



HEALTH SERVICES
COMMISSIONER

ACT Human Rights Commission

Australian Health Practitioner Regulation Agency
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Consultation on international criminal history checking

Thank you for the opportunity to provide feedback on the proposed new process for checking the criminal history of applicants for registration.

My feedback under each of the following headings is as follows:

Is the proposed new approach the best option?

I believe that Option 5 has considerable merit. I believe that independently undertaking criminal history checks is preferable to requiring applicants to provide this information. Such a process not only minimises the risk of fraud, and the possibility of applicants finding ways to get around the system, but it also presents a transparent and consistent process which promotes the veracity of the criminal history information that is obtained.

I consider that the risk of registering someone for short periods while checks are undertaken is small. Further, if a person makes a declaration and is aware that a check will be undertaken, there is sufficient deterrent to those with a criminal history to reconsider their declaration.

Are there any risks or issues about the proposed process that need more consideration?

One of my concerns is that criminal history checking will not pick up those practitioners who have been the subject of a complaint or disciplinary action in relation to boundary violations outside Australia.

If it is not standard practice to undertake checking with regulatory authorities in other jurisdictions, I recommend that this be incorporated into whatever regime is established for criminal history checking.

I consider that a process of history checking which includes such information in relation to relevant professional conduct of applicants would appropriately broaden the scope of the

checks to ensure that the approach to public safety is consistent with the requirements of the National Law and proportionate to the risk to public safety.

Should international criminal history checks be conducted for countries where applicants have spent three months or more, or six months or more?

A timeframe of 6 months residence in a country appears appropriate in light of the volume of checks that may need to be undertaken.

I consider, however, that checks should be undertaken in relation to the person's most recent country of residence in all cases, regardless of the amount of time that they lived there. This would allow AHPRA to be confident that the person is not seeking to work in Australia as a means of escaping that country's criminal jurisdiction, or actions by a local regulatory authority.

Thank you again for this opportunity. Please contact me on [REDACTED] or at [REDACTED] if you have any questions in relation to this matter.

Yours sincerely



Mary Durkin

ACT Health Services Commissioner

14 October 2013