



Aboriginal and Torres Strait  
Islander health practice  
Chinese medicine  
Chiropractic  
Dental  
Medical  
Medical radiation practice  
Nursing and Midwifery

Occupational therapy  
Optometry  
Osteopathy  
Pharmacy  
Physiotherapy  
Podiatry  
Psychology

## Agency Management Committee - Decisions and Actions

---

**Meeting number:** 2016/02

**Meeting date:** 16 Feb 2016

**Meeting time:** 10:00 to 13:00

**Meeting venue:** AHPRA National Office

### Members present

Mr Michael Gorton, AM, Chair

Ms Jenny Taing

Mr David Taylor

Ms Barbara Yeoh

Mr Ian Smith, PSM

Professor Merrilyn Walton AM

Ms Karen Crawshaw, PSM

### In attendance

Mr Martin Fletcher CEO

Mr Chris Robertson, Executive Director, Strategy and Policy

Ms Kym Ayscough, Executive Director, Regulatory Operations

Ms Sarndrah Horsfall, Executive Director, Business Services

Ms Samantha Gavel, National Health Practitioner Ombudsman and Privacy Commissioner (item 3.1 only)

Ms Deena Jones, Manager, Executive Secretariat

### Apologies

Nil

## Part 1 Business Meeting

### Item 1 In Camera meeting

Members met in camera.

### Item 2 Welcome and introduction

The Chair welcomed members to the 16 February 2016 Agency Management Committee meeting.

#### Item 2.1 Apologies for absence

Nil.

#### Item 2.2 Disclosure of any conflicts of interest in relation to agenda items

In accordance with Clause 8 of Schedule 2 of the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law), members declared any possible conflict of interest in relation to agenda items for consideration by the Committee.

Mr Michael Gorton disclosed he has been appointed Chair of the Victorian Health Minister's Patient Safety Advisory Committee.

Mr Michael Gorton disclosed an interest at item 4.1 during discussion about Djerriwarrh Health Services. Russell Kennedy Pty Ltd is currently providing employment law advice to Bacchus Marsh Hospital. Mr Gorton was present during discussion.

Should a related matter ever come in front of the Agency Management Committee, Mr Gorton shall declare a conflict of interest in the usual manner and in accordance with Clause 8 of Schedule 2 of the Health Practitioner Regulation National Law.

#### Item 2.3 Approval of agenda

Members approved the agenda.

#### Item 2.4 Record of previous meeting minutes – 15 December 2015

Members confirmed Decisions and Actions from the 15 December 2016 meeting as a true and correct record of the meeting.

##### Item 2.4.1 Record of out of session meeting – 17 December 2015

Members confirmed the record of out of session meeting, 17 December 2015 to be an accurate record.

##### Item 2.4.2 Record of out of session meeting – 12 January 2016

Members confirmed the record of out of session meeting, 12 January 2016 to be an accurate record.

#### Item 2.5 Actions arising

Members noted the actions summary.

### Item 3 Chair's report

Members noted the update provided by Mr Gorton including recent visits to AHPRA offices in Tasmania, Queensland and New South Wales.

#### Item 3.1 Ms Samantha Gavel, National Health Practitioner Ombudsman and Privacy Commissioner (NHPOPC)

Members noted the update of current issues and priorities being considered by the National Health Practitioner Ombudsman and Privacy Commissioner.

Members noted the proposed changes to the NHPOPC investigation process to align with the Commonwealth Ombudsman and make more use of powers under s8 of the National Law.

Members noted the NHPOPC will provide a review of the proposed process once it has been in place for six months.

Members requested confirmation of changes made to the Fraud and Corruption Policy about AHPRA employees not being permitted to seek or accept appointment to a National Board, a committee of a Board (including state and territory boards) or a panel of a Board. The amended policy was approved by the Agency Management Committee at its December 2015 meeting.

