

Registration standard:

Criminal history

Effective from: 15 July 2026

Summary

Under the **National Law**,¹ an **applicant** for registration must declare to the National Board their **criminal history** within and outside of Australia.² **Registered practitioners** must also declare changes to their **criminal history** when renewing registration³ and **registered practitioners** and **registered students** must declare certain **criminal history** while holding registration.⁴

An assessment of an individual's **criminal history** forms part of a National Board's consideration of whether it is appropriate or in the public interest that the individual hold registration⁵ or whether the individual is a fit and proper person⁶ to practise the profession.

The primary consideration in applying this standard is public protection.⁷ This registration standard sets out the factors the National Board will consider in deciding whether a health practitioner's **criminal history** will impact on the practitioner's registration or application under the **National Law**. While every case will be decided on an individual basis, these factors provide the basis for the Board's consideration.

More information on how decision makers consider each factor appears in the *Guide to the application of the Criminal History Registration Standard*. This standard should be read in conjunction with the *Guide to the application of the Criminal History Registration Standard*, which may be updated from time to time.

What is a criminal history?

Criminal history is defined in the **National Law**⁸ and includes:

- every conviction of the person for an offence
- every plea of guilty or finding of guilt by a court of the person for an offence, whether or not a conviction is recorded for the offence;
- every charge made against the person for an offence.

A **criminal history check** under the **National Law** includes all information about an individual's whole criminal history regardless of the age of the criminal offence. This means that when making a declaration about **criminal history**, **applicants** and **registered health practitioners** must declare their entire **criminal history** from Australia and any other country, including any **spent or aged convictions**.

Does this standard apply to me?

This standard applies to all **applicants** for registration as a health practitioner.

It applies to all **registered health practitioners** as part of their annual statement at renewal of registration if their **criminal history** has changed and to all **registered practitioners** who are charged with or convicted of certain criminal offences called '**relevant events**'⁹ under the **National Law**.

For **registered students** the standard will apply if students are charged or convicted with certain offences during their student registration. **Registered students** will be required to make a full disclosure of their **criminal history** when applying for registration as a health practitioner.

More information on the application of the standard to **applicants**, **registered health practitioners** and **registered students** is available in the [Guide to the application of the Criminal History Registration Standard](#).

Requirements

An individual **applicant** or **registered practitioner** must not have a **criminal history** the National Board considers inconsistent with suitability to hold registration or practise their profession.¹⁰

1 Bolded terms are defined in the Definitions section of this standard.

2 National Law, section 77(3)(c)

3 National Law, section 109(1)(b)

4 National Law, section 130(1)

5 National Law, section 55(1)(b)

6 National Law, section 55(1)(h)(j)

7 National Law, section 3A (1)

8 National Law, section 5

9 National Law section 130(3)(a)(i) and (ii) and section 130(3)(b)(i) and(ii)

10 An individual applicant or registered practitioner's criminal history may be inconsistent with suitability for registration or practice of the profession if a National Board considers it is not appropriate or in the public interest that the individual hold registration or considers the individual is not a fit and proper person to practise the profession.

How do Boards decide if a criminal history is inconsistent with suitability to hold registration or practise the profession?

In deciding whether an **applicant** or health practitioner's **criminal history** is inconsistent with suitability to hold registration or practise the profession, the Board will consider the factors outlined below. These factors are numbered for ease of reference only. The numbering does not indicate a priority order of application.

Note: Public protection and public confidence comes first

In any decision-making and applications of the **National Law**, the most important considerations are the protection of the public and the public's confidence in the safe practice of **registered health practitioners**.

1. The nature of the offence or alleged offence and its relevance to health practice.

Usually, the nature of the offence or alleged offence is closely related to the gravity, or seriousness of the offence or alleged offence. The nature of the offence means the type of offending or alleged offending. Some offences may not be 'serious' criminal offences but will be of a nature that relates strongly to health practice and will impact on suitability to hold registration or to practise the profession.

2. The gravity or seriousness of the offence or alleged offence.

Generally, the more serious the offence or alleged offence, the stronger the likelihood it will impact on suitability to hold registration or to practise the profession. Serious offending or alleged offending may impact on registration regardless of whether the nature of the offending is relevant to health practice.

3. The period of time since the health practitioner committed, or allegedly committed, the offence.

Generally, the more time that has elapsed since the offence or alleged offence was committed, the less impact a **criminal history** will have on suitability to hold registration or to practise the profession. However, with serious offences, along with some offences that are of a nature that is directly relevant to health practice, the period of time elapsed since the offending may not lessen the impact of the criminal history on decision making.

4. Whether a finding of guilt or a conviction was recorded for the offence or a charge for the offence is still pending.

The type of **criminal history** information provided will be considered. Generally, the following is the descending order in which types of **criminal history** information will impact suitability to hold registration or to practise the profession:

- a. **convictions**
- b. **findings of guilt**
- c. **pending charges**
- d. non conviction charges; that is, charges that have been resolved otherwise than by a conviction or finding of guilt, taking into account the availability and source of contextual information which may explain why a non conviction charge did not result in a conviction or finding of guilt.

5. The sentence imposed for the offence.

Generally, the weight the Board will place on the sentence will increase as the significance of the sentence increases, including any custodial period imposed. The Board will also consider any mitigating factors raised in sentencing, where available, including rehabilitation.

6. The age of the health practitioner at the time the health practitioner committed, or allegedly committed, the offence.

