NURSING BOARD
of
TASMANIA

26 March 2003

SUBMISSION TO THE PRODUCTIVITY COMMISSION

The Nursing Board of Tasmania (the Board) receives approximately 237 applications annually from nurses seeking registration or enrolment in Tasmania under mutual recognition legislation.

The Board supports the overall concept of mutual recognition and thanks the Productivity Commission for the opportunity to contribute to the Review of the Mutual Recognition Agreement (MR) and the Trans Tasman Mutual Recognition Arrangement (TTMR).

There are potential conflicts between the existing State and Territory legislation and the MR and TTMR requirements. These conflicts arise in the areas of recency of practice, continuing competence, disciplinary procedures and the 'equivalent occupation' concept and specialisation. Due to the differences between State and Territory and New Zealand legislation, it is possible that the Board would be required to grant registration to a nurse under mutual recognition legislation, when that same individual would not be eligible for registration under the *Nursing Act* 1995. The Board is concerned that there could be the potential to reduce the accepted standards of practice for nurses in Tasmania.

Recency of Practice

The overriding principle for a nurse to gain registration under mutual recognition legislation is simply to hold a current license as a nurse in a participating jurisdiction. The Board's current policy is that for a nurse to gain registration in Tasmania they have to have practiced nursing within the previous five-year period. This is not true in all jurisdictions and therefore it is quite possible for a nurse to hold a current license, gain registration in Tasmania and yet they may not have worked for some considerable time. Employers have expressed their concern to the Board regarding this anomaly.

Continuing Competence

In Tasmania any nurse who applies for registration or re-applies for a license to practice must sign a declaration to state that she/he has maintained their competence to practice based on the Australian Nursing Council National Competency Standards. Under mutual recognition, whilst there is some mention of making a declaration regarding any outstanding disciplinary issues there is no mention of competence.

Note:
In most jurisdictions it is a requirement that nurses meet both recency and competency standards, which are acceptable to the profession and ensure the protection of the public.

Disciplinary Procedures

Due to the differences between State and Territory and New Zealand legislation, it is essential that all jurisdictions develop comparable systems for notifying and recording disciplinary actions taken against a nurse. Also the terminology in this area should be addressed as although a nurse may not, strictly speaking, be the subject of disciplinary proceedings they may be the subject of a complaint, which is at the preliminary stages of investigation.

'Equivalent Occupation' and Specialisation

The Board has concerns over the term/concept of 'equivalent occupation'. A number of jurisdictions operate a multiple register, which has a variety of categories such as Mental Health/Psychiatric Nurse whereas others have a single register model. This causes difficulty in determining equivalence in relation to education preparedness and scope of practice issues. The Board takes exception to the fact that the occupation of a person who has only undertaken an education program to prepare them to work in a defined area of nursing such as mental health can be seen as the same as the occupation of a person who has completed an education program that has prepared them to work in a much broader scope and practice area. Registering a person with limited qualifications and experience and allowing them to practice without restriction or supervision not only has the potential to put the public at risk, but also devalues the qualifications, education preparation and experience of nurses who have completed a more comprehensive nursing education program. There is also a concern that potentially lower standards may be imposed on other jurisdictions leading to an overall lowering of standards. This would not be in the best interest of the community or assist in organizations such as the Board ensuring protection of the public.

In Tasmania the legislation quite clearly states that a person is not allowed to call himself or herself a 'nurse' unless they hold a current license to practice issued by the Nursing Board of Tasmania. It is essential that the terminology used in the legislation is clear and suitable to apply to all jurisdictions.

There may be a need to review both the time period available for postponement of substantive registration and the circumstances that allow for a postponement. Currently the one-month timeframe may not be sufficient to address certain matters, which become evident during the application process particularly in the area of discipline.

The Board believes it would be timely to review the existing exemptions, as it would seem inequitable that the arrangements do not apply to all health professions. Current exemptions should be removed.



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