

20 February 2017

NRAS Review Implementation Project Secretariat
Workforce Regulation
Health and Human Services Workforce Branch
Department of Health and Human Services
GPO Box 4057
Melbourne VIC 3001

Via email: NRAS.Project@dhhs.vic.gov.au

Dear Sir or Madam,

Re: Comments on the draft Health Practitioner Regulation National Law Amendment Law 2017

The Australian Physiotherapy Association (APA) supports many of the recommendations made in the draft Health Practitioner Regulation National Law Amendment Law 2017 (the Amendment). We welcome the clarifications around review periods for suspended practitioner, changes to improve communication with notifiers and changes strengthening prohibition orders.

There are some areas that should be strengthened in the change of legislation prior to it going forward to the COAG Health Council.

Section 132 – National Board may ask registered health practitioner for employers' details

Physiotherapists often work in arrangements that are not considered employee arrangements under the law. This can include both simple business structures, such as a sole trader, and more complex structures which include holding companies and trust structures.

It is important that the Amendment requires information to be provided that captures all arrangements relevant to their investigation. Simultaneously, AHPRA needs to ensure the privacy of other workers in a workplace, as well as ensure an appropriate level of privacy for the health professional under investigation in relation to the alleged offence.

We are concerned that the language proposed for Section 132, 5, b) does not cover all appropriate workplaces. In addition to the current wording, we suggest that the clause should be expanded. Preferably it would include businesses with multiple practice locations where the person under investigation may not provide clinical services, but may practice (within the definition in the National Law), including having a managerial role or oversight. For example a health practitioner may own several business locations, but only practice in one or two of these. As a business owner, they may not provide clinical services, but still be subject to a notification. We are not sure that the proposed amendments would require the practitioner to notify of all of the locations owned or at which they practise.

Terminology in section 132 is inconsistent. Section 132, 5, d) uses the term *providing services*, while other clauses in this section use the term *practice*. *Practice* is a word that has been defined by AHPRA and the Boards, and should be used in section 132, 5, d). This word has been defined to cover the clinical and non-clinical scope of a health practitioner's work. We recommend that the term 'practice' be used.

Section 113 – Title Protections

The APA recommends that the changes to legislation also involve including the term 'physio' under the list of title protections.

The term 'physio' is commonly used by the public and intended by the public to mean 'physiotherapist' specifically. The physiotherapy profession has for some time been seeing an increase in the use of titles by people not registered as physiotherapists that appear to be designed to mislead the public and to deliberately skirt the strict definitions in the legislation.

The APA has been collecting information on cases of misuse and would be happy to provide them. The profession is concerned that a delay in providing this protection will present an ongoing safety issue and undermine public confidence in physiotherapy. It is concerned that there is a conscious attempt to normalise the use of the contraction 'physio' to have meanings other than physiotherapist specifically before the protection is provided.

For further information or to have a discussion on our proposals, please contact Paula Bateson, Manager, Policy and International Relations at paula.bateson@physiotherapy.asn.au or 03 9092 0833.

Yours faithfully,

A handwritten signature in grey ink, appearing to read 'Phil Calvert', written in a cursive style.

Phil Calvert
National President