



Chiropractic
Dental
Medical
Nursing and Midwifery
Optometry

Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

National Board procedures

December 2011

Information package for candidates for appointment as panel members

This information package includes:

1. information for potential candidates, including selection criteria and information about the role of panel members under the National Law
2. application form with declarations
3. national criminal history check- application form and information sheet
4. declaration of private interests form (only to be completed if application is successful),
5. sitting fees and remuneration information, if application is successful, and
6. relevant sections of the National Law.

Attachment 1: Information for potential candidates

Introduction

The Osteopathy Board of Australia seeks expressions of interest from suitably qualified and/or experienced osteopaths and community members interested in being included on a list of approved persons for potential appointments to Health Panels and Performance & Professional Standards Panels. The panels are established by the Osteopathy Board of Australia under the *Health Practitioner Regulation National Law Act*, as in force in each State or Territory (the National Law), established as required from time to time.

Under the National Registration and Accreditation Scheme, anyone with a concern about a health practitioner can make a notification to AHPRA (Australian Health Practitioner Regulation Agency), which instigates a process of investigation and further actions, if appropriate.

During the notifications process, the Osteopathy Board of Australia (the Board), working closely with the relevant Health Complaints Entity (such as the Queensland Health Quality and Complaints Commission), may decide that the practitioner who is the subject of the notification needs to be referred to a panel.

In preparation for this the Board has a list of approved persons, who may be called on to be part of a Health Panel or Performance & Professional Standards Panel if required. The Board is now inviting interested persons to apply to be added to this list of approved persons.

Under the National Law, panels must have a certain number of members from the relevant health practitioner profession and community members.

The Purpose of the panels

The panels make independent decisions on the information before them, which may include reports and assessments about the health professional who is the subject of the notification and subsequent investigation.

A panel may make a number of decisions under the National Law, including dismissing the matter, imposing conditions on a health practitioner's registration, suspending the practitioner's registration or, for a performance and professional standards panel, cautioning or reprimanding the practitioner.

What is involved

If you are selected by the Board to be part of the list of approved persons, you may or may not be called on to be part of a panel.

If you are called on to be part of a panel, you will be contacted by AHPRA staff who will explore your availability and check that you do not have a conflict of interest in relation to the particular matter. AHPRA staff will also provide advice about the location and timeframe of the panel hearing.

AHPRA

The Australian Health Practitioner Regulation Agency (AHPRA) supports the National Boards in managing the registration and notifications for health practitioners and students (except for psychology students) across Australia.

AHPRA has a National office based in Melbourne and offices in every State and Territory to support local boards and committees.

National Boards

The following ten National Boards regulate the corresponding health professions under the National Law:

- Chiropractic Board of Australia
- Dental Board of Australia
- Medical Board of Australia
- Nursing and Midwifery Board of Australia
- Optometry Board of Australia
- Osteopathy Board of Australia
- Pharmacy Board of Australia
- Physiotherapy Board of Australia
- Podiatry Board of Australia
- Psychology Board of Australia

Panels

The National Law provides for the establishment of Health Panels and Performance and Professional Standards Panels by National Boards where required to undertake hearings into specific health, performance or conduct matters. Such panels will consist of members chosen from a list of persons approved by National Boards. The relevant provisions of the National Law relating to panels are set out in Division 11 of Part 8 of the National Law. Relevant extracts are reproduced in [Attachment 5](#).

Health Panels

Section 181 of the National law provides for the establishment of health panels consisting of at least three members. At least one member must be a registered health practitioner in the relevant health profession for which the Board is established; at least one member must be a medical practitioner; and at least one member must never have been a registered health practitioner in the health profession for which the Board has been established. If possible, panel members must be chosen from the jurisdiction in which the matter the subject of the hearing occurred.

Performance and Professional Standards Panels

Section 182 of the National Law provides for the establishment of performance and professional standards panels consisting of at least three members. At least half, but no more than two-thirds, of the members of the panel must registered health practitioners in the health profession for which the Board is established; and at least one member must be a community member. If possible, panel members must be chosen from the jurisdiction in which the matter the subject of the hearing occurred.

List of approved persons

Section 183 of the National Law provides for National Boards to appoint individuals to a list of persons approved to be appointed as members of panels.

Selection criteria

In selecting candidates for appointment by the Osteopathy Board of Australia to a list of persons approved to be appointed as panel members, the criteria listed below will be taken into account.

