

29 October 2013

Martin Fletcher  
Chief Executive Officer  
Australian Health Practitioner Regulation Agency  
GPO Box 9958  
MELBOURNE VIC 3001

*criminalhistoryconsultation@ahpra.gov.au*

Dear Mr Fletcher

**Re: Consultation on international criminal history checking**

The Royal Australian College of General Practitioners (RACGP) thanks the Australian Health Practitioner Regulation Agency (AHPRA) for the opportunity to comment on the new proposal for international criminal history checking.

The RACGP is the specialty medical college for general practice in Australia, responsible for defining the nature of the discipline, setting and maintaining the curriculum and standards for education, training and quality general practice and for supporting GPs in their pursuit of clinical excellence and community service.

Further to the RACGP's original submission of 17 August 2012, the College is of the view that Option 5, whereby an external provider would conduct international criminal history checks (ICHC), has the potential to provide a higher level of assurance through a more efficient, reliable and cost-effective service model than previously proposed.

However, the College does not believe there should be a period of registration for applicants prior to completion of an ICHC based on their ICH declaration. This allowance contravenes section 79(1) of the *Health Practitioner Regulation National Law Act 2009* and exposes the public to risk.

To avoid delaying registration while undertaking ICHC, all applicants should be made aware of the requirement for ICHCs when enquiring about the registration process. This will give them the opportunity to include the ICHC in their time schedule and budget.

Further, the cost of obtaining an ICHC should not deter registration applicants from seeking employment in Australia. ICHC costs should be minimised by identifying the most rigorous yet cost-effective means of providing the service. This might involve collaboration with the Department of Immigration and Citizenship, which already requires ICHCs for some visa classes.

More broadly, any alternative approach to ICHC adopted by AHPRA should:

- be transparent and consistent in its assessment of all applications
- comply with international human rights and privacy conventions
- apply to an applicant's entire criminal history – not exclude spent convictions which would be of relevance to the registration applicants chosen health profession
- be non-discriminatory, allowing for equitable access to Australian employment opportunities based on merit
- allow for international convictions to be evaluated against Australian legislative requirements and other Australian standards such as the Medical Board of Australia's Criminal History Registration Standards
- not increase the administrative burden and costs associated with national registration.



In addition:

- all registration applicants should be required to undergo a domestic criminal history check, even if they declare they have not previously been in Australia
- all registration applicants should be required to produce certificates of Good Standing or Registration Status from every jurisdiction in which they have practiced
- all registrants who advise their board of a 'notifiable event' occurring outside Australia upon renewal of their registration (under Section 130 of the National Law) should have their registration status reviewed.

Further consultation with Department of Immigration and Citizenship, the Australian Government Attorney General's Department, the Australian Information Commissioner and the Australian Federal Police, would help define the ideal ICHC model for health professionals seeking registration in Australia.

The RACGP hopes this feedback assists AHPRA in its deliberations. If you have any questions regarding the content of this submission, please contact myself or [REDACTED], Manager – Policy & Practice Support, on [REDACTED] or at [REDACTED].

Yours sincerely

Dr Liz Marles  
President