

National Human Rights Consultation Submission

AGWW-7QGCJM

Name: Jonny Levy

Submission Text:

Dear Sir / Madam,

I am a doctor working in Australia.

I currently hold Permanent Residency status, but will next year gain citizenship.

I also hope to gain postgraduate fellowship of the Royal Australian College of General Practice next year.

I have passed my Australian Medical Council (AMC) exams - effectively proving that I am up to local standards. (This exam has now been dropped as the AMC recognises that UK graduation is equivalent to Australian standards anyway.)

At the end of this process - where I am an Australian citizen and in every way identical to my peers - I am subject to a '10 year moratorium', where my patients may only gain access to Medicare benefits if treated by me in government-designated 'districts of workforce shortage'.

This restriction of Medicare benefits to patients has the direct effect of disabling me from working in those areas not sanctioned by the government.

This is due to the 1996 amendment of section 19AB of the Health Insurance Act, 1973, where the location of one's undergraduate degree is the sole - and rather arbitrary - consideration of one's equality in the medical workforce.

It is of note that since the AMC's recognition of parity between the UK medical training system and the Australian one, even the alleged basis to this ruling has been removed.

Although it is conceivable that indigenous Australians may choose to undertake their undergraduate medical training abroad (and thus be subject to this rule upon return to work in Australia) this, in practice, never actually happens. It is similarly untenable that I - born & raised in the UK - might have chosen to undertake my undergraduate studies in Australia, hence avoiding the moratorium.

Thus this ruling effectively discriminates on grounds of nationality (especially since the quality of my undergraduate training is now not even being called into question) and has the impact of restricting where one may work. It is defensible only by resorting to the 'small print' of The Act (ie. it 'could' apply to indigenous Australians and patients 'could' all choose to forgo Medicare rebates for consultations with me).

The overall real-life effect is strikingly clear and consistent - if you are not from Australia (or NZ - a recent change), you will only be able to work as a doctor where the government allows you - for a period of 10 years.

This result is in direct contravention of Articles 7 & 23 of the International Declaration of Human Rights. I am not treated equally before the law and I do not enjoy a free choice of employment.