MRA Review
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Monday 24 March 2003

Dear Sir/Madam

The Health Professions Licensing Authority (HPLA) makes the following submission in relation to the review of the Mutual Recognition Agreement (MRA) and the Trans-Tasman Mutual Recognition Arrangement (TTMRA).

Background
The HPLA provides secretariat support to the 10 Health Professional Boards in the Northern Territory. Staff at the HPLA have considerable experience in dealing with regulated health professions who seek registration in the Northern Territory. The vast majority of registrants seeking a license to practise in the Northern Territory apply utilising MRA. Very few apply utilising TTMRA.

On the whole, the experience of the HPLA in relation to MRA and TTMRA has been extremely positive. The passage of the legislation has removed obstacles that prevented practitioners moving between jurisdictions and has streamlined the registration process.

There are however, a number of matters that the HPLA wishes to bring to the attention of the review team.

Issues
<u>Documentation</u>
When applicants apply for registration in the Northern Territory they are required to provide, in addition to the completed application form and fee, two pieces of supporting documentation in line with Section 19 of the *Mutual Recognition Act (NT) 1992* as:
1 a certified copy of the current practising certificate; and
2 some form of identification.

Staff in the Registrations Section at the HPLA have indicated that a number of jurisdictions, irregardless of the type of practitioner involved, require documentation which is in addition to that stated in the legislation.

For example, they may be required to provide references, copies of testamurs or course transcripts. This has the potential to increase the time taken to process an application and can expose applicants to increased costs.

Perceived backdoor entry to practise in Australia

The Optometrists Board of the Northern Territory has a particular concern with the operation of the TTMRA. The concern is that of Optometrists who are members of the British College of Optometrists (MBCO) are eligible to apply for automatic registration in New Zealand. The Optometrists Act in New Zealand prescribes this in the regulations.

With the expansion of member states to the European Union and the subsequent free trade agreements, Optometrists who have been educated in EU countries are eligible for MBCO without having to complete examinations or clinical testing. Having obtained the MBCO, Optometrists can then apply for registration in New Zealand and then using TTMRA apply for registration in Australia.

A number of Optometry Boards in Australia and the Optometry Council of Australia and New Zealand (OCANZ) are of the opinion that this creates a "loophole" and forces regulatory authorities to register these practitioners without being able to confirm that they can practise in accordance with contemporary Australian standards.

The Optometrists Board in the Northern Territory would not support the exemption of Optometry from the TTMRA. The Board would propose that New Zealand should be encouraged to amend their legislation so that only those holders of the MBCO who obtained membership by virtue of completing an examination process and clinical testing be eligible for automatic registration.

Recency of practise provisions in Health Practitioner Legislation

Of particular concern to the Nursing Board of the Northern Territory in relation to the MRA legislation, is the current situation which arises due to the fact that the Nurses Act in New South Wales does not have any recency of practise provisions linked to licensure.

The legislation governing the registration of nurses in New South Wales is the only Nursing/Nurses Act in Australia which does not contain any recency of practise provision and does not require a nurse to demonstrate competence to be eligible to hold a licence to practise.

This means that regardless of how long a nurse has been out of practice they are eligible to apply to the Nurses Registration Board of New South Wales for a license to practise. The nurse then makes an application to the Board in the Northern Territory and the Board must issue a full unconditional license.

When the Board in the Northern Territory issues a license they do so having first satisfied themselves that the person applying for the license is a safe and competent practitioner. This then means that employers and persons receiving nursing services/care can be reassured that only safe and competent nurses are eligible to practise. This basic tenet of licensure is negated due to the current situation in New South Wales.

In theory the Board could refuse the application on the grounds that if the nurse last practised, say 25 years ago, then they are not applying for an equivalent occupation as the occupation has dramatically changed over time. However this has yet to be tested in the Administrative Appeals Tribunal.

Yours sincerely

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Health Professions Licensing Authority