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Other matters for inclusion in Bill B Submission Attention: Practitioner Regulation Subcommittee

By email to nraip@dhs.vic.gov.au

INTRODUCTION

The Royal Australasian College of Dental Surgeons welcomes the opportunity to comment on this most recent consultation paper and the proposed other matters for inclusion in Bill B. For further background regarding the College we refer the Committee to our previous submission on Accreditation Arrangements.

Further details are available on the College Web Site at <http://www.racds.org>.

Delegation powers of national boards

As a national scheme, the determination of not only the types of committees is vital, but also the level of decision making and authority empowered to these committees in a national scheme environment.

The College shares the concern about the complexities of proposed arrangements with multiple statutory committees established under legislation to make various types of decisions. It is clear that some flexibility be demonstrated in the application of delegating responsibilities from a national board.

Whilst hearings would contain specific provisions that limit the discretion of boards in the way that such matters be conducted, it would be equally important that matters relating to registration function, complaints handling and performance, health and conduct management functions and course approval function are dealt with transparency and independence to encourage equity and consistency at a national level.

Proposal 3.5.1

The College supports this proposal.

Proposal 3.5.2

The College supports this proposal.

Proposal 3.5.3

For the purposes of statutory decision making (proposal 3.5.3) there should be at least one member being a community member.

Proposal 3.5.4

The College supports this proposal.

Proposal 3.5.5

The College supports this proposal.

Proposal 3.6.1

Any delegation should clearly identify the terms of reference as part of any conditions the board has attached to the exercise of the decision making. This may include specific qualification as to whether any decision making is to be based purely on evidence or may be determined on a merits review process.

Appointments to board (non statutory) committees or (statutory) panels

Proposal 4.1.2

With respect to committees established by boards for the purposes of decision making under delegation from the boards, the College would identify Option 1 as the most appropriate. That is:

The legislation empowers boards to appoint persons to such committees in accordance with a process approved by the Ministerial Council. The Ministerial Council process requires:

- An open and transparent process where nominations are sought publicly from individuals and professional bodies.
- Minimum membership requirements for any committee delegated decision making, to ensure a balance of registrant and non-registrant members, and
- Appointments for a period of up to three years.

Proposal 4.1.3

With respect to statutory panels established by boards for the purposes of conducting hearings arising from conduct, performance or health matters, while the legislation would specify procedural matters, the College would identify Option 1 as the most appropriate. That is:

The legislation empowers boards to appoint persons to such committees in accordance with a process approved by the Ministerial Council. The Ministerial Council process requires:

An open and transparent process where nominations are sought publicly.

Minimum membership requirements for any committee delegated decision making, to ensure a balance of registrant and non registrant members, and

Appointments for periods of up to three years.

Interaction of national scheme with other legislative schemes

Proposal 5.2.1

The College supports this proposal. (Option 1)

Proposal 5.2.2

The College supports this proposal. (Option 4)

Proposal 5.2.3

The College supports this proposal. (Option 1)

Proposal 5.2.4

The College supports this proposal. (Option 1)

Proposal 5.2.5

The College supports this proposal. (Option 4)

Proposal 5.2.6

The College supports this proposal. (Option 4)

Proposal 5.2.7

The College supports this proposal. (Option 4)

Proposal 5.2.8

The College supports this proposal. (Option 2)

Proposal 5.2.9

The College supports this proposal. (Option 2)

Proposal 5.2.10

The College would suggest Option 4.

Tailor made provisions are included within the legislative scheme itself.

Trans Tasman Mutual recognition and the national scheme

Proposal 6.1

The College supports this proposal. (Option 2)

CONCLUSION

The College thanks the Practitioner regulation Subcommittee for the opportunity to comment on the Consultation Paper, other matters for inclusion in Bill B and looks forward to reviewing the proposed arrangements for delegation powers and appointments of statutory committees or panels in the future.

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