

Registration and Notifications Committee

Terms of Reference

1. Background

The Registration and Notifications Committee (RNC) is established by the Occupational Therapy Board of Australia (the Board) pursuant to Schedule 4, clause 11 of the Health Practitioner Regulation National Law Act as in force in each state and territory (the National Law) to exercise any functions or powers delegated to the RNC under section 37 of this National Law.

Within its powers as delegated by the National Board under the Instrument of Delegation available at <https://www.ahpra.gov.au/National-Boards/Delegations.aspx>, the RNC has been established to decide applications for registration and to assist the Board in relation to the assessment and processing of complex applications such as those involving declarations of recency of practice.

The RNC is also responsible for assessing all notifications regarding occupational therapists. The RNC decides whether or not to investigate individual matters and whether to refer them to other agencies. Where the RNC decides to investigate a matter further, it defines the issues of concern and develops a strategy for the investigation, including whether a performance and/or health assessment is indicated.

2. Functions

The Registration and Notifications Committee will:

- make decisions under the delegated authority from the Board
- liaise with the State and Territory staff of the Australian Health Practitioner Regulation Agency (AHPRA) on all related issues
- make recommendations to the Board on issues that may be outside its delegated authority, and
- undertake any other functions as required within the Instrument of Delegation approved by the Board.

2.1 Matters relating to registrations

The RNC will have input into the following matters:

- a. developing policies and procedures for the RNC's functions and make recommendations to the Board regarding all matters relating to registration
- b. developing and documenting policies and procedures for its members in dealing with complex applications
- c. developing and documenting decision-making guidelines for assessing complex applications
- d. appointing suitably experienced and qualified persons to assist with:
 - i. assessing complex applications referred by AHPRA registration staff
 - ii. formulating advice to the RNC and/or Board on such applications
- e. reviewing, assessing and determining applications for registration received by the Board in accordance with the delegations including applications from:
 - i. initial applicants for registration, from jurisdictions that have not been previously regulated
 - ii. previously registered occupational therapists seeking restoration to the National Register of Practitioners
 - iii. registered non-practising occupational therapists seeking to return to practice, and
 - iv. registered practising occupational therapists seeking to change the type/s of occupational therapy service/s they intend to provide
- f. where required, agree for AHPRA to arrange for interviews of applicants to be conducted by the RNC
- g. considering applications for registration that are outside the delegations of AHPRA
- h. advising the National Board on emerging trends or issues relating to registration, and

- i. other functions as required or delegated to the RNC by the Board's instrument of delegation from time to time.

2.2 Matters relating to notifications

To review and assess all notifications regarding registered occupational therapists and occupational therapy students in accordance with the delegations of the National Board including:

- a. considering whether the notification meets the criteria for a notification
- b. considering whether to investigate the notification
- c. deciding on a strategy to deal with the notification, including under which one or more pathways to proceed (i.e. conduct investigation, health assessment and/or performance assessment)
- d. deciding on the relevant issues for investigation or assessment
- e. providing support and advice to AHPRA staff when dealing with the Health Complaints Entity
- f. considering all reports of investigations, performance assessments and health assessments about registered occupational therapists and students and where necessary deciding to take further action in accordance with the delegations of the National Board.
- g. considering whether a registrant should have a health and/or performance assessment and/or further investigation of other matters
- h. advising AHPRA staff during investigations, performance assessments and health assessments. This may include advising who to approach to conduct performance and health assessments and what information should be obtained during an investigation
- i. referring matters to a performance and professional standards panel or a health panel and defining the allegations for the hearing
- j. referring matters to a Tribunal
- k. supporting AHPRA compliance/monitoring staff to develop a monitoring plan
- l. receiving reports as required in relation to undertakings, conditions or agreements, and
- m. advising the National Board of emerging trends in notifications or areas of concern.

3. Public Interest

A member of the RNC is to act impartially and in the public interest in the exercise of the member's functions. A member of the RNC is to put the public interest before the interests of particular health practitioners or any entity that represents health practitioners as set out in Clause 7 of Schedule 4 of the National Law.

4. Conflict of Interest

Members of the RNC are to comply with the conflict of interest requirements set out in, Clause 8 of Schedule 4 of the National Law.

Members must declare and exclude themselves from decision-making in relation to a matter in which they are biased, or might be perceived to be biased.

5. Membership

The membership of the RNC shall comprise either:

- three practitioner members of the Board, one of whom shall be the Chair of the RNC
- two community members of the Board, and
- one external occupational therapy practitioner.

Or, in accordance with section 8 of these Terms of Reference if the Chair of the RNC is a community member of the Board then the membership of the RNC shall comprise:

- three practitioner members of the Board
- two community members of the Board, one of whom shall be the Chair of the RNC, and
- one external occupational therapy practitioner.

