



Patrick Laplagne
Assistant Commissioner
Mutual Recognition Review
Productivity Commission
LB2 Collins Street East
Melbourne VICTORIA 8003

Dear Mr Laplagne

Thank you for providing the Australian Nursing and Midwifery Council (ANMC) with the opportunity to make comment on the Productivity Commission's *Review of Mutual Recognition Schemes* draft research report. We note the work done to date on the review and congratulate you on the comprehensiveness of the draft report.

The ANMC's prime function is to protect public safety, in the provision of healthcare, through ensuring that the nurses and midwives are competent to practice and have adequate oral, written and verbal English language proficiency.

Notwithstanding the planned advent of national regulation in 2010 the ANMC would wish to see some improvements to the mutual recognition schemes for the benefit of registrants and the general public. We have commented on the recommendations relevant to nursing and midwifery, below. In addition we wish to take this opportunity to emphasise an issue made in our first submission, that of English language proficiency.

Draft Recommendations

The ANMC supports draft recommendations 5.1, 5.5-5.8, 5.10 and 11.2. Further detail on some of these recommendations is below.

- *Recommendation 5.1* – Due to the potential risks to the public from health professionals, as opposed to tradespeople, we believe that 'traditional' registration, by a statutory registration authority, is the most appropriate registration mechanism for nurses and midwives.
- *Recommendation 5.4* – Currently there is inconsistency across the jurisdictions when it comes to criminal record checks. This issue and the methodology to support it are under discussion as part of national regulation. However, the majority of jurisdictions favour mandatory criminal checks for new registrants followed by annual self declaration. In addition, we would note that the issue of recency of practice could be similarly addressed, with mandatory evidence of recency at re-application followed by annual self declaration thereafter.
- *Recommendation 5.8* - The Council is highly supportive of this recommendation as we are aware of instances where failure to provide information, in a timely manner between jurisdictions, has resulted in harm to the public and disciplinary procedures that could have been avoided.
- *Recommendation 5.10* – We are highly supportive of this recommendation as we believe the involvement of New Zealand regulators in the development of Australia's national licensing systems is essential.

English Language Proficiency

The draft Commission report states that “bilateral engagement by Australia and New Zealand with third countries creates more opportunities than risks for mutual recognition (pg XVIII)”. Whilst this may well be true we would not want the risks associated with inadequate English language proficiency to be downplayed. While the consequences of poor English proficiency in a plumber may be benign, in a nurse or midwife that same poor English proficiency can have catastrophic and permanent consequences for the health and safety of the public.

Finding 10.3 of the draft report states:

It is important that Australia and New Zealand continue to take into account the possible impacts that free trade agreements and the related cooperation agreements will have on the mutual recognition framework when negotiating future initiatives with third countries (pg XLIV).

We would strongly argue that in light of the essential nature of oral, written and verbal English language proficiency of nurses and midwives in protecting the public this finding should instead be a recommendation. As we noted in our previous submission while the ANMC is involved in discussions with the Department of Foreign Affairs and Trade to ensure domestic regulatory standards are maintained we have no control over the decisions made by New Zealand in future agreements with third countries.

Once again the ANMC welcomes the opportunity to comment on this important review and wishes you well with bringing it to a conclusion.

Yours sincerely



Karen Cook
Chief Executive Officer

8 December 2008