



**SUBMISSION BY THE
AUSTRALIAN INSTITUTE OF RADIOGRAPHY**

ON

**BILL A FOR NATIONAL REGISTRATION
AND ACCREDITATION**

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Submission on Bill A for National Registration and Accreditation

The IGA provides for the creation of profession specific national boards. The Australian Institute of Radiography (AIR) supports that goal for the Medical Radiation Technological Profession.

We would support a National Board comprising between nine and twelve people. The chairperson would be from the profession and at least seven, including the Chair, must also be from the profession with the distribution reflecting the differing scopes of practice. At least two must be community members.

The AIR supports the role of the National Board in:

- Having oversight of the development of standards for registration and accreditation
 - (See comments on accreditation below, paragraph 1, p6)
- Having oversight of registration functions, including individual registration
- Having input and participation in accreditation and accreditation decisions
- Having direction of the registration committees needed to perform these function
- Able to delegate powers to State and Territory committees, and
- Able to provide policy advice to Ministers.

The hearing of serious disciplinary matters ought properly to be undertaken by entities external to the scheme which are individually identified in each jurisdiction.

The AIR supports the view of the IGA which specifies the composition of each national board as follows:

- 1 All boards will comprise:
 - (a) a chair who is a member of the relevant profession
 - (b) at least 50 per cent of the remaining members must be from the relevant profession, with no more than two-thirds of the board, including the chair, being members of the relevant profession, and
 - (c) at least two community members.
- 2 Board members will be appointed by the Ministerial Council and:
 - (a) appointments will be based on skills and experience relevant to the registration and accreditation functions
 - (b) appointments will be made following an open and transparent process, where nominations are sought from individuals and professional bodies
 - (c) the administration of the appointments process will be undertaken by the agency management committee
 - (d) board members will be appointed from a pool of eligible applicants through the instrument of appointment specified in legislation
 - (e) board members will not represent any professional body or organisation, and
 - (f) board members will be provided with appropriate statutory immunities.

Decision making procedure

The AIR supports in Bill A that the legislation will specify that the National Boards will have powers to:

- regulate their own proceedings, subject to directions from the Ministerial Council
- conduct meetings via contemporary and electronic means of communications, and
- make resolutions without formal meetings.

Sitting fees and allowances, and length of appointment

It is proposed that the legislation provide that sitting fees and allowances for members of the Boards will be determined by the Ministerial Council. It is proposed that the legislation specify that the length of appointment be for a period of three years.

The AIR supports this provision.

Confidentiality provisions

The legislation will include a duty of confidentiality that protects the confidentiality of information gained during the administration of the legislation, or because of an involvement in the administration of the legislation.

The second stage of legislation will make provision for an information privacy regime that allows the various bodies within the scheme to share information across State and Territory boundaries, and with other organisations outside the scheme, where it is necessary to carry out their respective regulatory functions.

The AIR supports these provisions.

Leave of absence and acting members

The legislation will make provision for the appointment of acting members to the National Boards, by the Chair of the Ministerial Council, acting by and with the authority of the Ministerial Council. For example, this could apply during a vacancy, during periods of leave or when a member is unable to perform the duties of office.

The AIR supports this provision.

Resignation and removal

It is proposed that the legislation make provision for members of the National Boards to resign their appointments by written notice to the Chair of the Ministerial Council.

It is further proposed that the Chair of the Ministerial Council, acting with the authority of the Ministerial Council, have power to terminate the appointment of a Board member, but only on the grounds specified in the legislation. This could include grounds such as bankruptcy and engaging in paid employment that conflicts, or could conflict, with the performance of duties.

It is further proposed that the legislation make provision for members of the National Boards to cease to be members if they are absent without notice to the Chair, for three consecutive meetings.

The AIR supports these provisions.

Coverage for legal liability - indemnities and immunities

As for National Agency it is proposed that the legislation's indemnity provisions provide protection from personal liability for Board members and persons acting on their behalf in the performance of functions conferred on them by the Act provided the person has acted honestly and reasonably.

The AIR supports this provision.

Reporting requirements

It is proposed that the legislation require the National Boards to prepare a contribution on their functions and operations for the Agency-coordinated annual report on the scheme.

The AIR supports this provision

Powers to disclose information to, and request information from, other agencies and persons

The second stage of legislation will make provision for an information privacy regime that allows the various bodies within the scheme to share information across State and Territory boundaries, and with other organisations outside the scheme, where it is necessary to carry out their respective regulatory functions.

The AIR would, in principle, support this provision in the second stage of the legislation.

Arrangements for Ministerial Council to review composition of boards

The IGA provides for the size and composition of each board to be decided by the Ministerial Council, following consultation with the relevant profession.

It is proposed that the legislation clarify that the initial decision by the Ministerial Council on the size and composition of boards at the beginning of the new scheme can be reviewed by the Ministerial Council as is necessary from time to time, and in consultation with the relevant profession.

The AIR supports this provision.

Responsibility for developing accreditation standards (accreditation committee or bodies)

In relation to the development of accreditation standards, the IGA implies that the National Boards will not develop the standards, but will ensure that this development occurs. It is proposed that the legislation clarify this point by stating that the accreditation standards will be developed by any accreditation body or committee assigned by Ministerial Council to perform the accreditation functions.

