



Department of Health
Government of Western Australia

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Your ref
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Enquiries

Di Mantell, 9222 2129

Mr Don Randall
Chairman
Joint Standing Committee on Migration
Parliament House
Canberra, ACT 2600

Dear Mr. Randall

INQUIRY INTO SKILLS RECOGNITION UPGRADING AND LICENSING

Thank you for the opportunity to provide comments on the issues raised in your terms of reference.

The Western Australian Government is on record with the recent Productivity Commission submission and ongoing participation in the Council of Australian Governments in supporting a more responsive and flexible skills recognition system.

'WA Government is very concerned about the current skills shortage and recognises that there needs to be improved communication and cooperation between State and Federal Governments' (WA Government submission to Joint Standing Committee on Migration 23 June 2006).

In October 2005 WA Health introduced a centralized single point of contact bureau for the coordination of all applications from overseas trained clinicians. This service deals with registered and enrolled nurses, medical practitioners from intern to Consultant and allied health and health science professionals.

This coordinated process has allowed certain aspects of the clinical registration processes to be highlighted. WA Health seeks to employ competent clinicians to meet the service needs of Western Australians. At no time do we (WA Health) seek to compromise on competence. All applicants have to demonstrate competence through having graduated from an appropriate program, being registered to practice in their own country (verified through license) two

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professional references denoting clinical competence and also being competent in English with a verified IELTS of 7 across all categories.

WA Health's concerns relate to the types of processes internationally trained applicants have to endure to obtain registration in Australia. For example Overseas (qualified) physiotherapists seeking registration to work in Western Australia who do not hold a qualification from an Australian or New Zealand university, or current registration in another State or Territory of Australia, are not be entitled to apply for unconditional registration or practise as a physiotherapist in Western Australia unless they have successfully completed the examinations conducted by the Australian Examining Council for Overseas Physiotherapists (AECOP). This assessment is composed of an eligibility assessment, a written examination and a clinical assessment.

There are fees charged to sit each stage of the examination \$3,355 in total. Exams are conducted by AECOP under the auspices of Australian Council of Physiotherapy Regulating Authority (ACOPRA). ACOPRA assesses the clinical competence of applicants but has no jurisdictional authority regarding registration. Physiotherapists Registration Board of Western Australia (PRBWA) undertakes registration of physiotherapists.

The Board has the ability to provide Temporary Registration to overseas applicants who do not qualify for unconditional registration, for the purpose of postgraduate study, training or teaching at an institution approved by the Board. This form of registration is limited to 12 months, and the applicant would not have the ability to practise at any private practice or to raise fees for services provided outside the parameters of their course of study.

Physiotherapists in other states (excluding Queensland and WA) have capacity to apply for limited registration that requires an appropriate qualification and adequate English. Limited registration is valid for 12 months and applicants must have a registered physiotherapist on site 75% of the time.

Western Australia is not currently a participating State in the Trans Tasman Mutual Recognition Arrangement and consequently there is no mutual recognition with New Zealand.

WA Health is currently actively recruiting allied health professionals to fill workforce shortages. Current processes can take up to 12 months for registration to be attained.

The applicants seeking registration as physiotherapists in Western Australia have a degree in physiotherapy that is recognized by an Australian University but is not recognised for registration. Applicants pay \$1100 for initial and repeat attempts at the written examination.

Recent AECOP exam results saw 86% of candidates fail. ACOPRA advised that limited feedback is provided to students due to the cost of the intellectual

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property (\$300 per question). Applicants are now required to sign a disclaimer (to ACOPRA) regarding exam results to eliminate circulation to a third party.

Changes to the Physiotherapy Bill 2005, which is currently before the Legislative Council, states only that a physiotherapist cannot work unless they are registered as a physiotherapist. There is potential for the PRBWA in rules and regulations to define which qualifications would be accepted.

This is just one example of registration practices which whilst not their intent restrict an individuals right to practice.

Although there is no evidence that there has been any intention to do so, the effect of some admission processes for overseas qualified practitioners may be to put into place anti-competitive arrangements which substantially lessen competition in the markets for those professional services. Using the physiotherapy admission arrangements as an example, the following elements, when taken together or in various combinations, may substantially lessen competition:

- not setting pass marks at the outset of the process as part of the determination of the minimum required level of knowledge, but instead setting pass marks once individuals' examination results are known;
- a very high failure rate of 86% considering that applicants are existing practitioners, albeit not in Australia;
- high application fees – \$495 eligibility assessment fee, \$1100 examination fee, \$1760 clinical assessment fee (\$3,355 in total); and
- restricting opportunities to sit examinations. For example, applicants who miss the April cut-off for eligibility assessment will not be able to sit an exam until the following September, a delay of 10 months [eligibility assessment applications close 5 months before the written exam (April Assessment for September exam.) Applications to sit the written exam close 2 months before the exam (eg applications closed 1 January for 9 March exam)].

The *Trade Practices Act 1974* (Commonwealth) makes anti-competitive arrangements entered into by professional associations, and corporations in general, illegal. The *Trade Practices Act* also applies to Commonwealth government authorities in certain circumstances.

In addition to any illegality, and any penalties that a breach of the *Trade Practices Act* might attract, the effect of the lessening of competition is also of grave concern. It is generally recognised that lessening of competition leads to scarcer services in the particular market and higher prices for those services.

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It is arguable that the scarcity of physiotherapy services is already being felt in the market for private and public sector provision of these services.

Although it is fully agreed that a strong regulatory process is required to ensure that all practitioners are competent, in the present case it would appear to be necessary to examine the existing processes to ensure that they do not have the effect, even if inadvertent, of unnecessarily but significantly lessening competition in the relevant professional services markets.

If you require further information please do not hesitate to contact Di Mantell on 9222 2129.

Yours sincerely



Rob Lindsay
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ORGANISATIONAL DEVELOPMENT DIVISION

11 April 2006