



17 August 2012

Mr Martin Fletcher  
Chief Executive Officer  
GPO Box 9958  
Melbourne  
VIC 3001  
Via email: [criminalhistoryconsult@ahpra.gov.au](mailto:criminalhistoryconsult@ahpra.gov.au)

Dear Mr Fletcher

**Re: AHPRA public consultation paper on international criminal history checks**

The Royal Australian College of General Practitioners (RACGP) thanks the Australian Health Practitioner Regulation Agency (AHPRA) for the opportunity to provide feedback on the consultation paper *International Criminal History Checks* received 25 June 2012.

The RACGP is the specialty medical college for general practice in Australia, responsible for defining the nature of the discipline, setting the standards and curriculum for education and training, maintaining the standards for quality clinical practice, and supporting general practitioners in their pursuit of excellence in patient care and community service.

The College's feedback on options for improving the current arrangements for international criminal history checks, in assessing applications for registration of the 14 health professions regulated under the *Health Practitioner Regulation National Law Act*, is provided below.

The RACGP agrees that, to improve patient safety, there is a need to review existing arrangements for criminal history checks and adopt an alternative approach. In particular, there is a need to adopt arrangements that:

- are transparent and consistent in assessment of applications
- are non-discriminatory, allowing for equitable access to Australian employment opportunities based on merit
- place responsibility for verification of criminal history status on both the applicant and assessor(s), with appropriate penalties for any breach of the law.

The RACGP provides feedback on the options proposed for discussion in AHPRA's consultation paper regarding the verification of international criminal history status, namely:

- Option 1: applicant provides (non-statutory) declaration only
- Option 2: applicant provides criminal history clearance evidence with application
- Option 3: AHPRA obtains clearance/information from jurisdictions outside Australia when processing an application
- Option 4: Applicant makes a declaration and AHPRA undertakes a random sample audit.

While the most robust option for criminal history checks would be direct verification by AHPRA (Option 3), the RACGP acknowledges the difficulties associated with such a task, including:

- Limitations of National Law in that it is not binding on overseas jurisdictions in relation to spent convictions and release of information
- Poor or no liaison with overseas jurisdictions which may result in extended delays or failure to gain the necessary documentation
- Not all overseas authorities have equivalent criminal history screening processes
- Not all authorities are willing to give the results of a criminal history search to a third party
- Searching for and obtaining such information directly is a time consuming and resource intensive process
- Significant time delays in assessing applications for registration, outside and beyond AHPRA's control.

Conversely the RACGP recognises that placing full onus on the applicant to provide evidence of criminal history clearance with their application (Option 2) may not achieve the desired outcome due to the increased risk of fraudulent documentation, and increased time delays in preparing applications.

Therefore, Option 4 which involves shared responsibility between the applicant and registration authority, might be the most practical, effective and expedient option as it is expected to:

- reduce delays in assessing applications
- involve fewer resource implications for AHPRA compared to Option 3
- reduce the risk of fraudulent declarations by applicants – that is the risk of being included in the random audit might act as a deterrent, and
- provide greater assurance of each applications veracity than the current system.

However, the RACGP recommends that AHPRA requires that applicants make a statutory declaration, rather than a standard declaration as currently proposed, as it carries higher penalties for providing false or misleading information, and may act as a further deterrent.

If you have any questions regarding this submission please contact myself or Mr Roald Versteeg, Manager – Policy & Practice Support, on (03) 8699 0408 or at [roald.versteeg@racgp.org.au](mailto:roald.versteeg@racgp.org.au)

Kind Regards



**Dr Claire Jackson**  
**President**  
**RACGP**