

**Submission of Avant Mutual Group**

**to**

**Public Consultation on  
International Criminal History Checks by the  
Australian Health Practitioner Regulation  
Agency**

**Date of Submission: 16 August 2012**

---

---

## **Submission of Avant Mutual Group to the Australian Health Practitioner Regulation Agency on international criminal history checks:**

### **Introduction**

Avant Mutual Group (Avant) is Australia's largest medical defence organisation, offering a range of insurance products and expert medico-legal advice and assistance to over 60,000 health practitioners and students in Australia. Our insurance products include medical indemnity insurance for individuals, practices and private hospitals as well as life insurance and private health insurance. Avant develops and provides comprehensive risk advisory and educational services to members. Avant has offices throughout Australia providing personalised support and rapid response to urgent medico-legal issues.

### **Executive Summary**

Avant supports **option 4** that the applicant makes a declaration and AHPRA undertakes random sample audits.

Data from the audits should be reviewed within one to two years in order to determine whether or not option 4 is effective.

Avant also submits that where an applicant has already, as part of his or her visa process, provided a criminal history clearance with his or her visa application, AHPRA should gain access to, and rely upon, such information in considering the applicant's request for registration in Australia in order to save the applicant from unnecessary further expense and delay.

### **Recommendations**

As the public consultation paper makes clear there are potential negatives with all 4 options. The obvious negatives are delay in processing the applications and additional resources required to manage the process. However, the possible delays in relation to option 4 would be avoided if AHPRA were to conduct its random audits after registration has been considered.

Option 4 maintains the current position of requiring the applicant to declare their criminal history, if any, with additional security checks through an audit process.

In implementing option 4, AHPRA should in our view, make it clear:

- (1) That the consequences of providing a false statutory declaration, can be severe and that action may be taken if a false declaration is made;
- (2) That AHPRA conducts random audits post registration; and
- (3) What AHPRA's process is for conducting its random audits, how long they may take and what input from applicants may be required. These should obviously be set out in a publicly-available document.

Avant submits that AHPRA should use the data collected from such audits to evaluate whether or not other options, such as options 2 and 3, should be pursued in the future.

---

The consultation paper highlights that some visa applications require a criminal history clearance. Avant submits that where a criminal history clearance has been given by an applicant as part of their visa process, that AHPRA should have access to, and rely upon this information in order to save the applicant from unnecessary further expense and delay.

Should you have any further questions in relation to this submission, contact should be made with:

Ms Helen Turnbull, Special Counsel - Professional Conduct  
Avant Law  
Level 28 HSBC Centre  
580 George Street  
Sydney 2000  
Telephone: (02) 9260 9159,  
Email: [Helen.Turnbull@avant.org.au](mailto:Helen.Turnbull@avant.org.au)