

Review of Mutual Recognition Schemes

The mutual recognition principles work well (as far as medical practitioners are concerned). The *Mutual Recognition Act 1992* ('the Act') is used extensively by medical practitioners who have unrestricted registration (in Victoria, this is classified as General or Specialist registration) to transfer between Australian states. The Act facilitates trans-border registration and expedited transfer of practitioners by not requiring them to wait for Medical Board approval of an application in order to begin practice should they move between States. Further, the expedited transfer of eligible medical Practitioners would be unnecessarily impeded/delayed if the provision was not available.

A medical practitioner is deemed to be registered from the date on which the application has been received as long as he/she:

- Has current unrestricted registration in their state of origin
- Does not answer "yes" to any questions in the mandatory declaration

The Act provides, in the most part, for equality of registration status in different state jurisdictions.

Difficulties/complexities arise mainly when there is a difference in the restrictive methods adopted to place limits on registration in different jurisdictions. For example: when the Medical Practitioners Board of Victoria accepts undertakings from medical practitioners to alter the way in which they practise medicine, as an interim measure (while an investigation is underway). The *Mutual Recognition Act 1992* does not define undertakings, but does refer to them in section 27(2)(c) and section 45. Yet the crucial section (with respect to equivalence of restrictions) section 33, does not provide that undertakings are to be given in the second state in the manner in which they are in the first state. Therefore, the situation may arise, where a medical practitioner has given undertakings in one jurisdiction and if that practitioner already holds registration in a second jurisdiction, the undertakings (which were given in the first state) do not automatically apply to the registration he/she holds in the second state.

In conclusion, the Medical Practitioners Board of Victoria is not aware of any instance where the Board has been exposed to an increased risk by virtue of the use of the Act. We also have in place, a number of other checks that supplement the process to ensure (as far as possible) that a practitioner is appropriate to register and safe to practise.

Recommendations

The Medical Practitioners Board of Victoria recommends that the Act be amended to formally define undertakings and provide that undertakings are transferable pursuant to section 33 of the Act.