- (1) A demonstrated high level of performance in a relevant field including, if applicable, in the relevant health profession. Demonstrated leadership, teamwork and/or management skills would be beneficial, and previous board, tribunal, panel hearings, committees and/or senior management experience would be an advantage.
- (2) Demonstrated integrity and a good reputation in the community is essential.
- (3) Capacity to demonstrate impartiality, open-mindedness, sound judgment, and fairness and a knowledge of, or an ability to acquire knowledge of, the rules of procedural fairness and natural justice.

- (4) Appreciation of the need for quality and consistency in decision making.
- (5) A clear understanding of the objectives, roles, duties and obligations of members of hearing panel lists.
- (6) Capacity to develop sound knowledge and understanding of legislation relevant to the board including the National Law.
- (7) An appreciation of appropriate standards of professional care and the role of health practitioner registration boards in protecting the public.
- (8) An understanding of the health sector, broader health issues and how these relate to the health profession regulated by the board.
- (9) Interpersonal and communication skills including:
 - a. oral and written communication skills and effective interviewing and listening skills of a high order.
 - b. highly developed analytical skills.
 - c. ability to prepare high quality written decisions.
 - d. ability to show respect, tact and empathy when dealing with the various people and issues involved in a panel hearing.
 - e. ability to work effectively as a member of a multidisciplinary team.
- (10) To the extent practicable, individuals who are registered health practitioners should not have their principal place of practice in a co-regulatory jurisdiction; or otherwise, be individuals who live in a co-regulatory jurisdiction (ie in NSW) (Section 183 of the National Law).

A **community member** must be able to represent the views and opinions of members of the community. They should possess qualifications and/or experience rendering them suitable for appointment. A community member must not at any time have been registered as a health practitioner in the relevant health profession.

A **health practitioner** must be an experienced registered health practitioner of good standing in the health profession for which the Board is established.

Selection process

Shortlisted applicants may be interviewed and assessed to ensure that they have the necessary qualifications, skills and experience for the position. Applicants are also required to provide information on whether they are current members of other government or statutory bodies.

Shortlisted applicants will be required to provide proof of identity; complete a brief *Declaration of Private Interests*; and undergo probity checks, which include:

1. a criminal National Police record check by Crimtrac;
2. an Australian Securities and Investments Commission disqualification register check, and
3. a National personal Insolvency Index check conducted through the Insolvency and Trustee Service Australia.

Where the panel member is a practitioner, a check of board records will be undertaken to ensure that the practitioner is of good standing.

Copies of relevant documents are included in this package for your information, however the declaration of private interests form does not need to be completed until you are notified by AHPRA that you have progressed to the next stage of the recruitment process.

Shortlisted applicants may be required to bring the relevant proof of identity (POI) documents to the interview with a completed *Safety screening; police check and proof of identity form*

In circumstances where the **Osteopathy** Board of Australia determines that an interview is not required for a shortlisted applicant, the applicant may be required to submit certified copies of their original POI documents.

Referee reports

Referee reports are an important part of the selection process and at least one report will be obtained for all shortlisted applicants. Shortlisted applicants are asked to nominate 2-3 referees who can support the application relevant to the key selection criteria and duties of the position.

Attachment 2: Application form

Application form for appointment to the list of approved panel members of the Osteopathy Board of Australia

Checklist for applicants

1. Read the privacy information at the end of the application form
2. Make sure to complete the entire application form
3. Please note that the information marked with an * is optional. If you provide this information, it may be used to measure diversity in appointments
4. Sign the application form and the declaration and return to the contact person at AHPRA

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other _____
Surname	
First name	
Other names	
Date of birth	
Gender	Female <input type="checkbox"/> Male <input type="checkbox"/> Other <input type="checkbox"/>
Residential address and postcode	
Telephone	Business After Hours Mobile
Email Address	
Are you available to be appointed to panels in other jurisdictions or to be appointed to the list of approved panel members of other National Boards	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you identify as Aboriginal or Torres Strait Islander?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Were you or at least one of your parents born overseas?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Your country of birth*	

Do you speak a language other than English at home?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you have a culturally and linguistically diverse background?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you identify as a person with a disability?*	Yes <input type="checkbox"/> No <input type="checkbox"/>
Education	
Skills, specialisations, other formal qualifications	

Employment	Employer	Position	Period of service (e.g. 2 years, 2006-2007)
Current full-time employment (Please indicate role if Self-Employed)			
Current part-time employment			
Previous employment (please list)			

Current memberships on all other Government bodies (i.e. board memberships, committees, council memberships, community groups).

