

Nurses and Midwives Board of New South Wales

GUIDELINES AND INFORMATION ON THE OPERATION OF MUTUAL RECOGNITION IN NEW SOUTH WALES

Mutual recognition of standards and regulations recognises a need for fundamental regulatory reform to enhance the flexibility and competitiveness of the Australian economy. Heads of Government signed an Intergovernmental Agreement on 11 May 1992 binding States and Territories and the Commonwealth to introducing legislation establishing a national market in goods and services.

Under the provisions of the Mutual Recognition Act, 1992 a person who has a current authority to practise in one State/Territory in an occupation recognised as equivalent to an occupation in another State/Territory, is eligible to be registered and to carry on that equivalent occupation in that second State or Territory. This right may be exercised provided that certain conditions, including lodgement of a statutory declaration (written notice), are met. From 1st May 1998 the Mutual Recognition arrangements have been extended to include New Zealand, under the Trans Tasman Mutual Recognition Act 1997.

Mutual Recognition provides an additional and alternative avenue for obtaining registration. Applicants have the choice of applying for registration under the Mutual Recognition Act or relevant New South Wales Registration Acts. In New South Wales the written notice (application form) must be in accordance with Section 19 (2) of the Mutual Recognition Act 1992 or if applying from New Zealand under Section 18(2) of the Trans Tasman Mutual Recognition Act 1997. Application forms for registration in New South Wales are available from the appropriate registration authority listed below.

Mutual Recognition provides benefits to applicants, for example, from the date of lodgement of the application deemed registration is granted. Deemed registration entitles a person to practise in accordance with the laws of the state as if substantive (full) registration were granted.

Conditions may be applied to a person deemed/substantive registration. A registration authority may also impose conditions or restrictions on the professional practice of an interstate registrant if it is of the view that this is necessary to achieve equivalence of occupation.

Applicants will receive a certificate of 'deemed registration' indicating the duration of and any conditions that apply to their practice.

Deemed registration continues until substantive registration is granted, or, until it is cancelled or refused by the relevant Board. Deemed registrants must be notified of such decisions within one calendar month from the deemed registration date. The Boards decision is subject to appeal.

Deemed registration automatically leads to substantive registration within one month of the grant of deemed registration if a written notice to the contrary has not been issued within this month by the local registration authority.

Substantive registration may be postponed or refused in cases where, for example, statements made in the application/notice are found to be materially false or misleading.

In New South Wales substantive registrants will be issued with a certificate and in due course, with an annual renewal notice.

Registrants whether deemed or substantive are subject to disciplinary procedures/arrangements under the law in the State in which they practise.

Review of Decisions/Costs

Subject to the Administrative Appeals Tribunal Act, 1975, applications may be made to the Tribunal for review of a decision of a local registration authority in relation to its functions under the relevant Mutual Recognition registration.

The Tribunal may order a party in proceedings before it to pay costs if the party has acted unreasonably.

Furnishing of Information

A local registration authority in one State must when requested provide information to another State's registration authority in regard to an application for registration.

The local registration authority as the recipient of this information is subject to any law relating to secrecy or confidentiality that applies under the law of the State under which the authority is constituted or exercises its functions.

Fees

The fees payable for obtaining registration under mutual recognition are available from the address listed below.

Further information about registration under the Mutual Registration provisions is available as follows:

Nurses and Midwives Board	(02) 9219 0222
International Telephone	+61 2 9219 0222
Internet	www.nmb.nsw.gov.au
Rural Access	1800 241 220

Postal Address
PO Box K599
HAYMARKET NSW 1238

Office Address
Level 6, North Wing
477 Pitt Street
SYDNEY NSW 2000

* **Note** Under Mutual Recognition Registration also refers to Enrolment