

## **Optometrists Association Australia response to AHPRA consultation:**

### *Review of Criminal history registration standard and English language skills registration standard*

Optometrists Association Australia (OAA) welcomes the opportunity to provide comment into Australian Health Practitioners Registration Agency's (AHPRA) consultation paper on the review of the criminal history registration standard and the English language skills registration standard. OAA strongly supports the cyclical review and development of robust registration standards, including those for criminal history and English language proficiency, together which provides a robust framework for the continued delivery of high-quality optometric practice and minimises risk to patient safety.

#### **Criminal history registration standard**

OAA supports the preferred option proposed by AHPRA - *Option 1: Status quo*. OAA does not believe there is a discernible need for the current criminal history registration standard to be modified in pursuit of the other listed options, and on the whole believes it is working well. OAA agrees that the development of a new standard would not provide any significant additional benefit and therefore is not indicated at this time.

OAA feels the current standard provides a good description of the factors taken into consideration by AHPRA in assessing applicants for registration. Despite this, OAA infrequently receives enquiries from members seeking clarification on the criminal history registration standard and subsequent process for criminal history checks. Based upon these member enquiries, there appears to be a degree of uncertainty regarding the scope of 'criminal history' which may or may not be subject to appraisal and requires registrant declaration for the purposes of registration, continuing practice or registration renewal. These uncertainties generally relate to;

- Traffic offences
- Offences which occurred a 'long time ago' (e.g. >10 years at the time of registration application)
- Offences which occurred when the optometrist was a minor

This uncertainty could be related to confusion about the criminal history check process and the specific role of AHPRA in this process. To help eliminate uncertainty among applicants and current registered practitioners, OAA recommends AHPRA develop a short explanatory note, such as a fact sheet, which clearly outlines:

- The type of criminal history check(s) to be conducted and by whom (e.g. federal police check, jurisdictional police authorities);
- The differentiation of roles and responsibilities between AHPRA and police authorities in the criminal history checking process;\*
- Clarification that criminal history criteria and checking procedures may vary slightly between jurisdictions, making it impossible to accurately advise what will show up on a police check, particularly in relation to 'minor' offences; and

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\* For example, outlining that it is the responsibility of police authorities to provide the relevant criminal history information to AHPRA for consideration and the type of information provided to AHPRA is at the sole discretion of police authorities, based upon their relevant protocols and policies.

- Clarification for currently registered practitioners regarding the declaration to respective boards of offences occurring post registration (e.g. a traffic offence resulting in suspension of licence). This should include clarity on when declaration is and is not required, the processes that follow a declaration and the purpose of the criminal history declaration.

#### English language skills registration standard

OAA has reviewed the proposed revised standard for English language skills and in principle, has no significant objections to the proposed update providing it does not:

- Compromise existing practice quality levels and patient safety; and
- Result in unnecessary complexity and confusion for registrants.

Under the current registration standard, OAA is unaware of any specific cases or anecdotal reports from within the optometric sector where practice quality and/or patient safety have been compromised, based upon inadequate English language proficiency. Therefore, any revision of the current English language skills standard should ensure effective communication and safe patient care benchmarks continue to be met.

Current requirements necessitate overseas-trained optometrists to successfully complete the Optometry Council's Competency in Optometry examination, which includes a comprehensive written short answer and patient interaction component, thereby requiring the necessary proficiency in written and spoken English. With this in mind, OAA is comfortable with the current list of countries recognised as exempt from English language skills testing, including South Africa, and is unaware of any evidence that suggests other countries should be included in this list. Consideration of additional countries to be included in the future should take into account whether English is routinely used to deliver healthcare in that respective country.

OAA notes the proposed extension to the validity period of test results from 2-years to 3-years is consistent with the Department of Immigration and Border Protection, however given the context of health care provision and associated safety responsibilities, we recommend AHPRA closely monitor the potential impact of this change.

Finally, given the lack available evidence regarding test results from sequential sittings, OAA supports the approach of taking guidance from test providers on the validity and reliability of tests results taken from more than one sitting, based upon the unique construction of each respective test.