

Australian Capital Territory

# Health Professionals (Regulation of Health Profession) Decision 2006 (No 1)

Disallowable instrument DI2006–80

made under the

Health Professionals Act 2004, s20, (Decision to regulate a health profession)

## EXPLANATORY STATEMENT

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This disallowable instrument determines that the Australian Capital Territory Executive has decided that the profession known as Medical Radiation Scientists has been approved as a new health profession under the *Health Professionals Act 2004*.

Under section 20 of the *Health Professionals Act 2004* the Executive may decide in writing that a health profession be regulated. However, before deciding that a health profession be regulated the Executive must decide whether regulation of the profession is necessary or desirable. The criteria for deciding whether regulation is necessary or desirable are set out in section 21 of the *Health Professionals Act 2004*.

The medical radiation scientist profession has demonstrated that regulation under the *health Professionals Act 2004* is both necessary and desirable for the following reasons:

**Section 21 (1) (a) The likelihood of harm, and the likely extent of harm, to the health and safety of the public if a health service ordinarily provided by the profession is not provided properly.**

The key role of medical radiation scientists is to provide clinical diagnostic and therapeutic services utilising ionising radiation, ultrasound and magnetic resonance. There is a significant risk of harm to the health and safety of the public posed by the activities of medical radiation scientists. These risks include: radiation risks to the client, large field-strength magnetic risks, risks associated with application of therapeutic doses of radiation, risks due to intrusive and invasive techniques, risks due to technical incompetence, radiation risks to wider public and risks to the health professional.

As medical radiation scientists have close physical and often intimate contact with the client and submit the client to an absorbed dose of potentially dangerous ionising radiation, it is important that there is a level of professional accountability, training and responsibility.

**Section 21 (1) (b) Whether there is likely to be an increase in the quality of the services provided, to the benefit of the public, if the profession is regulated.**

The nature and severity of the high risk associated with this practice can be limited by the regulation of the profession, the provision of safe practices and ensuring that only suitably qualified and regulated professionals undertake the practice.

Statutory registration would provide the capacity to impose conditions, including suspension or deregistration from practice for those professionals who did not adhere to the competencies standards, ethics and behaviours expected of those who have such intimate and trusted access to members of the public at a vulnerable point in time.

**Section 21 (1) (c) Whether the profession would operate appropriately if it were not regulated.**

The current legislative regime regulates the use of ionising radiation devices and their operators, but does not cover professional standards, ethics, competence and the activities of medical radiation scientists. In addition, the current professional associations have no ability to prevent a member from practising or to impose continuing professional development which are mandatory requirements under the *Health Professionals Act 2004*.

**Section 21 (1) (d) Whether the profession can be regulated.**

The medical radiation scientist profession is a well defined group of health professions that includes medical imaging technologists, radiation therapists and nuclear medicine scientists.

Medical radiation scientists are regulated and/or licensed in most states and territories of Australia. Medical radiation scientists undergo significant training and education to become a competent member of the profession. All medical radiation scientists require tertiary education and relevant professional associations are active in continuing education, both in terms of clinical technique and ethical standards.