



Mr Martin Fletcher
Chief Executive Officer
AHPRA

By email: standard.consultation@ahpra.gov.au

Dear Mr Fletcher

Re: Public consultation on common registration standards - Criminal history registration standard

We refer to the public consultation papers issued by the Australian Health Practitioner Regulation Agency (AHPRA) on 25 October 2014: review of *Criminal history registration standard* and *English language skills registration standard*.

The Australian Nursing and Midwifery Federation (ANMF) welcomes the opportunity to provide comment on these registration standards common to the National Boards. Given the ANMF has in excess of 230,000 members, we have a strong interest in the development of registration standards and finding the balance between protection of the public and being fair and equitable for health professionals, in particular nurses and midwives.

Criminal history registration standard

Options proposed by AHPRA

- 1. Status quo – (Recommended as Boards' preferred option)**
Continue with existing registration standard, on the basis the National Boards are not aware of any issues that have arisen in relation to the existing registration standard.
- 2. A different Standard**
National Boards could develop a different standard that addresses the same content, but as there are no issues, AHPRA considers that this option does not seem necessary.

The ANMF prefers Option 1, the status quo. As our answers to the questions posed in the *Consultation paper Summary of Issues* demonstrate, Option 2 is not supported by the ANMF.

From your perspective, how is the current registration standard working?

According to the National Boards, as stated in the *Consultation paper*, the current Criminal history registration standard is satisfactory.

There are, however, issues in application of the standard which arise in relation to difficulties for ANMF members in obtaining relevant, reliable, and timely advice from the Nursing and Midwifery Board of Australia (NMBA).

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Members find it difficult to obtain definitive advice over the phone from NMBA staff. ANMF members report being transferred to NMBA staff in another state/territory from where they live and being given differing advice, suggesting a lack of consistency when applying the Standard.

There is confusion for ANMF members over what appears to be a contradiction between 'spent convictions' legislation in jurisdictions and the 'relevant event' set out in the National Law (s130). Nurses and midwives require precise and practical information on these terms and detail regarding the implications for reporting and their practice. This is necessary, in particular, for explaining requirements for a change in criminal history during the period of registration.

Are there any state or territory-specific issues or impacts arising from applying the existing standard that you would like to raise with the Boards?

Issues arise in various jurisdictions regarding communication of 'spent convictions' legislation. Supportive documents would assist nurses and midwives to understand the process used by AHPRA to determine the consideration given to 'spent convictions' by the Board.

The ANMF requests Fact Sheets and FAQ documents be developed by the NMBA to provide guidance and practical information to nurses and midwives on this matter.

Is the content of the registration standard helpful, clear and relevant?

Further NMBA documents communicating the scope of criminal history reporting requirements particularly at registration renewal, would benefit nurses and midwives. These supporting documents may take the form of Fact Sheets and/or FAQs, available via the NMBA website along with renewal of registration or as hard copy accompanying renewal forms for those nurses and midwives who do not use online renewal.

Is there any content that needs to be changed or deleted in the registration standard?

There has been prolonged discussion amongst the ANMF state and territory Branches about the inclusion of 'spent convictions' in a criminal history check for registration. Information about the process to determine the importance or weighting given to 'spent convictions' should be communicated to nurses and midwives. Further, the scope of reporting by nurses and midwives must be clearly explained in plain English by the NMBA.

Is there anything missing that needs to be added to the registration standard?

Nurses and midwives would benefit from a suite of explanatory documents underpinning the registration standard. These could include Fact Sheets and FAQs giving further information and practical guidance on the scope of reportable criminal history and how 'spent convictions' legislation in jurisdictions fits with s130 of the National Law.

Should you require further information on this matter please contact Julianne Bryce, Senior Federal Professional Officer, ANMF Federal Office Melbourne, on 03 96028500 or julianne@anmf.org.au.

Yours sincerely

A handwritten signature in black ink that reads "Lee Thomas". The signature is written in a cursive style with a large, sweeping initial 'L'.

Lee Thomas
Federal Secretary