

Assistance for Grandparenting Registration Applications

Corrected 13 November 2012

Introduction

This document has been produced to assist applicants making an application for registration under the Grandparenting provisions contained within s.303 of the *Health Practitioners Regulation National Law Act 2009* as in force in each State and Territory. This document assists by providing advice to applicants on which documents will assist their application for registration and provides advice on the form of those documents.

Summary

This document has been developed for applicants who intend to apply for general registration under the Grandparenting provisions of the National Law.

Under section 52 of the National Law, an individual is eligible to apply for general registration if they have successfully completed a qualification recognised under the National Law as an approved program of study, or if they hold an overseas qualification which is considered by the Board as equivalent to an approved program of study. For Approved and Equivalent Qualifications, please see the Board's website for an up to date list.

An individual who does not hold an approved qualification for registration, but does have other relevant qualifications, training, or experience practising the profession, may be able to apply for registration, until 1 July 2015, under grandparenting provisions for registration set out under section 303 of the National Law.

The grandparenting provisions are broad. The intent is to ensure that practitioners who are legitimately practising the profession (particularly in those jurisdictions that did not require registration) are not unjustly disadvantaged because they are not automatically transitioned to the national registration scheme as a state or territory registrant or because they do not hold an approved qualification.

Practitioners can apply for registration under the grandparenting provisions based on:

- adequate qualifications;
- qualification with supervised practice; or
- adequate experience.

Applications under grandparenting provisions may only be made up until 1 July 2015.

It is important to note that all of the other eligibility requirements for registration set out in section 52 of the National Law apply to people seeking registration using the grandparenting provisions.

Assistance with Making an Application

Applications for General Registration

A person is eligible to apply for general registration under section 52(1)(a) if the individual is qualified for general registration in the profession. That is if an individual:

- a) has completed a qualification recognised by the Board as an approved program of study or
- b) holds an overseas qualification in Medical Radiation Practice recognised by the Board

Individuals making application under this section should firstly check the Board's website for the List of Approved courses and the List of Equivalent courses (please see the Board's website at www.medicalradiationpracticeboard.gov.au/Accreditation.aspx) The lists indicate those qualifications that the Board considers suitable for the purposes of section 53 of the National Law. Applicants with these qualifications do not need to utilise the grandparenting provisions.

Applications for Registration under Grandparenting Provisions.

Section 303 of the National Law, sets out the 'grandparenting' provisions that allows individuals to apply for registration to the profession who do not hold an academic qualification gained by completing an approved program of study. These provisions apply until 1 July 2015.

The grandparenting provisions are broad. The intent is to ensure that practitioners who are legitimately practising the profession (particularly in those jurisdictions that did not require registration) are not unjustly disadvantaged because they are not automatically transitioned to the national registration scheme as a state or territory registrant, or because they do not hold an approved qualification.

Section 303(1) of the National Law states that for the purposes of section 52(1)(a), an individual who applies for registration as a Medical Radiation Practitioner before 1 July 2015 may be qualified for general registration in the profession if the individual:

- (a) holds a qualification or has completed training in the profession, that the National Board considers is adequate for the purposes of practising the profession; or
- (b) holds a qualification or has completed training in the profession, and has completed any further study, training or supervised practice in the profession required by the Board for the purposes of this section; or
- (c) has practised the profession at any time between 1 July 2002 and 30 June 2012 for a consecutive period of 5 years or any periods together which amount to 5 years.

Assessment of Applications

The Board will assess applicants for general registration made in accordance with section 303(1)(a) to (c) of the grand-parenting provisions on their individual merit.

For applicants making application under section 303(1)(a) – Adequate Qualifications or (b) – Qualification with Supervised Practice, the Board may also consider supporting evidence such as a Statement of Accreditation from the Australia Institute of Radiography (AIR) or the Australia and New Zealand Society of Nuclear Medicine (ANZSNM).

The supporting evidence required for applications made under each of the grandparenting provisions is listed below.

All documents included in applications must be certified copies. Refer to the *Certified Documents* (02/2011) guidelines accessible on the AHPRA website (www.ahpra.gov.au). The Board will not return any document provided as part of an application.

Evidence for Grandparenting Application

Please note: The Board will not return any document provided as part of an application.

Section 303(1)(a) Applications based on Adequate Qualifications

Applicants for registration under this section will have qualifications that the Board does not consider to be equivalent, but will deem adequate for the purposes of general registration within the confines of section 303 grandparenting applications.

Applicants under this section must provide:

- An original academic transcript (this will not be returned), or a certified copy of the original academic transcript
- A certified copy of the testamur or award document(s)
- A course outline certified by the academic institution detailing topics covered, assessment details and study hours.
- Evidence of practice in Australia or New Zealand, including any supervised practice.

