



ABORIGINAL HEALTH WORKERS BOARD OF THE NORTHERN TERRITORY

A SUBMISSION TO THE ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH PRACTICE BOARD OF AUSTRALIA ON THE PROPOSED MANDATORY REGISTRATION STANDARDS

GENERAL COMMENTS:

The Aboriginal Health Workers Board of the Northern Territory (the NT Board) has regulated Aboriginal Health Workers in the Northern Territory since 1985 and it is aware of the challenges associated with regulation of the profession, the diverse nature of practice of the profession and issues associated with communication. However, it believes that many more challenges and diversity in practice will be identified in the national regulation scheme than ever before. Therefore, it is necessary that there be constant review of guidelines underpinning the Registration Standards and the National Board has the capacity to review standards and guidelines in a timely fashion, especially in situations which may lead to public risk.

The NT Board is interested in ensuring clear, detailed but succinct standards are in place along with relevant guidelines for the interpretation of the standards. In addition, while recognising the desirability for consistency across the regulated health professions, the NT Board is keen to ensure the specific nature of the Aboriginal and/or Torres Strait Islander Health Practitioner profession is taken into account in the Standards.

MANDATORY REGISTRATION STANDARDS

Please find below the NT Board's specific comments on the proposed registration standards. Suggested additions and/or changes are in *red italics*.

1. CONTINUING PROFESSIONAL DEVELOPMENT

The NT Board agrees that a Continuing Professional Development (CPD) requirement is essential for ensuring practitioners are competent to practise.

The NT Board is aware that some practitioners will need assistance in the recording of CPD activities, storage of CPD records, and access to the CPD records if subject to audit. It is recommended that the National Board provide further detailed guidance to practitioners about this issue, including specific examples of informal and formal learning activities which can count towards CPD and example records.

PAGE 5. Introduction (paragraph three)

- The CPD requirements do not apply to a person granted 'non-practising'.
It is suggested that the words '*or student registration*' be added

PAGE 6.

Scope of Application:

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- It is suggested that the first sentence of paragraph one be deleted and replaced with:
“This standard does not apply to those with student registration or non-practising registration”.

- **Paragraph 2.**

Delete the second sentence regarding the date on when auditing will commence. It is preferential to state that *‘declarations may be subject to audit’.*

Rationale:

The first part of paragraph one is adequately covered in paragraph 2.

- Add that the *‘mandatory requirement for a current first aid qualification (HLTFA301B or higher) this qualification is only current for a 3 year period’*

Rationale:

This requiremeny should be seen in any record of CPD over a 3 year time span.

Requirements

- Delete *‘after 1 July 2015’.*

Rationale

This allows the Board flexibility to have this evidence provided by an applicant or auditee at any time after 1 July 2012 and does not lead the reader to interpret that they need only to undertake or record CDP after 1 July 2015.

- 2. The NT Board recommends *‘30’* hours of CPD annually, although it also considers that the model of 90 hours over a three year period with a minimum requirement in any one year (eg 10 hours) could provide flexibility. That said, a requirement for tracking CPD over a three year period may be a difficult challenge for some ATSHIP registrants and thus have unintended consequences.

Rationale

The NT Board considers 30 hours per annum as achievable even for those in remote and rural locations although recognises that this may be increasing the responsibility of employers to provide additional workplace training and support for employees to access relevant CPD.

- 3. The NT Board recommends replacing the word *‘log’* with *‘record’.*

Rationale

The title of “log” may cause confusion with undergraduate familiarity with the term ‘log book’.

- Rather than having the requirement to keep records for three years within the standard, this may be better placed within the guidelines underpinning the standard.

Rationale:

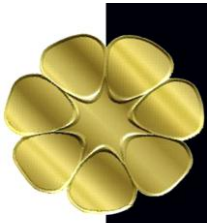
The Audit process should dictate what retrospective records should be made available to the Board.

- CPD activities should:
b) replace with *‘be relevant to the context of the practitioner’s practice and the employing organisation’.*

Rationale

It would be difficult to assess the validity of whether a CPD activity was, or was not, relevant to a local community.

- Some examples of CPD include *add the following - ‘but are not limited to’:*



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Informal learning activities

- Remove **AND** at the end of the sentence.

Formal learning activities

- Add '**workplace**' in service programs.

Rationale

This addition provides greater clarity.

- Remove the paragraph below - **Formal learning activities**

Rationale

This is already stated in point 3.

- Exemptions to be added to the standard as follows:

Temporary absence from practice:

- a) for up to one year – no CPD requirement.
- b) For between one and three years – complete a minimum of one year's pro rata of CPD activities relevant to the intended scope of practice prior to recommencement, designed to maintain and update knowledge and professional judgement.
- c) An absence of more than three years is not regarded as a temporary absence by the Board and those seeking registration or renewal of registration in this category are advised to contact the Board for further advice with reference to the Board's 'Recency of Practice' Registration Standard'.

