



Submission by

Chinese Medicine & Acupuncture

Society of Australia

CMASA

for

Consultation on

Consultation on international criminal history checking

to

Executive Officer
AHPRA

criminalhistoryconsult@ahpra.gov.au

19th October 2013



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CMASA Profile

Twenty years ago, with an increasing number of immigrants from China, CMASA precedents, the first batch of TCM practitioners from Mainland China, unfolded the prologue by establishing one of the earliest professional body for Chinese Medicine practitioners in New South Wales. It was then officially registered as the **Chinese Medicine and Acupuncture Society of Australia Ltd , CMASA**, in 1999 according to the Federal Company Law as a limited public company.

With its Chinese ethnic background from different part of the world, CMASA has gained its social recognition among various communities with its characteristics including rigorous professionalism, simple yet dedicated academic pursuit, and kind and responsible serving attitude. CMASA, over the last decade, has made great efforts to build a platform for communications and academics exchange among, not only its members, also with other professional associations and regulating bodies. It has also participated actively in The National Registration of Chinese Medicine in Australia.

In 2000, the Society successfully launched the Chinese Medicine & Health Journal, ISSN 1447-3321. CMASA official website was launched in 2005. In 2007, an official TCM Forum - “Da Yi Jiang Tan” was launched, under which series of high standard professional seminars with renowned Australian and International speakers are invited for speeches and workshops. By 2012, CMASA became a recognised professional association for all private health insurance companies such as Medibank, Bupa HCF and AHRG, with only Nib in application process. In February 2013, the Society set up its National office to provide better services to its rapid growing number of over 1,000 members. The mission for CMASA National Office is to support CMASA non English members understand and comply all new rules and regulations such as CMBA CPD guideline.

Now, CMASA is an Australian nation-wide non-profit organisation with more than 1,000 members, and growing, with offices in New South Wales, Victoria, Queensland, Western Australia and the newly established Southern Australia office. All CMASA members are professional Chinese medicine practitioners, acupuncturists and Massage therapists majority from China, Taiwan, Hong Kong, Macau, and other Southeast Asian countries, with growing members from Australian graduated practitioners.

AHPRA Consultation on

' Consultation on international criminal history checking '
criminalhistoryconsult@ahpra.gov.au

Re : Consultation on international criminal history checking

Thank you for providing the opportunity to comment on the options for Consultation on international criminal history checking.

We fully support of the necessity for criminal history check for the protection of the safety of general public and also the uphold of the ethical level of the Chinese medicine professional industry. We also support the current approach of checking criminal histories through CrimTrac and applicants self declarations.

As for the checking of international criminal history, we would suggest that all applications should seek following criminal checking:-

- 1/ Applications declarations , at the same time;
- 2/ AHPRA internal process by
 - a- Australian Criminal record history through CrimTrac, and simultaneously
 - b- International criminal history checking through
 - Department of Immigration & Border Protection data base as criminal history checking is one of the mandatory procedure for all visa applications; and
 - International Criminal Police organisation, Interpol data base system.

In Option 5 in this public consultation, we are asking the authority to weigh the possible consequences of benefits and risks further as below:

- 1/ The applicants might be reluctant to declare all criminal history under their impression of self judged unrelated criminal history to obtain registration; in other word penalty or punishment for honesty.
- 2/ It will cause delay in registration but as for general public safety, the process will minimize to almost none for any inappropriate registration to go through. The old saying of better slow than sorry is always right. The trial of Bundaberg surgeon Jayant Patel is still ongoing, we believe neither AHPRA nor the general public could afford another "Jayant Patel" to be inappropriately registered under CMBA.
- 3/ If all three criminal history checking results failed to satisfy the granting of registration, then the choice of hiring CMBA approved external provider to conduct international criminal checks at the applicant's cost can be offered to applicant for an appeal.
- 4/ The 2nd part of proposed option 5 "so there would be no additional cost for the National Scheme." would not be justified if the responsible authority body do not undertake all necessary checking before requesting applicants to hire an external provider to conduct international criminal checks as it will be a very expensive exercise.

Summary for the questions for the consultation as follows:

1. Is the proposed new approach the best option? No
2. Is the proposed approach clear? No
3. Are there any risks or issues about the proposed process that need more consideration?
Yes
4. Should international criminal history checks be conducted for countries where applicants have spent three months or more, or six months or more?
With our suggestions above, the checking is thorough to cover all period of time as the length of stay in the country does not determine a crime is not committed if the offender stays in the country with least period of time as in "the Xue family murder and abandonment case" which took place in 2007 when the mother was murdered in New Zealand, a 3 year old child was abandoned in Melbourne by her father who was in transit from New Zealand to Los Angeles.
5. Do you have any other comments?
Please refer to page 4 for our comments.

Please feel free to contact us at CMASA National Office for any further discussion.

Yours Faithfully



Guo Qing Wei
CMASA Director
Chief Administrator of CMASA National Office

Elline Chen
CMASA National Office Secretary

