

Registration: NSW Y 2255725 & ACN 082419430

16th December 2005

The Hon. Stephen Robertson M.P.
Minister for Health - Queensland

Fax No. (07) 3229 4731

Dear Minister,

Re: Recognition of Overseas Trained Specialists

Further to my letter of 6th October, 2005 (copy attached hereto), to which no reply has been received, I would like to again inquire as to the reason why specialists recognised as specialists under the Health Insurance Act 1973 (Cth), and in particular for those individuals where the relevant Australian specialist college signed off on his/her recognition, are not acceptable in Queensland for registration as a specialist.

I note the Report of the Royal Commissioner into the Bundaberg Hospital Inquiry (the Dr Patel case) and notice the shortage of qualified specialists forced Queensland Health into the practice of employing totally unqualified doctors to undertake tasks normally undertaken by fully qualified specialists (e.g. Hervey Bay).

I cannot help but wonder as to the reason why doctors who have been assessed as equivalent/comparable to an Australian trained specialist (including by the relevant Australian specialist college) are not acceptable for registration as specialists within the jurisdiction of Queensland.

With all due respect, the only answer I can conclude is market protection for the benefit of the incumbent doctors and yet at the same time protect the colleges and/or their Fellows from possible prosecution by the A.C.C.C.

Yours faithfully,



Andrew Schwartz
President

- c.c. 1) The Hon. P. Beattie M.P.
Premier
- 2) The Hon. L. Springborg M.P.
Leader of Opposition
- 3) Dr Bruce Flegg
Shadow Minister for Health
- 4) Commissioner Mike Woods
Productivity Commission
- 5) Commissioner John Martin
A.C.C.C.



AUSTRALIAN DOCTORS TRAINED OVERSEAS ASSOCIATION INC.

Registration: NSW Y 2255725 & ACN 082419430

6th October 2005

The Hon. Stephen Robertson M.P.
Minister for Health - Queensland

Fax No. (07) 3229 4731

Dear Minister,

I refer to our letter of 25 August, 2005 and our letter of 15 July, 2005 [I attach copies for your convenience] and note with considerable concern that no response has been received to either letter.

While realising that in practice, the state of Queensland has in the past been the least resistant (with the exception of specialists) jurisdiction against overseas trained doctors, we do hope that the Patel incident (which was largely the fault of the Queensland Medical Board and Queensland Health) has not turned the Queensland government in the opposite direction.

While genuine measures to maintain appropriate standards and thus protect the public's safety (and maintain public confidence in the system) is paramount, we do not believe that protecting the economic interest of the incumbent doctors, by policies that restrict workforce numbers when a shortage already exists, is in the public interest.

Could you please respond at your earliest convenience?

Yours faithfully,

Andrew Schwartz
President

c.c. Dr Bruce Flegg
Shadow Minister for Health

Registration: NSW Y 2255725 & ACN 082419430

16th December 2005

Mr Ian Frank
CEO
Australian Medical Council

Fax No. (02) 6270 9799

Dear Mr Frank,

Re: Assessment of Overseas Trained Specialists

Please find attached the following correspondence:-

- 1) My letter to the NSW Medical Board dated 13 October, 2005; and
- 2) The Board's reply dated 20 October, 2005.

I believe the letters are self explanatory and the same would be the legal situation in all jurisdictions except South Australia.

Could you please ensure that your website is updated and take any other necessary steps to ensure that all applicants are aware of the legal situation and that it is their prerogative as to which assessment process they apply for?

Could you also place this issue on the Agenda for the next Registrar's meeting of the Medical Boards and/or the next meeting of the Joint Advisory Committee of the Medical Boards?

