



Aboriginal and Torres Strait Islander Health Practice	Occupational Therapy
Chinese Medicine	Optometry
Chiropractic	Osteopathy
Dental	Pharmacy
Medical	Physiotherapy
Medical Radiation Practice	Podiatry
Nursing and Midwifery	Psychology

Australian Health Practitioner Regulation Agency

25 July 2017

NDIS Quality and Safeguards
National Disability Insurance Scheme
Department of Social Services
c/ NDISQualitySafeguards@dss.gov.au

Dear NDIS Code of Conduct Consultation

Submission on National Disability Insurance Scheme Code of Conduct

Thank you for the opportunity to make a submission to the consultation on the development of a National Disability Insurance Scheme (NDIS) Code of Conduct. Our submission provides some brief background on the National Registration and Accreditation Scheme (the National Scheme), comments on aspects of the consultation Discussion Paper and identifies some areas of potential interface between the NDIS and the National Scheme.

Background to the National Registration and Accreditation Scheme

The National Registration and Accreditation Scheme (the National Scheme) commenced operation on 1 July 2010. The National Scheme is an outcome of the Council of Australian Government's reform program. It created a national registration and accreditation scheme for health practitioners through legislation passed in each state and territory, which established the Australian Health Practitioner Regulation Agency (AHPRA) and 14 National Boards.

AHPRA is the national organisation responsible for implementing the National Scheme across Australia, in partnership with the 14 National Boards:

- Aboriginal and Torres Strait Islander Health Practice Board of Australia
- Chinese Medicine Board of Australia
- Chiropractic Board of Australia
- Dental Board of Australia
- Medical Board of Australia
- Medical Radiation Practice Board of Australia
- Nursing and Midwifery Board of Australia
- Occupational Therapy Board of Australia
- Optometry Board of Australia
- Osteopathy Board of Australia
- Pharmacy Board of Australia
- Physiotherapy Board of Australia
- Podiatry Board of Australia
- Psychology Board of Australia

The National Scheme aims to protect the public by ensuring that only suitably trained and qualified practitioners are registered. It also facilitates workforce mobility across Australia; the provision of high-quality education and training of health practitioners; and rigorous assessment of overseas-trained practitioners. Guided by a nationally consistent law, AHPRA and the National Boards work to regulate the health professions in the public interest. This includes registering practitioners who are suitably trained

and qualified to provide safe healthcare, and investigating concerns about registered health practitioners. As at 30 April 2017, the National Scheme regulated 676,108 registered health practitioners.

Comments on the National Disability Insurance Scheme Code of Conduct consultation

We note that the proposed NDIS Code of Conduct will apply to all providers and workers funded under the NDIS. Funded providers and workers are likely to involve multiple professions regulated by the National Scheme, including professions specifically mentioned in the Discussion Paper (nurses, psychologists and allied health professions). Although the consultation paper does not explicitly address the interface between the proposed NDIS Code of Conduct and National Boards' Codes of Conduct, there is clearly potential for overlap in a range of areas such as ethical and safe service provision, sexual misconduct, privacy and record keeping. There is also potential overlap in relation to professional indemnity insurance obligation in the proposed NDIS Code of Conduct and the legislative requirement that a registered health practitioner must not practise unless appropriate professional indemnity insurance arrangements are in place. There is also a question about how the complaints process relating to the NDIS Code will relate to the National Scheme notifications process.

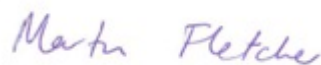
Page 11 of the consultation paper states: "Workers who are members of professional associations and required to comply with an existing professional association, such as nurses, psychologists and health care workers, will also be required to comply with the NDIS Code of Conduct. The NDIS Code of Conduct has been developed with reference to other relevant codes to ensure a consistent definition of acceptable practice, with minimal additional burden on workers. If a person is subject to a professional code of conduct, the (National Disability Quality and Safeguards) Commission will coordinate any regulatory activity with the professional body or other regulator, as appropriate, to ensure there is no duplication and manage an overlapping areas of regulation. If a professional is found not to have complied with their own professional standards in providing NDIS supports or services, they may also have breached the NDIS Code of Conduct." Page 12 of the consultation paper mentions breaches of the NDIS Code being referred to the worker's professional body, but the consultation paper does not seem to explicitly address the issue of interfaces with National Boards' Codes of Conduct established under the Health Practitioner Regulation National Law, as in force in each state and territory.

As recently discussed in an initial meeting with Departmental staff, there are clear areas of interface between the NDIS and the National Scheme, including in relation to Codes of Conduct and complaints about NDIS workers and providers who are registered health practitioners which need careful consideration. We note that the consultation paper refers to engagement with appropriate regulators and are keen to work closely with you on these issues. We look forward to our upcoming workshop with Departmental representatives in August so that as work on the NDIS progresses, the interface between the National Scheme and the NDIS is well understood and appropriate arrangements and communication are established.

If you wish to discuss this submission, please contact Chris Robertson, Executive Director Strategy and Policy Directorate on 03 8708 9037.

Thank you again for the opportunity to comment.

Yours sincerely



Martin Fletcher
Chief Executive Officer