

Senate Standing Committees on Finance and Public Administration
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

By email: fpa.sen@aph.gov.au

14th April 2011

Dear Sir/Madam

Re: The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA)

I represent the interests of a number of Filipino registered nurses who have applied to AHPRA to have their documents assessed in order to determine suitability for registration as a nurse in Australia. These include [REDACTED] and [REDACTED]. All applicants have met current required English standards, and because of their Philippine origin qualifications and experience are assuming that they must undertake an approved bridging course prior to final registration and approval to work in Australia. They have all experienced very long delays and requests from AHPRA for additional documentation, and to this date no decision has been made on their applications.

1. In the case of [REDACTED], she first applied to the Queensland Nursing Council more than two (2) years ago and received scant acknowledgement of her application prior to the transition to AHPRA on July 1, 2010. Her initial application contained proof of identity and a certificate of Good Standing from the Philippine Nursing authority. Several months elapsed before she was initially contacted by AHPRA Queensland after July 1 2010, when she was asked to reapply and pay a further fee.

After several more months, on January 28th 2011 [REDACTED] again received a letter from AHPRA asking her to provide further proof of identity and another Certificate of Good Standing – due to the time that had elapsed since provision of the first certificate in 2009.

[REDACTED] was advised that a notarised copy of a Philippines passport would only be acceptable as Category A identification if it contained a valid Australian visa. This is an impossible request for her to comply with, because:

- i) [REDACTED] has no valid reason to apply for an Australian visa, or intention to come to Australia, until such time as she is advised by AHPRA that she has been approved to enrol in a registration bridging course (Initial Registration for Overseas Nurses)

- ii) She has no knowledge at this point as to what class of visa would be appropriate to apply for, and is reluctant to frivolously apply and pay for a visa that may never be used
- iii) As and when she might eventually be granted initial approval by AHPRA [REDACTED] [REDACTED] has one year in which to complete the required IRON course. In view of the total 2 year delay in assessing her documents (9 months of this under AHPRA jurisdiction), she has no idea as to when she will receive a decision from AHPRA, and hence when she may responsibly apply for a visa. As such any visa applied for purely to satisfy AHPRA at this time would most likely have expired.
- iv) [REDACTED] is confounded by the fact that AHPRA as a health registration agency of the Australian Government is able to refuse to recognise a duly notarised copy of a valid passport of an independent sovereign nation as proof of identity. She asks on what Australian Government statute, regulation, or precedence AHPRA has been given the authority to make such a judgement?

2. Proof of identity documents were lodged with AHPRA on March 15th 2011, being;

- i) Notarised copy of [REDACTED] passport
- ii) Notarised copy of Birth Certificate
- iii) Notarised copy of Marriage Certificate

3. On 29th March 2011 [REDACTED] received further correspondence from AHPRA notifying her that :

- i) Her Philippine passport was not acceptable as Category A proof of identity
- ii) Her Birth Certificate and Marriage Certificates were not acceptable as proof of identity without current address. (*[REDACTED] has previously provided such information*)
- iii) A new Certificate of Good Standing is required due to the time that has elapsed since a previous certificate was provided in 2009. (*The only reason that time has elapsed is due to the extreme delays in communication and processing of documents by first the QNC and then since July 1 2010 by AHPRA. This has been entirely outside the control of Ms Go Corpuz*)

(Correspondence attached)

4. [REDACTED] has been notified that she must respond within 30 days of the date on the AHPRA letter. (*It is common for mail sent from Australia to only be delivered in the Philippines up to 14 days after posting. The previous AHPRA letter dated January 28th 2011 was only received by [REDACTED] on February 13th 2011*)

5. AHPRA are demanding a response within 30 days, yet are commonly not responding to applicants such as [REDACTED] for between 60 and 120 days. I am representing a number of other applicants, none of whom has had their applications finalised by AHPRA within a 6 month period (*details can be provided*). Yet AHPRA is bound by Commonwealth regulations and Codes of Ethics to provide prompt and fair service, and to provide decisions within a timely manner.
6. [REDACTED] is in a similar situation to [REDACTED], being an applicant who opted to have her application held over pending the winding up of QNC. She similarly has been asked for further proof of identity and a fresh Certificate of Good Standing.

