



Submission

Revised Regulatory principles for the National Scheme

Thank you for inviting the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) to make a submission to the Australian Health Practitioner Regulation Agency (AHPRA) on the revised Regulatory principles for the National Scheme.

RANZCOG is the lead standards body in women's health in Australia and New Zealand, with responsibility for postgraduate education, accreditation, recertification and the continuing professional development of practitioners in women's health, including both specialist obstetricians and gynaecologists, and GP obstetricians.

RANZCOG would like to provide the following specific feedback to the questions raised in the consultation paper.

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

Yes, RANZCOG is of the view that the draft revised regulatory principles reflect the policy directions issued by CoAG Health Council.

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

RANZCOG affirms that the draft revised regulatory principles support AHPRA and the National Boards regulatory decision making. Further recommendations are provided under question 4 of this submission.

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

Yes, the content of the draft revised regulatory principles is helpful, clear and relevant. Please see question 4 for additional recommendations.

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

RANZCOG is of the view that the draft regulatory principles are concise, clear and comprehensive. Nevertheless, RANZCOG would like to propose the following amendments to the draft principles.

Proposed principle 5ⁱ

"When we learn about concerns regarding practitioners, we apply the necessary regulatory response to manage the identified risk posed by their practice, to protect the public. Our responses consider the potential impact of their conduct on the public including vulnerable people in the community and Aboriginal and Torres Strait Islander Peoples"

With regard to the above proposed principle 5, RANZCOG recommends insertion of the clause 'assess the risk and' (apply the necessary regulatory response..). It is noted that the proposed amendment

would better reflect prudent regulatory response to learning about concerns regarding practitioners. In addition, the proposed wording will enable promoting confidence in any regulatory response being independent and appropriately informed.

Principle 5 including the suggested amendment reads as follows:

*“When we learn about concerns regarding practitioners, **we assess the risk and apply the necessary regulatory response to manage the identified risk posed by their practice, to protect the public. Our responses consider the potential impact of their conduct on the public including vulnerable people in the community and Aboriginal and Torres Strait Islander Peoples**”*

In addition, with regard to proposed principle 6, which states that *“The primary purpose of our (AHPRA) regulatory response is to protect the public and improve the standard of practice of registered health practitioners.”*,ⁱⁱ RANZCOG is of the view that the 'primary purpose' is by definition the highest purpose, whereby in a regulatory setting, public protection is guaranteed. As the authoritative bodies entrusted with the responsibility to safeguard public, it is RANZCOG's opinion that AHPRA and the National Boards satisfy its legislated responsibility of protecting the public by ensuring that registered health practitioners' practice at an appropriate standard within their scope of practice.

Whilst it is acknowledged that protective actions taken by the regulator may result in improving the standard of practice by a subject registered health practitioner in many instances, RANZCOG notes that exceptions to the circumstances exist. For instance, a regulatory response may include suspension of registration or restrictions on scope of practice, which may not necessarily translate into 'an improvement in the standard of practice'.

Furthermore, any regulatory response that may result in improvement in the standard of practice by an individual practitioner does not necessarily translate into an improvement in the standard of practice of registered health practitioners generally. Therefore, it is RANZCOG's view that development and improvement of standards of practice within the various health care professions is a responsibility that lies within the domain of the professional bodies such as the various professional colleges.

In light of the above, RANZCOG notes that, inclusion of 'improve(ing) the standard of practice of registered health practitioners' as a primary purpose of the regulatory response within proposed principle 6, as unwarranted and lacking clarity. Consequently, RANZCOG proposes to consider deletion of the words *'and improve the standard of practice of registered health practitioners'* from the proposed principle 6.ⁱⁱⁱ

In addition, RANZCOG proposes a minor variation of terminology to proposed principle 6 clause: *'Our responses are designed to not punish practitioners'*^{iv} to be amended as: 'Our responses are not designed to punish practitioners'.

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

RANZCOG does not have further suggestions to the draft revised regulatory principles.

Yours sincerely,



Dr Vijay Roach
President

References

ⁱ The Australian Health Practitioner Regulation Agency (AHPRA). Draft Revised Regulatory principles for the National Scheme Consultation Paper. 2021. P 7.

ⁱⁱ Ibid i.

ⁱⁱⁱ Ibid i.

^{iv} Ibid i.