



NEW SOUTH WALES

OPTOMETRISTS REGISTRATION BOARD

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15 July 2009

EBA009

Ms Katy Gallagher
ACT Minister for Health
Chair Australian Health Workforce Ministerial Council
C/- NRAIP@dhs.vic.gov.au

Dear Minister

**SUBMISSION ON THE EXPOSURE DRAFT OF
THE HEALTH PRACTITIONER REGULATION NATIONAL LAW 2009 – “BILL B”**

This Board acknowledges that the Ministerial Council and the National Registration and Accreditation Scheme Project Team faced a formidable task in attempting to draft such wide sweeping legislation, where the primary focus was on protecting the interests of the public, and at the same time, attempting to accommodate the often-conflicting views of the various stakeholders.

The attached submission therefore, is offered as a constructive criticism of those aspects of the Bill with which this Board holds either a different philosophical approach or which it considers to be impractical in the manner and style in which the provisions are presently framed.

I am acutely aware from the consultations that have taken place recently, 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. I am therefore hopeful that the constraints imposed on Council and the project team by the very tight time frame for this project will not serve as a disincentive to revisiting the Bill and making the appropriate amendments.

Yours faithfully

A handwritten signature in cursive script that reads "Christine Craigie".

Christine Craigie
PRESIDENT

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

BILL B

CLAUSE	PROVISION	COMMENTS
Part 7	Registration of Health Practitioners	
73(1)(a)	Professional indemnity insurance arrangements	PII insurers will not always be able to provide coverage that coincides with the registration year. Recommend omit subclause (a) as subclause 73(2)(b) provides the board with appropriate discretionary powers
75(1)(d)	PII arrangements	Refer to comments at 73(1)(a)
80(1)(c)	PII arrangements	Refer to comments at 73(1)(a)
83(1)(d)	PII arrangements	Refer to comments at 73(1)(a)
90	Period of limited registration	Recommend 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.
91	Limited registration not to be renewed or restored	Recommend removal of this clause. Boards will exercise their discretionary powers when assessing applications
96(2)	Power to check applicant's criminal history	Recommend replace "CrimTrac" with a generic term as CrimTrac may cease as an entity
101	Conditions of registration	Recommend replace "conditions" with "requirements" (as " <i>conditions</i> " in health profession lexicon, connotes a specific, unique limitation on registration.
123(1)(a)	Registration or endorsement taken to continue in force	This subclause is confusing:: (renewed) registration to continue until "the day a new certificate of registration is issued" (And then lapses ??) Recommend clarify intention by rephrasing this subclause
136(1)(a)	Restriction on provision of optical appliances	Recommend the person is registered in the optometry profession, or medical profession as an ophthalmologist.
136(1)(b)	Restriction on provision of optical appliances	Recommend removal of this item. In the interests of public safety the Board cannot recognise an unregistered group who are not accountable nor transparent to the Australian public, being an entity registered as a private company in Victoria. The Board notes that orthoptists do not hold PII insurance.
136(1)(c)	Restriction on provision of optical appliances	The Board recommends the removal of this item.
136(1)(d)	Restriction on provision of optical appliances	The Board recommends the removal of this item.
138(b)	Issue of certificate of registration	There is no valid reason to issue a new certificate of registration each year in lieu of an annual practising certificate.

CLAUSE	PROVISION	COMMENTS
Part 8 Complaints, performance, health and conduct		
153(1)(a)	Complaint may be made verbally	Complaints should be in 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. Recommend 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.
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. Recommend entire revision of Part 8
163	National board may require further information	The options are too restrictive. Recommend add (d) “any other entity”
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 <u>should</u> 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.
210	Notice to be given to complainant	The “complainant” should NOT necessarily be informed about the panel’s decision. This provision represents a total breach of confidentiality.
211	When investigations must be conducted	Provision must be made 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”).
Part 12 Transitional provisions		
309(2)	From 1-7-10, the person is taken to hold general registration	If a registrant’s registration expires on 30 June 2010, and isn’t renewed prior to then, how will they be deemed to be registered post 1 July 2010?