

Procedures for the development of registration standards, codes and guidelines

Purpose of this document

Ahpra has established these procedures under section 25 of the *Health Practitioner Regulation National Law* as in force in each state and territory (the National Law). One of the key functions of the National Boards is to develop or review registration standards, codes and guidelines for health practitioners registered in their respective professions. These procedures aim to ensure good regulatory practice when National Boards are developing new or revised registration standards, codes, and guidelines¹. Good regulatory practice includes being responsive to changing needs and these procedures are intended to be implemented through approaches that respond to relevant context and need.

Wide-ranging consultation and consultation with other National Boards

National Boards must consult widely² on any proposed change to the content of an existing registration standard, code or guideline, and content of any new registration standard, code or guideline. The relevant community, patient safety and consumer groups or bodies, the profession, co-regulatory bodies and governments must be consulted as a minimum and details about how to respond to the consultation will be published on the National Board's website. The National Board will publish information about feedback received, the submissions (except where confidentiality is requested or required) and how the proposed new or revised registration standard, code, or guideline addresses key issues raised in the feedback.

The National Board must also consult with other National Boards if the proposed new or changed registration standard, code or guideline is reasonably expected to be of interest to them³.

The National Boards will assess the proposed new or revised registration standard, code or guideline against the [COAG Principles of Best Practice Regulation](#), and this should be made publicly available including during the consultation process.

Patient health and safety impact statement and assessment

The National Board must prepare a patient health and safety impact statement to accompany advice and recommendations about the proposed new or revised registration standard, code or guideline and publish a patient health and safety impact assessment when the new or revised registration standard, code or guideline is published.

Regulatory impact assessment

The National Board and Ahpra will contact the Office of Best Practice Regulation (the OBPR) before public consultation to seek an assessment of the potential regulatory impacts of the proposed new or revised registration standard, code or guideline and whether it is necessary to do a regulatory impact statement. Initial contact at preliminary consultation is recommended. If the proposed new or revised registration standard, code or guideline substantially changes between first contact and finalisation of the documents, the National Board may need to confirm the original assessment with the OBPR before submitting the final

¹ See section 35(c)(i) and (iii) of the National Law.

² See Section 40(1) of the National Law

³ See clause 9 of Schedule 4 of the National Law

proposed new or revised registration standard to Ministerial Council for approval, and before the National Board's final approval of a new or revised code or guideline.

Proposal for new or revised registration standards, codes, and guidelines

When putting forward a proposal for a new or revised registration standard, code or guideline, a National Board will:

1. describe how the proposed new or revised registration standard, code or guideline:
 - 1.1 takes into account the objectives and guiding principles in the National Law⁴.
 - 1.2 draws on available evidence, including regulatory approaches by health practitioner regulators in countries with comparable health systems
2. describe how the proposed new or revised registration standard, code or guideline supports or contributes to:
 - 2.1 improving patient safety, effective care and health outcomes, including for vulnerable members of the community and Aboriginal and Torres Strait Islander Peoples
 - 2.2 practitioners' provision of culturally safe care as defined in the [Aboriginal and Torres Strait Islander Health and Cultural Safety Strategy 2020-2025](#)
 - 2.3 practitioners' understanding of the health system in Australia and their roles, responsibilities and ethical conduct, when working within the system
 - 2.4 practitioners' engagement in interprofessional collaborative practice
 - 2.5 addressing health and workforce priorities including family and domestic violence, noting that information about new priorities may be published as they emerge
 - 2.6 avoiding duplication and minimising regulatory burden
3. outline steps taken during development of the proposed registration standard, code or guideline to:
 - 3.1 achieve greater consistency within the national scheme (for example, by adopting any available template, guidance or good practice approaches used by national scheme bodies)
 - 3.2 meet the consultation requirements in the National Law and these procedures
 - 3.3 address the COAG [Principles of 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.

⁴ See section 3(2) and (3) of the National Law

4. provide 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 registration standard, code or guideline
5. complete a patient health and safety impact statement (at preliminary consultation) and a patient and safety impact assessment (when ready to publish) by considering the following matters:
 - a. the potential impact of the registration standard, code or guideline on the health and safety of patients and consumers, particularly vulnerable members of the community, including approaches to mitigate any potential negative or unintended effects
 - b. the potential impact of the registration standard, code or guideline on the health and safety of Aboriginal and Torres Strait Islander Peoples including approaches to mitigate any potential negative or unintended effects
 - c. engagement with patients and consumers particularly vulnerable members of the community about the proposal
 - d. engagement with Aboriginal and Torres Strait Islander Peoples about the proposal.

Proposal to Ministerial Council

When submitting a proposed new or revised registration standard for approval, a National Board must provide advice about the potential impacts of the proposed registration standard, including impacts on the issues set out in these procedures and summarise feedback about any impacts provided during the consultation process.

Gill Callister PSM
Chair
Agency Management Committee

Date of issue: 16 June 2020

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