

**Agency Management Committee**

**Meeting Number 13**

**13 April 2010**

**Russell Kennedy, Level 12, 469 La Trobe St Melbourne**

**Final decisions and actions arising**

**Members present**

Mr Peter Allen, Chair

Mr Michael Gorton

Professor Genevieve Gray

Professor Constantine Michael

Professor Marilyn Walton

**In attendance**

Mr Martin Fletcher, Chief Executive Officer

Mr Chris Robertson, Director National Board Services

Mr John Ilott, Director Operations

Ms Del Stitz, Director Implementation, NRAIP

Ms Dominique Saunders – Senior Legal Adviser

Ms Lisa Wardlaw-Kelly, State Manager – Tasmania

Ms Angela Wicks, Minute Secretary

**Item 1: Record of previous meeting**

The minutes of the meeting held on 10 March 2010 were approved by the Committee as a true record of the meeting.

*ACTION: Nil*

**Item 2: Disclosure of any conflicts of interest in relation to agenda items**

In accordance with Section 6(1) of Schedule 2 of the *Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008* (the Act), members declare any possible conflict of interest in relation to agenda items for consideration by the Committee.

A conflict of interest in relation to agenda item 6.3 was declared by Prof Michael.

*ACTION: Nil*

**Item 3: Current situation**

**Item 3.1: Update from Chair and members**

The Chairperson reported on the current situation.

Members noted that Mr Allen has met with Mr Mark Cormack, CEO of Health Workforce Australia, who indicated HWA's particular interest in the transition of Aboriginal and Torres Strait Islander health workers into the National Scheme.

*ACTION: Nil*

**Item 3.2: Implementation Update**

The Committee reviewed the implementation update paper. Mr Fletcher reported on the matters in the paper and members noted:

1. The traffic light report on implementation progress dated April 2010
2. Decisions and action items arising from the meeting of National Boards Chairs' teleconference held on 10 March 2010

*ACTION: Nil*

**Item 3.3: Action Update**

The Committee noted the action update paper dated April 2010.

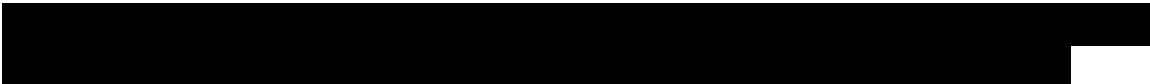
*ACTION: Nil*

**Item 4: Governance matters**

**Item 4.1 Feedback from AHMC teleconference**

Mr Robertson reported on the AHMC teleconference held on 31 March 2010 and a Communiqué from the Australian Health Workforce Ministerial Council dated 1 April 2010. Members noted that:

1. Ministers have approved registration standards submitted by the National Boards but have not agreed to the professional indemnity insurance standard proposed by the Pharmacy Board of Australia. Ministers have requested a review of the standard by the Pharmacy Board of Australia to ensure it appropriately accommodates all practice settings, including pharmacists employed solely in the public sector.
2. Ministers have approved endorsement of seven areas of practice for suitably qualified psychologists which are consistent with internationally recognised specialist categories for the profession.
3. Ministers have deferred consideration of the Physiotherapy Board of Australia's proposal for specialist physiotherapy registration.
4. Ministers have deferred consideration of the Dental Board of Australia's proposed scope of practice standard.

5. Ministers have deferred consideration of the Nursing and Midwifery Board of Australia's proposed scheduled medicines endorsement for eligible registered midwives.
6. The approved national health practitioner registration standards are to be placed on the National Board websites.
7. The Western Australia Minister for Health, Dr Hames has written to the Medical Board of Australia seeking assurance on delegations to the Western Australia Board of the Medical Board of Australia. The Chair of the MBA, Dr Flynn, has confirmed to Dr Hames that all matters relating to the registration of medical practitioners and the management of notifications about the professional conduct, performance or health of medical practitioners in Western Australia will be dealt with by the WA Board of the MBA.
8. Mr Fletcher is to attend a meeting of Ministers on April 22 in Perth. Matters for consideration include the assignment of the accreditation function for nursing and midwifery and recommended membership of the Australian Health Workforce Advisory Council.
9. A paper is to be developed for CEOs on arrangements for regulations concerning Freedom of Information, Ombudsman and Privacy appeals. The Commonwealth has confirmed their legal advice that indicates that Commonwealth office holders cannot be used for these purposes for the national scheme. An alternative model using state based office holders on behalf of all jurisdictions is being explored.
10. 

