

Procedures for the development of accreditation standards

Under section 25 of the Health Practitioner Regulation National Law as in force in each state and territory (the National Law), one of the functions of the Australian Health Practitioner Regulation Agency is: 'to establish procedures for the development of accreditation standards, registration standards and codes and guidelines approved by National Boards, for the purpose of ensuring that the national registration and accreditation scheme operates in accordance with good regulatory practice'.

Procedures for the development of accreditation standards

In putting forward a proposal for a new or amended accreditation standard, an accreditation authority must be satisfied that the proposal:

1. takes into account the objectives and guiding principles in the National Law, in particular a), c) and f) of the objectives and a) of the guiding principles. The objectives and guiding principles set out in the National Law at Section 3 (2) and (3) read as follows:

'The objectives of the national registration and accreditation scheme are—

- (a) to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; and
- (b) to facilitate workplace mobility across Australia by reducing the administrative burden for health practitioners wishing to move between participating jurisdictions or to practise in more than one participating jurisdiction; and
- (c) to facilitate the provision of high quality education and training of health practitioners; and
- (d) to facilitate the rigorous and responsive assessment of overseas-trained health practitioners; and
- (e) to facilitate access to services provided by health practitioners in accordance with the public interest; and
- (f) to enable the continuous development of a flexible, responsive and sustainable Australian health workforce and to enable innovation in the education of, and service delivery by, health practitioners.'

'The guiding principles of the national registration and accreditation scheme are as follows—

- (a) the scheme is to operate in a transparent, accountable, efficient, effective and fair way;
- (b) fees required to be paid under the scheme are to be reasonable having regard to the efficient and effective operation of the scheme;
- (c) restrictions on the practice of a health profession are to be imposed under the scheme only if it is necessary to ensure health services are provided safely and are of an appropriate quality.'

2. meets the consultation requirements in the National Law, namely:

‘In developing an accreditation standard for a health profession, an accreditation authority must undertake wide-ranging consultation about the content of the standard.’ (Section 46(2))

Accreditation authorities should consult fully on any significant change to standards, or on new standards. The education sector, relevant profession, and governments should be consulted as a minimum, and proposed changes should also be published on the authority’s website at the commencement of a consultation process.

3. takes account of relevant international standards and statements relating to education and training in the profession, and the accreditation standards applied in countries with comparable education and practice standards for the profession, and

4. takes into account the [COAG Principles for Best Practice Regulation](#) by considering the following matters:

- a. whether the proposal is the best option for achieving the proposal’s stated purpose and protection of the public
- b. whether the proposal results in an unnecessary restriction of competition among health practitioners
- c. whether the proposal results in an unnecessary restriction of consumer choice
- d. whether the overall costs of the proposal to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved
- e. whether the proposal’s requirements are clearly stated using ‘plain language’ to reduce uncertainty, enable the public to understand the requirements, and enable understanding and compliance by registrants, and
- f. whether the Board has procedures in place to ensure that the proposed standard remains relevant and effective over time.

Development, consultation, and recommendation by an accreditation authority

Accreditation authorities must make an assessment of proposed new or amended standards against the COAG principles expressed above. This assessment should be made publicly available including during the consultation process.

It is recommended that the accreditation authority contacts the Office of Best Practice Regulation (the OBPR) at preliminary consultation (and at a later stage/s if requested by OBPR) to seek advice about the regulatory impact of the proposal and whether it is necessary to do a regulatory impact statement (RIS).

Accreditation authorities will provide to the relevant National Board any feedback on regulatory impacts (including advice on the assessment by the OBPR) that has been provided in the consultation process or identified in developing the new or revised accreditation standard. This is to be done when the accreditation authority submits its recommended new or amended accreditation standard to the relevant National Board for approval.

Decision by National Boards

Section 11 of the National Law provides that the Ministerial Council may give directions to a National Board about the policies to be applied by the National Board in exercising its functions under the National Law.

A Ministerial Council direction may relate to matters including a particular proposed accreditation standard, or a particular proposed amendment of an accreditation standard, for a health profession.

However, the Ministerial Council may give a National Board a direction in relation to an accreditation standard or proposed amendment of an accreditation standard only if:

- (a) in the Ministerial Council's opinion, the proposed accreditation standard or amendment will have a substantive and negative impact on the recruitment or supply of health practitioners, and
- (b) the Ministerial Council has first given consideration to the potential impact of the Ministerial Council's direction on the quality and safety of health care.

When a National Board considers, based on the accreditation authority's advice or its own analysis, that the proposed accreditation standard or amendment will have a substantive and negative impact on the recruitment or supply of health practitioners, the National Board will advise the Ministerial Council of its view and the reasons for it so that the Ministerial Council can consider whether any action is required under s.11(4) of the National Law.

The National Board will not make a decision to approve (or not approve) the new or amended accreditation standard until the Ministerial Council provides its view to the Board.



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Chair

Agency Management Committee

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Date of review: These procedures will be reviewed from time to time as required. This will generally be at least every 3 years.