OPTICIANS BOARD

27 March 2003

MRA / TTMRA Review
Productivity Commission
PO Box 80
BELCONNEN
ACT 2616
AUSTRALIA

Trans-Tasman Mutual Recognition Agreement (TTMRA) Review

The New Zealand Opticians Board (the Board) is constituted by the Optometrists and Dispensing Opticians Act 1976 and is the registration body for optometrists and dispensing opticians in New Zealand. The functions of the Board under the Act are among others:

- To advise and make recommendations to the Minister on any matter relating to the education and registration of optometrists and dispensing opticians
- To promote high standards of professional education and professional conduct among optometrists and dispensing opticians
- To exercise disciplinary powers
- To consider applications for registration

The numbers of applicants who have used TTMR to come to New Zealand from Australia are currently 15 optometrists and 4 dispensing opticians.

Optometry registration authorities on both sides of the Tasman have one aspect that affects the Trans-Tasman Mutual Recognition agreement. The Board is required in its legislation to accept the 'qualifications':

- Membership of the British College of Optometrist (MBCO) obtained on or after 1 July 1980, and
- Membership of the College of Optometrists (MCOptom), obtained on or after 1 July 1996.

These are defined in the Schedule 1 of the Optometrists and Dispensing Opticians Regulations 1977 (set out in the 1977 and 1997 amendments to the regulations). These qualifications are not in fact 'qualifications' but denote *membership* of the professional body the College of Optometrists, United Kingdom. Australia does not accept the MBCO and MCOptom as suitable for registration purposes.

There has been frustration for all the optometry registration authorities over New Zealand recognition of the MBCO and MCOptom and its effect on the otherwise successful and beneficial elements of TTMRA.

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The Optometry Council of Australia and New Zealand (OCANZ) was established by the Council of Optometry Registration Authorities of New Zealand (CORA) to assess overseas qualifications, carry out the optometry competency examination, and oversee the accreditation of optometry courses in both countries. OCANZ has three members who are nominees of CORA.

The Board has been unsuccessful in its approaches to the New Zealand Minister of Health to have MBCO and MCOptom removed from the list of acceptable qualifications. The Board stance is that by removing these qualifications, optometrists who hold either qualification would not be granted automatic registration as optometrists in New Zealand. The Board is required to recognise groups of graduates rather than assess the competency of each practitioner. Instead, they would need to have their qualifications assessed by OCANZ and, if necessary, pass an optometry competency examination, as currently occurs in Australia.

The Board has never been satisfied that these qualifications meet its minimum standard for registration in New Zealand. The retention of MBCO and MCOptom requires New Zealand and Australia (under the Trans-Tasman Mutual Recognition Act 1997) to accept a lower standard of academic and practical optometry training than that of New Zealand and Australian trained optometrists graduating from accredited courses of training. The General Optical Council in the United Kingdom does not recognise alien non-EU qualified optometrists until they have passed a competency examination. The Board has put in place consistent, transparent, and fair mechanisms for ensuring practitioners who are approved for registration are safe to practise in New Zealand. The MBCO and MCOptom holders are the only practitioners who do not have to demonstrate competence to the current New Zealand standard before practising.

The Board notes that the Australian authorities share its concerns and are affected by Trans-Tasman Mutual Recognition legislation. The Board understands that the Australian authorities have the support of their Ministers to exclude the MBCO and MCOptom from the Trans-Tasman Mutual Recognition legislation. The Board wants the qualifications removed from its Regulations, so that the Board can be satisfied its standards are met, and to allow the objectives and the integrity of the TTMRA to be preserved.

Australian authorities are concerned that New Zealand is being used as a 'back door' for MBCO and MCOptom holders to obtain registration in Australia without meeting that country's registration requirements. The Board supports the ability of similarly qualified and experienced people freely moving between New Zealand and the various Australian jurisdictions. The concern is about the ability of applicants (in this case to New Zealand), to exploit the registration requirements and use TTMR to gain registration where they do not meet the statutory requirements in Australia. Many of those, with MBCO/MCOptom, who register in New Zealand do not ever set foot in New Zealand but go straight to Australia.

Very few of the optometrists, (with MBCO and MCOptom qualifications) who register with the Board, obtain Annual Practising Certificates. About two thirds of those on the register with these qualifications are non-practising. Some of those who register and are recorded as actively practising have overseas register addresses. Between 1998 and 2002 the Board had on average about 50 new registered optometrists each year with these qualifications.

At the November 2002 meeting of the Australian and New Zealand optometry registration authorities it was suggested that any applicant who is registered with MBCO and MCOptom qualifications in New Zealand should practise for a mandatory period of time in New Zealand, before they apply under TTMRA. This would be in keeping with the intention of the TTMRA. Another suggestion is to require an applicant to have citizenship or permanent residency of either country, before being eligible to apply for registration under TTMRA.

Optometry should not be excluded from the TTMRA as it would penalise optometrists who obtained their qualification in either country from moving freely, through TTMRA registration, between both countries. It would exclude those with qualifications acceptable in both countries from the benefits of registration through the TTMRA.

Yours sincerely

Hamish Caithness
Chair