## Item 4 CEO report

### Item 4.1 CEO update

Members noted the CEO report and the update provided by Mr Fletcher including:

- an update of media and public interest issues including:
  - The Senate Inquiry on Lyme Disease sponsored by Senator John Madigan. Members noted Mr Fletcher met with Senator Madigan on 8 February 2016.
  - The Senate Inquiry on the medical complaints process in Australia, co-sponsored by Senator Madigan and Senator Xenophon, with particular reference to the prevalence of bullying and harassment in Australia's medical profession.
  - Policy and operational response by AHPRA and the Chiropractic Board of Australia (ChiroBA) into advertising offence complaints received by the ChiroBA. Members noted:
    - Mr Gorton and Mr Fletcher's attendance at the upcoming February 2016 meeting of the ChiroBA
    - a proposed stakeholder forum to be hosted by the ChiroBA and AHPRA on advertising issues in Chiropractic, and
    - wider issues including linkages between National Boards and the Statutory Offences Unit. Members noted a joint AHPRA/ChiroBA response to the Australian Health Workforce Ministerial Council, which has requested information in relation to potentially false or misleading advertising and clinical practice of some chiropractors, is being prepared.
  - Recent media coverage of incidents of AHPRA staff member's inappropriate use of protected information and questions relating to information security, including any metadata provided under the Telecommunications (Interception and Access) Act 1979.
- An update of work underway concerning the investigation in relation to health practitioners associated with Djerriwarrh Health Service in Victoria. Members requested that a report on the status of the overall investigation is provided.
- A recent meeting with Ms Kym Peake, Secretary for the Department of Health and Human Services (DHHS) and Ms Frances Diver, Deputy Secretary, Health Service Performance & Programs. DHHS to provide a briefing on the KPMG review of notifications systems and processes in Victoria.
- A recent workshop on improving practitioner experience of notifications with the Australian Medical Association, the Medical Board of Australia and AHPRA.

## Item 5 Finance, Audit and Risk Management Committee (FARM Committee)

### Item 5.1 Feedback from meeting held on 15 February 2016

Ms Barbara Yeoh, Chair, Finance, Audit and Risk Management Committee (FARM Committee) provided members with a summary of the meeting held on 15 February 2016 including consideration of:

- The Victorian Auditor General's Office (VAGO) audit strategy for 2015-16 of which there were no concerns.
- The Primary Assurance Framework. The Committee requested timely completion of the Regulatory Operations Directorate Assurance Plan.
- The progress report on internal audit recommendations. The Committee noted the outstanding actions of high risk findings, in some cases.
- The Strategic Internal Audit Plan for FY 2015/16 - 2017/18 which the Committee approved, subject to the inclusion of an audit with a notifications focus. The strategic audit plan will be provided to the Agency Management Committee for endorsement.
- The draft payroll services internal audit report. The Committee expressed some concerns about the conclusions being derived from the analysis contained in this report and provided feedback. The Committee noted a final report will be provided in May 2016.
- A review of procurement process and spend analysis and proposed action plan.
- Assumptions and judgements for consideration as part of the annual financial statements at 30 June 2016.
- A policy regarding the refund of registration fees when AHPRA has been notified of a practitioner's death.
- The Enterprise Resource Planning business case and endorsement of the recommended option.

A presentation about the AHPRA financial strategy and equity review was provided by representatives from Deloitte.

Ms Jenny Taing sought confirmation that issues of reputational risk are captured in the risk register.

The FARM Committee recommended re-appointment of the currently appointed independent member for a further two years until June 2018.

## **Item 6 Performance Committee**

### **Item 6.1 Feedback from meeting held on 11 February 2016**

Mr Ian Smith, Chair, Performance Committee, provided members with a summary of the meeting held on 11 February 2016 including:

- Consideration, for the first time, and review of all three quarterly (Q2 2015/16) directorate performance reports.
- Agreement that concerns about performance regarding the rate of closure of notifications was not keeping pace with the rate of open notifications, largely driven by the increased number of notifications in Queensland. Further advice has been sought on the resourcing model for notifications, including HR planning.
- Endorsement of an approved format for quarterly external reporting of Volume and Trend reports on the AHPRA website. The final format of the reports will be provided to the Agency Management Committee in March 2016, for approval, prior to publication.

The Performance Committee agreed to seek expressions of interest to undertake the position of National Board Chair Performance Committee member and Mr Fletcher will progress the membership position of an external expert member.

The Management Committee requested further information about the timeliness of Tribunal matters and processes for ongoing risk assessment of matters prior to Tribunal hearings.

## **Item 7 Remuneration Committee**

Members noted the Remuneration Committee is scheduled to meet in May 2016.

