

## **Optometrists Association Australia response to AHPRA's consultation regarding international criminal history checks**

Optometrists Association Australia (OAA) welcomes the opportunity to participate in the Australian Health Practitioner Regulation Agency's (AHPRA's) consultation on international history checking. OAA is the peak professional body for Australian optometrists, representing over 4,000 members (just over 90% of optometrists registered with the Optometry Board of Australia.)

OAA recognises that the process for undertaking international criminal history checks is important to ensuring the registration process is robust and directed at upholding patient safety, a key purpose behind the intent of the national registration scheme.

Having participated in the consultation regarding international history checks undertaken by AHPRA in 2012, we are pleased to offer comment on the additional option for the process of international criminal history checking proposed by AHPRA. We believe that the new Option presented (Option 5), is a preferable option to those previously outlined. Our reasoning for this conclusion is detailed below in response to the questions posed through the consultation paper.

Based on the consultation paper, the Association assumes that this new procedure will not be reactively applied, but will only pertain to new registrants or those seeking to re-register who note a change in criminal history since they last sought registration. If the new procedure is to be retrospectively applied we suggest that when/if the change is adopted that there is a very clear communication to all registrants about the changes.

### ***Is the proposed new approach the best option?***

As noted above, the Association believes that Option 5 provides a preferable option to the other four options previously considered. As noted in our response to the 2012 consultation paper, we believe it is necessary to ensure that the elected process provides for an appropriate balance of resource input (from applicants and AHPRA) and process rigour; that is, it seeks to ensure the registration process is robust and protects patient's interests, without creating an unnecessarily onerous barrier for applicants or cost to AHPRA.

The Association believes that Option 5 provides for a fair and rigorous approach, suitable to AHPRA's requirements regarding public protection. It appears that this is well balanced with resource requirements from AHPRA, and with the need to not unnecessarily delay the application process. However, it is not clear what costs of having an international criminal history check undertaken are likely to be to applicants, so it cannot be fully determined if this option does support the best balance between ensuring public safety and not introducing undue financial barriers to registration. In order for this to be the case, financial costs to applicants must be minimised. Overall, assuming relatively low associated costs for applicants, we believe Option 5 provides for the best balance of resource input and process rigour, of the options considered.

### ***Is the proposed approach clear?***

The Association believes the proposed new approach is clearly articulated within the consultation paper and could be clearly outlined to those seeking registration and to currently registered optometrists. As noted below it is less clear how specific circumstances where international

convictions are noted, will be dealt with, and it is recommended that the Optometry Board of Australia look to provide greater clarity on this front for optometrists.

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

Overall, the Association believes the risks associated with this approach are relatively minimal compared with the other options outlined, and that these have largely been well considered through the consultation paper. However, as noted above, it is not clear what costs of having an international criminal history check undertaken are likely to be to applicants, so it cannot be fully determined if this risks introducing a financial barrier to registration. In order to minimise this risk, financial costs to applicants must be minimised and, dependent on cost, consideration should be given to the timing of payment or payment plan options.

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

The Association believes this determination should be made with regard to the likely time a person may be required to be in a country to undertake, be convicted of, and serve a sentence, for a crime that may be expected to draw into question their capacity to perform safely, ethically and effectively as a health practitioner. The Association is not in a position to comment on this issue. This should be balanced against the likely cost to the applicant, with consideration of whether this would be greatly increased if the shorter period was selected (though cost should not be the primary consideration).

***Do you have any other comments?***

The Association recommends that as the rigour regarding international criminal history checks is enhanced (as would be done if Option 5 were to be adopted), then the necessity of having clear and transparent policies regarding how the results of such checks may be addressed increases. We note that currently the Optometry Board of Australia has a guideline outlining the considerations that will be made if an applicant reports, or is found to have, a criminal history. This does not, however, provide guidance on a range of issues relevant to international criminal history checks, some of which are highlighted in AHPRA's discussion paper, including instances of convictions for acts which are not illegal in Australia or conviction under circumstances where the rigour of the local justice system is not assured. We recommend that if any change is made to enhance the rigour of the registration process as it relates to international criminal history checks, then simultaneously, clear advice is provided to potential applicants for registration, detailing how such circumstances will be addressed.