

Submissions of Craig Darling and Patrick Barry to the Senate inquiry into the Administration of Health Practitioner Registration by the AHPRA

Introduction and Context

- 1 These submissions are made jointly by both Mr. Craig Richard Darling (**Craig**) and Mr. Patrick Anthony Barry (**Patrick**). [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 2 At that time, Craig had approximately 4.5 years experience as a registered nurse in the UK, and had undertaken additional study in tissue viability. Craig was employed as a tissue viability registered nurse for the NHS and had significant experience in establishing and running such clinics.
- 3 In July 2010 Patrick was given the opportunity to join the Australian firm, [REDACTED] in their Brisbane office. Both Patrick and Craig saw this as an opportunity to bridge the distance gap in their relationship (between the Channel Islands and the UK). Accordingly, Patrick accepted the offer and Craig applied for, and was granted, the one (1) year Australian Working holiday visa. Their intention was (if they wished to stay longer in Australia) to apply (after twelve months) for an extension to Craig's visa under a partnership visa, in light of Patrick's Australian nationality. Both Patrick and Craig arrived together in Australia on 4 August 2010.
- 4 Prior to their arrival Craig took all steps necessary in the UK to reduce (where possible) any waiting time for his pending application to AHPRA. To this end, he enrolled and undertook the then necessary English language examination in Plymouth on 23 June 2010. Craig also made all necessary inquiries with the UK Nursing and Midwifery Council (**NMC**) in relation to nursing registration matters in Australia. Contact was also made with the then state based Australian regulators to determine application times etc. It was at that point, that is, shortly before their arrival to Australia that Craig was first informed about the soon to commence AHPRA and that applications for registration within Australia would (under the new body) take up to twelve weeks to be processed. Both Craig and Patrick considered that period as the maximum waiting time.
- 5 After his arrival in Australia Craig immediately took steps to mitigate his financial loss (that is, his inability to be employed as a registered nurse in Australia

pending the outcome of his application before AHPRA) by gaining casual employment in catering and hospitality. During August 2010 Craig used that time to prepare his application to AHPRA and on 23 August 2010 both his application and full application payment was sent to the generic central office.

The Initial wait – August - October 2010

- 6 Given the expected time lapse for applications to AHPRA Craig and Patrick continued to wait throughout the remainder of August, September and October 2010. During that time Craig continued working within hospitality both to contribute to the household income of the couple and to service debts in the UK. These debts require Craig to send approximately AUD \$650.00 per month to the UK. During the first week of October 2010 Craig received a call from a 'blocked' number from a woman identifying herself as an employee of AHPRA and said words to the effect of:

'we have received your application and we will begin processing it but everything seems to be fine and you will be hearing from us in the next couple of weeks'.

November 2010 – January 2011 - attempts to clarify Craig's application with AHPRA

- 7 Craig received no information from AHPRA during October nor the first half of November. At that point, sometime during mid November Craig began making calls to AHPRA to determine the status of his application. The initial phone calls throughout the second half of November and first half of December made to AHPRA informed Craig that his application was still 'being processed'. During each call Craig sought a response as to when his application would be processed and on each occasion he was told they were unable to provide a time frame.

- 8 Shortly before Christmas 2010 during another attempt to clarify his application, Craig contacted AHPRA and was informed that:

'your application is being processed, there is a Committee meeting where people will assess applications and a decision is made by the Board and you will be informed after this meeting as to the outcome'.

- 9 During that call Craig asked (using word to the effect of), *'has my application been taken to the Board'*;

- 10 The AHPRA employee responded with words to the effect of: *'it looks like it'*.

