



NEW SOUTH WALES NURSES' ASSOCIATION

In association with the Australian Nursing Federation

BH: ABU

Ms Bronwyn Nardi
Chair
Practitioner Regulation Subcommittee
Health Workforce Principal Committee

15 December 2008

Dear Ms Nardi,

**Submission on Proposed Arrangements for Information Sharing and Privacy
for the National Registration and Accreditation Scheme for Health
Professionals**

Thank you for the opportunity to comment on the proposed registration arrangements for the National Registration and Accreditation Scheme for Health Professionals. The New South Wales Nurses' Association (NSWNA) is the industrial and professional body that represents over 51,000 nurses in New South Wales. The membership of the NSWNA comprises all those who perform nursing work, from assistants in nursing, who are unregulated, to enrolled and registered nurses at all levels including management and education.

NSWNA works in association with the Australian Nursing Federation (ANF) on national matters and as such supports the ANF's submission, developed in consultation with all ANF Branches, to the Practitioner Regulation Subcommittee.

In response to feedback from our membership, NSWNA's submission develops the ANF position to reflect the views and perspectives of nurses and midwives working in NSW.

Please find NSWNA's submission attached and do not hesitate to contact me at this office if you have any queries regarding the submission.

Yours sincerely

BRETT HOLMES
General Secretary



NSWNA submission on

*Proposed Arrangements for Information Sharing and Privacy
for the National Registration and Accreditation Scheme for Health Professionals*

1.5. PRINCIPLES

Supported

3. INFORMATION TO BE COLLECTED

Information to be collected for initial registration purposes

Proposal 3.1.1

Supported

Proposal 3.1.2

Supported with the exceptions of the following points:

e. Details of recency of practice and other requirements – while NSWNA supports the scheme’s efforts to ensure a safe health workforce, we believe this point requires clarification, most particularly in the definition of ‘recency of practice’. While boards need to ensure that their registrants are competent and safe, the mechanisms by which they will make such determinations need to be clearly defined and agreed on by the relevant professions.

g. Professional indemnity insurance - NSWNA appreciates the rationale for the scheme’s proposed arrangements to include a legislative requirement for all practising registrants to be covered by PII arrangements and recognises that the intention is for the legislation to ensure that the variety of mechanisms, which currently provide this cover for health professionals, will be recognised as fulfilling the requirements for registration.

We have concerns that initial applicants for registration, who are not yet employed and therefore may not have appropriate insurance arrangements, may encounter difficulties in obtaining registration. The legislation must provide that this situation does not occur.

We also have significant concerns that independent midwives, who currently experience significant difficulties in obtaining PII, may also encounter difficulties in renewing their registration. If PII is to be mandated in legislation, governments must ensure that appropriate



schemes are accessible to those health professionals requiring them. Alternatively, the legislative must provide for exemptions where appropriate.

Employer details

Proposal 3.2.1

Option 2 is supported

The unique identifier

Proposal 3.3.1

Supported

Proposal 3.3.2

Supported

Identity checking on registration

Proposal 3.4.1

Option 1 is supported

Information to be collected on renewal

Proposal 3.8.1

Supported

Proposal 3.8.2

Supported

Proposal 3.8.3

Supported

Proposal 3.8.4

Supported

Proposal 3.8.5



Supported

4. PUBLICLY AVAILABLE INFORMATION

Information on the public register

Proposal 4.1.1

NSWNA supports this proposal with the exception of the inclusion of the registrant's postcode and name of postcode area, as this could permit personal location of a health professional, particularly in a small country town. NSWNA strongly opposes public availability of any information which could allow a health professional to be located outside of their work environment; this risks exposing health professionals, particularly nurses and midwives, to potentially dangerous situations. We do not oppose this information being included when the date is de-identified for workforce planning purposes.

De-registered practitioners

Proposal 4.2.1

NSWNA is wary of any features of the system that would make it unnecessarily punitive, particularly in a system which purports to establish an educative process for management of the regulation of health professionals. We therefore have some hesitation in offering unqualified support to this proposal as we have some concern that it could potentially permit a degree of unfairness in some circumstances. However, with these concerns noted, NSWNA recognises that the scheme's primary concern is the protection of the public and that it is in the public interest to support option 4.

Recording of conditions on practice

Proposal 4.3.1

NSWNA does not support the details of any conditions of practice being publicly available; the recording of 'conditions apply' is sufficient.

Release of public register information

Proposal 4.5.1

Supported

Public access to the findings of formal proceedings

Proposal 4.6.1

Supported

Proposal 4.6.2



Only conduct which is sufficiently serious as to warrant de-registration should be published in the public interest. There is no requirement to publish information in matters where the conduct is not considered at this level.

5. THE PRIVACY REGIME

Legislative options

Proposal 5.1.1:

Supported

Reference or incorporation

Proposal 5.2.1:

Supported

7. INFORMATION SHARING

Enabling e-health developments

Proposal 7.1.1

Supported

Research

Proposal 7.2.1

Supported

Professional services review scheme

Proposal 7.3.1

Supported

Medicare Australia

Proposal 7.4.1:

Supported

Overseas trained practitioners

Proposal 7.5.1

Not supported. NSWNA cannot offer support for this proposal without knowing the purpose for the proposed information disclosure to DIAC. Although the proposal describes the purposes as those under the Migration Act 1958, NSWNA believes that policing compliance with visa requirements is the role and function of DIAC not health professional regulatory authorities. If a person has been granted registration by a health professional board they would have



therefore fulfilled the relevant criteria required by the board. This is the extent of the board's role; the terms of an individual's visa are not the concern of the boards.

State and territory government health bodies

Proposal 7.7.1

Supported

Notification to commonwealth, state and territory health departments

Proposal 7.8.1

Supported

Criminal record checking

NSWNA does not support electronic linkage to check criminal records unless health professionals can be assured that appropriate safeguards and protection of their privacy are in place.

Trans-Tasman mutual recognition

Proposal 7.12.1

Supported

Overseas regulatory authorities

Proposal 7.13.1

Supported

8. HEALTH RECORDS

Proposal 8.1

Supported

