

Health Professions Registration Act 2005

Why were the reforms needed?

In October 2002, the Victorian Department of Human Services ('the department') commenced a review of the regulatory framework governing the registered health professions in Victoria ('the review').

The model of regulation in place prior to the *Health Professions Registration Act 2005* ('the Act') was introduced in 1993-94, and at more than a decade old, it was considered timely to review how well the scheme was working to protect the public and ensure that health professionals were properly trained and practising in a safe, competent and ethical manner.

The review identified a number of areas within the regulatory system that required re-consideration. The following provides a summary of those concerns, and how the reforms introduced by the Act have improved things.

Finding 1: Multiple pieces of legislation made the scheme cumbersome and inefficient to maintain and amend

The Act has replaced 11 separate registration Acts and associated regulations (including relevant provisions within the *Health Act 195*) with a single piece of legislation that regulates all registered health professions in Victoria. This promotes a more consistent approach to regulation across all health professions, and means that only one piece of legislation needs to be amended in the future to keep the rules for all health professions up to date. This saves time and makes sure that regulation of all health profession groups is kept up-to-date.

Finding 2: There was a poor separation of powers in disciplinary processes - each registration board was responsible for all stages of the complaints management and disciplinary process under the previous scheme

Under the Act:

- Hearings into serious matters are conducted by the Victorian Civil and Administrative Tribunal, rather than by a panel of the responsible board.
- Boards are able to establish separate investigations committees to conduct initial inquiries into complaints.
- There is a discretion for the Minister for Health to increase the number of members who do not have health qualifications on each board, to ensure the public's interests – and the standards they expect of registered practitioners, are taken into account.

These changes, along with a range of other minor reforms, will help ensure that the views of both the professions and the public are considered in decision-making processes, and that those processes are appropriately fair and independent.

Finding 3: Some consumers lacked confidence in the transparency and fairness of complaints handling under the previous Acts, with commissioned research identifying problems such as long timeframes to settle complaints, perceived lack of procedural fairness and no formal appeal rights for complainants

The Act addresses these concerns by establishing:

- A right for people who make a complaint to seek a review of a board's decision not to investigate a matter, to take no further action following an investigation, or to refer a matter to a Professional Standards Panel rather than to VCAT. A nominee of the Health Services Commissioner and a lawyer must be part of the panel that undertakes this review. This means that if someone has made a complaint and is not happy with a board's decision, they can do something about it.
- A legal requirement for investigations to be conducted as quickly as practicable, and requiring boards to provide periodic updates regarding the progress of an investigation to both the person who made the complaint and the practitioner who is the subject of the complaint.
- A requirement for a person who is not a member of that registered health profession to be on each Professional Standards Panel.

Finding 4: The previous health practitioner Acts and governance structures reinforced rather than broke down professional boundaries and did not foster a multi-disciplinary, flexible and responsive workforce

The creation of a single Act that applies to each of the registered health professions has been an important first step to achieving greater consistency in the way health professions are regulated.

In addition, the Act creates strengthened powers for the Minister for Health to approve board-issued codes and guidelines prior to their release, where these guidelines address qualifications requirements for registration, supervision arrangements and matters of scope of practice. This ensures that any proposed changes that may impact upon workforce supply, recruitment or the effective delivery of health services are subject to broader public interest considerations.

It is also expected that the work being progressed at a national level, through the auspices of the Council of Australian Governments (COAG), will further facilitate the breaking down of professional boundaries to foster a multi-disciplinary, flexible and responsive workforce. COAG has agreed to the establishment of national registration and accreditation schemes for the health professions, from 1 July 2008. These national arrangements will replace the current state and territory statutory registration schemes, and will initially apply to the nine occupational groups that are subject to statutory registration in all jurisdictions.

For further information

<http://www.health.vic.gov.au/pracreg/index.htm>