

## **Proposal submitted by**

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The definition of Criminal History is too broad and in effect belittles the intent of the legislation.

It requires an applicant to state every offence. An offence is where a person breaks or disregards a law of the country in which they are resident.

A law to be effective and respected must be relevant and fair to all parties, i.e the community and the individual.

If the intent as per S55(1)(b) is to determine a person's ability and capacity to perform within their profession, at an acceptable level to the community and not engage in criminal acts, then the standard required must equate to the relevance of the information sought.

Within Australia and elsewhere there are many laws in force which have no bearing on the manner in which a health professional carries out his/her duties.

In my profession of accountant a person commits an offence if they do not lodge their Tax Return by the due date or even pay their Goods and Services Tax by the due date. Under the provisions of the AHPRA legislation this is required to be reported by any health professional if they have so contravened. I am at a loss to understand how this offence in any way affects the provision of the professional duties of a health professional. The requirement of this type of notification merely brings the organization and the legislative body that created it into ridicule and contempt.

In Australia, and possibly elsewhere, the act of parking a motor vehicle can lead to the issuance of an Infringement Notice by a local or state authority. This, under AHPRA rules is a Criminal Offence and must be reported. Again how does this act impair on the conduct on the duties of the health professional? Where is the relevance?

If AHPRA requires notification of all offences it must be in the position of establishing the facts of the offences to make a decision on its applicability, otherwise it should not require them.

Imagine the cost to the community where AHPRA decides to check on an applicant. First the Police are contacted. Here all offences against state laws can be elicited, if the Police are co-operative. The Federal police or CrimTrac will then be consulted on all Federal matters, which will reveal in addition such offences under Tax Act and various Corporations law (relevance?). Again the police authorities may or may not reveal the sought after information. And to top it off, all Local Authorities in

Australia, of which there are many, will have to be contacted to determine if any offences have been committed. What will they find? Parking? Walking a dog in a prohibited place? Littering?.

These would have a similar application in countries other than Australia such as the Middle East where driving a vehicle by a female is an offence, or Singapore where chewing gum has certain implications

Section 130 of the act implies that the only offences that APHRA is interested in and will act upon are those which are serious and/or have an imprisonment penalty.

Hence Option1 appears to be the reasonable course but the scope of the Criminal History needs complete revision.

This is brought into consideration as the various constituent Boards have the latitude to determine what they think is appropriate for the registration of health professionals in addition to the examination of the professional qualifications. With this discretion the “one size fits all” application form and statutory S79 component need to be reconsidered.

As stated in the discussion paper, the visa /migration requirements have a built in selection process, thus this area need not be repeated ad nauseam by a multitude of organizations.

These comments are applicable to all registrants both overseas and local.