In drawing these matters to the attention of your Committee, [REDACTED] and [REDACTED], [REDACTED], are respectful of Australian law and regulations but are frustrated and confused by the inordinate time delays and apparent obfuscation of AHPRA in considering their applications within any reasonable time frame. They are mindful of the fact that as they are not citizens of Australia they may have limited scope to complain, but feel compelled to draw this matter to the notice of your Committee. At this point they are somewhat disenchanted and disillusioned by the protracted process and erratic communication that they have endured.

At best these delays would suggest a level of administrative failure and incompetence on the part of the Nursing division of AHPRA. It is recommended that due attention be paid to improving the timeliness of responses, effectiveness of communication, and overall levels of service provided to overseas applicants for nursing registration.

Yours faithfully

Robert Armstrong

[REDACTED]

29 March 2011



[REDACTED]

Dear [REDACTED],

Thank you for your response to our letter, which we received on 24 March 2011.

In our previous correspondence, we requested Certified Proof of Identity documentation from Category A and D as documented on the Identity Requirements form, enclosed, also a Certificate of Good Standing dated within the last 12 months. You have supplied birth and marriage certificates from the Philippines, which unfortunately are not on the required Identity documentation list.

Could you please provide Certified Proof of Identity documentation from Category A and D as listed in the Proof of Identity Requirements form, enclosed. Category D must be documentation which shows your current residential address.

- You have provided an overseas passport, however you have not included a certified copy of a current Australian Visa. Without a current Australian Visa, your passport is not considered a category A document.

Could you please provide a certified copy of your current Australian Visa which we can attach to your passport copy in our office.

- **Certificate of Good Standing dated within last 12 months** to be sent directly to our office from every jurisdiction outside of Australia in which you are currently, or have previously been registered as a health practitioner **during the last five years** as outlined at Section D, question 12 of the application form.

The Certificate of Good Standing we received is dated 2009 and is therefore not within the required time frame.

Please arrange for your current Certificate of Good Standing to be sent directly from your Regulatory Authority of the Philippines to AHPRA Queensland.

Please provide the required documentation within **30 days from the date of this letter** to allow the finalisation of the assessment of your application. If you fail to provide such documentation by this date it will be taken that you have withdrawn your application. The Board will consider written requests (email acceptable) for an extension to this timeframe that details the reason for requesting the extension, and a proposed date for meeting the requirement.

Please be advised that your registration has not yet been approved and you are not currently listed on the register of practitioners. Without registration you are not eligible for employment as a health practitioner.

If you require any further information in relation to your application, please contact our office on 1300 419 495.

Yours sincerely

[Redacted signature]

Enc: *Proof of Identity requirements*



Chiropractic
Dental
Medical
Nursing and Midwifery
Optometry

Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Proof of Identity Requirements

Who needs to complete proof of identity requirements?

Proof of identity needs to be provided with any new application for registration.

Proof of identity is not required for:

- registrants who have transitioned to the national scheme
- renewal of registration.

What evidence of proof of identity is required?

Applicants for registration must provide sufficient evidence of their identity. At least one document from each of categories (A, B and C, and D if necessary) is required.

Documents applicable in category A and B may be used in other categories.

Note: The requirements for persons who are applying from overseas, or have recently arrived in Australia are detailed later in this document.

Document	Explanation/description
Category A: Commencement of Identity	
Australian Birth Certificate	Full Australian Birth Certificate or Adoption Certificate
Australian passport	Current Australian passport or expired Australian passport which has not been cancelled, and was current within the preceding two years
Australian visa	Australian visa, current at time of entry to Australia as resident or tourist, showing your name/former name
Australian Armed Services papers	Current or discharge papers in applicant's name or former name
Overseas passport	Overseas passport with current Australian visa Note: DIAC will not accept an EU card in place of an overseas passport
Travel documents	Travel document and current Australian visa (see above) issued in special circumstances. Includes Certificate of Identity (DIAC), Document of Identity (DFAT) See Dept of Foreign Affairs & Trade (www.dfat.gov.au)
Citizenship certificate	Australian citizenship certificate in applicant's name or former name
Category B: Link between the identify and person by means of photo and signature	
Australian Passport	Australian Passport as above (if not already in Category A)
Australian driver's licence – Motor vehicle	Australian driver's licence issued by Commonwealth, State or Territory, includes motorbike licence, provisional driver's licence showing signature and/or photo and same name and same address
Working with Children	Working with Children check card
Overseas passport	Overseas passport or travel documents (if not already used in Category A)



