

Chapter 1

Introduction

Terms of reference

1.1 On 23 March, the Senate referred to the Finance and Public Administration References Committee for inquiry and report by 13 May 2011:

The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA) and related matters, including but not limited to:

- (a) capacity and ability of AHPRA to implement and administer the national registration of health practitioners;
- (b) performance of AHPRA in administering the registration of health practitioners;
- (c) impact of AHPRA processes and administration on health practitioners, patients, hospitals and service providers;
- (d) implications of any maladministration of the registration process for Medicare benefits and private health insurance claims;
- (e) legal liability and risk for health practitioners, hospitals and service providers resulting from any implications of the revised registration process;
- (f) liability for financial and economic loss incurred by health practitioners, patients and service providers resulting from any implications of the revised registration process;
- (g) response times to individual registration enquiries;
- (h) AHPRA's complaints handling processes;
- (i) budget and financial viability of AHPRA; and
- (j) any other related matters.

1.2 The reporting date of the report was subsequently extended to 3 June 2011.

Conduct of the inquiry

1.3 The inquiry was advertised in the *Australian*, and through the Internet. The committee invited submissions from the Commonwealth and State and Territory Governments and interested organisations.

1.4 The committee received 232 public submissions and 52 confidential submissions. The committee also received 394 form letters in relation to the registration of homebirth midwives. A list of individuals and organisations that made

public submissions to the inquiry together with other information authorised for publication by the committee is at appendix 1. The committee held two days of public hearings in Canberra on 4 May and 5 May 2011. Appendix 2 lists the names and organisation of those who appeared. Submissions, additional information and the Hansard transcript of evidence may be accessed through the committee's website at www.aph.gov.au/senate/committee/fapa_ctte/index.htm

1.5 Many of the submissions from individuals contained details of particular cases in relation to health practitioner registration. The committee noted the circumstances of these cases and used them to build a picture of the problems facing health practitioners in relation to their dealings with AHPRA. However, the committee is unable to recommend remedies for any particular person.

Attendance of Commonwealth officials at the hearing

1.6 The Department of Health and Ageing (the department) did not provide a written submission to the inquiry. The committee therefore invited representatives of the department to appear before the committee. The department declined the invitation and in doing so stated that:

The Department took the decision to decline the invitation on the basis that the National Registration and Accreditation Scheme (NRAS) is a national scheme, not a Commonwealth scheme, and is legislatively based in the Parliaments of the states and territories. The Australian Health Workforce Ministerial Council (AHWMC) took a decision to make a written submission to the Inquiry. It would be inappropriate for the Department to appear as a representative of the governments of all jurisdictions and it could not properly represent their views.¹

1.7 In replying to the department's response to its invitation, the committee acknowledged that NRAS is a national scheme, but it is one in which the Commonwealth has an interest. The committee noted that it was not seeking representation on behalf of other jurisdictions. Rather, it is seeking evidence on matters within the terms of reference that go to Commonwealth areas of interest. These matters included the impact on the health workforce in Australia, the delivery of health services and Medicare issues. In addition, the terms of reference include 'any other related matters' and it is for the committee to determine what falls within this term of reference. The committee therefore did not accept that all matters related to the terms of reference fell outside the Commonwealth's responsibility and again invited representatives of the department to appear.

1 Letter to from Ms Kerry Flanagan, Acting Deputy Secretary, Department of Health and Ageing, dated 4 May 2011.

1.8 The department agreed to appear and give evidence on 5 May on the basis that it would only provide evidence on the matters that fall within the responsibility of the Commonwealth Government.²

1.9 Initially, Medicare Australia also declined the committee's invitation to provide evidence. However, following a further invitation from the committee, officials made themselves available for the hearing on 5 May.

1.10 The committee acknowledges that it is not appropriate that a Commonwealth official should give evidence on behalf of the states or territories. However, the matters raised in the terms of reference for this inquiry went to areas where the committee considered that the Commonwealth had a direct interest. As such, the committee considered that Commonwealth officials, as representatives of the Commonwealth Government, were in the best position to assist the committee. The committee considers that the department's initial approach was less than helpful. The committee is also disappointed that the Chair of the committee was required to write to the department while hearings were taking place, in order to ensure that the committee received all the evidence required to undertake its deliberations on the matters before it.

Acknowledgment

1.11 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

2 Letter from Ms Kerry Flanagan, Acting Deputy Secretary, Department of Health and Ageing, dated 4 May 2011.

