



NEW SOUTH WALES NURSES' ASSOCIATION

In association with the Australian Nursing Federation

ABN 63 398 164 405

In reply please quote: JAK:AG

20 August 2012

Mr Martin Fletcher
Chief Executive Officer
Australian Health Practitioner Regulation Agency
GPO Box 9958
MELBOURNE VIC 3001

By email: criminalhistoryconsult@ahpra.gov.au

Dear Mr Fletcher

International Criminal History Checks

Thank you for the opportunity to provide feedback in response to the public consultation paper on international criminal history checks.

The New South Wales Nurses' Association (NSWNA) is the registered union for all nurses and midwives in New South Wales. The membership of the NSWNA comprises all those who perform nursing and midwifery work. This includes assistants in nursing (who are unregulated), enrolled nurses and registered nurses and midwives at all levels including management and education.

The NSWNA supports a consistent approach to criminal history checks for all applicants for health professional registration. In our view this consistency will have the advantage of strengthening and clarifying the standard.

With regard to the issues raised in the consultation, the NSWNA recognises the difficulties associated with the challenge to strike the appropriate balance between the need to protect the public and the need to respond in a timely and effective manner to overseas applicants.

In terms of the options presented in the paper, we prefer a combination of options 2 and 4, for the following reasons:

- We are not persuaded that the risks associated with option 2 outweigh the benefits of requiring international applicants to provide evidence of criminal history clearance, or provide/facilitate provision of criminal history information from jurisdictions outside Australia.

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- A significant proportion of international applicants will already have provided a criminal clearance certificate for the purposes of obtaining a visa. For those on 457 visas or other temporary work related visas, we do not consider the requirement to provide the criminal clearance certificate excessive.
- Under option 2, the required specialist knowledge and expertise within AHPRA would quickly develop in relation to documentation furnished from those jurisdictions most frequently involved.
- We suggest that option 4 is also applied so that an additional layer of audit is applied to all documentation submitted.

We recognise that for some international applicants it may not be possible to provide the criminal clearance certificate in a timely manner and we would support some appropriate waiver provisions in this regard.

We also recommend that a review timeframe is established so that the processes related to international criminal history checks can be re-assessed so that their efficacy can be maintained as international factors evolve.

For clarification of any of the issues we have raised in this submission, please contact Kate Adams, Manager, Professional Services on 02 8595 1279.

Yours sincerely



Judith Kiejda
Acting General Secretary