

Jinny Koh

6 October 2011

Executive Officer
Chinese Medicine Board of Australia
AHPRA
GPO Box 9958,
Melbourne VIC 3001

Dear Executive Officer,

Re: Grandparenting registration standard: Transitional Arrangements for Qualifications

I would like to draw your attention to the unfair treatment of holders of Advanced Diploma qualifications obtained after 2007.

According to the draft grandparenting standard, for qualifications awarded after 2007, only bachelor degree or higher qualifications will be considered adequate qualifications for registration. This new proposal means that graduates from 2008 onwards, and current students, of accredited Advanced Diploma programs will be ineligible for registration on the basis of their qualification, despite being presently able to legally practise upon completion of their qualification. They will be also unable to apply under the recency of practice clause (five years practice out of the last 10 years) as they will not have five years practice.

Grandparenting under a national scheme needs to take into account the current position and history of Chinese medicine for all States of Australia, not just what has been happening in Victoria. Grandparenting needs to enable existing practitioners, recent graduates and students in the pipeline to practise in the profession.

The premises for the Chinese Medicine Board of Australia's ("CMBA's") prospective non-acceptance of Advanced Diplomas after 2008 are:

- Degree level Chinese medicine education/training has been available in Australia now since the early 1990's;
- The Chinese Medicine Registration Board of Victoria ("CMRBV") issued course approval guidelines in 2002 and put all known schools on notice that Advanced Diplomas would not be approved after the end of 2007 **in Victoria**; and
- No Advanced Diplomas have been approved **in Victoria** for registration purposes since 2008.

The premises are clearly unjust on the following grounds:

- a) The CMBA is attempting to apply Victorian law which pertains exclusively to Victoria and has no relevance to Australian practitioners outside Victoria. The effect is that those outside of Victoria are clearly disadvantaged as compared to their Victorian counterparts just because of the State they reside in. This breaches one of the foundational principles of Federal or Constitutional law in Australia, namely that government legislation that has the effect of restricting or disadvantaging someone in trade and commerce purely because of the state they reside in is void, invalid or unlawful;
- b) The proposed draft is unfair in that Australian-trained practitioners applying for registration under the national scheme will be put to a higher grandparenting standard than applied under the Victorian scheme;

- c) The CMBA is attempting to apply legislation retrospectively by proposing that qualifications other than Bachelor level will no longer be accepted at a date some four or five years prior to the publication of the consultation draft. Applying legislation with retrospective effect is contrary to principles of procedural fairness and natural justice; and
- d) The proposed draft does not consider any holders of Advanced Diploma qualifications obtained after 2007. In doing so, it is clearly at odds with the transitional purpose of a grandparenting provision and is manifestly and grossly unfairly prejudicial in its effect.

As a newly constituted body, CMBA should firstly acknowledge the current requirements of TCM practice nationally. This forms the basis upon which any proposed changes can be effected. CMBA should give clear notice of change of qualification requirements and concurrently allow suitable time for smooth implementation of this change. If the CMBA chooses to introduce the Victorian model as a basis for its registration requirement, it should apply the same process of phasing-in these changes henceforth, not in retrospection. The CMRBV provided a period of six years from announcing the new standard of qualifications (1 January 2002) to the final date of non acceptance of Advanced Diploma qualifications (31 December 2007).

There has already been a precedent for hardship and inconvenience caused by the Australian Health Practitioner Regulation Agency ("AHPRA") arising from the first round of National Registration Accreditation of Health Practitioners which occurred earlier this year. The Senate Inquiry into the Administration of Health Practitioner Registration by the AHPRA dated 3 June 2011, commented in chapter 4, adversely on the poor administrative function of AHPRA as follows:

"4.53 The committee is of the view that the exposure of practitioners to loss of income and financial risk due the inability of the national health practitioner registration authority, AHPRA, to adequately perform its functions, is deplorable.

4.54 The committee notes the estimated financial impact for six months of this debacle exceeds \$0.5 million in labour, and is concerned that there do not appear to have been any support systems put in place for those practitioners and service providers who suffered loss of income.

4.55 The committee is very concerned that on top of the financial risk already faced by many practitioners, practitioners are also facing substantially increased registration fees. The committee notes the impact that this may have on academic staff and the consequent possible implications for the training of practitioners.

4.56 The committee particularly notes comments by the AMA and agrees that any shortcomings in the projected budget for the NRAS should not be recovered through increases in registration fees."

AHPRA, through the CMBA, will cause even greater hardship to students and practitioners of TCM by implementing a policy which is both unjust and unfair. It will almost certainly open the door to a collective legal challenge by the substantial number of practitioners and students affected by the issue.