If your qualification does not appear in either of these lists then consider an application under section 303(1)(b) or (c).

Please note: Applications under this provision may only be made up until 1 July 2015.

All documents must be certified copies. Refer to the *Certified Documents* (02/2011) guidelines accessible on the AHPRA website (www.ahpra.gov.au).

Section 303(1)(b) Applications based on Qualification with Supervised Practice

For those applicants who have a qualification that the Board does not deem sufficient an adequate qualification, but can demonstrate a period of supervised practice in Australia or New Zealand may submit an application under section 303(1)(b).

Applicants under this section must provide:

- An original academic transcript (this will not be returned), or a certified copy of the original academic transcript
- A certified copy of the testamur or award document(s)
- Evidence of successful completion of a program of supervised practice in Australia or New Zealand
- Evidence of continued practice in Australia or New Zealand.

Please note: Applications under this provision may only be made up until 1 July 2015.

All documents must be certified copies. Refer to the *Certified Documents* (02/2011) guidelines accessible on the AHPRA website (www.ahpra.gov.au).

Section 303(1)(c) – Applications based on adequate experience

Applicants for registration who do not hold a qualification, but have practiced in the profession at any time between 1 July 2002 and 30 June 2012 for a consecutive period of 5 years or for any periods which together amount to 5 years, may make application for registration under section 303(1)(c).

Applicants under this section must provide to the satisfaction of the Board or its delegate, the following evidence in support of their application:

- **A declaration from the applicant to declare that they have practised the profession for 5 years full-time or a part-time equivalent between 1 July 2002 and 30 June 2012.**
 1. Applicants will make the declaration in the body of the Application document.
 2. It is important for applicants to note that making a false or misleading declaration may be considered by the Board as professional misconduct. The Board may refuse to register or cancel your registration where it is established that a false or misleading declaration has been made.
- **A statement/s of service or other documentation from an employer/s that demonstrates five years of full time practice or part time equivalent between 1 July 2002 and 30 June 2012.**

For the purposes of this requirement,

1. The Applicant must provide evidence of practice within Australia or New Zealand.
2. The employer must be a registered business or company incorporated in Australia or New Zealand.

Applicants must provide original (these documents will not be returned) or certified copies of statements or certificates of services from their employer(s). The statement or certificate of service must contain

1. The employers Australian Business Number (ABN) or Australian Company Number (ACN).
2. The period of employment.
3. Employment Classification / Role Description.
4. The Applicable Award or Industrial Instrument.

- **Copies of position descriptions, certified by their employer and describing the nature of qualifications or knowledge required, skills required and duties performed and duration of employment.**

For the purposes of this requirement,

1. The Applicant must provide evidence of practice within Australia or New Zealand.
2. The employer must be a registered business or company incorporated in Australia or New Zealand.

Applicants are required to provide copies of position descriptions or similar documents that properly describe the position held. These should adequately describe

1. any qualifications for the role,
2. experience required for the role,
3. any requirement for professional affiliation or accreditation,
4. any supervisory requirements either as supervisor or supervisee,
5. in detail the purpose of the role and the tasks required to be completed.

Any position description or similar document must be certified by the employer or their representative. The certification by an employer or their representative should indicate

1. A Business Name.
2. Name of the Person certifying the document.
3. Signature of the person certifying the document.
4. Position or title of the person certifying the document.
5. Date of certification.

Certification by employer does not require a formal process, it is the simple requirement of an employer or their representative to officially recognise the contents of a document as being true and accurate.

- **A minimum of 2 references, 1 attesting to your practice as a Medical Radiation Practitioner, from a Medical Radiation Practitioner peer (practising within the 12 month period before 1 July 2012); and 1 character reference.**

A reference from a Medical Radiation Practitioner peer may come from:

1. A practitioner practicing in Australia within the 12 month period before 1 July 2012.
2. A practitioner practicing in an overseas jurisdiction that has a registration scheme, and holds an approved or equivalent Australian or New Zealand qualification in medical radiation practice.

Professional references from Medical Radiation Practitioner Peers must:

1. Not be from a practitioner with less than 3 years post-qualification experience (For the purposes of this requirement the any period of supervised practice e.g. PDY / NPDP is not to be included in the calculating years of experience)
2. Indicate the years of experience of the person providing the reference
3. Indicate the time that they have known the applicant (The Board may require further references where that time is less than 12 months)
4. Indicate the level of interaction between the applicant and the peer
5. Indicate the peer's view of the applicant's
 - Skills and knowledge
 - Clinical assessment and application skills
 - Patient communication and management skills
6. Indicate the suitability of the applicant for registration, noting any known risks to public safety posed by the applicant.
7. Provide contact details of the person providing the reference.

