

17<sup>th</sup> November 2011

Dr P Fisher  
Executive Officer  
Chiropractic Board of Australia  
GPO Box 9958  
Melbourne Vic 3001

Dear Dr Fisher

**Re: Consultation Paper – Proposed standards for limited registration**

Thank you for the opportunity to provide a submission in relation to the above consultation paper. Firstly the New Zealand Chiropractic Board (NZCB) would like to acknowledge and congratulate the Chiropractic Board of Australia (CBA) on the obvious amount of time and thought that has gone in to developing these standards.

*General comments*

The NZCB notes the statement that applicants must meet all requirements of the CBA, which is assumed, includes English language. As a general observation, is the need to meet the Board's English language requirement considered on a case-by-case basis for non-contact positions such as research or clinical demonstration participation?

The NZCB also notes the content of the "Summary of the registration standard" paragraph on page 1 of the consultation paper. While the Board fully understands the reasons behind the need for this type of registration, it is of the opinion that this explanation, in its current form, may lead to the perception of the Board setting a double standard as it is contradictory to the requirements for registration set out in legislation.

The Board also feels that it may be beneficial to define the term "teaching", i.e. does it refer to teaching a course, seminar or lay lecture etc.

On page 6 of the Consultation Paper, clause d) states:

*The Board has procedures in place to ensure that the standards remain relevant and in the public interest over time. The standards will be reviewed within three years of their commencement, including assessment against the objectives and guiding principles in the National Law and the COAG principles for best practice regulation.*

The NZCB notes there is no link to, or outline of, the procedures that the CBA will utilise to ensure that the standards remain relevant. Such information may be useful for transparency.

**1. Proposed registration standard for limited registration for teaching or research**

*Page 8 – Application of the registration standard*

The NZCB notes the statement that this type of registration is suitable for overseas-qualified chiropractors who intend to fill a teaching or research position and use the title "chiropractor".

The NZCB understands that the National Law is “title protection” based legislation and therefore assumes that if a person was not intending to use the title chiropractor while undertaking a teaching or research position then registration would not be required. This could lead to the possibility of entities circumventing the need to register their overseas trained limited period teachers or researchers by not having them call themselves chiropractors while in their employ. Has the CBA thought of rewording the statement slightly to include the words “... use the title chiropractor or hold themselves out to be a chiropractor by virtue of the position held.”

#### *Page 8 – General requirements*

The NZCB notes the second dot point states that all chiropractors granted limited registration for teaching or research must comply with the requirements set out in this registration standard, including authorising and facilitating the provision of regular reports from their supervisor/s to the Board regarding their safety and competence for registration.

Will the CBA be providing a template report for completion by supervisors and will supervisors have to be approved by the CBA to ensure they are appropriate to supervise and report? If supervisors are to be approved by the CBA, the NZCB would suggest that the CBA, if it has not already done so, develops a set of criteria for matching purposes to be made publically available.

#### *Page 9 – National Law requirements*

Dot point 2 refers to qualifications determined by the Board to be relevant.... Will the Board be publishing, or making available, a copy of the audit process it intends to use to determine qualification relevance?

Dot point 4 refers to recency of practice – Will the Board be publishing guidelines for recency of practice for research and teaching positions.

#### *Page 10*

Dot point 9 states that an applicant for limited registration needs to confirm that they “will meet” the requirements for professional indemnity insurance. The Board feels that this dot point should be amended to state that the applicant “meets” the requirement or indicate a timeframe in which they “will meet” the requirement.

#### *Page 10 – Compliance requirements*

The first paragraph following the dot points indicates that if an applicant does not maintain employment in the teaching or research position that they can no longer “practice chiropractic”. The Board is of the opinion that the wording of this statement may lead to confusion and could be amended to read: “.....no longer hold limited registration for teaching or research.”.

The following paragraph should include the words “or supervision” after clinical practice.

#### *Page 11 – Renewal of limited registration*

The NZCB notes the statement includes an explanation that limited registration is granted for a period no more than 12 months and may be renewed three times only, as set out by section 72 of the National Law. If limited registration has been renewed three times, a chiropractor seeking limited registration may submit a new application for limited registration which will need to meet the requirements set by the Board at that time.

This requirement does not appear to have a limit on the number of times a person can apply for limited registration. The NZCB suggests that the CBA considers including a limit on the number of times a person can apply for limited registration before being required to apply for a general registration.

The NZCB also notes that this section does not include a time period over which an applicant can make their initial three applications, e.g. can they apply three times in one year, three years, ten years etc.

*Page 13 – Definitions*

The Board notes the definition of supervisor includes the words “approved by the Board”. Will the Board be publishing, or making available, a copy of the process it will utilize to determine a person’s suitability to be an approved supervisor?

*Page 16 – Attachment B*

Dot point 1 refers to “appropriate qualifications”. Will the Board be publishing, or making available, the list of qualifications it deems appropriate?

**2. Proposed registration standard for limited registration in the public interest***Page 17/18 – National Law requirements*

The NZCB notes that clause 2 states all applicants granted limited registration in the public interest must comply with the requirements for registration set out in this registration standard, including chiropractic qualifications as recognised and listed by the Councils of Chiropractic Education International (CCEI) and/or determined to be relevant and suitable for the purpose of limited registration in the public interest

The NZCB would expect that the CBA has taken into consideration and will assess on a case-by-case basis applications from persons who hold non-CCEI recognised qualifications who wish to present/attend World congresses that may be held in Australia such as the World Federation of Chiropractic etc.

Dot point 3 includes the words “internationally-recognised expert”. Does the Board intend to compile a list of such persons and how will their credentials be determined?

Dot point 4 refers to chiropractors seeking to participate in a workshop/seminar. This statement is not clear as to whether it refers to chiropractors attending to present, or attending for their personal interest.

The NZCB notes that clause 13 states all applicants granted limited registration in the public interest must comply with the requirements for registration set out in this registration standard, including a declaration that the individual is not disqualified under the National Law or a law of a co-regulatory jurisdiction from applying for this type of registration.

Has the CBA established a procedure for applicants who are travelling from jurisdictions where no regulatory authority exists and if so, then this should be included? This also has relevance on page 19 where it states that all applicants must provide evidence of their current registration status or eligibility for registration to practise chiropractic in their home jurisdiction.

*Page 20 – Renewal of limited registration*

Again, this section makes no mention of a limit on the number of times a person can apply for limited registration.

*Page 21 – Application*

Dot point 3 states that applicants may request that the registration pre-dates their commencement of the position that is in the public interest by up to one month.

This statement may need to be reviewed as it possibly contradicts the intent of the standard that this type of registration is only granted for a period of up to one month. It could possibly mean that a person would need to re-apply prior to undertaking the event.

Once again, the NZCB congratulates the CBA on the drafting of this Registration Standard given our regulatory responsibilities under Trans-Tasman Mutual Recognition.

Yours sincerely

  
Debby Ramsay

**Registrar**