

Inquiry - Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024

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Feedback on the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024

24 September, 2024

Dear Health, Environment and Agriculture Committee,

The Australian Association of Psychologists incorporated (AAPi) appreciates the opportunity to provide recommendations to the Committee from psychologists' perspectives. We have reviewed the proposed amendments and their objectives and provide feedback below.

Creating a nationally consistent approach to how practitioners regain registration following a period where their registration was cancelled or disqualified by a tribunal is appropriate and we agree with the proposed requirements. If a health professional is disqualified/suspended from practice through a tribunal, it will make sense for them to reapply through this tribunal, where all the case facts and the risk to the public can be considered. It would also be appropriate for the National Board or appropriate body to assess their fitness to practice once they have received approval to proceed from the tribunal.

We query what approach would be appropriate where a practitioner has chosen to give up their registration/voluntarily de-registered prior to an investigation being completed. This would be important to consider as this may be a loophole that will enable practitioners to bypass these requirements and would mean that the public is not adequately protected or notified about their conduct.

We agree with notations remaining on the register permanently to allow for public protection. We, as an association, are highly concerned with the increase in notifications against practitioners for sexual misconduct and believe that strong reprisals and increased transparency are required. We would also urge the inclusion of more education and the establishment of preventative measures, such as professional development courses on transference, countertransference, and risk factors. AAPi is currently working on these initiatives for our members.

We also agree with the need for more robust protections for notifiers. As psychologists are mandatory reporters, they often contact AAPi member support with concerns about potential retribution if they lodge a notification. This particularly concerns practitioners in regions with low numbers of health practitioners and where psychologists have concerns about colleagues they work with or are employed by. Making a notification where they are identifiable so that a full investigation can take place often means that they are subject to harassment or intimidation from the individual that they have made a notification about. Stronger protections for those who make notifications in good faith will assist those required to make these notifications feel secure when they do so. Many have also not been aware of their existing protections when making a notification, so we strongly recommend that this is communicated well to notifiers. It would be important to consider also whether these proposed offences towards notifiers can and should be enforced by the justice system. In some cases, the behaviour towards notifiers may be criminal, and intervention orders may be an appropriate intervention to protect

notifiers. We recommend clearly communicating all the support and available options to notifiers.

We also agree with the addition of non-disclosure agreements that do not limit a person's ability to notify regulators about notifiable conduct. It is appropriate that notifiers are not prohibited from making notifications that have potential public protection implications.

AAPi appreciates the opportunity to provide feedback on the proposed amendment bill. Please get in touch with us if you require further clarification or information on any of the matters we have raised.

Sincerely,



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