

30 October 2013

International Criminal History Checks Consultation
Australian Health Practitioner Regulation Agency
GPO Box 9958
MELBOURNE VIC 3001

Dear Sir/Madam

Public consultation on revised international criminal history check

The Consumers Health Forum of Australia (CHF) welcomes the opportunity to provide further input to the Australian Health Practitioner Regulation Agency (AHPRA) consultation on international criminal history checks.

CHF is the national peak body representing the interests of Australian healthcare consumers. CHF works to achieve safe, quality, timely healthcare for all Australians. As such, CHF's primary concern is ensuring that all overseas trained health practitioners applying to work in Australia are adequately screened for previous criminal behaviour that may affect their suitability to provide safe and ethical healthcare to the public.

CHF sees this as an important measure to protect the public. In the previous round of consultation, CHF had supported option 3 where by AHPRA obtains clearance/information from jurisdictions outside Australia when processing an application.

CHF considered the implications of this option to AHPRA with respect to increased cost, resources and the delays in assessing applications, justifiable when compared to the risks posed by the other options presented in the consultation.

Proposed Option 5:

CHF notes that the latest round of consultation proposed a fifth new option for consideration. Through this new option, applicants could be processed on the basis of a domestic criminal history check and a declaration of their international criminal history (provided no significant history is disclosed). Registration will be followed by a comprehensive post- registration international history check to be conducted for all applicants who have lived in a country outside of Australia for specified period of time, whether their qualification is from Australia or overseas.

It is proposed that the international history check will be conducted by an external provider and the cost of this check will be paid by the applicant.

We note that there is a small risk that an applicant with an international criminal history could be inappropriately registered for a short time based on a false declaration before their international history check is completed. **CHF recommends that APHRA ensure that the time lapse between an applicant registration and the completion of the international criminal history check is strictly time restricted to minimise the risk of unsuitable applicants being registered.**

CHF notes that an applicant will need an international criminal history check based on their declaration upon application that they have lived in a country outside Australia for the specified period or more. This is irrespective of whether their qualification is from Australia or overseas. However this creates a risk if applicants make a false declaration that they have not lived overseas and therefore are not flagged as an applicant who needs an international criminal history check. As such, this provision relies on the honesty of applicants and carries risks similar to the current option in place. **CHF recommends that AHPRA enact a more comprehensive provision that removes any loophole created by an applicant's omission regarding working overseas and requiring an international criminal history check.**

The consultation is also looking to determine the specified period of stay which will determine whether an applicant will need an international criminal history check for a particular country. An applicant who has lived overseas for over three months should be required to undergo an international criminal history check in each country where here they may have spent this duration.

CHF recommends an overseas stay of three months or more should be the specified period of time that warrants an international criminal history check.

CHF's view is that it is essential for APHRA to ensure that consumers are receiving safe and appropriate treatment by a suitably qualified practitioner who meets Australian standards, and the new option meets this criterion more effectively. CHF supports that the check would apply to the applicant's entire criminal history and that there will be no limit on the check.

CHF understands the need to appoint external providers to conduct the international criminal history testing given their expertise in this process. However, **CHF recommends a strong, monitoring, evaluation, reporting and improvement framework to ensure that any external service provider meets the high standards that Australian consumers expect from the registration process.**

CHF also supports the continued requirements of domestic criminal history checks, applicant declarations on criminal history and Certificate of Registration Status or Certificates of Good Standing.

Conclusion

CHF welcomes the opportunity to contribute to the consultation on the international criminal history checks of health practitioners. CHF considers that all health practitioners involved in work that affects the treatment of a consumer need to be of good character to ensure that the safety and quality of healthcare provided is in line with the requirements under the National Law.

In line with this view, CHF supports the proposed Option 5, with the additional recommendation of a more comprehensive provision to obtain an international criminal history check for all applicants who have been overseas, irrespective of their personal declaration of criminal history.

CHF looks forward to the outcomes of the consultation. Should you wish to discuss this submission in more detail, please contact CHF Policy and Project Officer, Priyanka Rai on [REDACTED]

Yours sincerely

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Carol Bennett
CHIEF EXECUTIVE OFFICER