The proposed legislation will affect hundreds of students and cause great hardship to many who have spent years of study and incurred great expense obtaining these Advanced Diplomas.

I would like to point out to CMBA that Advanced Diploma in TCM from approved colleges is already recognised by all of the major professional associations (the Australian Natural Therapists Association, the Australian Traditional Medicine Society, the AACMA and the Federation of Chinese Medicine and Acupuncture Societies). They are accepted as full and equal members as those with Bachelor degrees except AACMA which require an additional entrance examination for acceptance. As further evidence of acceptance of their status, most insurance companies extend professional indemnity to practitioner-members holding Advanced Diplomas in Chinese Herbal Medicine and Acupuncture.

Recommendations

I recommend that:





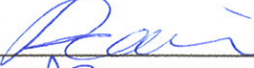
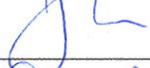




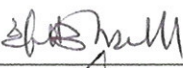
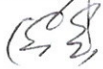
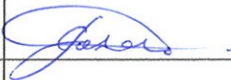
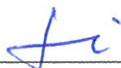
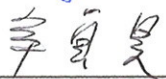
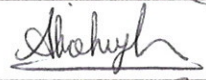
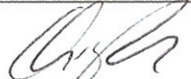
1. The CMBA acknowledges the current status of students and practitioners of TCM in Australian States and Territories other than Victoria, and that it removes the dividing line between pre- and post-2007 Advanced Diploma qualifications.
2. The CMBA should make known its intended changes in qualification standards and provide 5 years from 1 July 2012 (the date of commencement of national registration) for implementation of these changes to allow time for a smooth transition.

Yours sincerely


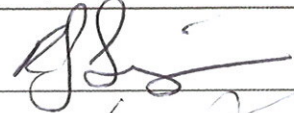


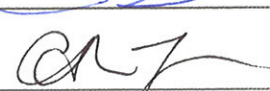
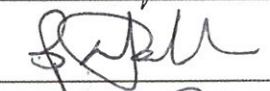
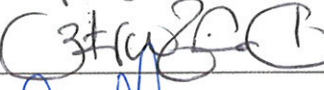

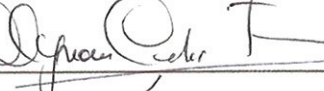
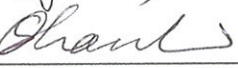

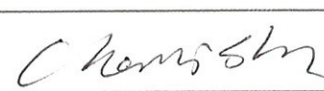
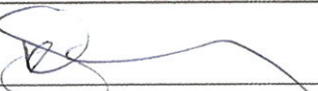
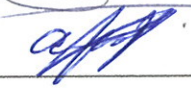
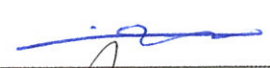


A handwritten signature in black ink, appearing to be 'Jinny Koh', written in a cursive style.

Jinny Koh (BCom, CA)


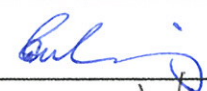
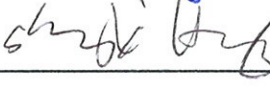

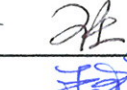
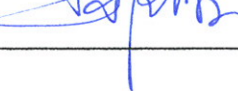

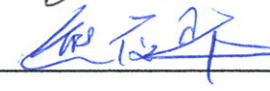
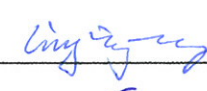
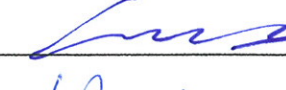
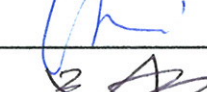


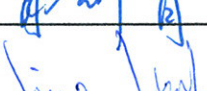

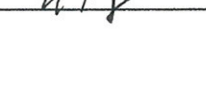
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Name	Address	Student/Lecturer/ /Practitioner/Other	Signature
SangDuk. OH	28 Knox St Belmore NSW 2192	Student	oh
Rachel Chang	6173 Railway St, Parramatta NSW 2150	Student	
Jade Clark	103 Lord St Newtown 2042	Student	
ANHUS LEE	19 BLAKESLEY ST CHATSWOOD	student	
Patrick Cheng	602/10 Freeman Rd Chatswood NSW 2067	Student	
SangHee Park	1605/3-7 Albert Road, St Helens	Student	
MIRANDA LAM	3 SUNDENWAY, EPPING, 2121	STUDENT	
Della C. CHEN	5/12 Gattard St. Denistons East	Student	
RODOLFO D'ALENCAR	4-62 FERN ST, CLOVELLY 2031	STUDENT	
Joe KyumKim	8/43 BRUCES AVE BELFIELD	student	
HYUN SOK C/M	25 Newfno Rd Peral	Student	
INAM YOH BUNDEN	11 crusadept cronulla 2230	Student	
Roger Zhang	74 Crowson Rd Linsfield	Student	
Joseph Lam	15/91 Blakesley Rd, St Helens	student	
Harry Xie	Suite 2/96A Fraser St Chatswood	Lecturer	
Jeng Min, SHIN	601/36 Rouse St Wentworth NSW	Lecturer	
Alice Huynh	8 Wattle Cres, Lidcombe NSW 2141	Lecturer	
TINA BISSON	PO BOX 684, ARTARMON NSW 1570	STUDENT	

