

AUSTRALIAN PEAK NURSING and MIDWIFERY FORUM



17 December 2008

Ms Bronwyn Nardi,
Chair
Practitioner Regulation Sub committee
Health Principal Committee

By email: NRAIP@dhs.vic.gov.au

Dear Ms Nardi,

Re: Submission responding to the consultation paper for 'proposed arrangements for information sharing and privacy'

The Australian Peak Nursing and Midwifery Forum (APNMF) is the peak nursing and midwifery organisation in Australia, and exists to work together on issues of national importance to nursing and midwifery. The APNMF identifies areas of common interest and concern relating to nursing and midwifery and attempts to work towards a position of consensus. The APNMF also takes joint action in areas of importance to nursing and midwifery and develops joint position statements which provide recommended policy directions for government and other relevant stakeholders.

The APNMF is comprised of the:

- Australian Nursing and Midwifery Council;
- Congress of Aboriginal and Torres Strait Islander Nurses;
- Australian Nursing Federation;
- Royal College of Nursing Australia;
- Council of Deans of Nursing and Midwifery; and
- Australian College of Midwives.

1.5 Principles

The APNMF supports the principles outlined in the consultation paper. Additionally, APNMF emphasises the fundamental importance of privacy, confidentiality and that support for proposals to collect and share information is contingent on the relevancy of information and the robustness of measures to ensure that material obtained pursuant to the national regulatory scheme is amply protected against misuse.

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3. Information to be collected

- 3.1.1 The APNMF supports the proposal.
- 3.1.2 The APNMF supports (a)-(c) and (e) and (h), however, at point (d) the APNMF seeks the addition that English language proficiency must be a requirement.
At point (f) members of the APNMF have previously expressed their differing views in relation to mandatory criminal record checks. This was particularly the case in the submissions from the ANF and ANMC made during the consultation phase of the Registrations paper.
With regard to (g) the APNMF remains concerned that a mandatory requirement for professional indemnity insurance (PII) is fraught. Firstly most nurses and midwives are covered by PII by virtue of their employment as a consequence of the principles of vicarious liability. There are problems as we have previously submitted with regard to independent contractors; this includes independent midwives who simply are unable to obtain PII. Therefore the APNMF continues its view that the introduction of a scheme that is not flexible enough to cover all situations is one that will undermine the nursing and midwifery workforce and potentially make it impossible for some nurses to register.
- 3.2.1 The APNMF does not support the introduction of mandatory powers to collect employer details. The APNMF would support this information being collected once decision makers have decided that collection is in the public interest and registrants can supply their employer's postcode rather than their own residential postcode (see 4.1.1).
- 3.3.1 The APNMF supports the proposal.
- 3.3.2 The APNMF is concerned that what is being proposed is a new concept to nursing and midwifery and would seek further and better particulars prior to agreeing to the proposal.
- 3.4.1 The APNMF supports option 1.
- 3.8.1 The APNMF supports the proposal on the basis that (de-identified) information can be collated quickly and released in the year in which it is collected. Currently an enormous amount of information is collected at the time of annual renewal, particularly in relation to nursing and midwifery. Unfortunately and for reasons of privacy the current information is rarely released and therefore is of little if any value to the profession. In addition it is important to clarify who is responsible for the collection of the data, who determines the need for the data collection and who ultimately pays for the service. It is therefore the view of the APNMF that the Nursing and Midwifery Board of Australia must be consulted and have decision making powers in relation to these requirements. Currently the Nursing and Midwifery Boards are reimbursed by the state and territory governments for the additional administrative work necessary to collect the data.
- 3.8.2 The APNMF supports the proposal.
- 3.8.3 The APNMF does not support the proposal. The issue of workforce is every persons responsibility from education providers through to the professions. As such, the information has broader relevance and ought to be de-identified and made available to the professions.
- 3.8.4 The APNMF supports the proposal but again reiterates that information collected must be released further than merely the ministerial council/governmental institutions.
- 3.8.5 The APNMF welcomes and strongly supports this proposal.

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4 Publically available information

- 4.1.1 The APNMF supports the proposal providing that it is deemed to be in the public interest and the postcode supplied point (c) is the postcode associated with the registrant's employer. The APNMF will not, for reasons of privacy, agree to residential postcodes being provided as this may result in a registrant being identified and traced by a complainant. This is particularly the case in rural areas. In addition the APNMF believes that at point (a) previous names should also be included and that at point (j) a decision should be made that clearly indicates the length of time this information can be kept on the public register.
- 4.2.1 The APNMF supports the proposal once the information is deemed to be in the public interest.
- 4.3.1 The APNMF believes that it is sufficient for a notation to show in the public register that conditions apply to the practitioner's registration and for further details the enquirer should be referred to the appropriate board. The board must make a decision whether it is legitimate enquiry and necessitates further details being released.
- 4.5.1 The APNMF does not support the proposal that any person could obtain an extract of the register.
- 4.6.1 The APNMF supports the highest level of decision making available and publishing of de-identified information only.
- 4.6.2 The APNMF supports de-identified decisions only in the public interest being made available.

5. The privacy regime

- 5.1.1 The APNMF supports option 1(a).
- 5.2.1 The APNMF supports the proposal.

6. Confidentiality

The APNMF supports these proposals and reiterates the need for indemnity of officers when acting in good faith and with due diligence.

7. Information sharing

- 7.1.1 The APNMF is unclear what the connection is between registrants and the e-health arrangements and prior to agreeing with any proposals of this nature we seek further and better particulars.
- 7.2.1 The APNMF supports the proposal.
- 7.3.1 The APNMF supports the proposal.
- 7.4.1 The APNMF supports the proposal.
- 7.5.1 The APNMF supports the proposal.
- 7.7.1 The APNMF supports the proposal.
- 7.8.1 The APNMF supports the proposal.
- 7.11 The APNMF supports the statement in principle. However, we believe the nature and purpose of the information exchanged must be clear and a mechanism in place to ensure the information exchanged is used only for the purposes for which it was intended and that all providers of nursing courses must be included. For nursing this would include Registered Training Organisations.
- 7.12.1 The APNMF supports the proposal.

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7.13.1 The APNMF supports the proposal but again there must be an understanding that information exchanged is used specifically for the purposes of registration and it is held securely following exchange.

8. Health records

8.1 The APNMF acknowledges this might be a problem but does not agree with the solution proposed.

Thank you for taking the time to read the APNMF submission, we look forward to further discussions regarding the matters we raise.

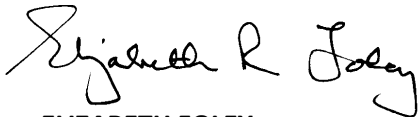
Yours sincerely



KAREN COOK
Chief Executive Officer
Australian Nursing and Midwifery Council



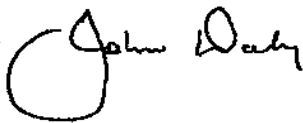
LEE THOMAS
Acting Federal Secretary
Australian Nursing Federation



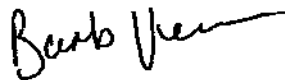
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