

## Summary of agreed National Registration and Accreditation Scheme (Tranche 2) reform proposals

This table summarises proposals agreed by Ministers on 31 October 2019 for inclusion in the Tranche 2 reform package, including two additional proposals to strengthen public protections under the Health Practitioner Regulation National Law (National Law)

Proposal number and description (in the 2018 consultation paper)	Proposals agreed for inclusion in Tranche 2 reform package
3.1: Objectives and guiding principles – referencing cultural safety for Aboriginal and Torres Strait Islander Peoples	New guiding principle and objective for the National Law on cultural safety of Aboriginal and Torres Strait Islander Peoples
3.4: Name of the Agency Management Committee	Change the name of the AHPRA Agency Management Committee to “AHPRA Board”
4.1: Registration improperly obtained – falsified or misleading registration documentation	Enable a National Board to withdraw a practitioner’s registration without having to refer the matter to a tribunal if the Board reasonably believes that false or fraudulent documents were provided by the practitioner during the registration process
4.2: Endorsement of registration for midwife practitioners	Remove from the National Law endorsement of registration allowing a registered midwife to practise as a “midwife practitioner”
4.3: Undertakings on registration	Empower a National Board to accept an undertaking at first registration or at renewal (currently a Board can apply a condition but not accept an undertaking) and enable a Board to refuse to renew the registration of a practitioner if the practitioner fails to comply with an undertaking
4.5: Reporting of charges and convictions for scheduled medicines offences	Amend the National Law to compel practitioners and students to notify a National Board if they have been charged with or convicted of an offence under drugs and poisons legislation in any jurisdiction (reportable offences in each jurisdiction will be specified by regulation or other appropriate instrument)

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4.6: Practitioners who practice while their registration has lapsed	Empower National Boards to use disciplinary powers of the National Law when dealing with practitioners who continue to practice after their registration has lapsed, in appropriate cases, rather than prosecuting the practitioner for an offence
4.7: Power to require a practitioner to renew their registration if their suspension spans a registration renewal date	Amend the National Law to: (1) require a practitioner whose registration was suspended at one or more registration renewal dates to apply to renew their registration when they return to practice; (2) require a practitioner returning from a period of suspension to apply to renew their registration within one month of the lifting of that suspension; and (3) give National Boards the power to place conditions on a practitioner's registration when seeking to renew their registration after a period of suspension
5.1: Mandatory notifications by employers	Amend the National Law to advise employers that withdrawal of a practitioner's right to practice may meet the mandatory reporting threshold, and that termination of a practitioner's practice may be grounds for a mandatory notification under another section of the law
5.2: Preliminary assessment of notifications	<p>Amend the disciplinary powers of the National Law to: (a) require practitioners and employers to provide patient and practitioner records when requested to do so by a National Board; (b) provide that a National Board: (i) on preliminary assessment of a notification may refer the subject matter of the notification to another entity, and (ii) following referral to another entity, may subsequently ask that entity for information about how the matter was resolved</p> <p><i>Note: implementation of these amendments to be preceded by consultation and education and a thorough implementation process</i></p> <p><i>Note: NSW is a co-regulatory jurisdiction. This amendment will not apply in NSW.</i></p>
5.4.1: Show cause process for practitioners and students	<p>Amend the National Law to: (1) enable a National Board to broaden the scope of an investigation if that investigation results in the discovery of additional matters requiring investigation, after the practitioner is given the opportunity to demonstrate that the investigation should not be broadened; (2) require a National Board to provide a show cause process (by removing an exemption that currently applies) where it proposes to act for reasons related to the practitioners' health, conduct or performance</p> <p><i>Note: any variation in a show cause process or decision during an investigation to act under a different part of the law must allow a practitioner to respond to specific new matters, as often and with as much notice and time to respond as is reasonable</i></p> <p><i>Note: NSW is a co-regulatory jurisdiction. This amendment will not apply in NSW.</i></p>
5.4.2: Regulatory actions available to National Boards: discretion not to refer a matter to a tribunal	<p>Empower a National Board to resolve a matter in prescribed circumstances rather than referring it to a responsible tribunal</p> <p><i>Note: power available only when a Board can satisfy a public interest test showing that limited public risk will result, and no public benefit will be foregone if exercised</i></p> <p><i>Note: NSW is a co-regulatory jurisdiction. This amendment will not apply in NSW.</i></p>

