



18<sup>th</sup> May 2021

Ahpra and National Boards  
GPO Box 9958  
Melbourne VIC 3051

Via email: [regulatorygovernance@ahpra.gov.au](mailto:regulatorygovernance@ahpra.gov.au)

Dear Ahpra and National Boards,

**Re. Public consultation on revised Regulatory principles for the National Scheme**

Thank you for the opportunity to comment on the review of the Regulatory principles for the National Scheme. These Regulatory principles provide critical information for registered health professionals, including many allied health practitioners.

The Victorian Allied Health Professionals Association - Health Services Union Victoria No. 3 Branch (VAHPA) is a specialist trade union which promotes and defends the industrial, professional, and democratic interests of a growing membership of around 5,000 members working in almost all sectors of healthcare in Victoria – in public, community, disability, aged and private healthcare. VAHPA members ensure the effective running of our health system as well as ensuring that patients are provided with the highest quality and safe health care. Our members also provide a breadth of other health related services to our community.

We are pleased to make the following comments in relation to the revised Regulatory principles for the National Scheme. We provide consent for this submission to be published.

**1. Do the draft revised regulatory principles reflect the policy directions issued by CoAG Health Council? If not, how could the principles be improved?**

Yes, the policy directions issued by the COAG Health Council are reflected in the draft. Including reference to 'public protection' in the preamble will reflect the COAG Health Councils policy directions further ie. "The regulatory principles consider community expectations, public protection, and reflects ministerial directions".

**2. Do the draft revised regulatory principles support Ahpra and the National Boards regulatory decision-making? If not, how could they be improved?**

Yes

### 3. Is the content of the draft revised regulatory principles helpful, clear and relevant?

The following amendments to the revised principles will make them clearer, more helpful, and more relevant. As the Regulatory principles aim to provide an overview of the role of Ahpra and National Boards in regulating health practitioners and related decision making, it is important that these principles are clear. As such, wording and grammatical suggestions have been made for consideration by Ahpra and National Boards.

➤ Principle 2:

- The current wording does not instil public confidence in Ahpra and National Boards. More direct and concise language will support the public and health practitioners to be assured that the Australian healthcare system is well regulated in the interest of public safety.

Draft	Suggestions
"We act to support..."	"We support..." "We facilitate..." "We oversee..." "We ensure..." "We enforce..."

- The word 'safe' is used twice in one sentence, making it a difficult point to read.

Draft	Suggestion
"We act to support safe, professional practice and the safety and quality of health services provided by registered health practitioners."	"We facilitate <i>accountable</i> professional practice and the safety and quality of health services provided by registered health practitioners."

➤ Principle 4:

- Original wording is easier to read. Keep "In all areas of our work we:"
- Move "so we can adequately protect the public" to the end of the last dot point. This will conclude the entire sentence which includes the dot points. Otherwise consider breaking down dot point three into two dot points.
- The last paragraph of Principle 4 should be in the preamble, as it provides context for all the principles. Establishing a clear purpose of the Regulatory principles is vital in ensuring that healthcare practitioners and the public understand the regulatory nature of Australia's healthcare and the scope of Ahpra and National Boards in overseeing this.

➤ Principle 5:

- The current wording does not instil public confidence in Ahpra and National Boards. More definitive language will generate public confidence in Ahpra and National Boards. The

public and healthcare practitioners should be able to recognise Ahpra and National Boards as a highly capable regulatory body.

Draft	Suggestions
“When we learn about concerns regarding practitioners, we apply the necessary regulatory response to manage the identified risk posed by their practice, to protect the public.”	“ <i>Identified concerns</i> regarding practitioners <i>are managed with</i> necessary regulatory responses to protect the public.”

- The footnote for ‘vulnerable people’ is problematic for two reasons 1) it notes specific populations, but not all members of these populations will identify as vulnerable 2) the footnote risks other people who are vulnerable feeling overlooked if they are not named in the footnote. Consider defining the footnote with broader terms which allows individuals to self-identify if the term ‘vulnerable people’ applies to them.

