



Registration Policy for Applicants currently registered in Australia applying under the Trans Tasman Mutual Recognition Act 1997

Refer Health Practitioners Competence Assurance Act 2003 Sections 15–33

Approved by Council on 30 July 2004

Reviewed: December 2005

Reviewed: December 2006

Reviewed: June 2008

Reviewed: June 2012

Reviewed: February 2013

Reviewed: August 2014

Reviewed: November 2014

Reviewed June 2018

1. Legislative context

- 1.1 The Trans Tasman Mutual Recognition Act 1997 [TTMRA] provides for mutual recognition of occupational registration between Australia and New Zealand. Whilst there are some differences between midwifery education and practice in the two countries, the Midwifery Council accepts that the professions are substantially the same. The provisions of the Trans Tasman Mutual Recognition Agreement therefore apply and midwives registered in Australia are entitled to registration as midwives in New Zealand.
- 1.2 The Health Practitioners Competence Assurance Act 2003 [HPCA] is subject to the TTMRA for the purposes of registration but once registered, the midwife practises in the context of the HPCA.
- 1.3 Applicants are deemed to be registered and able to practise as a midwife in New Zealand at the point their notice of application, when all required documentation and fee are received by the Midwifery Council. This period of deemed registration ends when registration is approved or declined or postponed by the Council.
- 1.4 Such applicants are not required to have any particular qualification nor are they required to reside or be domiciled in the Australian state in which they are registered. Applicants are not required to be Australian residents or to have completed their midwifery education in Australia.
- 1.5 Applications with all required documentation and payment are processed within one month after the applicant's notice seeking registration is received. The Council grants, postpones, or refuses registration.
- 1.6 If the Council does not grant, postpone, or refuse registration within the one month period, applicants are entitled by default to immediate registration at the end of the one month period.

2. Documentation required

- 2.1 All Applicants are required to provide the following:
 - A written notice seeking registration as a midwife on the grounds that they are registered in an equivalent occupation in Australia
 - A Statutory Declaration:
 - a) as to their registration and entitlement to practise as a midwife in Australia
 - b) that in relation to midwifery, the applicant is not:
 - i) the subject of any disciplinary proceedings in Australia , and
 - ii) not the subject of any preliminary investigations which may lead to disciplinary proceedings in Australia
 - c) that the applicant's registration or right to practise as a midwife in any jurisdiction is neither cancelled nor suspended as a result of disciplinary action
 - d) that the applicant is not otherwise personally prohibited from practising as a midwife and is not subject to any conditions as a result of criminal, civil, or disciplinary proceedings, in any jurisdiction
 - e) details of any conditions to which the applicant's midwifery practice is subject

- Evidence of identity
 - a) Two forms of identity with at least one from Schedule A and the other from Schedule B as per Appendix A of this policy. At least one form of identity must have a photograph of the individual.
 - b) A marriage or civil union certificate if the applicant wishes to be registered in the name that relates to their marital status and if that name is different to their identification documents provided above.
 - The original or certified copy of a document or certificate of standing as evidence of the applicant's existing registration
 - Copies of documents must be certified as correct by a Notary Public, solicitor or Justice of the Peace
 - Provision of evidence of two years' post registration midwifery practice, within the immediate 5 years preceding application. This must include practice across the scope
 - Written consent to permit the Midwifery Council to make enquiries and exchange information with regulatory authorities in any participating jurisdiction as to the applicant's practice and activities
 - The registration fee
- 2.2 An online completed application form and either originals or certified copies of documents are required except that a facsimile copy of the document evidencing registration is acceptable. The applicant must certify whether that document is an original or a facsimile copy.
- 2.3 The non-refundable application fee must be paid at the time the application is made.
- 2.4 The Council may delegate its authority to assess applications to a committee of the Council appointed for the purpose or to the secretariat.

3. Deemed registration

- 3.1 Pending the grant or refusal of registration after receipt by the Council of an applicant's completed Notice, applicants are deemed to be registered. Applicants can practise midwifery in New Zealand subject to:
- the limits conferred by the applicant's registration in all Australian jurisdictions in which the applicant registered, and
 - any conditions or undertakings applying to the applicant's practice in all Australian jurisdictions in which the applicant registered unless waived by the New Zealand Midwifery Council, and
 - any conditions on practice in New Zealand imposed by the Midwifery Council in New Zealand under s22.
- 3.2 The Council may impose conditions, as set out in 3.4, on applicants' deemed registration for the purpose of:
- achieving equivalence of midwifery between New Zealand and Australia, or
 - imposing a similar condition that applies to the applicant's registration in Australia, and
 - for any other purpose relating to the implementation of the Trans-Tasman Mutual Recognition principles

3.3 No such condition will be more onerous than a condition the Council would impose in similar circumstances, having regard to relevant qualifications, if registration were effected under the Health Practitioners Competence Assurance Act 2003.

