

NURSING AND MIDWIFERY BOARD OF AUSTRALIA

12 August 2010

Meeting Number: 10A

Agenda Item: 2.0

**INTERNATIONAL APPLICANTS AND ENGLISH LANGUAGE SKILLS
REGISTRATION STANDARD**

RECOMMENDATIONS

That members:

1. note the issues raised by the Australian Nursing Federation (ANF) and its Victorian and South Australian Branches at a meeting on 10 August 2010
2. noted the issues raised by student representatives at a meeting on 11 August 2010
3. consider the options available in response to the concerns raised by the ANF and the information now available.

BACKGROUND

July 2010 NMBA meeting

At its meeting of July 2010, the Board considered correspondence received from Professor Gerald Farrell, Chair of the Victorian and Tasmanian Deans of Nursing and Midwifery (VTDNM) in which he raised concerns regarding the process for registration and English language requirements.

In considering the matter, members:

1. noted the correspondence received from the Victorian and Tasmanian Deans of Nursing and Midwifery (VTDNM) regarding the process for registration and English language requirements
2. considered the briefing paper outlining the background to the matter, the issues raised in the correspondence and the proposed options
3. noted the requirements of the National Law in relation to English language skills
4. noted the work done previously by the Australian Nursing and Midwifery Council (ANMC) in promoting national consistency in English language proficiency for all applicants for registration as a nurse and/or midwife
5. noted the actions to date in response to the correspondence from the VTDNM
6. agreed not to waive the English language skills registration standard for the students but require that they provide the necessary evidence of meeting the Standard on application for registration.
7. noted the work which has been undertaken with DIAC and IELTS in order to demonstrate NMBAs support of these students and the Deans
8. encourage the students to apply for the visitor's visa to be made available by DIAC
9. agreed that correspondence be sent to the Council of Deans of Nursing and Midwifery (CDNM) seeking a formal invite to speak and lay out the history of the standard
10. agreed that this matter be included in the Communiqué from this month's meeting
11. noted that the CDNM meeting in Brisbane the next day and that the Chair will contact Prof Patrick Crookes, Chair, CDNM to advise him of the Board's decision.

The National Law

Section 38 of the National Law states:

(1) A National Board must develop and recommend to the Ministerial Council one or more registration standards about the following matters for the health profession for which the Board is established —

(d) requirements about the English language skills necessary for an applicant for registration in the profession to be suitable for registration in the profession;

In relation to unsuitability to hold general registration, Section 55 states:

(1) A National Board may decide an individual is not a suitable person to hold general registration in a health profession if—

(d) in the Board's opinion, the individual's competency in speaking or otherwise communicating in English is not sufficient for the individual to practise the profession;

Section 83 of the National Law states:

(1) If a National Board decides to register a person in the health profession for which the Board is established, the registration is subject to any condition the Board considers necessary or desirable in the circumstances.

(2) If the National Board decides to register the person subject to a condition referred to in subsection (1), the Board must decide a review period for the condition.

Australian Nursing Federation

On Tuesday, 10 August 2010, Lee Thomas, ANF National Office, Lisa Fitzpatrick and Katherine Hutcheons, ANF Victoria, Di Wickett, ANF South Australia and a representative from DIAC met with Anne Copeland, Anne Morrison and Chris Robertson.

Student protest

On Wednesday, 11 August 2010, approximately 300 international students protested outside the Victorian Parliament. Martin Fletcher, CEO, Nicole Newton, Media and Communications and Anne Morrison met with seven of the students for approximately one hour to discuss their concerns.

ISSUES

At the meeting of with the ANF representatives, the following items were discussed:

- concerns of the nursing students regarding the English Language Standard and visa issues
- inconsistency in the information provided on the AHPRA and NMBA websites, the NMBA English Language Skill Registration Standard and the Information Sheet and FAQs
- students are unable to remain in Australia on the visitor's visa because this does not allow them to work
- the fact that education providers were not aware of the Registration Standard is a matter to be addressed by the providers and not the students
- these concerns applied to both registered nurses and enrolled nurses

- representatives advised that TAFE do not test English language competence on entry to the courses.

Outcomes

ANF were advised that the Board would need to consider any response and decision in this matter and that this would be based on its obligation to protect the public. The Board would not be asked to change its Standard but may be asked to consider a number of options including extending the time available to students in which to demonstrate achievement of the standard.

At the meeting of with the student representatives, the following issues were raised:

- These were all international qualified nurses who had applied to the Nurses Board of Victoria (NBV) for registration
- All had been required by NBV to enrol in registration programs for overseas nurses
- The length of program they were required to complete was dependent upon their English language proficiency on application for registration
- A number of these nurses had met the IELTS of 7 on entry to the course but that was now longer than 2 years ago
- A number of nurses had achieved IELTS of 7 in all elements but not in one sitting
- The nurses were advised in the letter that were only required to successfully complete the Board approved program to be eligible for registration
- They were not advised that they would be required to meet a different standard but believed that the letter from NBV advising of the requirements for registration would be honoured

Outcomes

The students were informed of the difficulty in changing requirements for registration now that the National Law is in place and the Registration Standards approved by Ministers. Students were mainly in agreement with the Standard but felt that it should apply to those enrolling in courses from 1 July 2010. The students were asked to consider that even if they were granted registration the need to demonstrate the English language skills standard would still be a requirement.

Options

Option 1: The Board confirms its decision at its meeting of July 2010

The Board confirms its decision at its meeting of July 2010 and does not agree to waive the English language skills registration standard for any graduates but requires that they provide the necessary evidence of meeting the Standard on application for registration. The Board encourages the graduates to apply for the visitor's visa to be made available by DIAC.

Option 2: The Board manages the different categories of international applicants according to whether they are internationally qualified nurses or midwives, or students undertaking their first entry to practice program. These strategies would apply to nurses (registered or enrolled) and midwives.

2.1 Internationally qualified nurses or midwives:

2.1.1 Assessed prior to 1 July 2010 and directed to undertake a Board approved short program prior to registration

To ensure that no applicant or registrant is disadvantaged during the transition period, the Board honours all commitments made by previous NMRA's. The Board grants registration to those applicants who have met the requirements for registration set out at that time.

Therefore the nurses in Victoria and other States, who were advised in writing that if they successfully complete a prescribed program of study, will now be eligible for registration with no restrictions on their practice or conditions imposed on their registration.

2.1.2 No direction or commitment from an NMRA on application for registration and/or assessed after 1 July 2010

The English Language Skills Registration Standard approved by Ministerial Council applies.

2.2 International students completing their first qualification as a nurse or midwife (entry to practice programs):

2.2.1 International students completing pre –registration programs before 31 December 2010 students (not internationally qualified)

Grant full registration with the following conditions:

1. that the nurse provides evidence that they have met the English Language Skills Registration Standard (IELTS 7 or equivalent) prior to 31 May, 2011 (renewal date)
2. that the nurse practises under the supervision of a registered nurse (direct or indirect)
3. that the nurse advises their employer of the conditions imposed on their registration requiring them to meet the English Language Skills Registration Standard
4. that the nurse provides the name and contact details of their employer
5. that the nurse authorise their employer to notify AHPRA if the employer holds any concerns about the nurse's English Language competence

2.2.2 International students who will be completing pre –registration programs after 31 December 2010 (not internationally qualified)

The English Language Skills Registration Standard approved by Ministerial Council applies

ATTACHMENTS:

Attachment A: AHPRA Media Release 11 August 2010

Attachment B: NBV Policy on English language skills requirements pre- and post- July 2009

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