*ACTION: AHPRA*

**Item 5: Jurisdictional and legislative matters**

**Item 5.1 Update on progress of Bills C**

The Committee had before it a table of NRAS legislation as at 7 April 2010. Mr Fletcher and Mr Robertson reported on the progress and members noted:

1. Queensland, New South Wales, Victoria, the Northern Territory and the Australian Capital Territory are confirmed to join the national scheme on 1 July 2010.
2. Western Australia and South Australia are likely to pass their legislation in time to join the national scheme on 1 July 2010.
3. Bill C may not be passed in Tasmania before 1 July 2010.

*ACTION: Nil*

**Item 5.2 New South Wales progress report**

The Committee noted a paper on the progress in New South Wales including correspondence from Ms Leanne O'Shannessy, Director Legal and Legislation, NSW Health dated 26 March 2010. Mr Ilott reported on the issues outlined in the paper.

Ms Stitz reported on the New South Wales element of the national fees and the New South Wales structure. Members noted the strategies being adopted to operate within the New South Wales co-regulatory model.

*ACTION: Nil*

**Item 5.3 Health complaint entities**

Ms Saunders reported on the issues outlined in the agenda paper. Members noted:

1. That Mr Fletcher and Ms Saunders will attend a National Health Complaints Commissioners Conference in Perth on 22 April 2010.
2. A number of proposed principles for working with HCEs in States and Territories where the National Law applied unamended.
3. That AHPRA will need to establish workable consultation arrangements with each of the health complaints entities (HCEs) to deal with the expected large workload.
4. A proposal to establish an overall Memorandum of Understanding with the HCEs which sets out nationally consistent arrangements, recognising that there may be a need to adapt for jurisdictional contexts and review over time.

Following discussion of health complaint entities in each jurisdiction Members agreed that a summary table of Board decisions regarding registration and notification delegations will be included on the agenda for the next Agency Management Committee meeting.

*ACTION: AHPRA*

**Item 5.4: Implications of the passing of Bill C in the Australian Capital Territory**

Members noted that:

1. The amendments to the National Law in the ACT as a result of the passing of Bill C.
2. The implications for handling notifications.
3. The intention to provide advice to National Boards on these amendments and how to operationalise these arrangements in the ACT.

Members agreed that referral of any complaints to the Human Rights Commission should be dealt with explicitly in the Memorandum of Understanding.

*ACTION: Nil*

**Item 5.5 Impact of Staggered Implementation**

Members noted:

1. Impacts of delayed implementation.
2. Costs of delayed implementation.

Members agreed that the Agency should write to CEOs of State and Territory Health Departments outlining the financial impact of any delays in joining the National Scheme.

*ACTION: AHPRA*

**Item 6: National board matters**

**Item 6.1: Key issues from the March Board meetings**

Mr Robertson provided a verbal report on the key issues from the March Board meetings which included:

- a) Board delegations
- b) Registrant fees
- c) Proposed mail out to current State and Territory Board members
- d) The consultation process on Board Codes and Guidelines.

*ACTION: Nil*

**Item 6.2: Health Professions Agreements**

An updated Health Professions Agreement was tabled. Mr Ilott reported on the amendments and invited comments from members.

Members noted that the complaints cases budget in Schedule 2 does not include investigation and expert advice expenses which can be substantial in the investigation process.

Members agreed that some of the items included as innovation plans may be considered core business and that other activities would be more appropriately included. For example, implementation of simulation training for health professions.

Options for future governance of medical practitioner health programs were canvassed. Mr Fletcher will follow up with Dr Flynn, and further consideration will be given to future arrangements in other professions.

