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| **GENERAL INFORMATION** |
| This standard is intended to provide guidance to non-pharmacist owners, including natural persons and body corporations exempted under Schedule 7, Clause 2 of the *Health Practitioners Act 2004* (HPA).Pharmacists must each year as part of their annual registration requirements attest to the Australian Health Practitioner Regulation Agency (and the Pharmacy Board of Australia) their criminal history, stating that they have:* not been convicted of a criminal offence;
* advised every plea of guilty or finding of guilt by a court; and
* advised every charge made against them.

In addition, the HPA objectives are to:* protect and promote the health and safety of the people of the Territory; and
* promote the highest standard of health care services in the Territory.

When a person is granted an exemption to the ownership restrictions the following determinations and considerations must be made to ensure the safety and wellbeing of all persons. |

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| **SUITABILITY** |
| 1. **New persons**
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| All persons will be considered on the following:* Must be over 18 years;
* An Australian Citizen;
* Not convicted of a serious criminal offence over the last five years – punishable by a term of imprisonment of two years or more; and
* Must not have a drug addiction or have undergone treatment for drug addiction in the last five years; and
* a report obtained from the Commissioner of Police containing the details of their criminal record as defined in Section 3(1) of the *Criminal Records (Spent Convictions) Act*.
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| 1. **Existing persons**
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| All persons listed must be an Australian citizen, over the age of 18 years and provide to the Pharmacy Premises Committee each year the following:* a report obtained from the Commissioner of Police containing the details of their criminal record as defined in Section 3(1) of the *Criminal Records (Spent Convictions) Act 1992*.
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| **CONSIDERATIONS TO SUITABILITY** |
| Due to the importance of fit and proper person considerations the Committee may consider whether the person’s history is relevant and the following considerations will be taken in to account:* + The type and seriousness of the offence.
	+ The period of time since the offence was committed.
	+ The status of the offence eg: admission of guilt, finding of guilt or whether a charge against the offence is pending.
	+ The sentence imposed.
	+ The age of the person at the time of the offence.
	+ If the offence is now a decriminalised.
	+ The person’s behaviour since the offence.
	+ The likelihood of any future offence.
	+ Any mitigating factors.
	+ Other considerations deemed relevant.
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| **DEFINITION** |
| Criminal History – as defined in the National law* every conviction of the person for an offence, in a participating jurisdiction or elsewhere, and whether before or after the commencement of this Law;
* 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; and
* 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.

Under the National Law, spent convictions legislation does not apply to criminal history disclosure requirements. 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 convictions. |

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| **REFERENCES** |
| * *Criminal Records (Spent Convictions) Act 1992* (NT)
* Australian Health Practitioner Regulation Agency, Registration Standard: Criminal History

1 July 2015* Australian Government, Department of Health, Office of Drug Control, Guideline: Fit and Proper Persons and Suitable Staff – Version 2.0 January 2020
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| **DISCLAIMER** |
| In case of any conflict or discrepancy between this document and legislation, the legislation prevails.  |