

13 August 2012

Our ref: APA

Australian Health practitioner Regulation Agency
G.P.O. Box 9958
Melbourne
Victoria
3001

Via email to criminalhistoryconsult@ahpra.gov.au

To whom it may concern,

Re: Public consultation paper on international criminal history checks

We are writing in regard to the Public consultation paper on international criminal history checks which were distributed to stakeholders in early June.

The Australian Physiotherapy Association (APA) appreciates the opportunity to comment on the development of this policy. We acknowledge that International criminal history checks are a necessary requirement for ensuring public safety is protected as part of the National Registration and Accreditation Scheme.

We have consulted with our members in regards to the different options for international criminal health checks and would therefore like to make the following comments with respect to each of the options.

Option 1: *Applicant declaration only*

The APA recognises that this is the least labour intensive option for both AHPRA and the registrants. However we recognise that the downside to this streamlined approach means that it is unlikely false declarations would be found.

This is not a major concern to the APA as physiotherapy is a low risk profession as evidenced by the data produced by AHPRA in 2010/2011. Only one applicant had a condition or undertaking imposed on their registration as a result of the checks and no physiotherapy registrants had applications refused. Therefore, on balance this is not an unreasonable option for the registration of physiotherapists.

It should also be acknowledged that this is the process for criminal health checking for the Health Professions Council (HPC), in the UK and the New Zealand Board of Physiotherapy. If AHPRA therefore maintains this option it would be in keeping with other International boards.

The APA notes from the paper that the declaration made in this option is not a statutory declaration which means lesser penalties can be utilised in cases of false declarations. The APA would therefore suggest that if this option is maintained the declaration is made a statutory declaration with appropriate penalties for false declarations.

Option 2: *Applicant provides criminal history clearance evidence with application*

The APA has received a mixed response from its members in regard to this option. It would be plausible to think that this option would minimise the risks for the general public more than option 1.

The association however recognises that there may be significant difficulties for potential registrants from certain countries in gaining criminal health checks. Whilst we acknowledge that most of the top five source countries for international applicants have no limitations associated with gaining a criminal clearance certificate (CCC) there is still one country (China) that has some limitations which would seem to unduly penalise applicants from there.

Some of our members have highlighted that gaining CCC has been difficult for a number of their international employees for some of the same reasons as AHPRA has highlighted in the consultation paper.

With this in mind the APA believes that if this option is agreed it should certainly be the same procedure for domestic applicants as it is for international applicants. This will ensure the criminal history checking process is applied equitably and fairly.

Option 3: *AHPRA obtains clearance/information from jurisdictions outside Australia when processing applications*

We agree with AHPRA's comments on this option. It has the greatest strength in protecting the public and maintaining the integrity of the profession. However, there would be significant increases in costs for the board and increases in processing time for the applicants – neither of which are desirable.

The association is supportive of a registration process for international applicants that is as quick and equitable as possible. Factors outside of the AHPRA's control will prevent this from occurring and therefore the APA agrees with AHPRA that it is not a viable option.

Option 4: *Applicant makes declaration and AHPRA undertakes random sample audit*

The general consensus of the APA's members is that this may be the most practicable option. The APA agrees with AHPRA's comments that this option should reduce the risk of fraudulent declarations.

The APA however does have some concerns about the audit process. This procedure will need to be clearly defined so details such as how often it will take place and how registrants are selected are clear and able to be easily understood.

AHPRA has acknowledged that certain countries will have more restrictions in place when obtaining a CCC which is concerning as inevitably this may mean only certain nationalities will get audited for ease of processing. As highlighted in the paper, AHPRA will consequently have to spend significant time establishing relationships with organisations issuing CCC.

We are also concerned that applicants who are audited will have a longer processing time. It is important that the processing time should remain the same for all applicants regardless of whether the applicant is audited or not.

The audit process will also undoubtedly increase the cost of registration for applicants, which is another factor AHPRA should consider. As we have stated under option 2, the APA believes that if this option is agreed to, the same procedure should be used for domestic and international applicants.

The APA's preferred option

The APA recognises that each option has its merits and drawbacks and no option is fool proof.

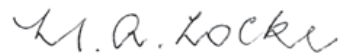
On evaluation of the four options the APA believes that option 4 offers the most feasible solution. This option will ensure there are less administrative burdens and associated costs for the applicants.

From AHPRA's perspective we believe there will be an initial outlay of both funds and time to set up a clearly defined audit process. However, once this has been established it should mean there are less resource implications on the organisation compared to some of the other options available for consideration. Importantly, this option should also reduce the risk of fraudulent declarations compared to the current approach.

The APA understands the difficulties associated with choosing a suitable option for refining the international criminal checks and would be pleased to remain engaged in any further developments.

Once again, thank you for the opportunity to comment on the public consultation paper. Should you have any enquiries, feel free to contact Laura Savio, Policy officer, Advocacy and International Relations Division, at laura.savio@physiotherapy.asn.au or phone (03) 9092 0852.

Yours faithfully,

A handwritten signature in cursive script that reads "M. A. Locke".

Melissa Locke
President