



Chiropractic  
Dental  
Medical  
Nursing and Midwifery  
Optometry

Osteopathy  
Pharmacy  
Physiotherapy  
Podiatry  
Psychology

## Consultation process

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November 2011

### Introduction

The National Boards are documenting their consultation process to help stakeholders understand how consultation will occur and the opportunities for input.

The *Health Practitioner Regulation National Law Act* (the National Law) as in force in each state and territory requires the Board to undertake wide-ranging public consultation about the content of proposed registration standards, codes and guidelines. The following consultation process provides a framework for the development and/or review of registration standards, codes and guidelines. The Board may vary each consultation process to enable stakeholders to provide effective input.

AHPRA is responsible for establishing procedures for the development of accreditation standards, registration standards and codes and guidelines approved by National Boards, to ensure the National Registration and Accreditation Scheme (the National Scheme) operates in accordance with good regulatory practice. AHPRA has developed procedures for the development of accreditation standards and registration standards, codes and guidelines which are published on the AHPRA website ([www.ahpra.gov.au](http://www.ahpra.gov.au)).

### Approach

The Board will consult widely in developing registration standards, codes and guidelines.

### Feedback

The Board will consider all submissions made in a consultation in detail and values the important perspectives provided through this process. The feedback received will influence the final content agreed by the Board. However, the Board's primary responsibility is to protect the public and the final content of any registration standards, codes and guidelines must reflect this and the Board's other responsibilities under the National Law.

As appropriate, the Board may also issue explanatory material to provide background information about the development of a standard, code or guideline.

### Process

The consultation process has six steps:

1. development
2. preliminary consulting (testing)
3. review
4. public consultation
5. review and finalisation, and
6. publication and implementation

### **Step One: Development**

The Board or one of its working parties will identify the need for a particular registration standard, code or guideline such as from notifications data, feedback from the public, government and/or the profession, research and so on, and will develop a draft for consultation purposes.

As part of the development process, the Board will advise other National Boards about its proposal and explore opportunities for collaboration between Boards where relevant. The Board will also consult its state and territory/regional boards and/or committees (where applicable) and seek initial operational and legal advice from AHPRA to ensure early identification of implementation issues and advance planning.

### **Step two: Preliminary consultation (testing)**

The Board will provide a preliminary draft of the registration standard, code or guideline, together with the reasons for its development and any other relevant explanatory material, to a small group of stakeholders. This enables the Board to 'road test' the proposed content ahead of a public consultation process, by identifying the operational impact and any issues or concerns with the proposed content of the standard, code or guideline and engaging any state/territory or regional board of the National Board in the development of the content. This stage will also consider any transitional issues that must be addressed in implementing the standard, code or guideline.

In this consultation phase, the Board will consult with stakeholders including, but not necessarily limited to:

- state/territory/regional boards and/or committees of the National Board developing the document (where applicable and if it has not already done so),
- government and
- accreditation authorities.

The Board may also consult with other targeted stakeholders, such as professional associations when the Board considers this is appropriate.

### **Step Three: Review**

The Board will review feedback provided through this preliminary process and adjust the content of the registration standard, code or guideline as appropriate.

### **Step Four: Public consultation**

The Board will open the consultation process to extensive comment from the profession, the community, governments and other stakeholders. This will include publication on the Board's website, distribution to professional associations and other known stakeholders as well as other initiatives the Board considers useful in seeking input on the proposed registration standard, code or guideline.

The consultation documentation will address the purpose and desired outcomes of the proposed registration standard, code or guideline, the proposed content of the document, an outline of the implementation plan and any transitional requirements, and an assessment of the likely impact of the registration standard, code or guideline.

This stage of the consultation will be public and the Board will actively promote the consultation with the following stakeholders:

- professional associations
- registered practitioners
- the community or consumer groups

- peak professional organisations
- education providers
- all National Boards
- governments
- accreditation authorities and
- other relevant stakeholders.

