Chiropractors Board of Queensland

GPO Box 2438
BRISBANE Q 4001

Telephone: 61 7 3225 2517
Facsimile: 61 7 3225 2527
Email: chiropractic@healthregboards.qld.gov.au

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Ms M Eibisch
MRA Review
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Ms Eibisch

RE: **REVIEW OF MUTUAL RECOGNITION AND TRANS-TASMAN MUTUAL RECOGNITION LEGISLATION**

Thank you for your recent notification regarding this matter. The Chiropractors Board of Queensland considered your letter at its recent meeting and welcomes the opportunity to provide a written submission in relation to this Review.

The Chiropractors Board of Queensland has worked within the provisions of Mutual Recognition and Trans-Tasman Mutual Recognition Legislation since their enactment and has experienced very fev, difficulties. It applauds the fact that chiropractors are able to move between States and Territories, including New Zealand, without the necessity of obtaining initial registration, which in some cases is a lengthy process, in each jurisdiction in which they wish to practise.

To enhance the principles behind Mutual Recognition and Trans-Tasman Mutual Recognition Legislation the Board would like to make the following comments:

1 . Residency Requirement

It has become apparent over recent times that some overseas trained professionals are registering in New Zealand, where the registration requirements may be less than in Australia and immediately travelling to Australia and gaining registration under Trans-Tasman Mutual Recognition. In the majority of cases, such applicants have never even set foot in New Zealand. (This example may also be reversed in that the first point of entry may be Australia and registration is gained automatically in New Zealand.)

As the majority of Australian Chiropractors Registration Boards require overseas trained applicants to successfully complete a competency assessment before gaining registration, these persons thus escape this requirement.

The Board takes its role in relation to the protection of the public very seriously and feels that this situation is undermining not only its intentions, but the intentions of all Australian Chiropractors Registration Boards.

The Board is of the opinion that a 6 month residency requirement in New Zealand (or vice versa) may resolve this problem.

Board Recommendation

The Board recommends that Trans-Tasman Mutual Recognition Legislation be amended so that a person must prove to the local registration authority a period of 6 months residency in either Australia or New Zealand when lodging a notice for registration under Trans-Tasman Mutual Recognition Legislation.

2. Proof of Identity

At present, the relevant legislation does not require an applicant to prove his or her identity. The Board can foresee a situation whereby a person could assume the name of a registered person interstate or in New Zealand and easily obtain deemed registration in another State, Territory or New Zealand should the identity of that person not be closely examined.

Board Recommendation

The Board recommends that both Mutual Recognition and Trans-Tasman Mutual Recognition legislation be amended so that a person applying for registration must provide proof, beyond doubt, of his or her identity.

3. One Month Time Limit to Grant Substantive Registration

At present, if the Board fails, within one month of a notice being lodged, to make a decision regarding the granting or otherwise of substantive registration the Legislation automatically grants the applicant substantive registration. Only during this period of one month can the local registration authority postpone or refuse to grant substantive registration.

The Board does not consider this time to be sufficient to allow jurisdictions to undertake necessary checks and balances, given that some Registration Boards do not meet regularly. It has been found that in some cases, where Registration Boards do meet on a monthly basis, that the one month timeframe is still insufficient, given outside influences with respect to the receiving of information etc.

Board Recommendation

The Board recommends that both Mutual Recognition and Trans-Tasman Mutual Recognition Legislation be amended to increase the time limit to consider an application/notice by a local registration authority to 3 months.

4. Equivalence of Occupation

At present, both the Mutual Recognition and Trans-Tasman Mutual Recognition Legislation only allow for conditions to be placed on an applicant’s registration if those conditions were attached to the registration in the initiating State or Territory or New Zealand, due fo "equivalence of occupation".

The Board is aware of a situation that arose not long ago where the "full registration" granted to an applicant in one State or Territory, was not equivalent to the "full registration" in the second State or Territory. The Board concerned placed conditions on the applicant’s registration and

was challenged due to the fact that the conditions were not imposed by the State or Territory of originating registration.

Board Recommendation

The Board recommends that a clause be added to both the Mutual Recognition and Trans-Tasman Mutual Recognition Legislation to specifically allow the second State or Territory or New Zealand to impose conditions they feel appropriate to ensure "equivalence of occupation".

The Board trusts that the above information is helpful in your considerations and looks forward to receiving updates in relation to the progress of the Review.

Yours sincerely

Dr J Worrall
Chairperson