

**Submission from the
Nurses and Midwives Board of New South Wales
on the**

National Registration and Accreditation Scheme for the Health Professions
Consultation Paper - Other matters for inclusion in Bill B

3.2 The national scheme environment

The consultation paper notes in paragraph three that care must be taken not to impose through the national legislation a set of requirements which while suitable for medicine or nursing would be unnecessary and inefficient for much smaller professions.

The Board acknowledges the ten health professions to be regulated have different requirements, but is of the view that legislation should not be oversimplified to meet the requirements of smaller professions. The smaller professions should be given the flexibility to “opt out” if necessary, rather than oversimplifying the legislation.

3.5 More flexible committee arrangements

3.5.1- 3.5.2 The Board supports the proposals

3.5.3 The Board supports that not less than two thirds of members should be registrants from the profession and at least one member is a community member.

3.5.4 The Board supports the proposal provided that the panels are convened for individual matters of health, performance of conduct. If panels are convened for broader purposes, having a member of the panel with knowledge and familiarity with the case may be appropriate.

3.5.5 The Board supports the proposal

3.6 Further safeguards around delegations

3.6.1 The Board supports the proposal, provided that the board has the power to review decisions made under delegation, in an appropriate way (eg “in-house” prior to “external” review). Legislation needs to be flexible rather than too prescriptive.

4. Appointment to Board (non-statutory) committees or (statutory) panels

4.1.1 The Board supports option 1, provided that the board is free to appoint persons with specific skills, knowledge and experience for a particular case.

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5 Interaction of national scheme with other legislative schemes

5.2.1 – 5.2.5 The Board supports the proposals

5.2.6 The Board supports the proposal, however is concerned that existing staff are redeployed without a diminution of current salary and conditions.

5.2.7 The Board supports the proposal

5.2.8 The Board supports the proposal, however if warrant powers are to be included in the legislation they should be via State and Territory legislation.

5.2.9 The Board supports the proposal, provided that where legislation does not exist, serious consideration be given to encourage the jurisdiction in question to introduce working with children legislation.

5.2.10 The Board only supports streamlining for special events, and the registration so granted must be restricted to that special event. The Board does not support the “streamlining” of arrangements for on-going, unencumbered registration.

6 Trans-Tasman mutual recognition and the national scheme

6.1 The Board supports the proposal

The Board continues to be concerned about a range of other issues as follows:

National Board

The Board is of the view that the best structure for the regulation of nursing and midwifery is for the Nursing and Midwifery Board of Australia to be established as a statutory authority, with perpetual succession, a common seal, the capacity to sue and be sued in its corporate name, the power to enter into contracts, acquire, hold, deal with and dispose of property, conduct general banking and make financial investments.

Staffing

The National Board must have access to, and control over, sufficient and suitable financial and human resources to allow it to fulfil its regulatory responsibilities appropriately. The current staffing structure outlined in the IGA does not allow the National Board sufficient control over any of the resources required to regulate appropriately.

This issue is of critical importance in terms of the arrangements being proposed for accreditation of nursing and midwifery courses particularly in light of the staffing strategy currently being proposed. This strategy does not guarantee employment to the senior policy staff whose expertise will be needed to effect the transition to and ongoing work required for national accreditation of courses.

Proposed Register to be managed by the Nursing and Midwifery Board

The Board continues to insist that there be provision made for 2 distinct registers to be managed by the Nursing and Midwifery Board - a Register of Nurses and a Register of Midwives, as shown below:

Profession	Proposed Register	Proposed Divisions of the Register
Nursing and Midwifery	Register of Nurses	Registered Nurses Enrolled Nurses
	Register of Midwives	