



28 April 2011

Ms Anne-Louise Carlton  
Manager, Health Practitioner Regulation Unit  
Health Regulation and Reform Branch  
Department of Health Victoria  
GPO Box 4541  
Melbourne 3001

Dear Ms Carlton

[Options for regulation of unregistered health practitioners](#)

The Australian Nursing Federation (ANF) has reviewed the consultation paper *Options for regulation of unregistered health practitioners* issued in February 2011, by the Australian Health Ministers' Advisory Council.

With a membership of over 200,000 the ANF is the largest professional and industrial organisation in Australia for nurses, midwives and assistants in nursing. Members of the ANF are employed in a wide range of settings in urban, rural and remote locations in both the public and private sectors.

The ANF participates in the development of policy relating to nurses, midwives and assistants in nursing on issues such as: practice, professionalism, regulation, health and aged care, community services, veterans' affairs, education, training, workforce, socio-economic welfare, occupational health and safety, industrial relations, social justice, human rights, immigration and migration, foreign affairs and law reform.

The core business of the ANF is professional and industrial representation of our members and of the professions of nursing and midwifery. Nursing and midwifery form the largest regulated group of the current 10 regulated professions.

As noted above, the ANF membership includes assistants in nursing, a group of unregulated workers who can be found across the health and aged care sector, although predominantly in the latter. Assistants in nursing engage in direct care activities and as such their work carries potential for harm. The ANF is, therefore, currently making application for regulation of this category of worker to the Health Ministers Advisory Council, and proposes that this can be achieved through their inclusion within the regulatory and professional practice framework of nurses and midwives.

In relation to the consultation paper, the ANF wishes only to comment on the suggested adoption of the New South Wales (NSW) regulatory scheme as an option for regulating the unregistered health practitioners as listed on page 5 of the document. The ANF supports the comprehensive submission prepared by the Australian Nursing and Midwifery Federation South Australian Branch and forwarded separately under the consultation process.

While the NSW scheme, introduced to "better regulate unregistered health practitioners", has some merit, it is very much a retrospective mechanism. The scheme comes into play when a complaint has been made against an unregulated health worker, which means that a patient/client/resident has already been 'damaged'. In our view, the fundamental flaw of the NSW scheme is that, in no way does it mitigate the potential risk to the public.

The NSW scheme is in stark contrast to the approach taken by the Nursing and Midwifery Board of Australia under the National Registration and Accreditation Scheme (NRAS), which has positive measures in place to provide protection of the public. That is, the practice of registered nurses and midwives is governed by a professional practice framework which incorporates nationally agreed:

- educational qualifications,
- professional practice standards,
- codes and guidelines including codes of ethics and codes of professional conduct,
- decision making frameworks, and,
- requirements for continuing professional development.

The ANF strongly supports regulation in the form of a professional practice framework (detailed above) for all health workers who are engaged in direct physical or psychological care.

The ANF looks forward to learning the outcomes of the consultation and to participating further in discussions relating to achieving greater protection for the public through regulatory structures which give assurance of safe and competent health and aged care practitioners.

Should you require any additional information or wish to discuss this matter further please contact Elizabeth Foley, Federal Professional Officer, on (03) 9602 8500 or [elizabethf@anf.org.au](mailto:elizabethf@anf.org.au).

Yours sincerely,



Lee Thomas  
Federal Secretary

The industrial and professional organisation for nurses and midwives in Australia

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