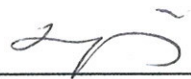
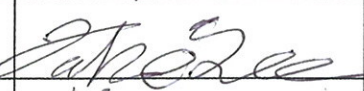

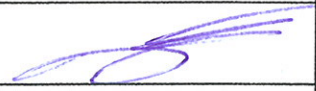
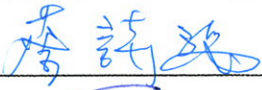

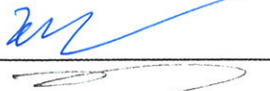
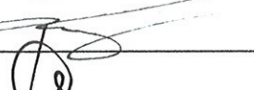

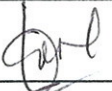


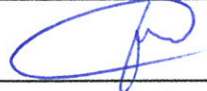
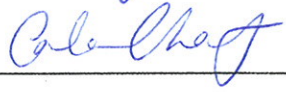

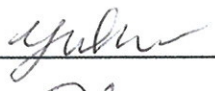
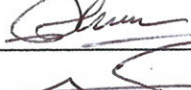
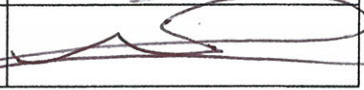
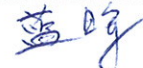
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Name	Address	Student/Lecturer/ /Practitioner/Other	Signature
Vaughn Ryan	Unit C603/180 Bourke St, Redfern, 2016	Student	
Ronald J. Singer	3/224 Rainbow St. Coober, 2034	Student	
Helena Mai	2 Lexburn Ave West Wollongong	Student	
Sining Luo	95 Carlingford Rd BPPING N.S.W. 2121	Student	
Alan Tran	2/168 Harrow Rd Kogarah NSW 2217	student	
BARTON ULPORA	137A VICTORIA ROAD BELLEVE HILL 2023	STUDENT	
David White	104a Willoughby Road Crows Nest NSW 2065	Lecturer Practitioner Academic	
Eamon O'CONNOR	34 Fulham St Newtown, NSW, 2042	STUDENT	
FRANCIS HILL	12 NICKSON STREET NSW 2010, SURRYHILLS	"	Francis Hill
MYRIAM CELIS	44 NANDI AVENUE FRENCHS FOREST NSW	student	
Cally Shanton	6/859 New South Head Rd ROSE BAY NSW 2029	student	
MIRIAM CAMARA	5/85 ROSCOE ST. BONDI NSW 2026	SENIOR LECTURER	
YI SHENG CHEN	1/622 CROWN ST SURRY HILLS	Lecturer	
ROSS SANCHEZ	PO BOX 595 Sydney, Sydney NSW 2024	Senior Lecturer + Practitioner	
Yun Gao Park	10/34 Russell St NSW	Student	
Joe Bok Lee	38/1-5 West Pde. West Pde 4100. NSW	Student	
VINKO KUZMAN	1/52 GREY ST CARLTON 2218	STUDENT	
Melinda Webb	211 Trafalgar St Annandale	STUDENT	

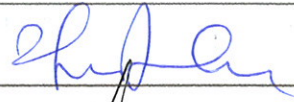




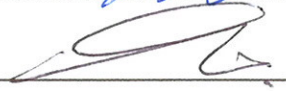


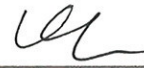
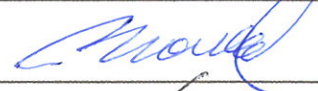
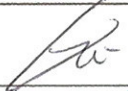