Part time workers:

Practitioners working part time up to 0.5 FTE must complete a minimum of 15 hours CPD per annum.

Practitioners working part time greater than 0.5 FTE are required to complete 30 hours CPD per annum.

Rationale

It is also recommended that an exemption is included in this document on the basis that it is common for practitioners not to work for periods of time for various personal reasons and some flexibility is required for those taking up to 3 years absence from work or those working part time.

2. CRIMINAL HISTORY

Add in the summary that applicants for registration and renewal of registration '**must declare every charge, finding of guilt and conviction including 'spent convictions''**.

Rationale

This provides greater clarity about the expectation of applicants to make full disclosure.

3. ENGLISH LANGUAGE SKILLS

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Requirements

- The term 'written evidence' is ambiguous and requires greater clarity in relation to what specific evidence would be acceptable. It is recommended that 'evidence of a qualification providing eligibility for registration as determined by the Board' should be the requirement.

Rationale

This provides greater clarity in relation to the standard and alternative evidence can be addressed through the exemptions.

- It is recommended that there be a clause stating that '*the Board retains the power to require further evidence of English language skills pursuant to s80(1)(d)*'.

Rationale

This provision provides greater clarity in relation to the power of the Board to require further information or evidence prior to considering an application for registration if it deems necessary.

- It is recommended that the Board map the required English language skills for persons to undertake a Certificate IV qualification in Australia.

Rationale

This would ensure stakeholders including applicants, the Board and AHPRA are able to provide clear and consistent guidance to those required to provide further evidence of English language skills.

- A clause providing exemptions may be appropriate and should include those practitioners applying for registration under the 'grandparenting' Registration Standard.

4. PROFESSIONAL INDEMNITY INSURANCE (PII)

PAGE 14

Summary

- To include a paragraph stating that '*if and when employed, the employee is covered vicariously by the employer's or education institution's (if a post graduate student) insurance arrangements*'.

Rationale

The NT Board's experience is that this question on the statutory declaration is often misunderstood even by employers; hence making this clear early in the document may be useful.

Requirements

- 2. change in wording replacing professional indemnity insurance with **PII** or leaving the wording in full and adding '*arrangements*' after insurance.

Rationale

Provides for greater consistency in the document.

- Change the order of the requirements by swapping 3. with 4.

Rationale

As most if not all practitioners will be employees providing this information earlier in the document is more appropriate.

In relation to what is the best way for practitioners to demonstrate they are covered by PII.



The Board considers that a letter (on the organisation's letter head and signed by a person with authority to provide the information and providing insurance arrangement details) from the employer or proposed employer, attesting to it providing appropriate professional indemnity coverage should be acceptable. This should only be sought in situations where there is evidence that the employer is not, may not, or *does not have* appropriate arrangements in place.

The guidelines should also take into account that an applicant for registration or renewal of registration (who is between jobs) should only have to declare that they will have appropriate professional indemnity insurance arrangements in place when they commence employment.

5. REGENCY OF PRACTICE

PAGE 17

Summary

- Second paragraph – add *'and the length of practice prior to the absence'*.

Rationale

This additional information will attest to the breadth of the applicant's practice experience and assist the Board to assess and determine the level of supervision required and the assessments required.

- Paragraph 4. – Recommend delete this paragraph.

Rationale

The relevant Board (NT Board) would already have made a judgement on what is required before 'full' or 'general' registration would be issued. This Standard is for the purpose of assessing recency of practice.

- It is recommended that a clause about 'recency of qualification' be added to the summary noting that it is referred to as 'recent graduate' in the definition on page 18. This may be drawn from the current paragraph 5 under 'Requirements'.

Rationale

This provides greater clarity up front in relation to how the Board would view a qualification greater than 3 years old, where the holder of the qualification has not practiced in the profession since completing the qualification.

Scope of application

- Suggest that following change to the final paragraph under scope of application.

This standard does not apply to student registrants *or those with non practising registration*.

Rationale

Standard does not apply for registrants in the non practising registration category.

Requirements

- Requirements should be numbered for ease of reference.
- The first paragraph under requirements is best placed in the Summary section.

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Rationale

The statement is more a summary than providing details of the requirements.

- Paragraph 5 regarding new graduates to be placed first in the list under Requirements.

Rationale

Addressing the new graduate issue first up seems sequentially appropriate.

- Recommend that the Board specify how much practice in a three year period is 'sufficient practice' – this may be a period of no less than *3 months or full time equivalent in the preceding 3 year period.*

Rationale

The term 'sufficient practice' is subjective and does not provide clear guidance to stakeholders.

- Paragraph 6 – to be deleted in full or the first sentence of paragraph 6 to be moved to the top of the list of Requirements and include the section above in relation to detailing 'sufficient practice'.

