



# Occupational Therapy Board of New Zealand

Kaihaumanu Tūroro o Aotearoa

## **Criminal Convictions Report/Police Report Policy**

Refer Part 2 of the Health Practitioners Competence Assurance Act

# Criminal Convictions Report/Police Report Policy

## Purpose

In determining fitness for registration, the OTBNZ is required to take criminal convictions into consideration pursuant to section 16(c) of the Health Practitioners Competence Assurance Act 2003 (HPCA Act). This policy sets out the OTBNZ's criminal convictions report/police report requirements.

## Background

Section 16(c) of the HPCA Act states that:

"No applicant for registration may be registered as a health practitioner of a health profession if –

(c) he or she has been convicted by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 3 months or longer, and he or she does not satisfy the responsible authority that, having regard to all the circumstances, including the time that has elapsed since the conviction, the offence does not reflect adversely on his or her fitness to practise as a health practitioner of that profession".

## How to apply

When applying for a Criminal Convictions report from the New Zealand Ministry of Justice, download the *Request for **Criminal Conviction History – Third Party*** form of the Ministry of Justice (MOJ) from the OTBNZ's website. Complete this form and send it to the OTBNZ.

## Policy

All applicants for registration are required to provide an original or certified copy of a criminal convictions report/police report from every country they have lived.

Practitioners returning to practise in New Zealand after three or more years are required to provide an original or certified copy of a criminal convictions report/police report from every country they have lived since they last practised<sup>1</sup> in New Zealand.

All applicants for re registration (restoration) are required to provide an original or certified copy of a criminal convictions report/police report from every country they have lived in from the date they have last practised in New Zealand.

Criminal convictions report/police reports must be no older than six months on receipt by the OTBNZ. However, the OTBNZ may accept a criminal convictions report/police report that is older than six months on receipt, if the applicant can satisfactorily demonstrate that they have not lived in the relevant country or countries since the issue of the criminal convictions report/police report/s.

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<sup>1</sup> 'Last Practised' means the last day a practitioner practised occupational therapy in NZ – it may not necessarily be the day a practitioner last held a practising certificate in NZ.

To require that criminal convictions report/police reports, search the applicant in all the names they have ever been known under whether in New Zealand or overseas, and in all variations of names evidenced on documentation provided for registration or the issue of a practising certificate. An applicant is exempted from this requirement if a search is based on an applicant's fingerprints, and this is clearly stated in the report.

For the avoidance of doubt, these requirements apply to applicants who were aged 17 years and over whilst living in a jurisdiction.

### **OTBNZ requirements in the case of one or more criminal convictions**

If an applicant or a practitioner has one or more convictions, they are required to provide the OTBNZ with the following:

1. A full explanation regarding the nature of the conviction(s), and the circumstances which gave rise to it/them. The explanation must provide as much information as possible so that the OTBNZ may consider fitness for registration having regard to all the circumstances; and
2. A certified or original copy of the 'Summary of Facts' submitted to the court by the Police, in relation to the charge(s) which resulted the conviction(s); and
3. A certified or original copy of the Judge's decision regarding each conviction, if this is available.
4. References as per the OTBNZ's requirements; and
5. Any further information as requested by the OTBNZ

**Date approved: August 2015**

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