

14 November 2014

Leanne O'Shannessy  
Director, Legal & Regulatory Services  
Legal & Legislative Services Branch  
NSW Ministry of Health  
Locked Bag 691  
North Sydney 2059

Via Email: [legalmail@doh.health.nsw.gov.au](mailto:legalmail@doh.health.nsw.gov.au)

Dear Ms. O'Shannessy

**RE: Statutory Review of the Health Practitioner Regulation National Law**

Thank you for the opportunity to comment on the statutory review of the Health Practitioner Regulation National Law. ADA NSW Council considered the discussion paper and the following submission summarises the combined comments of Council.

In summary, ADA NSW has concerns with respect to the introduction of the National scheme from both cost and efficiency perspectives.

The National scheme was introduced to allow ease of movement of oral health professionals in Australia, reduce cost and bureaucracy, and provide enhanced public protection. ADA NSW would question whether these aims have been achieved.

1. Ease of movement interstate

While the National scheme certainly reduces paperwork commitments for individual practitioners, ADA NSW has no evidence to suggest that this was in fact an issue that required addressing. There may be individuals who have gained from this system; the vast majority of our members would not require this ability, especially at the significant cost involved for all members.

2. Cost and bureaucracy

The cost of an additional tier of administration has been of limited benefit for the vast majority of our members. ADA NSW has concerns that this additional 'tier' has not only had additional fixed costs but the need for supporting, developing and reporting has led to our members having to pay to support these functions. ADA NSW is aware that its members are paying significantly more for a lesser, or at best, equal outcome. From a practitioner perspective, the greater the bureaucracy, the more time away from direct patient care. Fixed costs are just that; individual patients will in some way carry the cost for any increased bureaucracy.

3. Public protection

ADA NSW has concerns that ease of interstate movement may mean that registrants may be 'harder to track'. Previously, to register interstate, a dentist had to demonstrate 'good standing'. With the National scheme, practitioners may practice for some time in another state before any monitoring requirements become apparent.

It would seem that members remain confused about the benefits, and are concerned at the cost of National professional registration. Our members have to register to practice; the increasing costs of such registration are of great concern to many.

Councillors of the ADANSW Branch have specific comments that relate to 'Complaints and Appeals'.

Section 145: The term "expeditiously" does not provide a specific timeframe such as a maximum time for a complaint to be acted upon, thus it may be prudent to raise a definitive timeframe requirement rather than an arbitrary "expeditious" which is open to debate and subjective in nature. This also relates to section 145B.

Section 150A: Again there is no timeframe for reviews of decisions and in Section 150D the timeframe is after taking action on an appeal. The inference is that whilst an appeal may be lodged, there is no timeframe until action has begun upon the appeal. This could be indefinite and does not serve reasonable justice.

Section 159A: Ironically there is a timeframe for lodging an appeal, this being no more than 28 days from the time of a decision. This seems at odds to 150A.

Section 175B: The Tribunal is in reality able to charge what it thinks are reasonable costs. Certainly, this seems to be an arbitrary amount and not related to a "fee schedule" scenario that our members, as professionals, are compelled to provide prior to a treatment program. We believe that costs should be calculable and thus upfront so the appellant knows precisely what is at risk.

ADA NSW has a clear understanding of the differences between our profession and others. While external input is critical to complaints, the very specific and technical nature of our profession means that peers must be involved at all levels.

ADA NSW Advisory Services recognise the expertise, experience and ethics of the Dental Council of NSW. Our Peer Advisors support members at Inquiries and attest to the rigour and fairness of the process. It is our experience that the vast majority of members attending Inquiries recognise that the system is fair, valid and reliable.

In summary, we have concerns that the relationship between registration requirements and 'discipline' is overly complex to the detriment of the community that we serve. At a very basic level, has the National scheme achieved its original goals (ADA NSW would argue not) and at what cost?

ADA NSW would be happy to engage in discussion about this matter with the NSW Ministry of Health.

Should you wish to contact ADA NSW about this or any other matter, please feel free to contact me via telephone on (02) 8436 9900.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Deb Cockrell', with a horizontal line extending to the right and a small mark at the end.

**Deb Cockrell**  
President