

The Secretary  
Standing Committee on Legal and Social Issues  
Legislation Committee  
Parliament House  
1 Spring Street, Melbourne 3002

*Re: Inquiry into the performance of the Australian Health Practitioner Regulation Agency (AHPRA)*

**Additional information requested from the Victorian Section of the APS College of Organisational Psychologists**

On behalf of Dr Ern Green, Ms Rachael Palmer and myself, thank you for the invitation and opportunity to meet and speak with members of the Legal and Social Issues Committee on Wednesday 18 September 2013. We trust the Committee found the perspectives and experiences we shared on the evening to be of value in your Inquiry into the effectiveness of AHPRA and the National Regulatory Scheme (NRAS).

In reply to the Committee's questions about proposed solutions to the identified problems with the NRAS, including alternative registration fee models, we advise as follows:

The College of Organisational Psychologists' National Committee is currently awaiting the report of the comprehensive review being carried out by its National Regulatory Developments Working Party in preparation for the independent national review (to be undertaken after 3 years of operation of the NRAS), and will in due course consider the specific recommendations to be made by that Working Party. In the meantime, the National College Chair has authorised us to say that it is likely that:

- (a) The College will continue to recommend broadening the representativeness of the Psychology Board of Australia and its jurisdictional boards and disciplinary panels. The strong health sector focus demonstrated by the Board and AHPRA appears to prevent issues affecting the broader Psychologist population and the publics they serve (see diagram attached) from being addressed holistically. For example, it is unclear and unstated as to which body has responsibility for ensuring that the needs of Psychologists working outside the health sector are considered in policy setting and planned for in terms of workforce planning and program funding.
- (b) The College would prefer Organisational Psychologists to remain within the National Regulatory Scheme, if effective action can be taken to broaden the scope of the legislation to accommodate organisational psychologists unambiguously. If not, the College is prepared to consider a number of alternatives.
- (c) The very important matter of restoring the funding of Organisational Psychology courses to the same level as the other kinds of psychology courses will be pressed as will the availability of more places for trainees in post-graduate organisational psychology, especially in Victoria. This would have to involve discussions with the Victorian universities (and other bodies.)

- (d) Changes will be sought to a number of policies created by the new Psychology Board of Australia (PsyBA), including those about continuing professional development (CPD) and supervision requirements, the new National Psychology Examination, and the “one size fits all” prohibition of advertising, which we regard as harmful to competition including in situations where a government tender may require “testimonials” (which only psychologists are prevented from supplying, thus giving unregistered practitioners a competitive advantage).
- (e) More transparency and accountability in AHPRA’s and PsyBA’s strategic planning, budgeting and rationales for expenditures will be sought, as will stronger efforts to reduce expenditures and fees charged to the “minimum efficient” level prescribed by the Victorian Government’s Cost Recovery Guidelines. PsyBA continues to identify unsubstantiated work that it wishes to complete using registrant funds, e.g. PsyBA’s 2014 workplans include developing a new Code of Conduct for Psychologists, despite no commentary on any flaws with the existing one. PsyBA and the other National Boards have a clear conflict of interest in that they are free to set registration fee levels to cover their own preferred high activity levels with the registrants having no alternative but to pay the annually increasing fees.
- (f) A stronger regulatory focus will be sought on unsafe practices (including unqualified and unregistered practitioners) and minimum standards for entry, rather than on post-entry professional work and “best practices” across psychology’s nine specialist areas (of which organisational psychology is one), which our College regards as matters for self-regulation.
- (g) Students, the College continues to highlight, under National Law should be registered as students (like all the other professions administered by AHPRA). Psychology students should not be classified as provisional Psychologists and charged with associated fees – this is a barrier to entry for the profession.

The Inquiry Committee’s question about an alternative registrant fee model that includes a differential based on the risks/impacts associated with the type of psychological work being undertaken is a commendable idea. To make this work we suggest there would need to be a separate register for psychologists working outside the health sector to apply for. The College has publicly recommended in earlier submissions that there be a General Register for all psychologists, with a sub-register for those wishing and competent to provide personal mental health services. It may be possible, as a “user pays” concept, to justify a fee for being listed on the General Register plus an additional fee for being listed as well on the “personal mental health services” sub-register on the grounds that this sub-register has specific “health sector” benefits such as being given Provider Numbers and Medicare rebates for clients. (Non-health psychologists do not have Provider Numbers and our clients do not receive Medicare rebates.) We consider this “user pays” notion a sounder basis for fee differences than a “risk difference basis”, as the latter involves complex arguments about kinds and levels of risk (e.g. individual c.f. organisational) and would probably be more contentious than a “user pays/extra benefits” basis. This type of two-register model, with associated fee differentials, will be considered by the National Regulatory Developments Working Party and the College National Committee as a matter of urgency.

In regard to mandatory reporting, it appears (with its repeated references to “health professionals”) to apply only to providers of personal health services and not to Organisational Psychologists. We have been led to believe that no Organisational Psychologist has been complained against after joining this College, and that as the National Law Act stands, our members are probably not covered by the complaints system in most jurisdictions unless they also happen to be qualified to deliver personal health services. Nonetheless we do have a view. On ethical grounds we consider that the mandatory reporting provisions of the National Law Act should be modified to allow treating practitioners to be exempt from making a report about a fellow practitioner who is a client, under certain circumstances. The Western Australian approach to mandatory reporting provides an example of this kind of approach, as (we understand) does the Queensland Health Ombudsman Bill 2013.

We trust that these additional comments have been a useful supplement to our discussions with you at the public hearing on 18 September 2013 as well as building on our written submission of March 2013. If you have any further questions or would like to explore alternative options on any of these issues, please let us know.

Yours sincerely



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Attachments:

- Diagram referred to in the Public Hearing, with additional explanatory summary.
- UK registration cost comparisons table.