6. Appointment of Members and Term of Appointment

The appointment of members to the RNC shall be determined by the Board.

External practitioner members who are not members of the Board will be appointed for a period of one year, and may be re-appointed for a further three (3) years.

Committee members who are members of the Board will be appointed for a period to be determined by the Board, but will be no longer than one year.

Members are eligible for re-appointment by the Board.

The Board may remove a member from the RNC when and as it sees fit.

Additional Board members may be co-opted to the Committee from time to time as required. Additional external occupational therapist practitioner members shall be co-opted to the Committee from time to time from the approved list of external members as required.

If a quorum of a Committee cannot be reached, either because a Committee member is unavailable for a particular meeting or he or she has a conflict of interest in relation to an agenda item the Committee Chair at his or her discretion, may nominate any member of the National Board to attend as a substitute.

7. Defects in appointment of members

A decision of the RNC is not invalidated by any defect or irregularity in the appointment of any member (or acting member) of the RNC.

8. Chair and Deputy Chair

The National Board will appoint the Chair of the RNC, who may be either a practitioner or community member of the Board.

The position of Chair of the RNC can be rotated every 12 months, and any member of the Board is entitled to nominate their appointment to the position of Chair of the RNC.

The National Board will appoint a Deputy Chair of the RNC. Where the Chair of the RNC is unavailable for a particular meeting(s), the Deputy Chair will preside as Acting Chair. Should the Deputy Chair be unavailable for a particular meeting(s), the Chair of the RNC at his or her discretion may recommend to the Chair of the National Board another member of the RNC to preside as Acting Chair.

9. Quorum

A quorum shall be a majority of its members, at least one of whom is a community member.

At the discretion of the Committee Chair and in consultation with the Board Chair, where an appointed member is unavailable thereby affecting the achievement of a quorum, a quorum may be achieved by either the secondment of another member of this Board or another National Board (community member only) as required onto the committee to achieve a quorum.

10. Meetings and Procedures

The RNC (or working groups as established by the RNC) will meet as required.

The RNC can meet face to face or transact business outside of face to face meetings in accordance with Schedule 4, clause 16 of the National Law.

A decision of the RNC is not void if the meeting is held over more than one day.

The RNC will report back to the Board.

11. Voting

A decision supported by the majority of the votes cast at a meeting of the RNC at which a quorum is present or is participating in the decision, is a decision of the RNC.

The Chair or Acting Chair has a deliberative vote, and in the event of an equality of votes, has a second or casting vote.

12. Remuneration

For RNC Committee meetings:

The remuneration for the Committee Chair and Committee members will follow the annual Schedule of fees – Board, committee and panel members attached to the *Manual for National Boards and their committees*, November 2019. The Committee Chair will be paid at the Chair's rate.

Members will be paid for official committee meetings (i.e. scheduled teleconferences / face to face meetings etc) with date/time and attendance recorded. The fee includes meeting preparation time.

Payment associated with additional approved out of session committee work, preparation time and meetings may also be claimed. In these cases, timesheets for committee meetings for payment claims are to be maintained by committee members and submitted when a cumulative fee claim has reached either 4 or 8 hours.

Approval of additional out-of-session work will be in accordance with the business rules and the processes adopted by the Board.

When a Board member attends a meeting or carries out Committee work during normal working hours as a government employee he or she does not receive Board fees. The attendance sheet should be marked 'Not for Payment'.

Timesheets for additional fee claims are authorised for payment by both the RNC Chair and the Board's Executive Officer

13. Support

Administrative support to the RNC and practitioner advisors is to be provided by AHPRA.

14. Additional matters

The RNC will:

- a. Provide advice to AHPRA staff in dealing with the State or Territory health complaints entity as required
- b. Advise the Multi Profession Immediate Action Committee of the of the Board when urgent action may be required; and
- c. Advise the National Board on emerging trends or issues relating to registrations and notifications.

15. Jurisdictional members

Jurisdictional members will make themselves available as a professional resource to the AHPRA State and Territory Managers or their delegates.

16. Professional Development

The Chair of the Committee may apply to the Board to utilise the funding set aside by the Board for professional development of the members, including for the purpose of observing other relevant Committee meetings of the Board or other National Boards with reasonable notice and permission of the Chair of the relevant Committee and National Board.

Review

These terms of reference apply from 14 November 2017.

Approved by the Occupational Therapy Board of Australia

26 February 2020

Reviewed by the Occupational Therapy Board of Australia

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Scheduled for Review

January 2020

Occupational Therapy Board of Australia