

Respondent

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Time to complete

1. Name *

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[Redacted]

4. The National Boards and Ahpra publish submissions at their discretion. We generally publish submissions on our websites to encourage discussion and inform the community and stakeholders. Please advise us if you do not want your submission published. *

- Submission can be published
- Submission NOT to be published

5. Do the draft revised regulatory principles reflect the policy directions issued by CoAG Health Council? If not, how could the principles be improved?

Generally. I believe principle 6 potentially takes the direction further than intended. The direction requires consultation with patient safety bodies and healthcare consumer bodies on every new and revised registration standard, code and guideline. I do not see a requirement to consult on regulatory response.

6. Do the draft revised regulatory principles support Ahpra and the National Boards regulatory decision-making? If not, how could they be improved?

Not adequately. My main concern is the lack of definition as to determining public expectation. As this is to be given at least 50 % weight it is essential that this is defined. We have all heard of the term 'tried in the court of public opinion', This reflects lack of due process, vast differences in the spectrum of opinion, lack of informed opinion , the ability of public opinion to be influenced by malign media [social and usual] and its ability to change rapidly. Anti-vaxxers immediately come to mind. This is a growing area of public opinion. I personally had an issue where a coroner's lawyer complained that I had not discussed my patient's case with their family. The family also complained. I had followed the code relating to confidentiality. I had listened to their concerns but not discussed the case with them, as requested by the patient. At that time Ahpra supported my view of confidentiality. What happens if the weight of public opinion comes into conflict with the professions' basic ethical practices? As written it would appear that public expectation would be implemented. This strikes me as potentially very dangerous to both the public and the professions.

7. Is the content of the draft revised regulatory principles helpful, clear and relevant?

The language is clear. As above, I believe a definition of how public expectation is to be determined is essential to make it helpful.

8. Is there any content that needs to be changed, added or deleted in the draft revised regulatory principles?

I am very concerned about the removal of the word 'minimum' and the comment that 'our actions are designed to protect the public and not to punish practitioners' from Principle 5. As a medical practitioner this sends a strong message to me that Ahpra is moving away from even lip service to dealing with complaints in a compassionate way. It would appear to open the way for a punitive approach. A concept of what is necessary can encompass a wide range of possibilities, including more punitive ones. There is ample evidence of the difficulties practitioners have as a consequence of dealing with an Ahpra complaint EVEN IF THEY HAVE DONE NOTHING WRONG. The process can destroy doctors. We know that good doctors leave the profession as a result of this. We thus lose a precious and expensive resource. This is not in the public's best interest. Revised Principle 2 states '.....We act to support safe , professional practice and the safety and quality of health services provided by registered health practitioners'. The change in emphasis in Principle 5 can potentially undermine that Principle, by resulting in more health practitioners being damaged by the process . This can adversely affect the way they practice, cause them to leave the profession or even suicide. I would suggest that it would be preferable to use 'minimum necessary

regulatory response' rather than 'necessary regulatory response' and to maintain the wording that the process is designed to protect the public, 'not punish practitioners'. I would further suggest that the concept of supporting the workforce by education, and a fair and transparent process should be included.

9. Please add any other comments or suggestions for the draft revised regulatory principles.