

# The Sydney College of Chiropractic Ltd.



A.C.N. 001 428 208

MAILING ADDRESS  
C/O 52 Dunmore Street  
Wentworthville 2145  
(02) 9631 8944

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Registration Arrangements Submission  
Practitioner Regulation Subcommittee  
nraip@dhs.vic.gov.au

The Sydney College of Chiropractic (SCC) presents this submission to the National Registration and Accreditation Scheme for the Health Professions Consultation Paper, Proposed Registration Arrangements within the Intergovernmental Agreement (IGA).

We note that it is proposed under the National Registration and Accreditation for Health Professionals to include a **RECENCY PERIOD** in practice provision. We have been informed that the Recency period will be three years. We lodge an objection to the inclusion of a Recency period.

We draw attention to the position, (according to advice from an authority within the Legal and Legislative Services, NSW Department of Health), that no Recency requirement exists in New South Wales.

There is also concern that such an 'over-regulation' may bring undue difficulties for health professionals. The NSW Government has expressed its concern about over-regulation and has appointed the Minister for Finance, Infrastructure, Regulatory Reform, and Ports and Waterways, the Hon. Joe Tripodi MP in one of his roles to assess over-regulation. We understand that the NSW Government is presently considering the de-registration of optical dispensing.

Of particular concern is the situation whereby practitioners who were registered under a prescribed course, have since had their course deleted from the prescribed listings.

The deletion of previously prescribed courses was made without notice, at the first meetings of the newly formed NSW Chiropractors Registration Board and the NSW Osteopaths Registration Board, in 2001. The existing 1991 NSW Chiropractors and Osteopaths Registration Act was repealed and two separate boards for osteopaths and chiropractors were established.

There was neither transparency nor consultation from those Boards in dealing with the Sydney College of Chiropractic (SCC) and its graduates who were registered practitioners. Neither of the Boards notified the SCC and its graduates of their considerations, neither prior to, nor after their decision to not prescribe the SCC courses and remove those courses from the register. Under the NSW Chiropractors and Osteopaths Registration Act 1991, all SCC courses were prescribed

The SCC and Macquarie University (Macq U) amalgamated on 31 July 1990. The SCC course and faculty continued unaltered under the Macq U banner at the SCC campus from 1990 to 1994. The Boards' decisions were inexplicable considering both courses were one and the same, yet the Macq U course was prescribed and the SCC courses were removed from prescription. The SCC continues as an identity to represent its graduates and provides the majority of members to the Advisory Board of The Department of Chiropractic at Macq U.

The NSW Chiropractors Act 2001 and The NSW Osteopaths Act 2001 state:  
*“An educational or training institution may apply to the Board for the recognition (under subsection (1) (b) of a course of study offered by the institution. The institution may make application to the Administrative Decisions Tribunal for a review of the decision of the Board on the application.”*

Under past practice, at the first meeting of a new Board, existing courses were prescribed for the operation of the new Act and Regulations. This allowed for the new Board to consider the position of existing courses and if necessary establish the protocols of consultation. The Chiropractors Registration Board (2001) declined to meet with the SCC representatives to discuss the matter when the Boards actions were ultimately discovered.

Now, it is being acknowledged that SCC graduates will be included on the national register during the transitional stages, provided that they are registered under state legislation. What will their position be if or when they fall outside the three year Recency period? It has been indicated that in such an event, those persons will have to meet National Board competency requirements. Considering the above stated experiences, where is the assurance that registrants will be dealt with fairly? Also when will the three year Recency period begin, surely not at the commencement of the Act, for registrants may be overseas and not be aware of the position?

It is difficult to see how a Recency period for competency applies to chiropractors and osteopaths for they are most unlikely to lose their skills in just three years. We ask: “When does one forget to ride a bike?”

One rule may not fit all.

Other areas of concern regarding the Recency limitation for registrants include: female practitioners bearing children and starting families; parent practitioners caring for children; those overseas doing further studies; retirees remaining on the register with the view that they may return to practice, particularly in economic climates such as the present time; employees in administration and teachers who are not currently practice, etc.

Can the health system afford a large reduction in the manpower providing health services within Australia? This may well be the fallout of such an embargo on practitioners with little or no gain. NSW has been functioning without a Recency provision right up to this time. It appears to be a bureaucratic over kill and an unnecessary regulation, especially considering that compulsory continuing education will be a requirement to maintain registration under the proposed provisions of the Act.

To use the vernacular, 'If it's not broke, don't fix it!'

We respectfully submit this communication in the spirit of attaining the most appropriate position in serving the public through the best possible professional provisions and system achievable. In drawing attention to our previous experiences as registered professionals, it is hoped that the decision makers will appreciate our concerns and recommend legislation that will be acceptable in general to all parties and in the best interest of the community at large.

Yours faithfully,

Anthony O'Reilly  
Chair