

***What have been the benefits of mutual recognition under the MRA and TTMRA, and what evidence is there to support your assessment?***

The legislation enables nurse or midwifery applications from other states, territories and New Zealand to be processed in a timely manner and enable practice in Queensland immediately. This benefits Queensland in terms of workforce issues – there are no delays for employment once a decision is made to apply for a licence in Queensland. The legislation enables lower level assessment, which reduces processing times. An application received under mutual recognition take less time to process than one received under the *Nursing Act 1992* (the Act).

***What evidence is there that differing laws for the sale of goods and registration of occupations would, without mutual recognition, significantly impede cross-border movements of goods and labour?***

An application received under mutual recognition takes far less time to process than an interstate or New Zealand application which is processed under the Act (timeframes are not available to include with this response). Therefore, applicants would be waiting longer to be issued with a licence to practice in Queensland without the mutual recognition legislation.

***What have been the costs of implementing and maintaining mutual recognition under the MRA and TTMRA, and to what extent are these outweighed by the benefits?***

There are no additional costs specific to mutual recognition legislation.

***For which goods and occupations is mutual recognition a better alternative than harmonisation, in the sense that it generates a greater net benefit to the community?***

Harmonisation for regulation of nursing will be a better alternative when national registration is implemented in 2010. This will enable free movement for nurses across borders, and ensure a consistent approach for regulatory matters such as disciplinary actions.

***Do you have any concerns about the broad architecture used to keep specific goods, occupations and laws outside the coverage of the MRA and TTMRA? If so, what are the relevant issues, how significant an impact do they have on the efficiency and effectiveness of the MRA and TTMRA, and what are the costs and benefits of any changes you recommend?***

No concerns

***Do you have any concerns about the interaction between the MRA and TTMRA and any other legislation? If so, what are your concerns about the effectiveness and efficiency of the MRA and TTMRA and the other legislation? What changes would you recommend, and what costs and benefits would they involve?***

There are some clashes between the mutual recognition legislation and other legislation regulation nursing such as the Act. An example is assessment of criminal history, which mutual recognition does not provide for and criminal history screening on these applications is currently not undertaken. QNC must rely on the first state managing the criminal matter, and this management is not always consistent with QNC's approach. However, national registration will address these issues.

***Are registration bodies assessing the equivalence of occupations between jurisdictions in markedly different ways, and if so, what impact is this having on cross-border labour mobility?***

There are some differences but they aren't marked eg. Some mental health nurses are registered in other states on completion of a course specific to mental health, but not in Queensland, where it is an endorsement on registration. This causes some issues for the nurses who may be granted registration in Queensland as an equivalent occupation, but the nurse is not entitled to the mental health endorsement as this is granted after secondary studies are undertaken. This may affect employment and promotion for the nurse, as some employers insist that nurses working in mental health in Queensland hold the endorsement.

***Are marked differences between jurisdictions in the number (or even existence) of licences for specific occupations hindering the assessment of occupation equivalence? How can these differences be resolved?***

No, this is not relevant for nursing in Queensland

***Are appeal mechanisms for the mutual recognition of registered occupations effective? Are individuals discouraged from making appeals because of a lack of awareness of appeal mechanisms and/or their cost? If so, what reforms do you recommend and what would be their costs and benefits?***

An appeal in Queensland is initially to the Executive Officer, and the more formal approach is to the District Court. This has never been an issue in Queensland, there have been no appeals in relation to mutual recognition.

***How often do occupation-registration bodies impose conditions on people registering under mutual recognition? In which occupations or jurisdictions does this most often occur, and what conditions are imposed?***

Conditions are always imposed to precisely match any conditions imposed by the first state. The conditions are not removed until the first state removed them. However, if the nurse or

midwife does not maintain licensure in the first state, then the conditions may be reviewed under the Nursing Act.

***Are occupation-registration bodies applying their prerequisites for initial registration to people seeking registration under mutual recognition? If so, what is the extent of this problem and how can it be addressed?***

Not at this stage. However, the application process is currently under review, and QNC will require the applicant to provide certified evidence of identity, which is outside of the mutual recognition requirements. Concerns have been raised about the lack of this evidence required under mutual recognition.

***Do you have knowledge of areas in which discussion and negotiation between registration bodies have made mutual recognition of occupations possible? Can you provide information on the adjustments that were made to achieve equivalence?***

Discussion and negotiation between regulatory authorities regarding occupations is not required.

***Is jurisdiction shopping and hopping occurring for occupations? If so, to what extent is it occurring and what are the costs (such as a 'race to the bottom') and benefits (such as regulatory competition and innovation between jurisdictions)? What specific examples and other evidence do you have to support your arguments?***

An example of this occurring is where international applicants "shop" for the fastest processing, cheapest application fees, and least amount of evidence required in a particular state. An application will be submitted in that state, than QNC will receive an application for mutual recognition. QNC has a reputation for rigorous assessment processes for international applicants.

***Are possible measures designed to prevent jurisdiction shopping and hopping affected by a lack of legal certainty? If so, how could this uncertainty be removed?***

This issue will be addressed with the introduction of national registration.

***Would measures such as sufficient language proficiency, residency requirements or bonds reduce jurisdiction shopping and hopping? What would be their costs and benefits?***

As above.

***What are the costs and benefits of moving from mutual recognition to national licensing for registered occupations (other than health professions), and is there a net benefit from doing so?***

This question is no longer relevant as nursing and midwifery will have national licensing in 2 years. The costs versus benefit will have previously been considered prior to the COAG decision.

***To what extent do current occupation-registration arrangements hinder service provision across jurisdictional borders, despite the existence of mutual recognition? Does this warrant a shift to national licensing, or other reforms, and what would be the costs and benefits?***

As above

***Is a lack of awareness of mutual recognition obligations undermining the effectiveness of the MRA and TTMRA? If so, please provide specific examples and evidence. How significant is the problem, if at all?***

No, this is not an issue. When any major issues arise with interpretation of the legislation, legal advice is sought.

***To what extent do policy makers and regulators encounter difficulties in maintaining expertise on mutual recognition obligations? How, if at all, should this be addressed?***

This is not an issue as expertise in understanding mutual recognition is a requirement integral to all regulation matter across QNC.