

Authority

This standard was approved by the Australian Health Workforce Ministerial Council in December 2011 pursuant to the *Health Practitioner Regulation National Law Act*, as in force in each state and territory (the National Law), with approval taking effect from 1 July 2012.

Summary

Aboriginal and Torres Strait Islander health practitioners must not practise the profession unless they are covered in the conduct of their practice by appropriate professional indemnity insurance arrangements in accordance with this standard.

Registrants can be covered by either individual insurance arrangements or third party insurance arrangements which may apply through employment or education institution insurance arrangements.

Initial registration and annual renewal of registration will require a declaration from the Aboriginal and Torres Strait Islander health practitioner that they are or will be covered for all aspects of practice for that period of registration.

It is usual for Aboriginal and Torres Strait Islander health practitioners who are not in private practice to be covered by their employer for professional indemnity insurance arrangements. However, it is the responsibility of the individual registrant to check that appropriate professional indemnity insurance arrangements are in place.

Scope of application

This standard applies to all Aboriginal and Torres Strait Islander health practitioners applying for initial registration or renewal of their registration. It does not apply to student registrants or practitioners with non-practising registration.

Requirements

1. When applying for registration or renewal of registration, Aboriginal and Torres Strait Islander health practitioners will be required to declare that appropriate professional indemnity insurance arrangements are, or will be, in place while they are practising the profession.
2. Aboriginal and Torres Strait Islander health practitioners will require professional indemnity insurance to cover the full scope of their practice, whether employed or self-employed, and regardless of whether they are working in the private, non-government or public sector.
3. Aboriginal and Torres Strait Islander health practitioners in a genuine employment relationship would usually be covered vicariously by their employer's professional indemnity insurance. It is the registrant's responsibility to understand the nature of the cover under which they are practising. Aboriginal and Torres Strait Islander health practitioners to whom this applies may be required by the Board in writing to provide documentation from their employers, or education institutions, to verify professional indemnity insurance arrangements.
4. Aboriginal and Torres Strait Islander health practitioners who hold private professional indemnity insurance cover in their own name are required to retain documentary evidence of their insurance and to provide it to the Board on request.
5. Aboriginal and Torres Strait Islander health practitioners must ensure they have adequate cover but this may differ according to an individual's scope of practice and risk. Where an Aboriginal and Torres Strait Islander health practitioner is working for someone other than themselves, they should seek written evidence from their employer that professional indemnity insurance arrangements are in place where appropriate.
6. The Board encourages practitioners who are assessing whether they have appropriate professional indemnity insurance arrangements in place to consider:
 - a) the practice setting and the type of services and care delivered
 - b) the patient or client group
 - c) advice from professional indemnity insurers, professional associations and industrial organisations and
 - d) current employment status.
7. The Aboriginal and Torres Strait Islander Health Practice Board may, as per section 129(2) of the National Law, at any time, by written notice, require a registered Aboriginal and Torres Strait health practitioner to give the Board evidence of appropriate professional indemnity insurance arrangements that are in force in relation to the practitioner's practice of the profession.

Definitions

Aboriginal and Torres Strait Islander health practitioner

means a person registered by the Aboriginal and Torres Strait Islander Health Practice Board. The practitioner may use the titles:

- Aboriginal health practitioner,
- Aboriginal and Torres Strait Islander health practitioner, or
- Torres Strait Islander health practitioner.

Professional indemnity insurance arrangements

means arrangements that secure, for the practitioner's professional practice, insurance against civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries, and covers the cost and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

Practice means any role, whether remunerated or not, in which an individual uses their skills and knowledge as a health practitioner in their profession. For the purpose of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use their professional skills.

Review

This standard applies from 1 July 2012. The Board will review this standard at least every three years.