

Policy

Criminal Convictions

Effective 02 December 2025

Policy title	Criminal Convictions
Reference number	20251202 MSC Criminal Convictions
Scope	This policy applies to Te Kaunihera Pūtaiao Hauora o Aotearoa Medical Sciences Council of New Zealand

Associated documents	File name
Health Practitioners Competence Assurance Act 2003	Health Practitioners Competence Assurance Act 2003 No 48 (as at 15 June 2023), Public Act Contents – New Zealand Legislation
Criminal Records (Clean Slate) Act 2004	Criminal Records (Clean Slate) Act 2004 No 36 (as at 15 June 2023), Public Act Contents – New Zealand Legislation
MLS Registration policy	20250408-MLS-Registration-Policy.pdf
AT Registration policy	2025-Mar-AT-Registration-Policy.pdf

Revision Schedule			
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Background

1. The Medical Sciences Council (the Council) is responsible for the regulation of medical laboratory science and anaesthetic technology practitioners under the Health Practitioners Competence Assurance Act 2003 (the Act).
2. The Council's core function is to protect the health and safety of the New Zealand public by ensuring medical laboratory scientists and anaesthetic technicians are competent and fit to practise. Fitness to practise includes consideration of any convictions a practitioner may have incurred.
3. This policy document sets out the factors the Council will consider in deciding whether a practitioner's conviction history is relevant to the practice of their profession under the Act.

Scope

4. This policy applies to all practitioners registered with, or seeking registration with, the Medical Sciences Council.

Legislative context

Health Practitioners Competence Assurance Act 2003

Section 16 (c)

5. No applicant for registration may be registered as a health practitioner of a health profession if he or she has been convicted in New Zealand or elsewhere of any offence punishable by imprisonment for a term of three 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.

Section 67A

6. When a notice of conviction is given to the authority under section 67, the authority must, as soon as reasonably practicable after receiving the notice:
 - Refer the notice to a professional conduct committee; or

- Order the practitioner to –
 - Undergo any specified medical examination; or
 - Undergo any specified psychological or psychiatric examination, counselling or therapy; or
 - Attend any specified course of treatment or therapy for alcohol or substance abuse.

Policy

7. The Council recognises that the safety of the public is protected by ensuring that medical laboratory science and anaesthetic technicians are fit to practise.
8. The Council will not register any person unless it has satisfied itself that person is fit to practise. However, the Council recognises that convictions in a person's past should not invariably mean that the person is unfit to practise.
9. The Council accepts that people are capable of change or that the circumstances that led to a conviction may change and, therefore, it is possible for a person with previous convictions to be registered provided certain conditions are fulfilled.
10. The Council has in place a consistent and transparent process to ascertain if a person applying for registration has a past conviction/s and to satisfy itself that a person is fit to be registered.
11. The Council will follow a fair, reasonable, and proportionate process when advised that a registered practitioner has been convicted of an offence as stipulated in the Act, or where the Council considers there are concerns about the appropriateness of the conduct of the practitioner or the safety of their practice.

Disclosure

12. All applicants for registration are required to provide consent for a Ministry of Justice conviction check. They are also required to provide a criminal record check from any country in which they have lived for more than one year from the age of 18.
13. Any applicant who discloses a conviction is asked to complete a statement on criminal conviction.
14. Each year when a registered practitioner applies to renew their practising certificate, they are required to declare as to whether they have been convicted of any criminal offences or

are subject to pending criminal charges. If a disclosure is made, then the applicant is asked to complete a statement on the criminal conviction.

15. If the applicant or registrant discloses a conviction, then the Council will usually wait until the Ministry of Justice Criminal Conviction record and/or any other criminal history report is received before any decision making occurs.
16. If the Council does not receive a self-disclosure and the Ministry of Justice Criminal Conviction record or other criminal history check or notification is received from the Court Registrar, then the Council will write to the applicant seeking an explanation on the conviction and lack of disclosure.

Criminal history considerations

17. The Criminal Records (Clean Slate) Act 2004 is designed to allow individuals with less serious convictions who have been conviction free for at least seven years and who meet all other relevant criteria to not disclose past convictions in most circumstances. It may be that there are circumstances where a conviction is disclosed.
18. When considering disclosures and matters related to convictions the Council will consider:
 - the nature of the conviction and the role that the applicant/registrant played in the matter;
 - the length of time since the criminal behaviour happened;
 - whether the criminal behaviour happened under such unusual circumstances that it is unlikely to recur;
 - whether the criminal behaviour casts doubt on the applicant's reliability, honesty, trustworthiness and good judgement;
 - the number of convictions that the applicant has;
 - the applicant's acknowledgement of the event and circumstances that led to the conviction;
 - any changes the applicant has made to their life since the conviction;
 - whether there is evidence of successful rehabilitation, including but not limited to the passage of time without recurrence of criminal activity, evidence of remorse or restitution, job training or higher education, good employment record;
 - the applicant's disclosure of the conviction prior to entry to their programme of education or if the conviction occurred during their programme of education;
 - character references lodged with the application for registration;
 - the extent to which the conviction may reflect adversely on fitness to practise as a health practitioner; and

- the extent to which the conviction indicates the applicant may pose a risk to the health and safety of the public.

19. Any information provided by the registrant or health practitioner (explanation including any mitigating factors) will be taken into account when considering their criminal history.

When the Council receives information about a conviction

20. When the Council receives conviction information regarding a practitioner from the Ministry of Justice or the practitioner makes a disclosure to the Council, then the following will usually occur:

- Information is sought about the nature of the conviction to ascertain if it meets the threshold for action under section 67A of the Act.
- If the conviction does not meet that threshold, then the practitioner may be advised that the matter is closed and that no further action will be taken. All correspondence is retained in the practitioner's file.
- If the conviction meets the threshold in the Act, then, depending on the nature of the conviction, the Council will consider whether the matter is to be referred to a professional conduct committee, or if the Council should order the practitioner to undergo medical or health assessments under s67(a)(2) d. The practitioner must be advised of the process.
- If a practitioner is referred for a health assessment, then their consent to that process will be obtained.