



<b>HEALTH PROFESSIONS LICENSING AUTHORITY</b>	
<b>TITLE: Evidence of Good Character (Charges / Convictions) Policy</b>	
<b>EFFECTIVE DATE: 14 June 2005</b>	<b>REVIEW DATE: 14 June 2007</b>
<b>BOARD: The Aboriginal Health Workers Board of the Northern Territory</b>	

### **PURPOSE**

In the interest of public protection and pursuant to s 22 (1) (f) the Board is required to ensure that all persons seeking a practising certificate (renewal, restoration or applying for registration) are of Good Character.

### **BACKGROUND**

Under Section 22 (1) (f) of the *Health Practitioners Act 2004* (the Act) the Board requires applicants to demonstrate good character.

Currently the Board accepts a written character reference and a self-declaration that the applicant has not at any time been found guilty of and/or been neither convicted of any offence nor is any charge pending as evidence of good character, when applying for registration. This same declaration is required as evidence of good character with annual renewal or restoration of registration.

The Board acknowledges that the burden of proof is higher within the legal system than that which required by the Board. Therefore, as the Board's mandate is to protect the public, its decisions on whether a charge/conviction is of a minor or serious nature may differ from the legal systems' view.

The Board is cognisant of the need to take into account cultural considerations when assessing details of charges/convictions.

### **POLICY STATEMENT**

An applicant who declares that they have been convicted of any offence or have a charge pending (excluding charges / convictions for minor traffic offences) since their last application for a practising certificate must provide the Board with adequate details.

### **EXEMPTIONS**

The Board exempts persons who have been convicted of minor traffic offences from providing details of the conviction.

### **GUIDELINES**

Applicants with a conviction or pending charge **must** provide all details to the Board.

The Board will assess each case on its merits and assess the potential level of risk to the public.

The Board will consider all information provided and determine the appropriate action.

The Board may:

- Take the matter no further at this point in time;
- Dismiss the matter;
- Determine to conduct a preliminary investigation;
- Elect to apply conditions on the registration;
- Deal with the matter under other relevant parts of the Act eg:
  - a) Determine to conduct a preliminary investigation under Part 4 Professional Conduct, or
  - b) Pursuant to Part 5 of the Act, deal with the matter under Impaired Health Practitioner;
- Refuse to register the applicant if it is not satisfied that the applicant is of good character, and / or
- Seek legal advice.

#### **SUPPORTING POLICIES**

This policy should be read in conjunction with the Entitlement to Registration – Aboriginal Health Worker May 2004.