- 11 Sometime between Christmas and New Year Craig again contacted AHPRA to confirm the date of the apparent 'Board review'. A male AHPRA employee informed him, (with words to the effect of):

'there's a committee meeting on 4 January 2011';

- 12 On 4 January 2011 Craig again contacted AHPRA to confirm the status of his application. He spoke to a female AHPRA employee who said words to the effect of:
- 'there could be a delay in the publication of the decision due to the minutes of the meeting needing to be written up and published on the website where you can check'.*
- 13 Craig then asked the AHPRA employee, with words to the effect of:
- 'can you guarantee this will happen';*
- 14 The AHPRA employee stated:
- 'yes that's guaranteed'.*
- (This conversation was witnessed by Patrick).
- 15 On 6 January 2011 Craig again contacted AHPRA as he was unable to find any information on the AHPRA website in relation to his application. He again spoke with an AHPRA employee who said words to the effect of:
- 'it could be a week due to the amount of applications'.*
- 16 On 11 January 2011 Craig again made contact with AHPRA as no information in relation to his application was available on their website. At that time Craig was informed by an AHPRA employee that no information had been processed due to the floods at that time in Brisbane and that they anticipated results of applications to be made available in the following week.
- 17 On 18 January 2011 Craig contacted AHPRA to determine the status of his application. By this stage Craig's frustration with the lack of information and difficulty in getting through to anyone at AHPRA was expressed to the AHPRA employee who took his call. The AHPRA employee who took Craig's call identified himself as [REDACTED] and had an [REDACTED] accent. Having explained the situation to him again, Craig was informed that *'your application is being held in Melbourne by [REDACTED] and I'll put you through to her now'.*
- 18 Craig was then transferred to AHPRA employee [REDACTED] in their Melbourne office. [REDACTED] [REDACTED]. By way of summary however, the key points from that conversation revealed:
- Craig's physical application was still being held in Melbourne and had not yet been forwarded to Brisbane;
 - Craig's application had never been sent for review by a committee;
 - Craig was informed that paperwork was now missing from his application (those documents were: certificate of initial registration; transcript and a certificate of good standing);

- Craig's missing documents may have been with another department before being forwarded to [REDACTED];
- No necessary documents had been received from the NMC in the UK;
- That (for the first time) Craig would now need to provide points of ID as he was now resident in Australia;
- That AHPRA had no notes on Craig's file that he had made contact with them before this date; and
- That [REDACTED] would forward Craig's application to the Brisbane office (and when pressed by Craig as to how long that would take) [REDACTED] said (in a dismissive tone), '*obviously I don't work for the post office*'.

19 [REDACTED] confirmed the AHPRA address in the Brisbane CBD ([REDACTED]) and informed Craig that if he went to that office in person it may speed up his application. Following that phone call by Craig to [REDACTED] his application documents arrived at the AHPRA office in Brisbane approximately one week later.

20 In reviewing Craig's personal mobile phone records they show that he successfully contacted the AHPRA information line 12 times before 18 January 2011. This does not include calls made to the line when engaged or being placed on-hold for excessive periods without being able to speak to an AHPRA representative.

The need to contact the Queensland Nurses' Union

21 Given the on-going frustration and delays with AHPRA, Craig's partner, Patrick contacted the Queensland Nurses' Union (QNU) to seek assistance for Craig in obtaining his registration. Patrick spoke directly with QNU in-house counsel [REDACTED] and set out the above factual scenario to him. At that time, Craig joined the QNU.

22 [REDACTED] then made direct contact with a senior AHPRA employee ([REDACTED]) in the Brisbane office to progress Craig's application. This occurred towards the end of January/beginning of February 2011.

23 Patrick then attended the offices of AHPRA personally on or about the beginning of February 2011 where Craig's case officer, [REDACTED] informed him that there was one out-standing document in his application (a document from his university setting out his hours of study). This was the first time either Craig or Patrick were made aware of this missing document.

Obtaining further documents and AHPRA registration

24 Craig then made contact with his institution of study, The University of Plymouth and sought the production of the last outstanding document – the itemisation of

his hours of study. That document was provided directly to him on 1 March 2011 and received in Australia approximately one week later. On 15 March 2011 Patrick attended the office of AHPRA in Brisbane and presented the outstanding document.

