

The Hon Nicola Roxon MP
Minister for Health and Ageing
MG 50
Parliament House
CANBERRA ACT 2600

AUSTRALIAN MEDICAL
ASSOCIATION
ABN 37 008 426 793

T | 61 2 6270 5400
F | 61 2 6270 5499
E | info@ama.com.au
W | www.ama.com.au

42 Macquarie St Barton ACT 2600
PO Box 6090 Kingston ACT 2604

Dear Minister

Changes to the 10-year moratorium on international medical graduates

I am writing to you concerning changes to Section 19AB of the *Health Insurance Act 1973*, which restricts access to Medicare provider numbers and effectively limits where international medical graduates (IMGs) and “former overseas medical students” can work for a minimum period of 10 years – the so-called 10-year moratorium.

The AMA has at times raised concerns that anomalies in the 10-year moratorium have adversely affected significant numbers of IMGs, as well as doctors who were educated in Australia and have lived here for many years. The 10-year moratorium often forces IMGs to work with little support in an environment that can be beyond the scope of their training, qualification and experience. It is a key concern of IMGs, highlighted by the regular representations the AMA receives from doctors who are disadvantaged by it.

I understand that your department has developed some changes to the *Health Insurance Act 1973* (the Act) that attempts to address some of problems with the operation of the 10-year moratorium. The changes are summarised below:

- *The legislation will be amended so the moratorium starts from when the doctor first gains medical registration.*

At present, the moratorium starts when an IMG is first registered or gained permanent residency, whichever is the latter. This means that many IMGs are affected by the moratorium for much longer than 10 years because they may not gain residency for a number of years after medical registration. The AMA has been contacted by IMGs who have been subject to the moratorium for 16 years – which is a patently unfair situation.

- *New Zealand residents who study medicine in Australia and choose to stay will not be subject to the moratorium.*

This will address a perverse anomaly in the operation of the moratorium that has seen people move to Australia from New Zealand at an early age only to find out they are subject to the moratorium upon graduating from medical school.

- *The Department of Health and Ageing will be able to backdate applications for section 19AB exemptions.*

This will address situations that can arise if an IMG overlooks the relevant paperwork (eg when the 19AB exemption is due for renewal) or the extension expires without warning.

This causes considerable inconvenience for patients because they cannot receive rebates until the paperwork is completed and approved.

The AMA strongly supports these changes to the Act and we believe they should be enacted as a matter of urgency. I understand that the amendments to the legislation were expected to be tabled during previous sessions of Federal Parliament but regrettably were given low priority.

IMGs make a valuable contribution to the medical workforce, particularly in rural and remote Australia because of the long-term shortage of GPs and specialists in these areas. These doctors need more support to enable them to improve their contribution to patient care and to encourage them to seek a permanent place in the medical workforce.

I strongly encourage the government to introduce the changes to Section 19AB of the Act in the spring session of Federal Parliament so that they can be enacted as soon as possible.

While the AMA believes that an incentives-based approach is a much better way to encourage doctors to areas of workforce shortage, the comments in this letter are obviously framed in the context of the existing legislative framework.

I note that a New Zealand-born doctor, Dr Michael Belich, is now challenging the 10-year moratorium in the Federal Court. Dr Belich was educated in Australia and has lived here for many years. These changes would address his situation and avoid the need for the matter to be prosecuted in the court system.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Pesce', written in a cursive style.

Dr Andrew Pesce
President

16 September 2009