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Firearm or shooter's licence	Current firearms or shooters licence showing signature and/or photo and same name
Student ID card	Current student card issued in Australia showing signature and/or photo and same name
International driver's licence	International or foreign drivers licence showing signature and/or photo
Proof of age card	Current proof of age card or photo identity card issued by a government agency in applicant's name with photo and/or signature
Category C: Evidence of identity operating in community	
	<i>Category A or Category B document that has not already been used</i>
Change of name certificate	Legal change of name certificate or deed poll certificate
Australian marriage certificate	Australian marriage certificate (issued by an authorised minister of religion or marriage celebrant in an Australian state, government or territory)
Australian divorce papers	Australian divorce papers (containing previous and current name)
Registration Certificate	Registration Certificate from a Professional Board
Bank account	Bank account details includes credit card showing applicant's name and signature, current ATM card
Medicare card	Current Medicare card showing applicant's name
PAYG payment summary	PAYG payment summary, less than 2 years old with Tax File Number
Motor vehicle registration	Motor vehicle registration in Australia showing name and address
Financial institution statements	Financial institution statements Includes Term deposits notice/share certificate for current account
Taxation Assessment Notice	Taxation Assessment Notice in applicant's name (less than two years old)
Health insurance card	Current health insurance, health care card showing name
Pension card	Pension card showing name
Category D: Evidence of identity's residential address	
	<i>Category B or C document which has already been used</i>
Mortgage papers	Mortgage papers - Legally drawn up papers
Rate notices	Paid rate notices showing name and same address (less than 12 months old)
Lease or tenancy agreement	Lease or tenancy agreement
Utility account	Utility accounts (gas, water, electricity) showing the name and same address (less than 12 months old)
Electoral enrolment card	Proof of electoral enrolment in Australia issued in applicant's name and showing same address

The documents provided must meet the following criteria:

- All documents must be true certified or notarized copies of the original.
- At least ONE document must include a recent photograph (See Category B).
- At least ONE document must be in the applicant's current name.
- All documents must be officially translated in English.



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- All documents must be current /valid at the date of submission.

What evidence do you need to provide of a change of name?

You must attach to your application a certified copy of evidence of a change of name if:

- you have ever been formally known by another name(s); or
- any of the documentation you are providing in support of your application is in another name(s).

Evidence could include a marriage certificate, decree nisi, deed poll, or Statutory Declaration (which must explain the reason for the discrepancy).

What special circumstances apply to overseas applicants or applicants who have recently arrived in Australia?

At application, individuals who are applying from overseas and who are unable to provide evidence from each of the categories, must meet the **minimum identity requirements** of:

- a certified copy of an overseas passport (an EU card is not acceptable)
- if the applicant has ever been formally known by another name, or provides documentary evidence in support of their application in another name — a certified copy of proof of name change (marriage certificate, divorce papers, deed poll).

Applications from overseas applicants will be assessed only on receipt of the relevant evidence of identity, and an otherwise complete application (all supporting documentation provided and declarations made).

Following assessment the applicant will be advised if they are eligible for registration. Those eligible applicants who only provided the minimum identity requirements, and/or medical practitioners applying for limited registration (see below) will only be granted registration upon personal presentation at an AHPRA Office with the following evidence:

- If arrived in Australia within the previous 6 weeks:
 - original foreign passport or travel document with current Australian visa and proof of date of arrival (e.g. entry stamp); plus
 - evidence of their current residential address, an original signed statement from a prospective employer/sponsor verifying the identity of the applicant OR an original offer of employment.
- If arrived in Australia more than 6 weeks prior to attendance — evidence that meets the requirements in Categories A, B, C and D.



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Medical practitioners applying for limited registration

The Medical Board of Australia requires that applicants for limited registration present in person to an AHPRA office or authorised delegate with their proof of identity. Please contact the AHPRA office for the name of persons who are authorised delegates.