See [Appendix 1](#): Sample Reference Letter from Medical Radiation Practitioner Peer.

Character References should ideally come from a professional person, e.g. anyone capable of signing a Statutory Declaration.

Character references should:

1. Indicate the length of time the referee has known the applicant
2. The position/title held by the referee
3. Indicate if the referee believes the applicant is of sufficiently good character to be registered as a medical radiation practitioner
4. Indicate if it is in the public interest that the applicant should be registered as a medical radiation practitioner.

For Practice that has occurred outside of Australia and New Zealand.

- a) The Board will consider evidence of practice outside of Australia. The applicant must demonstrate to the Board's satisfaction that professional practice that has occurred outside of Australia, is in every way equivalent to practice in Australia.
- b) Applicants must address all the criteria for s.303(1)(c) and provide all the relevant material and documents, as indicated above for applications under s.303(1)(c), relevant to the country or jurisdiction in which the practice took place

Please note: Applications under this provision may only be made up until 1 July 2015.

Supporting Evidence

Applicants may submit, as part of an application, any material evidence that supports their application for registration.

The evidence must be relevant to the application for registration and must not be unnecessarily repetitive. Evidence that Board considers immaterial or repetitive will not be used in assessment of applications for registration.

Examples of relevant supporting evidence

- Statement to Accreditation from Australian Institute of Radiography (AIR) or Australian & New Zealand Society for Nuclear Medicine (ANZSNM)
- Evidence of registration with a relevant professional Board or regulator in an overseas jurisdiction (not including New Zealand)
- Evidence of membership with a relevant professional association in an overseas jurisdiction and any accompanying compliance with Continuing Professional Development requirements.
- Evidence of a radiation licence granted by a relevant State or Territory authority

Board may require further actions in support of application

Under section 80 of the National Law when considering an application for registration the Board may require further actions by the applicant.

The Board may require

- Any document that it reasonably requires to decide the application
- The applicant to appear in person before the Board to answer questions relating to the application
- The applicant to undergo an examination or assessment to determine the applicant's ability to practice
- The applicant to undergo a health assessment.

Translation of documents

Any document or information submitted to the Board as part of an Application must be in English. For those documents not in English:

1. The original document (this will not be returned), or a certified copy of the original must be attached to an English translation of that document.
2. All translated documents or information submitted to the Board must be translated by a Professional Translator (or higher)(Level 3 or above) certified by the National Accreditation Authority for Translators and Interpreters (NAATI).
3. All costs in relation to translation of documents are the responsibility of the applicant.
4. Any tendered document that is not in English, or fails to provide a translation by a certified translator as indicated above, will be an incomplete application that cannot be considered by the Board.

Decision of the Board

The National Law gives the Board the power to determine applications for registration.

In the event that an applicant fails to meet requirements of the Board, the Board may, for example:

- a) Decide not to consider an incomplete application
- b) On the basis of the application decide that the applicant is only eligible for particular class of registration
- c) Impose a condition on registration
- d) Refuse to grant registration
- e) Or any other option provided to the Board under the National Law

Knowingly making a false declaration will be considered by the Board as a professional misconduct matter and as such will be dealt with by the Board through disciplinary mechanisms available under the National Law.

Definitions

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct nonclinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

Appendix 1

Sample: Reference letter from medical radiation practitioner peer

<<Date>>

The Chair
Registration Applications Review Committee
Medical Radiation Practice Board of Australia
GPO Box 9958
In Your Capital City

Professional reference in relation to an application for registration by <<name of applicant>>

I provide this reference for <<name of applicant>> with the full understanding that any fact or opinion that I provide to the Board is true and accurate in every way. I understand that knowingly making a false or misleading statement to the Board may constitute professional misconduct, which may be dealt with by the Board through disciplinary mechanisms available under the *Health Practitioner Regulation National Law Act* (the National Law) as it applies in each state and territory.

I am currently a practicing medical radiation practitioner in the state of <<e.g. New South Wales>>, where I have been practising as a fully qualified practitioner since<< e.g.1999 >>. I am currently employed with << employer>> in the capacity of <<position title>>

I have known <<name of applicant>> in a professional capacity for a period of <<xxx>> years. In this time I have had the opportunity to work alongside of, and witness to work practices of <<name of applicant>>. In my opinion <<name of applicant>> continues to competently demonstrate the

- Skills and knowledge, and
- Clinical assessment and application skills, and
- Patient communication and management skills

necessary for a registration as a medical radiation practitioner.

