



# Medical Radiation Technologists Registration Board of Western Australia

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## SUBMISSION TO THE NATIONAL REGISTRATION AND ACCREDITATION IMPLEMENTATION PROJECT TEAM

### Exposure Draft of The Health Practitioner Regulation National Law 2009 – “Bill B”

The Medical Radiation Technologists Registration Board of Western Australia acknowledges that the Ministerial Council and the National Registration and Accreditation Scheme Project Team faced a difficult task in attempting to draft such wide sweeping legislation, particularly in attempting to deal with the specific issues surrounding each of the Registration Boards that are party to the scheme.

Attached is a submission from the Board outlining issues that the Board believes need changing to ensure that the National Board has legislation that deals with the issues of protection of the public in a practical, workable manner.

Having attended a number of consultative meetings on Bill B, Board members are aware that some (if not all) of the views expressed in this submission are echoed by a large number of health professionals and interest groups across a range of jurisdictions and across a range of professions. The Board is therefore hopeful that the constraints imposed on Council and the project team by the very tight time frame for this project will not result in these comments not being considered and changes not being made to Bill B as appropriate.

Please contact me should you wish to discuss any of the matters in this submission.

Yours sincerely

**Trevor Hoddy**  
**REGISTRAR**

16 July 2009

CLAUSE	PROVISION	COMMENTS
<b>Part 2 Ministerial Council</b>		
10.4	Policy Direction	Any direction given should not have the effect of a reduction in the standard of applicant for registration.
11	Approval of registration standards	Any standard approved should be on the basis of world best practice, rather than minimum standards.
12	Approval in relation to specialist registration	Refer to comments at 11.
13	Approval of areas of practice for purposes of endorsement	Refer to comments at 11.
15	Notification and publication of directions and approvals	A time frame should be set within which any direction must be published.
<b>Part 4 AHPRA</b>		
35-38	Public Interest Assessor	<p>The Board has concerns about the operation, role and cost of the Public Interest Assessor. The Board questions the necessity of the role of the Public Interest Assessor, given that there will be community representation on the National and State Boards, health and performance panels and tribunals. The Public Interest Assessor is an employee of the Agency and therefore his/her independence is also questioned.</p> <p>The costs associated with such a role should not be borne by registrants.</p>
<b>Part 5 National Boards</b>		
45	Membership of National Boards	The Chairperson of the national board should be appointed by the national board – not the AMC.
49	Functions of Boards	The Board would like the functions to be extended to enable Boards to fund research grants,

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		scholarships, prizes etc.
54	State & Territory Boards	Board membership should continue to provide for a lawyer member as provided in the Health Template Acts in WA
<b>Part 6 Accreditation</b>		
59	Definition	Section 59 only defines the accreditation function as overseeing the assessment of overseas trained health practitioners, rather than <i>conducting</i> the assessment.
66	Accreditation of program of study	The accreditation authority is required to submit the accreditation program and recommendation, rather than the <i>name</i> of the accreditation program.
66	Accreditation of program of study	A program of study should be accredited for a specific period of time, eg 5 years after which time it should seek to be re-accredited.
<b>Part 7 Registration of Health Practitioners</b>		
73(1)(a)	Professional indemnity insurance arrangements	The requirement for PI Insurance not to expire before registration expiry is not practical – different wording is required to ensure ongoing PI insurance cover. <b>Recommend</b> omit subclause (a) as subclause 73(2)(b) provides the board with appropriate discretionary powers. The Board refers the drafter to the provisions in the WA Act as being more functional.
74(2)(b)	Period of general registration	The period of registration may cease following disciplinary action, which in almost all cases would be before the last day of the registration period.

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75	Sub-Specialties	The national board should be able to create sub-specialties within a profession such as those which are in the current WA legislation (Medical Imaging Technologist, Radiation Therapist and Nuclear Medicine Technologist)
85	Limited registration for area of need	Should require the National Board to not only be satisfied that the individual's qualifications and experience are relevant, but they should also be sufficient.
90	Period of limited registration	<b>Recommend</b> removal of this entire clause as it will only serve to reduce the potential field of overseas trained academics who may be appointed to long-term lecturing or research positions, or alternatively extend the time frame.
91	Limited registration not to be renewed or restored	<b>Recommend</b> removal of this clause. Boards will exercise their discretionary powers when assessing applications.
96(2)	Power to check applicant's criminal history	<b>Recommend</b> replace "CrimTrac" with a generic term as "CrimTrac" may cease as an entity.
94(4)	Application for registration	Requires the applicant to disclose a spent conviction. That will certainly create problems in WA as the reason for a spent conviction is that it does not appear on any criminal record.
97(1)(a)(1)	Power to enquire about qualifications, registration status and practice in health profession	In most cases universities do not confer the qualification until a graduation ceremony well after the student has met all the conditions for graduation. Should require the entity to confirm degree will be conferred rather than qualifications are issued.