	Draft	Suggestions
<b>The sentence referring to the footnote</b>	“Our responses consider the potential impact of their conduct on the public including vulnerable people, <del>in the community</del> and Aboriginal and Torres Strait Islander Peoples.”	“Our responses consider the potential impact of <i>the</i> conduct on the public including vulnerable people and Aboriginal and Torres Strait Islander Peoples”
<b>The footnote defining ‘vulnerable people’</b>	“Such as children, the aged, those living with disability, people who are the potential targets of family and domestic violence”	“Members of the community who may be marginalised or oppressed due to race, culture, age, care needs, location and/or social situation”

➤ Principle 6:

- The word ‘improve’ raises concerns that the standard of practice of registered health practitioners is currently not good enough. The words ‘uphold’ and ‘maintain’ which are used in the current version of the regulatory principles better reflect the vast majority of the current healthcare practitioner workforce who are already working to an exceptional standard.
- The phrases ‘consider the importance of’ which is used at the start of point two and the phrase ‘consider the need to’ at the start of point three can be removed. Again, direct language will help to instil public confidence that Ahpra and the National Boards are upholding a high standard of healthcare practitioners, rather than only aiming to do that.

**4. Is there any content that needs to be changed, added or deleted in the draft revised regulatory principles?**

➤ Principle 2 and 3:

- Principle 2 does not frame the public protection as the key concern, despite the first sentence. Public protection needs to be included in the explanation of what Ahpra and National Boards do, rather than being a standalone statement. Principle 3 is a better example of how the protection of the public is the focal point of Ahpra and National Boards purpose.
- Consider combining principle 2 and 3

Draft	Suggestion
“We protect the health and safety of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered.”	“ <i>Protection of</i> the health and safety of the public <i>is paramount. We facilitate this</i> by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered.”

➤ Principle 7:

- The current version of the regulatory principles notes that ‘professional associations’ are a key stakeholder who Ahpra and National Boards consult with and this has carried over to the new draft. The policy direction from COAG Health Council identifies key stakeholders for consultation as ‘patient safety bodies’ and ‘healthcare consumer bodies’. In keeping with this policy direction ‘Professional associations’ should be replaced with ‘professional representative bodies’ which will incorporate a wider breadth of practitioner supports. Health unions play an important role as representative bodies for health practitioners and should be included as key stakeholders.

**5. Please add any other comments or suggestions for the draft revised regulatory principles.**

The draft principles are written in a way which frames Ahpra and National Boards as reactive and authoritarian in overseeing the protection of the public. The principles should be reworded in a more contemporary way which demonstrates that Ahpra and National Boards are proactive in reducing risk and that they facilitate safe care for the public, rather than needing to ‘protect’ consumers. It is noted that the policy direction uses the word ‘protect’, however, this term implies that the public is not able to routinely expect to receive safe healthcare from practitioners, thus they need to be protected. This does not reflect the currently highly skilled and professional workforce of many registered healthcare practitioners. See example below of less authoritarian and more empowering wording from principle 7.

Draft	Suggestion
“We do not represent the health professions, health practitioners or	“We do not represent the health professions, health practitioners or



consumers. However, we work with practitioners and their representatives and consumers to achieve outcomes that protect the public"

consumers. However, we work with practitioners and their representatives and consumers to achieve outcomes that ensure public safety"

Thank you again for the opportunity to provide comments on the Ahpra and National Boards Regulatory principles for the National Scheme. In summary VAHPA supports the need for the principles to reflect a focus on public safety and for Ahpra and National Boards to consult with patient safety and healthcare consumer bodies on new and revised registration standards, codes and guidelines. However, the principles should reflect the idea that public safety can be routinely expected in the Australian healthcare system and only in exceptional circumstances is 'protection' by Ahpra and National Boards needed. Finally, the Regulatory principles will be more effective if the wording is clear and concise and direct language is used. The public should be able to feel confident in Ahpra and National Boards as the regulatory body overseeing Australia's registered healthcare practitioners, but the lack of direct language in the principles limits this.

Regards

  
Rachel Blance-Palmer

Allied Health Promotions Officer

Victorian Allied Health Professionals Association (VAHPA)



Postal: PO Box 13286, Law Courts, Vic 8010