As part of the consultation process, the Board will acknowledge submissions received. The Board will also explain how it proposes to handle submissions made in the public consultation phase, including those containing personal and/or confidential information, through advice along the following lines:

*Publication of submissions – your submission will generally be published unless you request otherwise*

*The Board publishes submissions on its website to encourage discussion and inform the community and stakeholders.*

*We will not place on our website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of reference. Before publication, we may remove personally-identifying information from submissions, including contact details.*

*The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.*

*The Board also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the Freedom of Information Act 1982 (Cth), which has provisions designed to protect personal information and information given in confidence. Please let us know if you do not want us to publish your submission, or want us to treat all or part of it as confidential.*

### **Step Five: Review and finalisation**

The Board will consider the feedback provided through the consultation process, after it has been analysed. The Board will then revise the proposed registration standard, code or guideline as appropriate.

When necessary, due to the degree of contention or complexity of the issues being dealt with, or when there has been substantial change from the consultation draft, the Board may release the revised registration standard, code or guideline for a further period of public consultation. The Board may also consider a further period of consultation with key stakeholders only, where appropriate.

The Board will then provide registration standards to the Australian Health Workforce Ministerial Council (the Ministerial Council) for approval, consistent with the requirements of the National Law. Seeking approval from the Ministerial Council requires additional time, to enable the Board-approved registration standard to be submitted to and considered by the Ministerial Council in line with the Council's routine meeting cycle.

The Board will finalise proposed codes or guidelines itself, as Ministerial Council approval is not required.

Boards will also consider developing and publishing additional guidance and/or transitional provisions to support the implementation of the final registration standard, code or guideline.

### **Step Six: Publication and implementation**

When the content is finalised and approved, the Board will publish the registration standard, code or guideline on its website including details of any transitional arrangements. The Board may apply a grace or transitional period in some circumstances to give practitioners time to become aware of the new requirements and to comply, where appropriate. The Board will then expect registered practitioners to be aware of and meet the standard or to ensure their practice reflects the Board's expectations as detailed in the code or guideline.

The Board will consider how best to promote awareness of the registration standard, code or guideline, including:

- communicating any implementation and transitional guidance to AHPRA and state or territory or regional boards and/or committees where relevant
- publishing the final content on the Board's website
- advising stakeholders who have participated in the consultation process by communiqué, website announcement, email or other means as appropriate, that the consultation process is complete and that the final content has been published
- in the case of registration standards, communicating with registered practitioners about the standard and the Board's expectations directly to all registrants such as by email or Board newsletters, where possible
- issuing a communiqué or media release to professional organisations and journals to promote awareness of the new standard, code or guideline and/or
- in the interests of transparency, the Board will publish submissions made in the consultation process for a period of at least six months, unless there are reasons not to publish as outlined previously.