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5.4.4: Actions available to Boards: public statements and warnings	Amend the National Law to allow AHPRA and the Boards to issue public statements and warnings if they identify a serious risk to public health and safety <i>Note: NSW is a co-regulatory jurisdiction. Public statement and warnings and IPOs will not apply in NSW.</i>
5.5.2: Information sharing powers: power to give notice to a practitioner's former employer	Empower a National Board to: (1) obtain from a registered health practitioner details of previous employment arrangements, including contract, voluntary and honorary arrangements; (2) disclose to a practitioner's previous employer(s) and places of practice changes to the practitioner's registration status <i>Note: power to be restricted to situations where regulator holds a reasonable belief that the practitioner's health, conduct or performance may have created a risk of harm to previous patients</i>
6.1: Title protection	Restrict the use of the title "surgeon" to provide better information for the public about the qualifications of surgeons, including those who call themselves cosmetic surgeons, and undertake further consultation on which medical practitioners should be able to use the title "surgeon". <i>Note: As this proposal will be subject to further consultation it is likely to proceed separately to the Tranche 2 reform package.</i>
6.2: Direct or incite offences	Increase maximum penalties in the National Law for direct or incite offences to \$60,000 for an individual and \$120,000 for a body corporate
6.3.1: Advertising offences - prohibiting testimonials	Remove from the National Law references to prohibitions on testimonials and clarify that general prohibitions in advertising will apply to any testimonial, i.e. a testimonial will breach the advertising offence if it is: (1) false, misleading or deceptive or likely to be misleading or deceptive; or (2) offers a gift, discount or other inducement to attract a person to use the service or the business, unless the advertisement also states the terms and conditions of the offer; or (3) creates an unreasonable expectation of beneficial treatment; or (4) directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services
6.3.2: Increasing penalties for advertising offences	Increase maximum penalties for breach of advertising offences to \$60,000 per offence for an individual and \$120,000 for a body corporate
7.1: Information on the public register	Empower a National Board to decide not to record or to remove from the register personal information about a practitioner (including a principal place of practice) if the practitioner requests this action and the Board is persuaded that it is a reasonable step to be taken only to protect the safety of the practitioner or a practitioner's family member and/or colleague/s. AHPRA will also develop administrative improvements to the functionality of the register

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7.2: Use of aliases by registered practitioners	Allow a practitioner to nominate one and only one alternative name, in addition to their legal name, with both to be discoverable (and displayed simultaneously) on the public register
7.3: Power to disclose identifying information about unregistered practitioners to employers	Enable AHPRA or a National Board to provide information to the employer of an unregistered health worker or any other person who provides a health service, where the person is being investigated or prosecuted for an offence under the National Law, and poses a risk to public health and safety
Provide interim prohibition order (IPO) powers for AHPRA	<p>Enable AHPRA to issue an IPO if it reasonably believes that an unregistered health practitioner has committed an offence against the National Law, and the practitioner's conduct poses a serious risk to public health and safety, or the health and safety of an individual or a class of individuals</p> <p><i>Note: NSW is a co-regulatory jurisdiction. This amendment will not apply in NSW.</i></p>
<b>Additional reform proposals – for further consultation</b>	
New proposal	<p>Amend the guiding principles to include a paramount guiding principle which makes explicit that the main principle for administering the Act is that public protection and confidence in the National Scheme is paramount.</p> <p><i>Note: Agreed for inclusion in the Tranche 2 reform package, pending consultation</i></p>
New proposal	<p>Require a National Board or AHPRA to notify an employer of a matter, during the notification or investigation process, if it reasonably believes that the conduct may pose a serious risk to public safety.</p> <p><i>Note: Agreed for inclusion in the Tranche 2 reform package, pending consultation</i></p>