Body	Position	Period of Service (e.g. 2 years, 2006-2007)	No. of times appointed

Current memberships on all non-Government bodies (i.e. board memberships, committees, council memberships, community groups).

Body	Position	Period of Service (eg 2 years, 2006-2007)

(You must attach your CV in the AHPRA format if you would like your application to be considered.)

Privacy

The Australian Health Practitioner Regulation Agency (AHPRA) and the Osteopathy Board of Australia is collecting your personal information to assess your suitability for appointment to the list of approved panel members of the Osteopathy Board of Australia. Your information will be stored in a secured database (the AHPRA database) and will only be accessed by authorised AHPRA officers or the Osteopathy Board of Australia .

AHPRA and the Osteopathy Board of Australia treats all personal information provided by an individual in support of an application for appointment in accordance with the laws that apply to AHPRA, including the applicable provisions of the *Privacy Act 1988* (Cth).

The personal information you provide in this application is required for the purposes of processing and assessing your application. It may be shared with other persons or organisations in order to assess your application. Should you wish to gain access to your personal information held by AHPRA please contact our Privacy Officer by writing to the Privacy Officer at the AHPRA office in your State or Territory.

Your personal details may also be included in a 'pool' of persons who are interested in appointment to the list of approved panel members of a National Board. This means that when vacancies arise, authorised AHPRA officers or other National Boards will be able to search for candidates with the qualities that are needed for that National Board. You may then be contacted to determine if you are interested in applying for the vacancy.

When you provide us with information about other individuals, we rely on you to make them aware that such information will or may be provided to us as part of the application process.

I consent to the Osteopathy Board of Australia and AHPRA's use of personal information in this form (including any sensitive information such as gender or ethnic origin) as part of administering appointments to the list of approved panel members of the Osteopathy Board of Australia. This information may be shared with other persons or organisations as part of assessing the application.

Signature:

Date:

--	--

Declaration

I declare that:

- i) I have never been, nor am I currently insolvent and
- ii) I have not been disqualified from acting as a director or acting in the management of a company.

I grant permission for inquiries to be made to establish the accuracy of any of the information provided by me in this form and accompanying attachments and to determine my suitability for appointment. I understand that these inquiries will involve the disclosure of my information for these limited purposes. I understand that the National Board, AHPRA and selection panels may make these inquiries of any persons or organisations they consider appropriate.

By signing this declaration, I acknowledge that if shortlisted for selection, I will be required to provide a completed Declaration of Private Interests, and grant permission for the conduct of probity checks, which will consist of:

1. a criminal record check Australia wide by Crim Trac
2. a check of the Australian Securities and Investment Commission (ASIC) register of persons prohibited/disqualified by ASIC under the provisions of *the Corporations Act 2001* (Cth)
3. a check of the Insolvency and Trustee Service Australia (ITSA) National Personal Insolvency Index which contains information about proceedings and administrations under the *Bankruptcy Act 1966* (Cth).

Signature: _____ **Date:** _____

I also consent to the Osteopathy Board of Australia and AHPRA's collection of the information (including any sensitive information such as gender or ethnic origin) as part of administering appointments to the list of approved panel members of the Osteopathy Board of Australia. This information may be shared with other persons or organizations as part of assessing the application.

Attachment 3: Declaration of private interests form

NOTE: THIS FORM DOES NOT NEED TO BE COMPLETED WITH THE INITIAL APPLICATION. AHPRA WILL NOTIFY YOU IF YOU NEED TO COMPLETE THIS FORM

DECLARATION OF PRIVATE INTERESTS

Notes on completing this form:

Please complete the form as accurately and comprehensively as possible. Please write your answers in block capitals, and provide an answer for each question. Do not leave any questions blank.

Conflicts of Interest (Qn A7).

The term “conflict of interests” refers to a situation where a conflict arises between a public duty or role and a private interest which could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs.

A “conflict of interest” situation arises when a panel member’s role conflicts with their other duties, obligations, relationships or interests – for example, if they have a personal or business relationship with a practitioner appearing before the panel.

Conflicts of interests can be actual, potential or perceived, and should be declared to ensure that any risks are managed. Detailed guidance can be found on the State Services Authority website in its Conflict of Interest Policy Framework – www.ssa.vic.gov.au and in its eLearning guide on Conflicts of Interest.

In addition to collecting information on this form, if you are to be selected for a particular panel, AHPRA will check whether you have a conflict of interest in relation to that matter.