### Process for registration standards

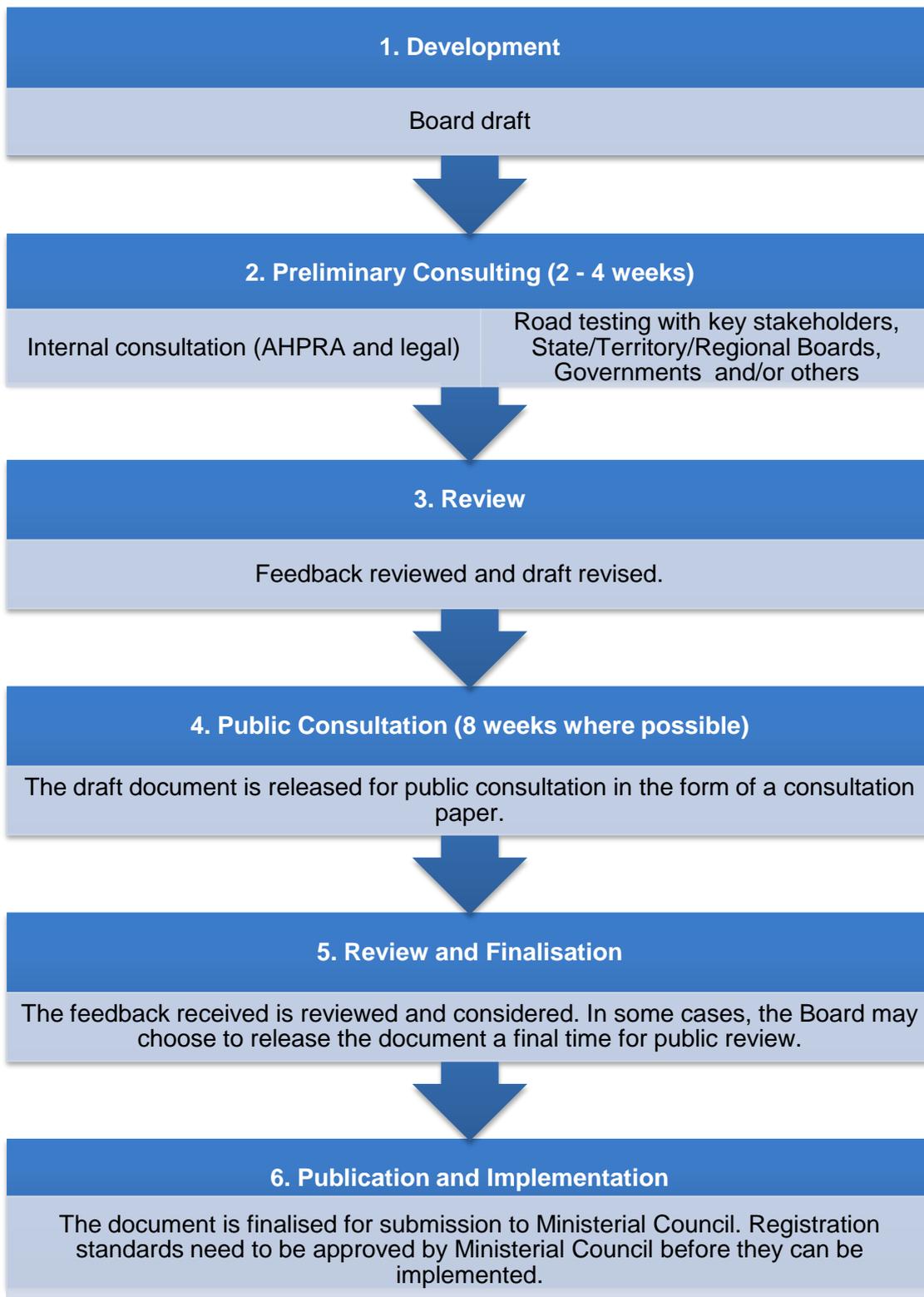
A National Board must develop and recommend to the Ministerial Council one or more registration standards about the following matters for the health profession for which the Board is established:

- professional indemnity insurance (PII)
- criminal history
- continuing professional development (CPD)
- English language skills and
- recency of practice.

National Boards may develop registration standards about other matters as set out in section 38 of the National Law.

A flowchart of the process for developing registration standards follows.

