

Our Ref: G-04-104

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Dr Louise Morauta
Project Director
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Dear Dr Morauta

Exposure Draft of the Health Practitioner Regulation National Law 2009

Universities Australia is the industry peak body representing the university sector. Universities Australia represents 38 of Australia's universities in the public interest, both nationally and internationally. We are pleased to make the following submission in response to the exposure draft of the *Health Practitioner Regulation National Law 2009*.

Universities Australia continues to support the intention of the National Registration and Accreditation scheme, believing that streamlining current arrangements will improve workforce and student mobility and generally increase the quality of health care provision in Australia. Universities, which train the bulk of the health workforce, will be affected in a number of ways from the measures contained within this Bill but in particular by the measures dealing with student registration, indemnity provisions, accreditation arrangements and complaints provisions.

Student Registration

Clauses 104-109 of the Bill deal with student registration. Education providers will provide the National Boards with the details of students enrolled in approved programs of study, and will be responsible for amending the lists maintained by the Boards as necessary. The impact upon, and the responsibilities of, students will be minimised, and no fees will be charged students for this registration. Universities Australia supports these measures.

There are some matters in which the Bill could be clarified:

1. Clause 106 states that students will not be required to pay registration fees. However, it is unclear whether or not the University will be required to pay registration fees on behalf of students.
2. There may be privacy legislation issues around the provision of student information to an external body. It would be helpful to have more detail about what information will be requested.

3. When it comes to the mandatory reporting to the national board of students who may have notifiable problems there may be a conflict of interest for staff with respect to their university role versus their professional obligation.

Universities Australia also supports the intention that continued registration of health practitioners will require ongoing continual professional development.

Indemnity Provisions

The Bill does not address indemnity insurance requirements for students. This is an important issue for universities, and one which should be included within the Bill's provisions. Universities Australia urges that this matter be clarified, and the requirements for professional indemnity and public liability for universities and their students be included in future drafts of the Bill.

Definition of Practising Clinician

The Bill is not clear whether the definition of practicing clinician encompasses teaching in the field, not merely working in the field. Such a definition is important in two ways.

Firstly, if the definition does encompass teaching, the need for the clinician to have professional indemnity insurance may be redundant. Clinical teachers employed by universities are covered by university insurance arrangements for teaching duties, including clinical supervision.

Secondly, if the definition does not encompass teaching, there may be significant problems for clinical teaching staff employed by a university and undertaking clinical supervisory roles. If such staff can only register as non-practising clinicians, their ability to teach and supervise students in a clinical setting would be compromised.

Universities Australia urges that this issue be clarified in future drafts of the Bill.

Accreditation Arrangements

Universities Australia supports the intention to retain an accreditation process which is independent of government, and supports the advisory role the accreditation bodies will take in respect to their National Boards. Direct powers over accreditation on the part of National Boards would not have been supported. The Bill's provisions will ensure that accreditation functions remain in the hands of those best fitted to undertake them.

Having a national accreditation standard for each profession will ensure that all universities produce graduates of a similar standard and able to practice anywhere in the country. It will also greatly simplify the requirements currently faced by those universities which operate across multiple accreditation jurisdictions, in removing the need to satisfy multiple accreditation.

Complaints Provisions

Universities Australia supports the simplification and increased transparency of complaints processes included within the draft Bill. The provision for each State/Territory to decide whether to use the National Law or local laws as the framework for the handling of complaints, and whether to use the National Boards or local Health agencies in this regard, is considered by Universities Australia as a potential weakness and in opposition to the intention behind having a nationally consistent Registration and Accreditation system.

Summary

Overall, with the exceptions of the issue of student indemnity and the clarifications suggested above, Universities Australia is supportive of the exposure draft of the *Health Practitioner Regulation National Law 2009*. The provisions contained within it will generally be beneficial to universities, their students and the wider health sector. If you wish to discuss this matter further, please contact Angela Magarry, Director of Policy and Analysis (02 6285 8108; a.magarry@universitiesaustralia.edu.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Saunders', with a stylized flourish at the end.

Professor Nicholas Saunders
Chair, Universities Australia Clinical Placements Advisory Group