

The Commission for Children and Young People and Child Guardian

promoting and protecting the rights, interests and wellbeing of all Queenslanders under 18

Advice to: Australian Health Workforce Ministerial Council

Topic: National Registration and Accreditation Scheme for Health Professions

Date due: 17 July 2009

Thank you for inviting comment from the Commission for Children and Young People and Child Guardian (the Commission) in relation to the *Exposure Draft of the Health Practitioner Regulation National Law* (the National Scheme).

The Commission recommends that:

1. The National Scheme facilitate the sharing of disciplinary information with the Commission about certain registered health practitioners, nurses and midwives in circumstances where the disciplinary information relates to harm to children and young people.
2. Clarification is provided as to whether or not:
 - occupational therapists and speech pathologists will continue to be regulated under their respective state boards, and
 - the Queensland Office of Health Practitioner Registration Board will continue to assist in the regulation of these professions.
3. The need to monitor registrants' criminal histories on an ongoing basis is considered to alleviate the risks of a system reliant upon self-disclosure of this information.
4. The National System should consider the implications of, and possible linkages with, the national framework for inter-jurisdictional exchange of criminal histories for people working with children.

1. Access to disciplinary action

The National Scheme does not enable the sharing of disciplinary information from the Queensland registration body to the Commission. The Commission strongly recommends the National Scheme's retention of the Queensland registration body's ability to provide disciplinary information to the Commission about certain registered health practitioners, nurses and midwives in circumstances where the disciplinary information relates to harm to children and young people. The sharing of disciplinary information is crucial as it enables information to be provided to the Commission regarding harm against children and young people, which may not have led to criminal charges, but has been tested by a disciplinary body, contributing to the robustness of blue card decision-making.

2. Regulation and employment screening of 'registered health practitioners' not included in the National Scheme

Registered health practitioners are not required to undergo blue card checks under the CCYPCG Act when undertaking child-related duties within the health, counselling and support category. Although the National Scheme will regulate most of the professions defined as 'registered health practitioners' under Schedule 4 of the CCYPCG Act, speech pathologists and occupational therapists will not be regulated by the National Scheme.

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It is not clear whether these two professions will continue to be regulated under the Occupational Therapists Board, Speech Pathologists Board or if the Queensland Office of Health Practitioner Registration Board will continue to assist these remaining boards to regulate their professions. If not, the regulation and particularly employment screening of these professions will be severely compromised and will create risks for children and young people. The Commission will need to reconsider its current policy position about exempting occupational therapists and speech therapists from obtaining a blue card.

3. Reliance upon registrants' declarations as to criminal history matters after initial registration

The Commission notes that criminal history checks will only be undertaken upon initial registration, with registrants to make subsequent declarations about criminal history matters annually upon registration renewal.

Risks may be created if a person receives a relevant conviction in between registration renewal periods and does not declare it. Under the blue card system, blue card holders are required to self-disclose any change in police information. However, this has only occurred on 170 occasions between 17 January 2005 and 30 September 2008. Anecdotal information suggests that these notifications do not involve the serious offending which QPS notifies the Commission about and are more likely to involve drink driving, stealing and other offences which do not impact on a person's eligibility to hold a blue card, such as child-related sex offences or murder.

The blue card system also involves daily monitoring of applicant and blue card holders' police history via an electronic interface with the Queensland Police Service (QPS) to alleviate the risks involved in relying on self-disclosure of changes to criminal history information. From 17 January 2005 to 30 September 2008, there were 4,415 notifications of changes in police information advised by QPS. The 4,415 notifications from QPS resulted in the issue of 293 negative notices and suspension of 228 blue cards.

Consideration ought to be given to the need to monitor registrants' criminal histories on an ongoing basis in order to alleviate the risks of a system which is wholly reliant upon voluntary self-disclosure of criminal history changes.

4. Inter-Jurisdictional Exchange of Criminal Histories for People Working with Children

The National Framework for Protecting Australia's Children 2009-2020 identifies a number of strategies to prevent child sexual abuse and exploitation, including a strategy to enhance prevention through the inter-jurisdictional exchange of criminal histories for people working with children. This has been supported through COAG agreements in October 2008. In the interests of protecting children and young people, the Commission recommends that the Australian Health Workforce Ministerial Council considers this initiative and any potential linkages with the National Scheme.

Please do not hesitate to contact Yvette Norris, Principal Policy Officer, Strategic Policy and Research, ph: 3211 6960 (16960); e-mail: Yvette.Norris@ccypcg.qld.gov.au should any aspects of this advice require clarification.