Offences committed when the individual is younger, and particularly under 18 years of age, will generally have less impact on decisions about suitability to hold registration or to practise the profession. However, a serious **criminal history** may still impact on suitability to hold registration or practise the profession, regardless of the practitioner's age at the time.

7. Whether or not the conduct that constituted the offence or to which the charge relates has been decriminalised since the health practitioner committed, or allegedly committed, the offence.

Offences that have been **decriminalised** since the health practitioner committed, or allegedly committed the offence, will not be considered as part of an individual's criminal history. There may be circumstances however where the underlying behaviour illustrated by the previous offending may impact decisions about registration or practice of the profession.

8. The health practitioner's behaviour since they committed, or allegedly committed, the offence.

Indications that the offence was an aberration and evidence of good conduct or rehabilitation since the commission, or alleged commission of the offence, will tend to be a mitigating factor. However, indications that the offence is part of a pattern of behaviour may have the opposite effect.

9. The likelihood of future threat to a patient of the health practitioner.

The Board will place significant weight on a **criminal history** that indicates a likelihood of future threat to a patient or client of the health practitioner.

10. Experiences of racism and inequity for Aboriginal and Torres Strait Islander Peoples.

National Boards recognise that the disproportionate contact Aboriginal and Torres Strait Islander people experience with the Australian criminal justice system occurs for a range of reasons. Boards recognise the possibility that the **criminal history** of an individual may arise from racism and inequitable treatment of Aboriginal and Torres Strait Islander people, rather than differences in behaviour and will take this into account in any decision making about suitability to hold registration or to practise the profession.

11. Any information given by the health practitioner.

Any information provided by the health practitioner such as an explanation or mitigating factors will be reviewed by the Board and taken into account in considering the health practitioner's criminal history.

12. Any other matter that the Board considers relevant.

The Board may take into account any other matter that it considers relevant to the application or notification.

Note: A Board will not require an **applicant** or **registered health practitioner** to provide further information that may prejudice their personal situation **pending charges** and the Board must not draw any adverse inference as a result of the fact that information has not been provided.

What if I have a criminal history?

If you have a **criminal history**, you must provide information to help the Board to decide whether you are a suitable person to be registered or to practise the profession.

Not all applicants with a **criminal history** are refused registration, and not all **registered practitioners** with a **criminal history** are required to stop practising.

There are a number of possible consequences in the **National Law** if you have a **criminal history**, including that the Board can:

- refuse your application for registration or renewal of registration.
- impose conditions on your application or your registration which may, for example require you to undertake education, restrict your practice location or type or to take part in mentoring or a supervised practice arrangement.
- require you to undertake an examination or assessment.
- decide to take no action.

Registration standards, codes and guidelines can be used in disciplinary proceedings as evidence of what constitutes appropriate practice or conduct for **registered health practitioners**.

Review

This standard will commence on 15 July 2026. The Board will review this standard at least every five years.

Authority

This registration standard was approved by the Ministerial Council on 14 January 2026.

Registration standards are developed under section 38 of the **National Law** and are subject to wide ranging consultation.

Definitions

Applicant means an individual who is applying for registration with a National Board in Australia for the first time.

Conviction is a formal determination by a court of law that a defendant is guilty of a crime. A **conviction** becomes part of a person's criminal record.

Criminal history check means a **criminal history** report obtained on behalf of an individual as part of assessing their application for registration. Australian **criminal history checks** are obtained through the National Police Checking Service (NPCS) of the Australian Criminal Intelligence Commission (ACIC). An international criminal history check (ICHC) is obtained through an Ahpra-approved supplier.

Criminal history means the following:

(a) every conviction of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law

(b) every plea of guilty or finding of guilt by a court of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law and whether or not a conviction is recorded for the offence

(c) every charge made against the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law.

Decriminalised means the action or process of ceasing to treat something as illegal or as a criminal offence.

Findings of guilt means that a court has determined that a person is responsible for committing a crime. A finding of guilt may or may not lead to a conviction being recorded.

National Law means the Health Practitioner Regulation National Law, as in force in each state and territory.

Participating jurisdiction means a state or territory government that has adopted and implemented the **National Law** and are actively involved in the National Registration and Accreditation Scheme, ensuring consistent registration and accreditation standards for health professionals within their territory.

Pending charges means a criminal charge for a crime that has not yet resulted in a final outcome.

Registered health practitioner (practitioner) means an individual who is registered under the **National Law** to practise a health profession, other than as a student; or who holds non-practising registration in a health profession under the **National Law**.

Registered student means a student enrolled in an approved program of study, or who are undertaking clinical training in a health profession, who are registered as a student with their respective National Board.

Relevant event (in relation to **criminal history**): means a **health practitioner** or **registered student** is charged with an offence punishable by 12 months imprisonment or more, or the health practitioner or student is convicted or is the subject of a finding of guilt for an offence punishable by imprisonment, whether the charges or conviction occur in a **participating jurisdiction** or elsewhere.

Spent conviction means a criminal conviction that no longer appears on most criminal record checks and does not need to be disclosed (unless an exemption applies). **Criminal history checks** for occupational registration, such as an application for registration as a registered health practitioner, are exempt from spent conviction legislation. There are laws about how information on spent convictions obtained under an exemption can be used.¹¹ Spent conviction legislation differs in all states and territories, but all allow criminal histories to be amended by removing some offences after a certain period of time, unless an exemption applies.

¹¹ <https://www.justice.vic.gov.au/exemptions-for-disclosing-a-spent-conviction>