Findings of Guilt (Qn B6). A “finding of guilt” includes convictions, fines associated with criminal charges, good behaviour bonds, undertakings and community based orders, even where no conviction was recorded. It does not include a conviction under any prescribed spent convictions scheme.

I, *(insert full name)*

am applying to be appointed by the Osteopathy Board of Australia to a list of persons approved to be appointed as members of panels under the *Health Practitioner Regulation National Law Act 2009* (QLD), as enacted in each State or Territory (the National Law) and consent to the Osteopathy Board of Australia and AHPRA collecting and using this information on a confidential basis as described in this form.

I make this declaration as at *(insert date)*

A. Private Interests

A1. Other financial interests: Do you hold any office, have any other significant income or do you or a member of your family have any other significant financial or other interests: <u>of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your public duties.</u>	Yes/No
--	--------

If Yes, please provide details.

Examples of a substantial financial or other interest include:

1. interest in contracts, trusts or other business arrangements which may raise a potential conflict of interest in relation to your role as a panel member.

B. Probity

B1. Have you been declared bankrupt or been the subject of any order under the <i>Bankruptcy Act 1966</i> (Cth)?	Yes/ No	If yes , please provide details
B2. Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer?	Yes/ No	If yes , please provide details
B3. Have you ever been disqualified from acting as a director or acting in the management of an incorporated association?	Yes/ No	If yes , please provide details
B4. Have you ever: 1. contravened any civil penalty provision under the <i>Corporations Act 2001</i> (Cth) or any of its predecessors; 2. contravened the <i>Associations Incorporation Act 1981</i> (Vic) or any equivalent in another jurisdictions; or 3. been found guilty of any offence in relation to corporate or regulatory matters?	Yes/ No	If yes , please provide details
B5. Are you currently a party in any capacity in either criminal or civil proceedings before a: 1. court; 2. tribunal; or 3. other adjudication body, including a professional / registration / licensing body <u>which could reasonably raise an expectation of a material interference with your public duties?</u> Do you expect to become a party to any such proceedings in the next year?	Yes/ No	If yes , please provide details
B6. Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under any prescribed spent	Yes/ No	If yes , please provide details

convictions scheme or parking and minor traffic infringements punishable by fine only)?		
<p>B7. To the best of your knowledge and belief, have you been, or are you currently, the subject of any inquiry or investigation, including those by:</p> <ol style="list-style-type: none"> 1. a department or agency of the Commonwealth; and/or 2. a department or agency of a State or Territory of Australia; and/or 3. a professional association; and/or 4. a regulatory agency; and/or 5. your current or a previous employer; and/or 6. a consumer protection organisation? <p>(you only need to disclose inquiries or investigations in the past if adverse findings were made against you, however all current inquiries or investigations should be disclosed)</p>	Yes/ No	<p>If yes, please provide details</p>

AHPRA and the Osteopathy Board of Australia treats all personal information provided by an individual in support of an application for appointment in accordance with the laws that apply to AHPRA, including the applicable provisions of the *Privacy Act 1988* (Cth).

The personal information you provide in this application is required for the purposes of processing and assessing your application. It may be shared with other persons or organizations in order to assess your application. Should you wish to gain access to your personal information held by AHPRA please contact our Privacy Officer by writing to the Privacy Officer at the AHPRA office in your State or Territory.

When you provide us with information about other individuals, we rely on you to make them aware that such information will or may be provided to us as part of the application process.

If all or part of the requested information is not provided this failure may impact on your application.

I declare that to the best of my knowledge, the information I have provided in Part A and Part B of this declaration is true and correct. I undertake to advise AHPRA and the Osteopathy Board of Australia in writing if an actual, potential or perceived conflict arises in the future and to stand down in any decision-making process in which I may be compromised. If there is any change to the interests set out in Part A or to the answers set out in Part B of this declaration I undertake to advise AHPRA and the Osteopathy Board of Australia of any alterations or additions to my declaration as soon as practicable.

Signature of Declarant: **Signature of Witness/Delegate:**

Title: **Name (please print):**

Date: **Date:**

Attachment 4: National criminal history check- application form and information sheet

(separate attachment)

Attachment 5: Sitting fees

Remuneration

The rate for panel members is set at Category C level 2 of Queensland Government rates prescribed in the *Remuneration of Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities*, which is currently \$472.00 per day (see table below).

The full day rate applies to all meetings and other assignments in excess of four hours in a day. The fees paid are assessable under the Income Tax Assessment Act 1997.