*ACTION: AHPRA*

**Item 6.3: Fees for State and Territory Boards**

Prof Michael declared a conflict of interest in relation to this matter and did not take part in the discussion.

Members noted that the issue of sitting fees for State and Territory Boards has been raised by the Medical Board of Australia and considered three options for resolution of this issue.

It was agreed:

1. That members of the State and Territory Medical Boards be paid at the same rate as members of the Medical Board of Australia.
2. To consult with the Chairs of the other National Boards as to whether they wished to align sitting fees for their State and Territory Boards with national board rates. It was agreed that, while the Agency Management Committee thought it was important for consistent arrangements in relation to remuneration of State and Territory Boards members, Chairs need to consider the budget implications of any fee rise for 2010/11, decide whether their Boards are capable of meeting the cost of higher sitting fees within their current fee structures, and determine what course of action is in the best interests of the scheme.
3. That Board member payments will be reviewed annually in line with contemporary practice and consideration of any changes in roles and functions of boards and committees.

It was agreed that this matter be included on the agenda for the Chairs' teleconference scheduled for 14 April 2010.

*ACTION: AHPRA*

**Item 7: Business processes**

**Item 7.1: Safe transition of registrant matters**

Ms Stitz reported on work underway to achieve safe transition of registrants to the National Scheme, including the April mail out to registrants.

Mr Fletcher reported on risks associated with the transition of registrants to the National Scheme who have conditions associated with their registration.

Members noted:

1. A second registrant mail out will be undertaken in July 2010 in order to provide registrants with their new national registration number and a Certificate of Registration under the National Law.
2. Measures taken to deal with enquiries and issues arising from the mail out, including establishment of a call centre with a 1300 number and briefing of State Managers who in turn, will brief existing state and territory boards.

It was agreed that a letter be sent to key stakeholders such as health professions employers and professional associations to maximise awareness of the mail out.

*ACTION: AHPRA*

**Item 8: Corporate planning**

**Item 8.1: Proposed processes for development of the inaugural AHPRA corporate plan**

Members:

1. Approved the proposed corporate planning process, noting an interest in accelerating the process wherever possible, while maintaining opportunities for meaningful staff and board involvement.
2. AHPRA should have a working document including corporate values and vision prepared for commencement of the scheme; the document could be refined over the first six months based on staff input.
3. Agreed to hold a corporate planning workshop prior to the May Agency Management Committee meeting on 11 May 2010, with a focus on a draft corporate plan. It was agreed the corporate planning consultant could facilitate the session, if the Executive considered this helpful

*ACTION: AHPRA*

**Item 8.2: Performance measurement**

Members discussed and noted the proposed framework for performance management.

It was agreed that AHPRA will continue to refine this document.

*ACTION: AHPRA*

**Item 9: Implementation update – Tasmania**

Ms Wardlaw-Kelly provided an update on implementation in Tasmania to the Committee. It was noted:

1. Bill C is still to go through the Cabinet, Lower House and Upper House in Tasmania.
2. If the Act is not proclaimed by 30 June 2010 Tasmania could be the only State not a part of the National Scheme on 1 July 2010.
3. There is a challenge in managing the uncertainty of the timing of the passage of the legislation and maintaining a positive culture among current staff and Board members in Tasmania. This matter was discussed.
4. There is a risk of understaffing and skills gaps for the Tasmania office and timely external recruitment may be necessary. Mr Allen suggested that flexibility in short term staffing across all State Offices may be needed so that periods of high workloads in Tasmania and other states could be managed, particularly following 1 July 2010.

