

## Procedures for the development of registration standards, codes and guidelines

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*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 registration standards, codes and guidelines**

In putting forward a proposal for a new or amended registration standard, code or guideline, a National Board must be satisfied that the proposal:

1. takes into account the objectives and guiding principles in the National Law at subsections 3(2) and 3(3) which 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:
  - a. 'If a National Board develops a registration standard or a code or a guideline, it must ensure there is wide-ranging consultation about its content' (section 40(1)), and
  - b. 'If a National Board (the *first Board*) proposes to make a recommendation to the Ministerial Council about a matter that may reasonably be expected to be of interest to another National Board (the *other Board*), the first Board must:
    - (a) consult with the other board about the proposed recommendation, and
    - (b) if the first Board makes the recommendation to the Ministerial Council, advise the Council about any contrary views expressed by the other Board about the recommendation.' (Schedule 4, clause 9)
3. takes into account the [COAG Principles for Best Practice Regulation](#) by considering the following matters:
  - a. whether the proposal is the best option to achieve the proposal's stated purpose and protect 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.

National Boards must make an assessment of proposed standard, code or guideline against the COAG principles expressed above, which should be made publicly available including during the consultation process.

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

### **Decision by the Ministerial Council on registration standards**

The National Board will provide advice to Ministerial Council about the impact of its proposed registration standards, including the issues in these procedures and a summary of any feedback on impacts provided during the consultation process.



**Michael Gorton AM**

Chair

Agency Management Committee

**Date of issue:** 6 November 2014

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