



Consumers
Health Forum
of Australia

17 August 2012

International Criminal History Checks Consultation
Australian Health Practitioner Regulation Agency
GPO Box 9958
MELBOURNE VIC 3001

Dear Sir/Madam

Consultation paper on international criminal history checks

The Consumers Health Forum of Australia (CHF) welcomes the opportunity to provide input to the Australian Health Practitioner Regulation Agency (AHPRA) consultation on international criminal history checks.

CHF is the national peak body representing the interests of Australian healthcare consumers. CHF works to achieve safe, quality, timely healthcare for all Australians. As such, CHF's primary concern is ensuring that all overseas trained health practitioners applying to work in Australia are adequately screened for previous criminal behaviour that may affect their suitability to provide safe and ethical healthcare to the public. CHF sees this as an important measure to protect health consumers. Consequently CHF supports Option 3, outlined below, whereby AHPRA would obtain clearance/information from jurisdictions outside Australia when processing an application.

CHF's responses to each of the proposed options are below.

Option 1: Applicant declaration only – *Not recommended*

CHF considers the current approach, in which an applicant makes a declaration about their criminal history and no additional evidence regarding criminal history is sought from outside Australia, does not adequately protect the public from health practitioners whose criminal history means that they are unsuitable to practice in Australia. As cited in the consultation paper, declarations and statements made on the application are not classified as statutory declarations, and as such false statements do not attract adequate penalties to deter applicants from providing false or misleading information.

Option 2: Applicant provides criminal history clearance evidence with application – *Not recommended*

CHF does not recommend this option, whereby applicants would provide their criminal histories with the application for registration. CHF considers that this option would not adequately protect the public from applicants who may provide fraudulent documentation to support their application. As stated in relation to Option 1, the penalties for providing false information are not severe enough to deter applicants from providing false or misleading information.

Option 3: AHPRA obtains clearance/information from jurisdictions outside Australia when processing the application – *Recommended*

CHF considers this option, whereby AHPRA would obtain criminal histories for overseas qualified applicants, to be the best option to ensure practitioners who wish to register to work in Australia are suitable and of good character. CHF considers the implications of this option with respect to increased cost, resources and potential delays in assessing applications to be justifiable in order to ensure consumers can expect that practitioners from other jurisdictions have met the same standards relating to criminal history as Australian practitioners.

As noted in the consultation paper, there would be instances where jurisdictions would not allow the release of personal information to third parties, which would prevent the application of a streamlined and consistent approach to registrations that involve obtaining histories from these regions. In these instances there would need to be agreement from the applicant to obtain the necessary documentation. This option would ensure the veracity of the criminal histories obtained.

Option 4: Applicant makes declaration and AHPRA undertakes random sample audit – *Not recommended*

CHF does not support this option. Although CHF views this option as building on the current model of applicant declaration and adding further assurance to the accuracy of statements provided by applicants, there is still a significant risk to the public when only a targeted number of applications are audited to ensure compliance.

Conclusion

CHF welcomes the opportunity to contribute to the consultation on the international criminal history checks of health practitioners. CHF considers that all health practitioners involved in work that directly affects consumers need to be of ‘good character’ to ensure that the safety and quality of the healthcare provided is in line with the requirements under the National Law. For this reason, CHF supports Option 3, in which AHPRA would obtain clearance/information from jurisdictions outside Australia.

CHF looks forward to the outcomes of the consultation. Should you wish to discuss this submission in more detail, please contact CHF Policy and Project Officer, Louise Gilmour.

Yours sincerely



Carol Bennett
CHIEF EXECUTIVE OFFICER