



ACT Health Registration Boards

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Ms Judith Sloan
Productivity Commissioner
GPO Box 1428
CANBERRA CITY ACT 2601

MUTUAL RECOGNITION LEGISLATION REVIEW

Dear Ms Sloan

The ACT Allied Health Registration Boards wish to comment on the current Mutual Recognition legislation (together with the Trans-Tasman Mutual Recognition Legislation), which is currently under review by the Commission.

I am the manager and executive officer for the following ACT boards:

Chiropractors and Osteopaths Board;
Dental Board;
Dental Technicians and Dental Prosthetists Board;
Medical Radiation Scientists Board;
Optometrists Board;
Pharmacy Board;
Physiotherapists Board;
Podiatrists Board;
Psychologists Board;
Veterinary Surgeons Board.

The Boards would like to raise concerns in relation to the application of the Mutual Recognition Act where there are inconsistent competence requirements between jurisdictions. This lack of consistency can result in individual health professionals being registered in accordance with the Mutual Recognition legislation where an initial application registration might not be granted. Registrants who become licensed under this arrangement become subject to expensive, formal reviews as the main aim of registration is public protection.

In the ACT, all registered health professionals are required to be competent to practise their profession. Competence requirements are initially satisfied by the possession of accredited qualifications, recency of practice and by a record of continuing professional development (CPD). A person registered in another jurisdiction is deemed to satisfy the qualifications requirement. Other jurisdictions do not all require recency of practice or a record of continuing professional development. Some of these jurisdictions allow a person to maintain their registration by payment of an annual fee, regardless of competence. The ACT recently received an application for registration from a NSW registered podiatrist who had not practised at all for 20 years and who had done no CPD either. This person was not safe to practise podiatry but had maintained his NSW registration by paying an annual fee.

The *Health Professionals Act 2004* in the ACT requires health professionals to have practised within the last five years and to have a satisfactory record of CPD in order to be registered to practise. If a health professional who does not satisfy these requirements is nevertheless registered under the provisions of the Mutual Recognition Act, then the public may be at risk. The formal procedures to suspend or review the practice of a registrant involve complex, legal procedures. The need for this would be removed if the Mutual Recognition Act could include a requirement to meet the competency requirements of the gaining jurisdiction.

The MR principle is subject to the exception that it does not affect the operation of laws that regulate the manner of carrying out an occupation in the second State. This provision has not been tested by a court in the ACT to my knowledge. It is unclear whether the provision is sufficient to refuse an application from a person who is registered in another jurisdiction but does not meet the competency requirements of the ACT.

The ACT Health Professions Boards appreciate the opportunity that has been offered to comment on this legislation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Skelton', with a stylized, flowing script.

Alan Skelton
Manager / Executive Officer

11 July 2008