I believe that <<name of applicant>> will competently discharge the responsibilities of a registered medical radiation practitioner and I am not aware of any risk posed to the public by the registration of <<name of applicant>>.

(Referees should indicate if they have concerns about the applicant's professional abilities or any risks posed to the public where necessary).

I would be happy for the Board or its representative to contact me to discuss this reference further.

Yours sincerely

<<Signature>>

<<Name>>

<<Position>>

<< Contact Details>>

Attachment 1

General provisions

Health Practitioners Regulation National Law Act 2009 (Qld)

Specific provisions

77 Application for Registration

1. An individual may apply to a National Board for registration in the health profession for which the Board is established.
2. An application must—
 - a) be in the form approved by the National Board; and
 - b) be accompanied by the relevant fee; and
 - c) be accompanied by proof of the applicant's identity; and
 - d) be accompanied by any other information reasonably required by the Board.
3. Without limiting subsection (2)(a), a form approved by a National Board for the purposes of that subsection must require an applicant—
 - a) to provide a declaration about—
 - i. the address at which the applicant will predominantly practise the profession; or
 - ii. if the applicant will not be practising the profession or will not predominantly practise the profession at one address, the address that is the applicant's principal place of residence; and
 - b) to provide an address to be used by the Board in corresponding with the applicant; and
 - c) to disclose the applicant's criminal history; and
 - d) to authorise the Board to obtain the applicant's criminal history.

Note: See the definition of *criminal history* which applies to offences in participating jurisdictions and elsewhere, including outside Australia.
4. A criminal history law does not apply to the requirement under subsection (3)(c) for the applicant to disclose the applicant's criminal history.
5. Information in the application must, if the approved form requires, be verified by a statutory declaration.

80 Boards' other powers before deciding application for registration

1. Before deciding an application for registration, a National Board may—
 - a) investigate the applicant, including, for example, by asking an entity—
 - i. to give the Board information about the applicant; or
 - ii. to verify information or a document that relates to the applicant;

The National Board may ask an entity that issued qualifications that the applicant believes qualifies the applicant for registration for confirmation that the qualification was issued to the applicant.

Example: If the applicant is or has been registered by another registration authority, the National Board may ask the registration authority for information about the applicant's registration status:

- a) by written notice given to the applicant, require the applicant to give the Board, within a reasonable time stated in the notice, further information or a document the Board reasonably requires to decide the application; and
 - b) by written notice given to the applicant, require the applicant to attend before the Board, within a reasonable time stated in the notice and at a reasonable place, to answer any questions of the Board relating to the application; and
 - c) by written notice given to the applicant, require the applicant to undergo an examination or assessment, within a reasonable time stated in the notice and at a reasonable place, to assess the applicant's ability to practise the health profession in which registration is sought; and
 - d) by written notice given to the applicant, require the applicant to undergo a health assessment, within a reasonable time stated in the notice and at a reasonable place.
2. The National Board may require the information or document referred to in subsection (1)(b) to be verified by a statutory declaration.
 3. If the National Board requires an applicant to undertake an examination or assessment under subsection (1)(d) to assess the applicant's ability to practise the health profession—
 - a) the examination or assessment must be conducted by an accreditation authority for the health profession, unless the Board decides otherwise; and
 - b) the National Agency may require the applicant to pay the relevant fee.
 4. A notice under subsection (1)(d) or (e) must state—
 - a) the reason for the examination or assessment; and
 - b) the name and qualifications of the person appointed by the National Board to conduct the examination or assessment; and
 - c) the place where, and the day and time at which, the examination or assessment is to be conducted.
 5. The applicant is taken to have withdrawn the application if, within the stated time, the applicant does not comply with a requirement under subsection (1).

83 Conditions of registration

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.

Note: A failure by a registered health practitioner to comply with a condition of the practitioner's registration does not constitute an offence but may constitute behaviour for which health, conduct or performance action may be taken.
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.

303 Qualifications for general registration in a relevant profession

1. For the purposes of section 52(1)(a), an individual who applies for registration in a relevant health profession before 1 July 2015 is qualified for general registration in the profession if the individual—
 - a) holds a qualification or has completed training in the profession, whether in a participating jurisdiction or elsewhere, that the National Board established for the profession considers is adequate for the purposes of practising the profession; or
 - b) holds a qualification or has completed training in the profession, whether in a participating jurisdiction or elsewhere, and has completed any further study, training or supervised practice in the profession required by the Board for the purposes of this section; or

- c) has practised the profession at any time between 1 July 2002 and 30 June 2012 for a consecutive period of 5 years or for any periods which together amount to 5 years.
2. This section applies despite section 53.