3.4 It is considered unlikely that a midwife educated in a country other than New Zealand will meet all competencies required of midwives in New Zealand. Subject to consideration by the Council of each particular case, it is likely that midwives registering under the Trans Tasman Mutual Recognition principles will have the following conditions, pursuant to s22, placed on their Scope of Practice:

That the applicant:

- Must work as an employed midwife or as a Lead Maternity Carer in an established group practice *
- May not prescribe any medications
- Completes an approved competence programme within two years of the date of registration. This competence programme will include the following modules:
 - a) New Zealand maternity and midwifery systems
 - b) Examination of the newborn
 - c) Cultural competence
 - d) Treaty of Waitangi
 - e) Pharmacology and prescribing **and** the Misuse of Drugs self-study package

Other conditions in addition or substitution may be imposed in a particular case.

* This means that the midwife must practise either as an employed midwife or within an established group practice which means formal professional practice arrangements with structured back up and regular practice meetings. No midwives in the practice may be under Council processes.

3.5 The midwife must provide her plan to complete the overseas competence programme at the time she applies for her practising certificate. This must include evidence of either completion of or enrolment in the New Zealand maternity and midwifery systems module.

3.6 The midwife must provide evidence of employment or, if intending to work as an LMC, of details of how she will practise within an established group practice at the time she applies for her practising certificate. She must also at this time inform the Council of the name of a nominated mentor. A report will be sought from the mentor at the end of each year, giving feedback on the IQM's integration into the NZ maternity system.

3.7 Australian-educated new graduates (someone who has less than twelve month's midwifery practice experience at 32 hours per week) who come to practise in New Zealand may not work as an LMC until they have completed the requirements of the overseas competence programme.

3.8 Australian-educated new graduates must participate in the Midwifery First Year of Practice Programme and attain the confident midwife profile as defined in the programme specifications. As they are not eligible for a funded position, they must make the necessary arrangements to meet the costs of the programme. Under s22 of "the Act", conditions will be placed in their scope of practice that:

- they must participate in the Midwifery First year of Practice Programme and meet the confident midwife profile as defined in the programme specifications
- they must inform their mentor if they have:
 - a s34 or s64 notification about their competence or conduct
 - a s45 concern about their fitness to practise or a s50 condition placed on their practice

3.9 The Council may waive any condition or undertaking applying to the applicant's registration in Australia if it thinks it appropriate to do so.

3.10 Deemed registration ceases if:

- it is cancelled or suspended in the course of disciplinary proceedings, or
- applicants are granted registration, or
- registration is refused, or
- applicants cease to be registered as a midwife in Australia

4. Grant of registration

4.1 If the information is accurate and complete and the fee paid, registration will be granted and a Certificate of Registration which be forwarded to the applicant.

4.2 If registration is granted, it takes effect as if it had been granted immediately on the applicant giving Notice. However once deemed registration has expired the applicant cannot practise midwifery in New Zealand unless she has also obtained a practising certificate.

4.3 Subject to the midwife's registration being affected by disciplinary action (refer to paragraph 1.9.1), once registration in New Zealand has been granted, registration does not cease because the midwife subsequently ceases to be registered in a participating Australian jurisdiction.

5. Registration with conditions

5.1 The Council may impose conditions on registration as set out in 3. 2 – 8 above.

5.2 Postponement of registration

5.2.1 A grant of registration may be postponed if:

- any of the statements or information given in the Notice are materially false or misleading, or
- any document or information required to accompany the Notice is materially false or misleading, or
- any required document or information has not been provided, or
- the applicant's circumstances have materially changed since the date of the Notice or the date it was given

5.2.2 Registration cannot be postponed for a period longer than six months commencing at the end of the one month period during which the Council processes the applicant's Notice.

5.2.3 Within the six month period, the Council must either grant or refuse registration. If it does not do so, the applicant is entitled to registration immediately at the end of the six month period.

5.2.4 Subject to the applicant remaining registered in Australia, deemed registration continues during the period of postponement.

6. Refusal of registration

6.1 Registration will be refused if any of the points in 1.6.1 apply and:

- the applicant does not have current registration in Australia

7. Notification

7.1 Applicants will be advised in writing of the following:

- the grant of registration
- the imposition of conditions on registration
- the postponement of registration
- the refusal to grant registration
- the revocation of refusal to grant registration

7.2 Any such notice must:

- include reasons for the decision, and
- advise the applicant of her right to apply for a review of the decision, and
- advise the applicant of her right to request the Council to provide a statement setting out the findings on material questions of fact and referring to the evidence or other material on which those findings were based, pursuant to s 35 of the TTMR Act. Such information must be provided within twenty working days

7.3 Subject to the applicant remaining registered in Australia, deemed registration continues until final determination of the appeal.

8. Effect of Disciplinary action

8.1 If a person's registration as a midwife in Australia is cancelled or suspended or made subject to a condition on disciplinary grounds or as a result of or in anticipation of criminal, civil or disciplinary proceedings, the individual's deemed registration or registration as a midwife in New Zealand is affected in the same way.

Appendix A

Documents required to establish identity for IQM and TTMRA 030718