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97(1)(c)	Power to enquire about qualifications, registration status and practice in health profession	Recency of practice should be 5 years not 3 years provided practitioner has remained registered throughout this period and complied with all other requirements for registration, including CPD.
101	Conditions of registration	These should be requirements rather than conditions.
101(1)(a)		There is concern that a registrant holding the non-practising category of registration is exempt from CPD
104-109	Student Registration	<p>The requirement for student registration at no cost to the student and the requirement for a dual stream of complaints assessment will result in an increase in registration fees.</p> <p>A student registered under the legislation should have a direct relationship with the Board. Timely and accurate provision of information by universities will be problematic. The proposed process will not keep track of students who change courses either across universities or across professions. There should be an obligation on students to complete an application form, supply basic information, keep that information current and reregister on an annual basis.</p>
126	Eligibility for restoration of registration	Except in the general application of section 101(2), sections 126 and 127 do not require the applicant to provide evidence of current competence. This should be explicit in the legislation.
138(b)	Issue of certificate of registration	There is no valid reason to issue a new certificate of registration each year. A card showing registration details and renewal of registration would suffice.
<b>Part 8 Complaints, performance, health and conduct</b>		
153(1)(a)	Complaint may be made verbally	Complaints may be made verbally but should be committed

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		to writing for evidentiary purposes and to avoid misrepresentation of details.
155(1)(d)	Grounds for complaint	Impairment matters should not be treated as complaints. There has been universal condemnation of the manner in which impairment has been handled in the Bill. <b>Recommend</b> entire revision of this Division.
155(2)	Complaints about students limited to impairment matters and indictable offences	The range is too restrictive, yet at cl 168 & cl 178, students are included in performance and conduct complaint handling procedures.
156 (4)	Mandatory reporting by health practitioners	Treating practitioners should also be excluded from the provisions of this section. Also information should be able to be withheld if not in the public interest.
160	Complaint handling procedures	The provisions relating to complaints are unwieldy, convoluted and impractical. It is insufficient for the "team" to rely on Bill C to attempt to sort this out. <b>Recommend</b> entire revision of Part 8. Board would prefer current WA complaints procedures to be used.
163	National board may require further information	The options are too restrictive. <b>Recommend</b> add (d) "any other entity".
165(3)	Agreement with independent assessor about complaint	Under this section, the most serious action proposed between the National Board and the independent assessor must be taken. This effectively could lead to the public assessor, who does not necessarily have any professional skills, as having the final say on penalties.
189	Decision of professional standards panel	Under the current definitions unprofessional conduct only applies to a health practitioner. Under the definition a health practitioner means a person who practices. As such are lecturers, employers registered, but not

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		practicing, etc unable to be charged with unprofessional conduct
192(1)(a)(iii)	Procedure if health practitioner informs board of impairment	Regardless of whether it is a self-referral or a notification from someone else, the approach to handling impairment notifications should be identical. The procedures should provide for the board to refer the individual for a health assessment and subsequently a panel, if deemed appropriate. Recommend entirely revise Division 8 and omit subclause 192(1)(a)(iii) as an option.
211	When investigations must be conducted	There is no provision to investigate unregistered health practitioners.
220	Entering places	The provisions favour someone who is suspected of practising unregistered or employing unregistered persons, by denying the investigator access beyond reception (ie the "public place").
<b>Part 9 Finance</b>		
257(4)	Investment of money in Agency Fund	The National Agency is required to invest money at the most advantageous interest rate. This seems to limit monies to be only invested in interest bearing deposits, but in any deposit no matter how risky, as long as the interest rate is the most advantageous.
<b>Part 12 Transitional provisions</b>		
331	Assets and liabilities	States that all assets and liabilities of an existing Board becomes the property of the National Agency- The draft SALT agreement provides for other arrangements?
<b>General</b>		
	Amending Bill	What is the process for amending Bill B if parts of the legislation are subsequently found to be unworkable.
	Penalties	How will penalties be indexed or

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		increased over time?