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BH:JRO

Ref:

22nd October 2013

Mr Martin Fletcher
Chief Executive Officer
Australian Health Practitioner Regulation Agency
GPO Box 9958
Melbourne VIC 3001
criminalhistoryconsult@ahpra.gov.au

Dear Mr Fletcher,

International Criminal History Checks

The New South Wales Nurses and Midwives' Association (NSWNMA) welcomes the opportunity to provide feedback in response to the public consultation paper on international criminal history checks.

NSWNMA is a registered union for all nurses and midwives in New South Wales with a membership of approximately 58,000. As well as nurses and midwives performing nursing and midwifery work our members include assistants in nursing (who are unregulated), enrolled nurses and registered nurses and midwives working at different levels including management and education.

Our Association acknowledges the importance of a consistent approach to criminal history checks but also recognises the difficulties in striking a balance between the need to protect the public and the need to respond appropriately within a reasonable time period to overseas applicants.

In terms of the options presented in the paper we generally prefer option 5:

1. Is the proposed new approach the best option? Yes
2. Is the proposed approach clear? Yes



The Benefits of Option 5 is that applicants have an Australian Criminal History check before registration and can register provisionally and work while waiting for their criminal check to come through. Then the complete criminal history check is undertaken post-registration. Unlike undertaking random checks which may miss those committing serious criminal offences, no one will be missed through criminal checks for everyone at post registration. Moreover an external agency undertakes the check which prevents tampering and falsification of documents.

3. Are there any risks or issues about the proposed process that need more consideration? Yes there are, but they are minimal.

The Risks of Option 5 are that although the period before granting registration and completing the check is covered by the applicant making a declaration about their international criminal history, there is some risk to a small number of the public while waiting for these checks.

Another factor is the cost to the applicant which has to be weighed up – the cost of the external check which means more protection for the public. If we can try and ensure that costs are not prohibitive this will assist some applicants who need to have checks in more than one country.

4. Should international criminal history checks be conducted for countries where applicants have spent 3 months or more, or six months or more?

With regard to the Specified Timeframe (p7/12), not everyone who is convicted of a 'serious offence' (an offence carrying a minimum penalty of 12 months imprisonment) is given a 'custodial sentence.' Clearly then the risk of registering someone who has resided in an overseas country for less than 3-6 months is not reduced. Rather than having a specified timeframe it would be better to have a declaration by the applicant that they have 'resided' in another country as opposed to a 'brief holiday.' This could be defined in the application form.

Thank you for the opportunity to comment. For clarification of any of the aspects we have raised in this submission, please contact [REDACTED], Professional Officer, on [REDACTED].

Yours sincerely



BRETT HOLMES
General Secretary