## **Item 8 Business items – Regulatory Operations**

### **Item 8.1 Review of Compliance Management - ACT**

Members:

1. noted that all actions initiated from the review have been completed with the exception of the review of restrictions where such a review has been requested by the practitioner or where the review period has elapsed
2. noted that completion of the root cause analysis has been delayed due to key staff being on annual recreation and/or sick leave.

Members requested timely completion of the root cause analysis and noted the final analysis will also include implications for compliance management in other AHPRA state/territory offices.

### **Item 8.2 Review of notifications systems and processes in Victoria**

Members provided feedback on the key recommendations of the KPMG report and the proposed management response.

The Committee requested a process of quarterly reports on implementation of the recommendations in Victoria and more widely. The Committee is also keen to ensure that any matters which have been investigated for more than twelve months are subject to proactive review in conjunction with Boards.

### **Item 8.3 Legal update**

Members noted the legal update for February 2016.

## **Item 9 Business items – Business Services**

### **Item 9.1 Funding of Queensland Health Ombudsman 2015/16**

Members endorsed the draft response to the Qld Health Minister, The Hon. Cameron Dick MP in response to the consultation paper on fees to be paid to the Office of the Health Ombudsman.

Members noted the response will be submitted to the Minister on Wednesday 17 February 2016.

### **Item 9.2 2016/17 fee assumptions**

Members endorsed the 2016/17 fee assumptions paper as a basis for further discussion with National Boards.

### **Item 9.3 Enterprise Resource Planning (ERP) business case**

Members approved the option to implement a full ERP system to change AHPRA's back-office functions and decommission legacy systems within scope.

### **Item 9.4 Performance Reporting Framework**

Members discussed the list of reports that are currently submitted to each sub-committee and noted the extract of Schedule 1 from the Performance Reporting Framework that outlines the distribution approach on each directorate performance measure.

Members requested that Workplace Health and Safety and People and Culture reporting is provided to the Management Committee for future consideration.

## **Item 10 Business Items – Strategy and Policy**

### **Item 10.1 Final response on NRAS review**

Members noted the update report on implementation of the outcomes of the Review including feedback from the Forum of Chairs of National Boards, in particular concerns regarding proposed support by the Management Committee of amendments to the National Law to provide Health Ministers with the power to consolidate National Boards if desired.

Members considered and provided feedback on the draft paper of joint advice from National Boards and the Agency Management Committee on building the efficiency and effectiveness of the National Scheme. The Committee agreed to provide any final comment, out of session, ahead of circulating to National Boards for their consideration in early March, for finalisation by both the Agency Management Committee and National Boards prior to the meeting of the Australian Health Workforce Ministerial Council (AHWMC) on 8 April 2016.

### **Item 10.2 Collaboration with the World Health Organisation (WHO)**

Members endorsed the draft discussion paper on developing a formal collaboration with WHO, for circulation to National Boards and Accrediting Authorities, and subject to feedback and expressed interest from WHO representatives, AHPRA will work with National Boards, Accrediting Authorities, the Commonwealth Department of Health and the Western Pacific Regional Office of WHO to develop a proposal for designation as a Collaboration Centre.

Members noted that any formal proposal for designation as a Collaboration Centre will be presented for approval by the Agency Management Committee prior to its submission.

Members were provided with assurance that the work with WHO will not divert resources from core regulatory functions.

## **Item 11 Other business**

### **Next meetings:**

Next meetings of the Agency Management Committee:

- 15 March 2016, via teleconference. Members agreed to commence the March 2016 teleconference at 10.00am AEST.
- 19 April 2016, Adelaide – Strategic Review session.
- 26 April 2016, Melbourne – Business meeting.
- 17 May 2016, via teleconference
- 21 June 2016, Darwin. (confirmed)
- 19 July 2016, via teleconference
- 26 August 2016, Melbourne (NRAS Combined meeting)
- 20 September 2016, via teleconference
- 18 October 2016, Hobart. (confirmed)
- 15 November 2016, via teleconference
- 20 December 2016, Melbourne

## **IAMRA**

Members noted the program for the International Association of Medical Regulatory Authorities (IAMRA) 12th International Conference on Medical Regulation will be circulated once available.

The conference will take place in Melbourne from 20 – 23 September 2016.

### Close

With no further items to discuss, the Chair called the meeting to a close at 15:00.

References in these papers to the National Law refer to the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

All papers prepared by the Australian Health Practitioner Regulation Agency.