

3 June 2013

Our ref: 130603-AHP-LS

Australian Health Practitioner Regulation Agency
G.P.O. Box 9958
Melbourne
Victoria
3001

To whom it may concern,

Re: Consultation paper on international criminal history checking

The Australian Physiotherapy Association (APA) appreciates the opportunity to comment on the development of this policy. We acknowledge that International criminal history checks are a necessary requirement to ensure public safety is protected as part of the National Registration and Accreditation Scheme.

- **Is the proposed new approach the best option**

The APA recognises the difficulty of providing an option that provides both public protection with the need for timely and responsive application and assessment processes for health professionals. In consideration of this the APA believes that this option is the best choice out of the five proposals under consideration.

- **Is the proposed approach clear**

Overall, the APA believes that the approach is clearly described. However, there is inconsistency in the detail between the approaches for current and international registrants.

The document states that current registrants only have to have a criminal check performed if they declare that they have a criminal conviction outside of Australia. The APA believes that to ensure better equality between current and international registrants, current registrants should have a criminal history check if they declare they have lived outside of Australia for the specified period as well - not just if they declare they have a criminal conviction outside of Australia. This will be in keeping with the procedure for international registrants.

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

The APA agrees with AHPRA's list of limitations of this option including the potential cost implications for the applicant and the risk in registering applicants before the criminal check is complete. The APA acknowledges that whilst there is a small risk for the general public, from a physiotherapy perspective this is very low according to the historical data from AHPRA.

The APA would like more details in regards to the proposal of utilising an independent agency to perform the criminal history checks. Similar issues which are present for applicants taking sole responsibility for the checks may still be an issue even when an independent agency takes overall responsibility. This includes issues such as certain countries' (e.g. China) requirements for criminal history checks to be applied for in person by the applicant. It is not clear from the proposal of this option whether an independent agency would be able to overcome such issues. This would be a limitation of this option if this is the case.

The APA acknowledges the limitations of this option with respect to spent convictions due to the wide disparity in their use and application internationally.

This is not a specific drawback of this option but more specifically a disadvantage of the process of international criminal checking itself. This would therefore be a limitation for all options that involve an international criminal history check being performed. It would be very difficult to find a solution to these discrepancies.

- **Should International criminal history checks be conducted for countries where applicants have spent three months or six months or more**

Requesting applicants to have a criminal check for the countries they have lived in for three months or more would create significant cost implications for some applicants who may ultimately have to pay for numerous criminal checks. For this reason the APA believes the specified time period for countries where applicants have spent should be at least 6 months.

The department of Australian immigration and citizenship stipulates that applicants applying for visas to work in Australia should produce criminal history checks from all countries where they have lived for one year or more. Streamlining with the immigration department's requirements would be a good option and may reduce the workload for the external agency that will perform the checks for AHPRA. If, it was felt that one year was too long a period from a risk perspective six months would be considered a good compromise.

The APA understands the difficulties associated with choosing a suitable option for refining the international criminal checks and would be pleased to remain engaged in any further developments.

Once again, thank you for the opportunity to comment on the preliminary consultation paper. Should you have any enquiries, feel free to contact [REDACTED] Manager, Policy and External Relations, at [REDACTED] or phone [REDACTED].

Yours faithfully,



Marcus Dripps
President