

Avant Mutual Group Limited

Submissions to AHPRA Consultation on Review of Registration Standards: Criminal History and English Language Skills

1. Introduction

Avant Mutual Group Limited ("Avant") is Australia's leading medical defence organisation and one of Australia's leading mutuals, offering a range of insurance products and expert legal advice and assistance to over 60,000 medical and allied health practitioners and students in Australia. Our insurance products include medical indemnity insurance for individuals, practices and private hospitals and private health insurance, which is offered through our subsidiary The Doctors' Health Fund Pty Limited.

We also provide extensive risk advisory and education services to our members, as well as access to medico-legal assistance via our Medico Legal Advisory Service. We have offices throughout Australia, providing personalised support and rapid response to urgent medico-legal issues.

In our role as provider of medico-legal advice to members, we are often called upon to advise on the content of AHPRA registration standards and their implications in a particular case.

2. Criminal history registration standard

There clearly needs to be appropriate criminal history checking of registrants. The content of the registration standard is generally clear and helpful, and the factors to be considered in assessing a practitioner's criminal history set out in the standard are appropriate.

The process for assessing criminal history must be fair and balanced. Any decision by the Board to take action against a practitioner because of their criminal history must be based on a considered and measured assessment of the relevant factors outlined in the standard.

As well as these general comments, we have some suggestions for additions that we believe would be of assistance to practitioners.

2.1 How the Boards deal with international convictions

We have provided comments in response to AHPRA's consultation on international criminal history checking. AHPRA's consultation paper outlining options for refining international criminal history checking noted under the heading "How claims of persecution and 'questionable' international convictions will be addressed" that:

the National Boards' criminal history registration standard explains how the Boards will take these issues into account when considering an applicant's criminal history.

The criminal history registration standard under review does not expressly deal with this and we recommend that an additional numbered paragraph be included referring specifically to international convictions.

2.2 Definitions

Under the definitions section, we recommend that it be made clear that even spent convictions must be disclosed to the Board, by adding a sentence to this effect after the sentence "under the National Law, spent convictions legislation requirements."

3. English language registration standard

There is a need for those applying for registration to demonstrate a sufficient level of competence in English language skills to permit them to practise.

The only comment that we wish to make is that the test requirements should be sufficiently flexible, fair and practical to allow an applicant to demonstrate an appropriate level of competency.

Providing additional options for demonstrating English language skills provides more flexibility for applicants, as long as those options are comparable to current acceptable tests, and are fair to applicants.

Avant contact details

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20 December 2013