial Council, [Health Ministers Announce Appointments to National Boards for the National Registration and Accreditation Scheme](#), 31 August 2009.
- 17 For example, the Australian Health Workforce Advisory Council, the Australian Health Practitioner Regulation Agency and National Boards.
- 18 Except Western Australia, which will enact corresponding legislation: [Intergovernmental Agreement](#), clause 5.1. See also, Hon Nicola Roxon MP, [National Registration and Accreditation One Step Closer](#).
- 19 [Explanatory Notes](#), p 3.