

## Registration and Notifications Committee

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### Terms of Reference

#### 1. Purpose

The Registration and Notifications Committee (the **Committee**) 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:

1. exercise functions or powers delegated to the Committee under section 37 of this National Law, and
2. undertake associated functions as set out in these Terms of Reference.

#### 2. Functions

The function of the Committee is to manage registration and notifications matters in accordance with these Terms of Reference, including to:

1. perform functions delegated by the Board under section 37 of the National Law as described in the National Board's Instrument of Delegation;
2. make recommendations to the Board on issues that may be outside its delegated authority,
3. in relation to the management of registration matters:
  - a. review, assess and determine applications for registration as an occupational therapist received by the Board including but not limited to applications from:
    - i. previously registered occupational therapists seeking restoration to the National Register of Practitioners;
    - ii. registered non-practising occupational therapists seeking to return to practice; and
    - iii. registered practising occupational therapists seeking to change the type/s of occupational therapy service/s they intend to provide;
  - b. oversee the monitoring of registration restrictions imposed on the registration of occupational therapists;
  - c. determine and articulate reasons for the Committee's decisions;
  - d. refer and make recommendations in relation to the registration as occupational therapists to the Board as the Committee determines necessary or as required by the Board's delegations;
  - e. develop policies and procedures for:
    - i. the Committee's functions to support its decisions including for assessing complex registration applications;
    - ii. make recommendations to the Board regarding all matters relating to registration;
  - f. advise the Board on emerging trends or issues relating to registration; and
  - g. provide expertise, assistance or advice to the National Board in the exercise of its functions.
4. in relation to the management of notification matters:
  - a. oversee the receipt, assessment and investigation of notifications about occupational therapists and occupational therapy students;
  - b. review, assess and make decisions in relation to notifications regarding about occupational therapists and occupational therapy students, including but not limited to:
    - i. articulating the issues for investigation or health/performance assessments;
    - ii. requiring an occupational therapist to undergo health or performance assessments;

- iii. taking regulatory action against an occupational therapists and occupational therapy students' registration;
- iv. establishing a health or performance and professional standards panels; and
- v. referring matters to the responsible tribunal;
- c. providing support and advice to Ahpra staff when dealing with the Health Complaints Entity;
- d. determine and articulate reasons for the Committee's decisions;
- e. advise the Immediate Action Committee (through Ahpra staff) when urgent action may be required;
- f. oversee the monitoring of notification related conditions and undertakings imposed on the registration of occupational therapists and occupational therapy students;
- g. advise the Board on emerging trends or issues relating to notifications; and
- h. provide expertise, assistance or advice to the Board in the exercise of its functions.

### 3. Appointment and membership

All members of the Committee will be appointed by the Board. The membership of the Committee will be comprised of six members:

- three practitioner members, and
- three community members.

Members may be either members of the Board or external persons appointed by the Board to the Committee.

All members are appointed to the Committee by the Board for a period of three years or as otherwise determined at the time of appointment. Members are eligible for a maximum of two re-appointments by the Board; each reappointment shall be for a further 3-year term. Members may have their appointment extended by the Board for a period of up to 12 months.

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

The Chair of the Board may, at their discretion, temporarily appoint additional members to the Committee in circumstances where there will be insufficient members available to meet membership or quorum requirements. A temporarily appointed member shall be:

- a. a member of the Board, or
- b. a member of another National Board's Registration and/or Notifications Committee (community member only).

### 4. Chair and Deputy Chair

The Board shall appoint the Chair and the Deputy Chair of the Committee.

The Chair and Deputy Chair of the Committee may be either a practitioner member or community member of the Board.

The position of Chair and Deputy Chair of the Committee may be rotated every 12 months, and any member of the Board is entitled to nominate for the position of Chair or Deputy Chair of the Committee.

Where the Chair of the Committee 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 Committee, at their discretion, may recommend to the Chair of the Board another member of the Committee is to preside as Acting Chair.

### 5. Quorum

A quorum for all meetings shall be three members of the Committee, including:

- one practitioner member; and
- one community member; and

- one of whom must be a Board member.

Where quorum is unable to be achieved for a meeting the Chair of the Committee, in consultation with the Chair of the Board, may appoint a member of the Board or another National Board (community member only) to the Committee.

## 6. Voting

A decision of the Committee shall be agreed to by consensus. If consensus cannot be reached, then a decision will be agreed to by a simple majority of votes (more than half of the members who cast a vote) of the Committee members. In the event of an equality of votes the Chair of the meeting has a second or casting vote.

## 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. Meetings and Procedures

The Committee will meet in a timely manner, in response to demand. The Committee may meet face to face or transact business outside of face-to-face meetings in accordance with Schedule 4, clause 16 of the National Law.

The RNC will report back to the Board.

## 9. Public Interest

Members will act impartially and in the public interest in the exercise of the member's functions. A member of the Committee is to put the public interest before the interests of particular health practitioners or any entity that represents health practitioners as set out in Schedule 4, clause 7 of the National Law and corresponding National Board policies and procedures.

## 10. Conflict of Interest

Members of the Committee are to comply with the conflict of interest requirements set out in Schedule 4, clause 8 of the National Law and corresponding National Board policies and procedures.

## 11. Appellable decisions

The Committee may make appellable decisions as specified in these Terms of Reference and the Instrument of Delegation. Where the decision of the Committee is appealed, instructions in respect of the appeal will be provided by the applicable Committee (the delegated decision maker), to ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal. However, where urgent instructions are required the Chair of the Committee shall provide such instructions in order to appropriately manage the appeal.

## 12. Support

Staff from Ahpra's Regulatory Operations Directorate will provide operational support to the Committee.

Ahpra Regulatory Secretariat will provide secretariat support to the Committee.

## 13. Document Control

<b>Approver</b>	Occupational Therapy Board of Australia
<b>Date Established</b>	14 November 2017
<b>Date last reviewed</b>	1 December 2022
<b>Date for review</b>	These terms of reference will be reviewed every 3 years.

<b>Responsible Officer</b>	General Counsel	
<b>Sections modified</b>	<b>Date</b>	<b>Description</b>
	14 November 2017	New Terms of Reference
	26 February 2020	
	22 November 2022	Expand membership terms to 3 years Simplify membership section Update remuneration to refer to new schedule of fees
	19 March 2024	Updated membership to 3-community and 3-practitioner members, Updated quorum to three committee members, including 1-practitioner, 1-practitioner and one of whom must be a Board member. Updated other sections for consistency across Boards and clarity.