- 25 Patrick met with [REDACTED] supervisor and handed a certified copy of the original document. The AHPRA employee reviewed the document in-front of Patrick and said to him words to the effect of:

'its not really in the template form we like it in, can you get him to get his University to do that?';

- 26 Given the effects of the delay as at that date (set out below) Patrick responded with words to the effect of:

'We have suffered so much over these past few months with continual requests from you people for documents, delays and misinformation. Craig has suffered more than he deserves during this whole process and there is no way that I am going to delay this process any further. There is no way I am going back to him and telling him there is just one more thing we need to do. He doesn't deserve that and I won't do that to him. You have almost every document created in this world that relates to this man and there is nothing left. You can process his application on what we have given you now, and if you fail him then you fail him, but at least we will have a decision'.

- 27 The AHPRA employee then took the last remaining document from Patrick and asked him to wait. She returned some ten minutes later and handed him a letter dated 15 March 2011 signed by [REDACTED] confirming Craig's registration with AHPRA as, 'registered nurse division 1'.

Loss and damage as a result of AHPRA

- 28 The above sets out factually Craig and Patrick's experience with AHPRA. During that time both Craig and Patrick suffered significant professional, financial and emotional loss. Those heads of damage are set out below:
- The delay of approximately 3.5 months in receiving Craig's registration has created a longer than expected period away from nursing which will require explanation when seeking any nursing post in future;
 - A prohibition on seeking nursing employment until such time as one is registered meant that Craig was unable to seek any professional employment until after 15 March 2011;

- The delay in seeking professional employment meant that Craig was only able to work in hospitality earning a maximum of approximately \$1600.00 per month;
- The delay by AHPRA caused significant loss of nursing income (of at least 3.5 months) for Craig;
- Money refunded to Patrick and Craig by Patrick's employer for moving costs from the Channel Islands to Australia was needed to supplement Craig's reduced income and never able to be replenished;
- At least half of Craig's income is used to service debts in the UK. A part of Patrick's income services his own debts which means with a reduced income for Craig their combined income is enough to satisfy those necessary monthly repayments and usual monthly expenses (rent, bills etc) but has prevented Patrick and Craig from being able to save any income;
- Patrick and Craig were forced to seek loans from member's of Patrick's family to purchase household items, loans to date which have not been able to be repaid;
- Craig's and Patrick's intention to return to the UK for approximately two weeks to visit Craig's mother (who has a registered disability and whom Craig assisted in caring for) has been delayed for an unknown period as no additional funds are available for air transport (funds that would have been available had Craig been receiving a nurse's income sooner);
- Unquantifiable damage to Craig's career in lost opportunity given the delay to his application (that is, his inability to have applied for any relevant role – given his highly specialised experience – during the additional delay period caused by AHPRA);
- Significant impact on both Craig's and Patrick's lifestyle which continues to necessitate careful planning and use of income which has resulted in both Craig and Patrick currently living 'month to month';
- Of great importance, AHPRA's delay, having placed tremendous professional and financial stress on Craig and Patrick (as Craig's partner) subjected their relationship to significant and unnecessary distresses which caused high levels of anxiety, uncertainty and sadness whilst waiting for Craig's registration;
- Of perhaps less importance to this Inquiry, (but of significant importance to both Craig and Patrick), as a result of this delay, the way in which both Craig and Patrick were dealt with by AHPRA and

the distress caused by AHPRA's actions, their willingness to settle and contribute to Australian society has been greatly impacted upon. Both Craig and Patrick feel significantly let down by AHPRA's failing and inability to manage that which was previously managed at state level. AHPRA's actions have tainted their view of Australia generally and in their view, this matter amounts to nothing more than a gross misuse of tax payer funds, an inability by AHPRA to effectively communicate within itself and the delivery of a service that is wholly unsatisfactory. Craig and Patrick fully intend on pursuing that loss which is quantifiable by formal recovery means

Signed by **Craig Richard Darling RN (Australia)** on the 21 day of April
2011

Signed by **Patrick Anthony Barry LLB, BA, Dip Leg Prac** on the 21 day of April
2011