Yours faithfully,



Andrew Schwartz
President

- c.c. 1) The Hon. T. Abbott M.P.
Minister for Health and Ageing
- 2) Gemma Duffy
Department of Health and Ageing

Registration: NSW Y 2255725 & ACN 082419430

13th October 2005

Mr Andrew Dix
Registrar
NSW Medical Board

Fax: (02) 9816 5307

Dear Mr Dix,

Re: Assessment of Overseas Trained Specialists

Our Association is concerned that all new applicants (overseas trained specialists) are assessed against admission to Fellowship of the relevant specialist college, instead of being assessed as meeting the requirements of S7(1)E of the Medical Practice Act 1992 (NSW).

Our concerns are centred around the fact that S7(1)E is highly prescriptive as to criterion to be taken into consideration, while the colleges are free to use a much wider range of criterion (many of them being totally subjective) in their assessment for admission to Fellowship and indeed some of the colleges, in their submissions to Review Panel of the College of Surgeons, used criterion which would clearly be not relevant, when judged against the legislative requirements.

While in no way intending to denigrate the standards of Australian trained specialists, the legislation (both Commonwealth and New South Wales) allows recognition as a specialist without obtaining Fellowship of the relevant Australian specialist college.

It is registration by the registration authority and not achieving Fellowship of the relevant Australian specialist college that entitles any individual to practice medicine.

We respectfully submit that the initial assessment **must be** against the legislative requirements. Admission to Fellowship is a totally separate consideration and while it may be advisable and appropriate to achieve Fellowship, there is nothing in any legislation to mandate becoming a Fellow (but there is compulsion in the administrative processes put in place and this is not supported by law and may be construed as compulsory unionism achieved by administrative stealth).

Yours faithfully,



Andrew Schwartz
President

c.c. 1) The Hon. J. Hatzistergos M.P.
Minister for Health

- 2) The Hon. J. Skinner M.P.
Shadow Minister for Health
- 3) The Hon. T. Abbott M.P.
Minister for Health and Ageing
- 4) The Hon. J. Gillard M.P.
Shadow Minister for Health and Ageing
- 5) Ms Robyn Kruk
Director General, NSW Health
- 6) Mr Ian Frank
C.E.O., Australian Medical Council



NEW SOUTH WALES MEDICAL BOARD

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TELEPHONE: (02) 9879 2200
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Our Ref:
Your Ref:

20 October 2005

CONFIDENTIAL

Mr Andrew Schwartz
141/125 Oxford Street
BONDI JUNCTION NSW 2022

Dear Mr Schwartz

Re: Assessment of Overseas Trained Specialists

I refer to your letter of 13 October 2005.

The New South Wales Medical Board does not insist upon award of Fellowship for recognition of overseas trained specialists under Section 7(1)E of the Medical Practice Act. Granting of registration is based upon the AMC's assessment of the applicant's equivalence to an Australian-trained specialist in the same discipline, and is not dependent upon the award of a College Fellowship.

Yours sincerely

A E DIX
Registrar

Registration: NSW Y 2255725 & ACN 082419430

16th December 2005

Commissioner Mike Woods
Productivity Commission

Dear Commissioner,

Re: Health Workforce Inquiry

Further to our prior submission No 277, I would like to submit a Supplementary Submission as many of the issues are of a current and ongoing nature.

Please find attached copies of the following correspondence (together with attachments), of even date:-

- 1) Our letter to Mr Ian Frank, CEO, Australian Medical Council;
- 2) Our letter to the Hon. S. Robertson M.P., Minister for Health, Queensland; and
- 3) Our letter to the Hon. B. Pike M.P., Minister for Health, Victoria.

I believe the correspondence is self explanatory.

Also please find attached copy of Article from (I believe) the local newspaper in Griffith NSW. This I believe is an example of where a regional and district could not recruit an overseas trained orthopaedic surgeon, for an area of need position, because the College of Surgeons would not agree for NSW Health to declare an Area of Need position.

The consequence is that the town and the district is left without a resident orthopaedic surgeon.

I have requested all relevant information under the Freedom of Information Act and will make them available upon request, subject to having received the documents.

Could you kindly take these documents into consideration and this submission and attachments may be made publicly available.

Yours faithfully,



Andrew Schwartz
President