Rationale

The recommendation above in relation to clarification of what constitutes 'sufficient practice' and the relocation of the first sentence of paragraph 6 provides the key element of the requirements earlier in the document.

The second part of paragraph 6 is not relevant to assessing recency of practice as per the comments under the heading of 'Summary' for this standard above.

Paragraph 8

- Refer to comments re clarifying what constitutes 'sufficient practice' above to be included in this paragraph as well.

Paragraph 9

- recommend replace 'will' with '*may*' to provide some flexibility and room for Board judgement depending on assessment of the application.

Definitions

- Recent Graduate on page one of this Standard refers to 3 years which contradicts 'one year' in the definitions.

6. GRANDPARENTING

This standard holds significant risk, with the potential for applicants whose practice does not meet the minimum standards for practice of the profession to become registered.

- The NT Board agrees with the requirements as listed under (a);
- The NT Board considers that (b) should specify a Certificate III and evidence of assessment of performance
- (c) is the major concern with this standard



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- The NT Board considers that the following information should be included in the Standard to clarify the power of the National Board to require further information:

In accordance with S80 (1)(d) of the National Law, the Board may require applicants to complete an examination or assessment. This may, for instance, comprise of a period of supervised practice and assessment against the Certificate IV Aboriginal and Torres Strait Islander Primary Health Care (Practice) competencies.

*Applications for registration under grandparenting provisions:
Applicants for general registration in accordance with section 301(1)(a) and (b) must provide satisfactory evidence of their Aboriginal and/or Torres Strait Islander health practitioner qualification(s).*

- Specific details should be specified within the Standard in relation to the evidence that an applicant meets the requirements. The NT Board considers that the applicant should hold a qualification relevant to practise of the profession in addition to evidence of relevant practice of the profession. Alternatively they should be referred to a training provider to assess the equivalency of their qualification against the certificate IV and assessment of current competence providing for credit recognition within the Certificate IV qualification.

As (c) has the greatest risk associated with it – it may be more appropriate to require that the applicant can demonstrate a minimum of meeting the Board's recency of practice requirement and hold a qualification relevant to practise of the profession.

Applicants for general registration in accordance with section 303(1)(c) must provide the Board with the following evidence:

a) evidence of having practised as an Aboriginal and / or Torres Strait Islander health practitioner / Aboriginal Health Worker for a period of no less than 5 years or full time equivalent in the period 1 July 2002 and 30 June 2012 and meeting the Board's Recency of Practice Registration Standard. Full and detailed curriculum vitae outlining all employment and a summary of work undertaken in each position held in the period specified above; a job description for the position most recently held; and a minimum of two professional references along with all other registration application requirements.

Rationale

An applicant who has not practised within the previous 3 years does not meet the Board's recency of practice registration standard and may not have practised for as long as 5 years prior to 1 July 2012

Definitions

- A definition of "practice" of the profession should be included for the purposes of this standard.

The Board may wish to explore the option of utilising the Limited Registration category for those applicants who do not meet requirements of a) or b) above.

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7. ABORIGINAL AND / OR TORRES STRAIT ISLANDER REGISTRATION STANDARD

The NT Board recommends that all applicants be required to provide evidence of ethnicity with their application for registration.

The NT Board recommends that further details of the specific evidence that would be considered valid for the purpose of proof of ethnicity be stipulated and take into account those residing in remote, rural, and urban areas; those who are seeking to work in their home land and those who are far from their birth place.

Scope of application

Does this apply to students?

Insert '*Aboriginal and/or Torres Strait Islander*' prior to health practitioner

Requirements

Recommend numbering requirements and to add in referencing.

Paragraph 1.

- To be eligible for registration as an Aboriginal and/or Torres Strait Islander health practitioner the applicant must provide formal evidence in writing of the following:*
 - a) being an Aboriginal and/or Torres Strait Islander person; and*
 - b) identifying as an Aboriginal and/or Torres Strait Islander person; and*
 - c) being accepted as an Aboriginal and/or Torres Strait Islander person in the community in which he or she lives or did live.*
- Evidence may include, but is not limited to, a letter stating that a person is an Aboriginal and/or Torres Strait Islander and is accepted by a recognised Aboriginal and/or Torres Strait Islander organisation. The letter must carry the organisation's letterhead, hold the organisation's official seal and be dated and signed by a person authorised by the organisation.*

There may be a need to specify what other evidence could be presented eg: Abstudy approval etc.

Final para:

- Add 'the Board reserves the right pursuant to s80(1)(b) to require further information pertaining to evidence of the applicant being of Aboriginal and / or Torres Strait Islander decent.*

8. ELIGIBILITY FOR REGISTRATION

The biggest question in relation to this standard is the process and resources that will be in place under the national scheme for the assessment of equivalency of qualifications as per (c).

In addition it is clear that following (c) should be an '**and**' not '**or**'.

First Aid qualification may need to add –“ HLTF301B **or higher**”