
Board's statement of assessment against AHPRA *Procedures for development of registration standards, codes and guidelines* and COAG *Principles for best practice regulation*

The Australian Health Practitioner Regulation Agency (AHPRA) has *Procedures for the development of registration standards, codes and guidelines* which are available at www.ahpra.gov.au

These procedures have been developed by AHPRA in accordance with section 25 of the *Health Practitioner Regulation National Law* as in force in each state and territory (the National Law) which requires AHPRA to establish procedures for the purpose of ensuring that the National Registration and Accreditation Scheme operates in accordance with good regulatory practice.

Below is the Nursing and Midwifery Board of Australia's (NMBA) assessment of their proposal to develop *Midwife standards for practice* (Standards), inclusive of a review of the current NMBA National competency standards for the Midwife against the three elements outlined in the AHPRA procedures.

<p>1. The proposal takes into account the National Registration and Accreditation Scheme (National Scheme's) objectives and guiding principles set out in section 3 of the National Law</p>
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Board assessment

The NMBA considers that the draft *Midwife standards for practice* (Standards) meet the objectives and guiding principles of the National Law.

The draft proposed Standards continue to provide for the protection of the public by establishing minimum expected practice standards for all midwives registered in Australia.

The draft proposed Standards also support the National Scheme to operate in a transparent, accountable, efficient, effective and fair way.

2. The consultation requirements of the National Law are met

Board assessment

The National Law requires wide-ranging consultation on proposed standards, codes and guidelines.

The public consultation draft proposed Standards have had high-level input and direction from key stakeholders. As part of the development of the Standards, the NMBA established an Expert Advisory Group (EAG) comprising: State and Federal government representatives, midwifery stakeholders, midwives, consumers and professional associations. The EAG have provided feedback to inform the development of the draft proposed Standards.

There will be broad public exposure of the NMBA proposal and the opportunity for public comment during the public consultation process. This process includes the publication of the consultation paper on the NMBA website. The NMBA will also draw this paper to the attention of key stakeholders.

3. The proposal takes into account the COAG Principles for Best Practice Regulation

Board assessment

In developing the public consultation draft Standards, the NMBA has taken into account the Council of Australian Governments (COAG) *Principles for Best Practice Regulation*.

The NMBA makes the following assessment specific to each of the COAG principles expressed in the AHPRA procedures.

COAG Principles

A. Whether the proposal is the best option for achieving the proposal's stated purpose and protection of the public

Board assessment

The NMBA considers that the proposal is the best option for achieving the stated purpose and has taken care not to propose unnecessary regulatory burdens that would create unjustified costs for the profession or the community.

The draft proposed Standards will better reflect current midwifery practice across all areas of practice and settings, in Australia. The draft proposed Standards are based on the best available evidence and aligned with international best practice, ensuring the Standards are current and relevant to the contemporary role and scope of midwifery practice.

The draft proposed Standards provide midwives and the broader community with a reference point to communicate the standards expected of midwives and enhances the protection of the public.

The NMBA considers that the draft proposed Standards will have a low impact on the profession. This low impact is significantly outweighed by the benefits of protecting the public and providing clearer, contemporary standards, in the public interest

B. Whether the proposal results in an unnecessary restriction of competition among health practitioners

Board assessment

The NMBA has considered whether the draft proposed Standards could result in an unnecessary restriction of competition among health practitioners. There are no expected competition impacts as the draft proposed Standards do not include any additional requirements to those in the current NMBA National competency standards for the midwife.

C. Whether the proposal results in an unnecessary restriction of consumer choice

Board assessment

The NMBA considers that consumer choice will not be affected as the draft proposed Standards continue to support consumer choice by providing transparent information on the standard of practice expected of all midwives. Having contemporary practice standards will assure the public that the standards reflect current education and practice for all midwives in all areas of practice.

D. Whether the overall costs of the proposal to members of the public and/or registrants and/or governments are reasonable in relation to the benefits to be achieved

Board assessment

The NMBA does not anticipate that the draft proposed Standards will change the overall costs to the public, registrants or governments.

The draft proposed Standards do not change the current regulatory burden from the current NMBA National competency standards for the midwife.

E. Whether the requirements are clearly stated using 'plain language' to reduce uncertainty, enable the public to understand the requirements, and enable understanding and compliance by registrants

Board assessment

The NMBA considers that the draft proposed Standards have been written in plain English and reduce ambiguity to enable midwives and all users to understand the requirements of the draft proposed Standards.

F. Whether the Board has procedures in place to ensure that the proposed registration standard, code or guideline remains relevant and effective over time

Board assessment

If approved, the NMBA will review the Standards at least every five years, including an assessment against the objectives and guiding principles in the National Law and the COAG principles for best practice regulation.

The Standards that are developed in this review will reflect current (not aspirational) evidence-based midwifery practice, be up-to-date, meet legislative requirements and align with the other NMBA standards for practice.

However, the NMBA may choose to review the Standards earlier if necessary, to ensure the Standards continued relevance and workability.