*ACTION: AHPRA*



**Item 10: Accreditation matters**

**Item 10.1: Update on accreditation arrangements**

Members:

1. Noted that Mr Fletcher and Mr Robertson attended a recent meeting of the Forum of Australian Health Profession Councils and presented an update on implementation of the national scheme with specific focus on accreditation arrangements.
2. Noted the progress and timing towards establishing service agreements between AHPRA and the accreditation Councils. It was agreed that an exchange of letters between AHPRA and the accreditation bodies should be achieved by 1 July 2010, with a view to developing more comprehensive service agreements by the end of 2010.
3. Discussed the Draft Quality Framework for Accreditation and noted the consultation underway.
4. Agreed that the Quality Framework for Accreditation once finalised be included within the service agreement with each accreditation Council.
5. Noted the communiqué from the March meeting of the Nursing and Midwifery Board of Australia which stated the Board's support for the Australian Nursing and Midwifery Council (ANMC) as the accreditation body and approval of the ANMC accreditation standards.
6. Agreed to forward to the Ministerial Council a paper from the Nursing and Midwifery Board of Australia and AHPRA recommending assignment of the accreditation functions to the reconstituted ANMC, with involvement of AHPRA during the start-up transition.
7. Noted that Victoria is preparing a paper for Ministerial Council on the issues relating to the Nursing and Midwifery Board of Australia having approved ANMC accreditation standards.

*ACTION: AHPRA*

**Item 11 Financial matters**

**Item 11.1: 2009-2010 Budget Report**

Members resolved that:

1. [REDACTED]
2. Mr Fletcher, Chief Executive Officer, and Mr Ilott, Director of Operations, were delegated to sign the Westpac Multi Option Facility on behalf of AHPRA

Members noted the financial report.

[REDACTED]

*ACTION: AHPRA*



**Item 11.2: 2010-2011 budget and renewal fees**

Members:

1. Noted the fees decisions made by the National Boards at their March meetings.
2. Noted that proposed National Board fees should be sufficient to ensure safe operation of the scheme in 2010-11 and the return to target prudent reserves over the first three years.
3. Agreed to set fees at the levels recommended by the National Boards, with the exception of the fee for a copy of the Register of Optometrists. It was resolved to ask the Optometry Board of Australia to review this fee, noting that a copy of the Register will only be provided to be used in a way assessed as being in the public interest by the Board.
4. Resolved Mr Allen write and advise the Ministerial Council of the approved fees.
5. Agreed that Boards can release information on the new fees from 19 April and that fee schedules will be placed on the websites at the time of the April mail-out.
6. Noted the estimated level of fees for New South Wales registrants.

*ACTION: AHPRA*

**Item 12: AHPRA set up**

**Item 12.1: Accommodation matters**

Mr Ilott reported on progress with accommodation and the Committee noted that:

1. The lease for the premises at 111 Bourke Street has been signed.
2. Fit out of the premises is on track although the timeframes are very tight.
3. Final testing of the IT system is now underway.

*ACTION: Nil*

**Item 12.2: Transition offers and staff recruitment**

Members noted and discussed the actions progress and staffing of AHPRA.

*ACTION: Nil*

**Item 12.3: Short term extension of project team staff**

Members endorsed the proposal to offer an extension of contract until the end of October 2010 to six key project team staff and noted that a number of IT contractors will also be retained in order to deliver the remaining element of the IT strategy.

*ACTION: AHPRA*

**Item 13: Communications issues**

Members noted the progress with AHPRA's communication strategy. Members would like to consider the overall communication strategy at their next meeting.

*ACTION: AHPRA*

**Item 14: Risk register**

Mr Fletcher reported on the risk register and members noted:

1. A new risk concerning confusion about transition arrangements and concerns about differential fees for existing State Boards which could lead to a loss of critical expertise.
2. The inclusion of a risk associated with implementation post 1 July 2010.

*ACTION: Nil*

**Item 15: Next meeting**

Members noted the next meeting is to be hosted by Michael Gorton on 11 May 2010 at Level 12, 469 Latrobe Street, Melbourne. The meeting will run from 8.30am to 1.00pm.

It was agreed to continue to have a State or Territory Manager attend each monthly Agency Management Committee meeting and to invite Mr Jim O'Dempsey from Queensland to attend and present at the May meeting.

It was agreed that members will confirm their availability for a corporate planning meeting on the afternoon of 10 May 2010.

*ACTION: Michael Gorton and AHPRA*

**Item 16: Close**

The Chairperson closed the meeting at 3.50pm.