

23 October 2013

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

By email: [criminalhistoryconsult@ahpra.gov.au](mailto:criminalhistoryconsult@ahpra.gov.au)

Dear Mr Fletcher

### **Response to public consultation paper – international criminal history checks**

The Health Quality and Complaints Commission (HQCC) is an independent statutory body dedicated to improving the safety and quality of healthcare in Queensland. The HQCC regulates health services under the *Health Quality and Complaints Commission Act 2006* (HQCC Act). The HQCC manages complaints about health services; investigates serious and systemic issues and recommends quality improvement; monitors, reviews and reports on healthcare quality; identifies healthcare risks and recommends action; shares information about healthcare safety and quality, and promotes healthcare rights.

#### **Summary**

In 2012 the National Boards consulted on four options proposed to refine international criminal history checking used by the Australian Health Practitioner Regulation Agency (AHPRA) in assessing applications for registration for the health professions regulated under the *Health Practitioner Regulation National Law Act 2010* (National Law).

The four options proposed were:

- Option 1: applicant declaration only
- Option 2: applicant provides criminal history clearance evidence with application
- Option 3: AHPRA obtains clearance/information from jurisdictions outside Australia when processing application
- Option 4: applicant makes declaration and AHPRA undertakes random sample audit.

The National Boards subsequently proposed a new option identified after the consultation process which involves an external provider conducting international criminal history checks.

Under Option 5 international criminal history checks would be done by an external service provider with demonstrated expertise in employment screening, including international checks. AHPRA would tender to identify a provider with expertise in international criminal history checking.

All applicants would continue to have an Australian criminal history check before registration. An international criminal history check would also be done for any applicant who declares that they have lived in a country other than Australia for a specified period of time when 18 years of age or older. A check would be done on each country where the applicant has lived a specified period of time when 18 years of age or older. The check would apply to the applicant's entire criminal history (there will be no time limit on the check). The check would be done after the applicant is registered. The period between granting registration and the completion of the check would be covered by the applicant making a declaration about their international criminal history. The applicant would pay the cost of the international criminal history checks required plus an administration fee.

### **HQCC Feedback**

The HQCC considers that Option 5 is the best option. The HQCC also considers that Option 5 is clear. This approach ensures that all applicants and registrants with the potential for an international criminal history are checked and therefore alleviates any associated risk in this regard. The HQCC understands all applicants and registrants will undergo an international criminal history check where the applicant/registrant declares a period of occupancy in a country outside Australia for a specified period. Given the definition of criminal history under the National Law includes "charges" the HQCC considers the specified period of occupancy in a country outside Australia should be three months or more.

Thank you for the opportunity to comment on the consultation draft. If you wish to discuss the contents of this submission, please do not hesitate to contact [REDACTED] General Counsel, on [REDACTED] or via email at [REDACTED]

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cheryl Herbert', is written above the typed name.

**Adjunct Professor Cheryl Herbert**  
**Chief Executive Officer**