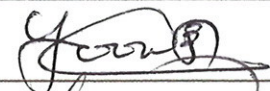

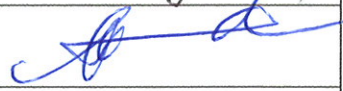
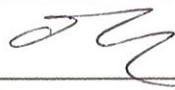
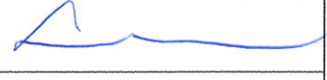
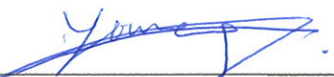
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Name	Address	Student/Lecturer/ /Practitioner/Other	Signature
WEN SHAN CHEN	135 EVALINE ST CAMPSIE N.S.W 2194	student	Wen.
Nai Yan Lung	16 Ronald Ave EARLWOOD 2206	Student	
SHU GEI WONG	3/5 Cavill Ave Ashfield	student	
SHUANGXI HONG	9 miller Ave, Ashfield. 2131	student	
Gen Yang	168 Black wall RD woy woy 2256	Student	
Jinhua Ren	168 Black wall RD woy woy 2256	Practitioner	
Amy Wang	201 Valley Rd Eastwood.	Student	
SHR-YU TSAI	37/165		
Alan Gang Huang	222 Carlingford Rd Carlingford. N.S.W 2118	Practitioner	
XIAOCUI XIONG	3100 Beamish ST Campsie N.S.W 2194	Student	
Lingling Zhang	6/8 Cecil St. Ashfield NSW.	student	
Connie Zhang	33 Griffiths Ave West Ryde NSW 2114	Student	
Bonnie Hu	75 Albion ST Sunny Hills. 2016	Student	
XIANGJUN WU	49 Epping Rd EPPING NSW 2121	Student	
Chung-Ho Chen	16 Havilah Chareswood Grove	student	
Jiangling Xiao	19 Market St Riverstone	Student	
LINA VAREHOV	31 Janet Av. Thornleigh	Student	
WELSONG CHAU	10/8 Burne Ave. Dee Why	Student	

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XIAN SHAO PING	61 Eastern RD. Turrumunga 2074	student	
Jack Lee	95 Grafton St. Bondi Junction	Student	
Zi Yi Hwang	152 West ST South Hurstville	Student	
Yue Hua Sun	1/13 Doncaster Ave, Kensington	Student	
SHR-YO TSAI	3/65 Cleveland St, Redfern	student	
Sidling Luo	95 Carlmyford Rd 2074	student	
Shuo Wang	50/14 Sevier Ave	student	
Nhat Tran	1 Weyland St punchbowl	Student	
Darrin Ball	63/1-3 Olivia Lane Surry Hills	Student	
Felix Jeriauan	15 Augusta St Allawah	Student.	
Tha Mame	36 Fairlight Rd Summer Hill	Student	
Isabella Buirski	2/114 Warners Av. Bondi	Student	
Fabio Colacci	13/39 Wyona Avenue	Student	
Carla Chiarot	60/1250 Pacific Highway Crows Nest	Student	
Michael Ockerby	10 Wilma Place French Forest	Student	
Yoriko MIKA	639 Henry St Leichhardt	Student	
CECILIA NGUYEN	64 Woods Rd SEFTON	STUDENT	
James Middlewood	1/656 Burke St, Redfern	STUDENT	
Hui Lan	8/640 Pacific HWY, Killara	student	

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Youngmee Lee	9 York St. Point Frederick	Student	
Sang Hyun Jung	29 Quarry Rd Dundas Valley	student	
Gieboon SIHN	19 Wyralla Ave. Epping	student	
HaeYoung Jung	127/120 Pyrmont St. Pyrmont	Student	
Jin Sun Choi	shop1 71 Arthur St Randwick	student	
Young Lee	82 portland st Croydon park v ^{NSW 2133}	Student	
Henna cho	35 Vaughan St Lidcombe	Student	
YOUNGSOO SON	15 Robertson Rd, North Croydon	Student	
Hyun Suk Park	10/22 crystal st Waterloo	student	
KYUNG JIN JUNG	26 parkland rd Mona Vale	student	
Junghee. Choi	2/92 Mitchell st, Enfield	student	
KEVIN SUN PARK	6/33 LISMORE AVE	Student	
Young Sook Lee	29 Kerry Rd Schofields	student	
changwan Kim	148/24-30 Albert rd Strathfield	student	
kyungchul shin	89 Bella vista or Bella vista 2153	student	
YONG WON AN	36/68 no Courallie Ave. Homebush West	Student	
KYUNG Hee	27 Bixman G/R Strathfield	Student	
YOUNG LIM LEE	6/703 Penshurst st, Willoughby	Student	

We the undersigned support and put our names to the submission letter from Jinny Koh dated 6 October 2011. We concur with the recommendation that the CMBA remove the dividing line between pre- and post-2007 Advanced Diploma qualifications, and that the CMBA provide 5 years from 1 July 2012 (the date of commencement of national registration) to allow for smooth implementation of new qualification standards.

[illegible]