

31st October 2013

AHPRA
Public Consultation

Email: criminalhistoryconsult@ahpra.gov.au

Re: Consultation on International Criminal History Checking

Leading Age Services Australia (LASA) thanks the Australian Health Practitioners Regulatory Authority (AHPRA) for the opportunity to submit the following response to the public consultation paper on international criminal history checking.

Is the proposed new option the best option?

LASA supports Option 5, *External provider conducts international criminal history check*, as identified in the Consultation Paper.

Option 5 is certainly far superior than the current arrangements whereby no further evidence is sought other than a personal declaration in cases where applicants declare that they have no criminal history outside Australia. In addition, Option 5 is also a better option than those previously outlined as Options 1 – 4.

Currently in aged care, all employees (and others as defined) are required to undergo a national criminal history check and Option 5 proposed by AHPRA is consistent and above the requirements set out in the relevant aged care legislation – which only requires a national criminal history check and statutory declaration in certain circumstances.

Are there any risks or issues that need more consideration?

LASA agrees with the benefits and risks outlined in the consultation paper for Option 5 and would presume that should a person be registered and is subsequently identified as having a criminal record that the deregistration process would not be lengthy or protracted. Policies that articulate immediate deregistration should be developed.

Some LASA members have suggested that a time limit of 10 years be applied to the time the check goes back, however this is not necessarily a consensus LASA view and has been made in the context of varying spent conviction legislation.

Another item raised to LASA was that the international check should only apply to new applicants as it could be seen as difficult to indicate to a registered person that they are no longer fit to work in Australia despite being employed for period of time.

LASA agrees with the AHPRA proposal that the check should apply to those applying for registration and should also include renewal of registration.

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

Some feedback provided to LASA suggested a twelve month period, however to ensure the protection of the public is maintained a three month period should be considered.

Is the proposed approach clear?

As identified in the Consultation Paper the proposed approach is clear, however as discussed above it could also articulate the process by which deregistration would be undertaken should an offence be subsequently identified through a criminal history check. This process should be immediate and differ to the processes currently articulated for deregulation.

Other comments

LASA agrees with the premise that the applicant meet the costs of the international check/s as this would infer that the documentation 'belongs' to the applicant and therefore is transferable and usable between prospective employers. In aged care, some employers conduct a national police check on behalf of the employee and maintain the certification within the employee record. Should the employee wish to change employing company they may be required to undertake an additional check (even when the current check is within the 3 year timeframe). This is resource intensive, a waste of resources and expensive.

Should you have any questions please do not hesitate Ms Kay Richards, LASA National Policy Manager on [REDACTED]

Yours sincerely



Patrick Reid
CEO