The AIR strongly supports this apparent, and necessary, separation of powers so as to ensure that the profession and the public can have confidence that the accreditation body and the regulatory body are not seen to be one and the same. The view of the AIR is that it is quite appropriate that the profession ought to set professional standards and measure training against those standards. The profession, often through their professional associations, has the knowledge and the linkages locally and internationally to ensure that such assessment standards are benchmarked against international developments and best practice trends.

It is the role of the Regulatory Board to provide an independent approval of the standards defined by the profession as suitable for the safe delivery to the public of the professions services and knowledge.

Conflict of interest

The legislation will require members of the Boards to disclose conflicts of interests, including potential conflicts of interest. Legislated conflict of interest requirements would also apply to persons delegated certain functions or powers from the Boards.

The AIR supports this provision, and notes that this is extremely relevant with regard the separation of powers in the accreditation functions. Many Board members will, quite appropriately, be drawn from academic backgrounds. There is an inevitable conflict should the role of accreditation assessment, as distinct from approval, rest with the Regulatory Board.

NATIONAL HEALTH PRACTITIONER REGISTRATION AND ACCREDITATION

A new national scheme for the registration and accreditation of health practitioners is being implemented by 1 July 2010.

The health professions to be covered by the new scheme from 1 July 2010 are:

<i>Chiropractic</i>	<i>Optometry</i>	<i>Podiatry</i>
<i>Dental care</i>	<i>Osteopathy</i>	<i>Psychology</i>
<i>Medical</i>	<i>Pharmacy</i>	
<i>Nursing and Midwifery</i>	<i>Physiotherapy</i>	

The AIR notes that the scheme proposes that other professions may be added to the scheme over time. We would urge, and will make submission to this effect on Bill B, that our profession be added as soon as practicable regardless of the state of non registration in both New South Wales and South Australia.

The AIR notes that the key bodies in the new scheme are summarised as follows:

The Ministerial Council

- *Approves legislation to be put before governments and parliaments*
- *May provide policy directions to the scheme*
- *Makes appointments to the national boards and the Agency Management Committee*
- *Gives final approval of registration and accreditation standards*
- *Has no role in individual registration and accreditation decisions*

The AIR supports this body and structure.

The Advisory Council

- *Provides advice to Ministers on matters relating to the scheme*
 - *this includes matters referred to the Advisory Council by Ministers or matters considered appropriate by the Advisory Council*
- *The secretariat for the Council will be independent of the scheme and the Council will be funded by governments separately to the scheme*

The AIR supports this body and functions.

The National Boards

- *Oversee development of standards for registration and accreditation*
- *Oversee registration and accreditation functions, including individual registration and accreditation decisions*
- *Decide on committees needed to perform these functions*
- *May delegate powers to State and Territory committees*

- *Can provide policy advice to Ministers*

The AIR in principle supports this structure but would like a clearer definition of the meaning of the word 'oversee'. The AIR is aware that there is a view about 'oversee' or 'oversight' which interprets this word as a licence to 'reconstruct (or even deconstruct) existing standards of accreditation. The AIR has noted and taken on board, the preference outlined in the IGA for accreditation to include a wider group of stakeholders. The AIR is also ensuring that our current processes for accreditation of university courses are quality controlled and measured against international standards and developments.

The hearing of serious disciplinary matters will be undertaken by entities external to the scheme which are individually identified in each jurisdiction

The AIR supports this process and function of the scheme.

The Registration and Accreditation Agency

- *Provides support to boards and their committees*
- *Maintains the national registers*
- *Must agree fees profession by profession with the boards*
- *Sets business rules for the development of professional standards (not professional content)*

The AIR supports this structure and the functioning proposed.

Transition provisions

There are a number of provisions in the IGA which are designed to ensure a smooth transition to the new arrangements. These include:

- *All existing members of State and Territory registration boards and supporting hearing panels will, if they agree, be appointed to a list of persons from which national boards may appoint committees for a period of two years*
- *Accreditation functions will be assigned to existing external accreditation bodies for the first three years, with certain conditions applying after 12 months*
- *First consideration will be given to existing registration boards staff to operate the State and Territory offices of the new agency, and*
- *Governments will make a contribution of \$19.8m to the establishment of the new scheme*

The AIR supports the transitional proposals as outlined above.

Implementation arrangements

The IGA requires that the scheme is to be put in place through legislation passed in every State and Territory Parliament on a timetable that allows the scheme to commence on 1 July 2010.

- *Queensland will host the initial legislation*
- *Other States and Territories (except Western Australia) will then adopt this legislation*
- *Western Australia will enact corresponding legislation*
- *Each State and Territory will also have to repeal existing laws covering the functions to be performed by the new scheme. Some consequential amendments to Commonwealth legislation will also be required.*

Commitment to consultation

In the IGA, governments give a commitment to consultation during the implementation period. Matters on which consultation is specifically mentioned in the IGA and on which Ministers will take a final decision include:

- *The inclusion of other health professions in the scheme*
- *The size and composition of each national board, and*
- *Assignment of accreditation functions to existing bodies*

The AIR supports and is encouraged by the commitment to consultation.

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