## Process for registration standards

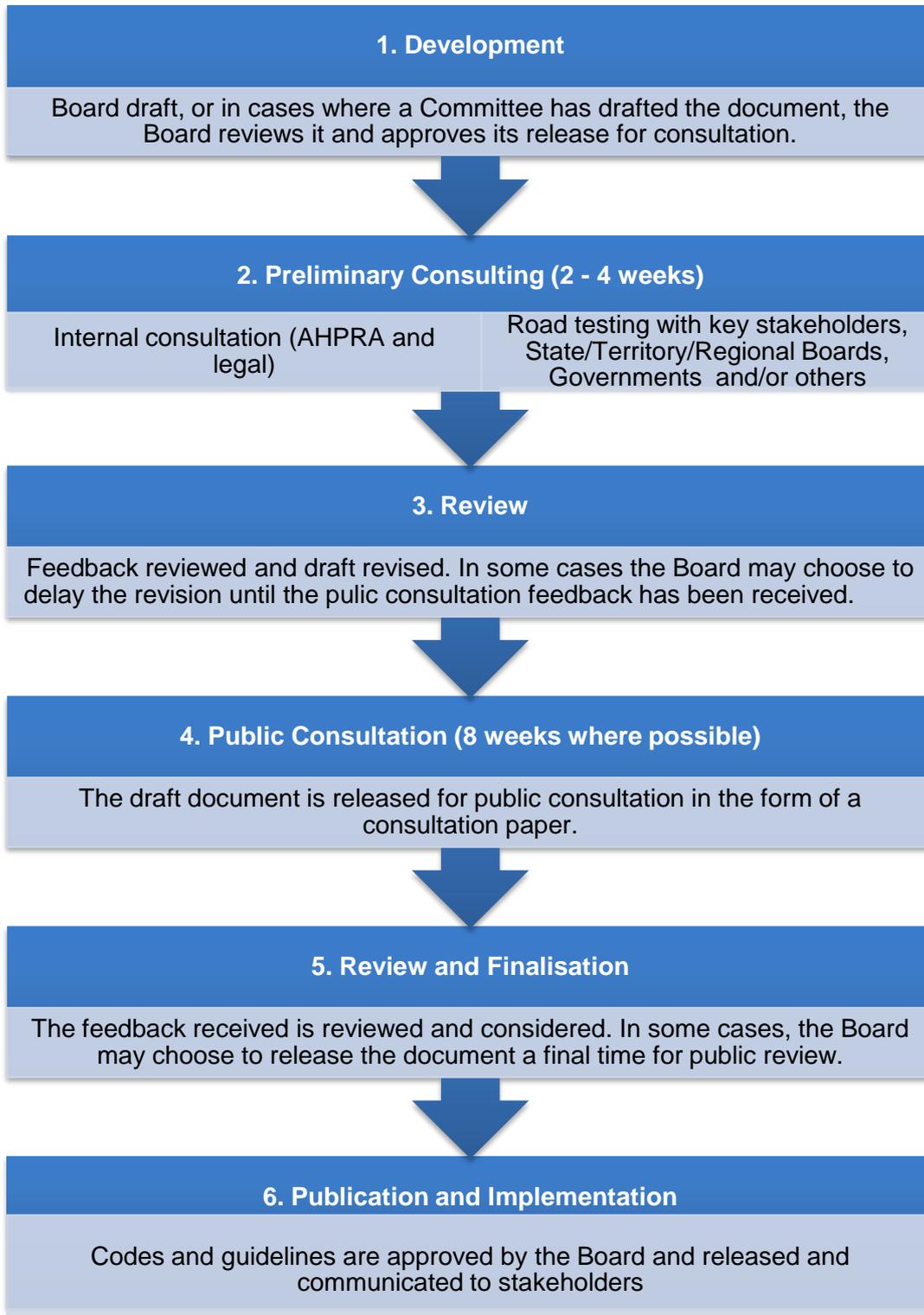


*Please note that times are indicative only and will vary according to the circumstances.*

## Process for codes and guidelines

A National Board may develop codes and guidelines:

- to provide guidance to the health practitioners it registers and
- about other matters relevant to the exercise of its functions.



*Please note that times are indicative only and will vary according to the circumstances.*

## Codes and guidelines working party

A National Board may choose to establish a codes and guidelines working party to support the development and review of codes and guidelines. The working party may provide policy advice and feedback to the Board about codes and guidelines and may assist in the development of proposals for wider public consultation. While final decisions will be made by the Board, the working party may provide a mechanism for input from key stakeholders including the profession and the community. When a working party is to be established, the Board may consider inviting representatives of the following groups of stakeholders to make nominations to participate.

Professional	Professional associations and peak bodies
Education	Education providers and peak bodies including Councils of Deans
Accreditation bodies	Relevant accreditation councils
Community	Consumer organisations, when relevant Community Reference Group, when established
Third parties (when relevant)	For example, Private Health Insurance Association, Department of Veterans' Affairs
Government	For example, health departments Australian Commission on Safety and Quality in Health Care
Other stakeholders	There may be a wide range of other stakeholder organisations, such as public and private employer groups