In addition to the attendance fee, panel members may be paid an additional fee for preparation or research as this represents an essential part of the task. It is payable at the same rate as the sitting fee outlined above.

Under the *Superannuation Guarantee (Administration) Act 1992* you are eligible to receive contributions at nine per cent of your total annual remuneration to a superannuation fund of your choice, payable when you are paid more than \$450 in fees in a calendar month.

Expenses

Panel members are entitled to claim travel, accommodation and subsistence expenses incurred as part of participating on a panel.

More information on allowances and the process of payments and claims will be provided if you are appointed.

Remuneration for Health Panels and Professional Standards Panels

Role	Attendance (Fee includes preparation and up to 4 hours travel time)	Extra travel time	
		Between 4-8 hours	Over 8 Hours
Board Chair	\$691	\$345.50	\$691
Board Member	\$567	\$283.50	\$567

For meetings that are less than 4 hours, half the daily fee is payable.

In addition to the attendance fee, panel members may be paid an additional fee for preparation as this represents an essential part of the task. It is payable at the same rate as the sitting fees outlined above.

Attachment 6: Relevant sections of the National law

The National Law

Objectives and guiding principles

The objectives and guiding principles of the National Law are set out in section 3 of the National Law as follows:

- (1) The object of this Law is to establish a national registration and accreditation scheme for:
 - (a) the regulation of health practitioners; and
 - (b) the registration of students undertaking:
 - (i) programs of study that provide a qualification for registration in a health profession; or
 - (ii) clinical training in a health profession.
- (2) The objectives of the national registration and accreditation scheme are:
 - (a) to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; and
 - (b) to facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between participating jurisdictions or to practise in more than one participating jurisdiction; and
 - (c) to facilitate the provision of high quality education and training of health practitioners; and
 - (d) to facilitate the rigorous and responsive assessment of overseas-trained health practitioners; and
 - (e) to facilitate access to services provided by health practitioners in accordance with the public interest; and
 - (f) to enable the continuous development of a flexible, responsive and sustainable Australian health workforce and to enable innovation in the education of, and service delivery by, health practitioners.
- (3) The guiding principles of the national registration and accreditation scheme are as follows:
 - (a) the scheme is to operate in a transparent, accountable, efficient, effective and fair way;
 - (b) fees required to be paid under the scheme are to be reasonable having regard to the efficient and effective operation of the scheme;
 - (c) restrictions on the practice of a health profession are to be imposed under the scheme only if it is necessary to ensure health services are provided safely and are of an appropriate quality.

Division 11 Panels

Section 181 Establishment of health panel

- (1) A National Board may establish a health panel if—
 - (a) the Board reasonably believes, because of a notification or for any other reason, that a registered health practitioner or student has or may have an impairment; and
 - (b) the Board decides it is necessary or appropriate for the matter to be referred to a panel.
- (2) A health panel must consist of the following members chosen from a list referred to in section 183—
 - (a) at least one member who is a registered health practitioner in the health profession for which the Board is established;
 - (b) at least one member who is a medical practitioner with expertise relevant to the matter the subject of the hearing;
 - (c) at least one member who is not, and has not been, a registered health practitioner in the health profession for which the Board has been established.
- (3) In choosing members of the panel, the National Board must, if possible, choose a member from the jurisdiction in which the matter the subject of the hearing occurred.

- (4) No more than half of the members of the panel may be registered health practitioners in the health profession for which the Board is established.
- (5) However, if the registered health practitioner the subject of the hearing is a medical practitioner, a member of the panel referred to in subsection (2)(b) is not to be considered to be registered in the health profession for which the Board is established for the purposes of subsection (4).
- (6) A person cannot be appointed to the panel if the person has been involved in any proceedings relating to the matter the subject of the hearing by the panel.

Section 182 Establishment of performance and professional standards panel

- (1) A National Board may establish a performance and professional standards panel if—
 - (a) the Board reasonably believes, because of a notification or for any other reason, that—
 - (i) the way a registered health practitioner practises the health profession is or may be unsatisfactory; or
 - (ii) the registered health practitioner's professional conduct is or may be unsatisfactory; and
 - (b) the Board decides it is necessary or appropriate for the matter to be referred to a panel.
- (2) A performance and professional standards panel must consist of at least 3 members.
- (3) In choosing members of the panel, the National Board must, if possible, choose a member from the jurisdiction in which the matter the subject of the hearing occurred.
- (4) At least half, but no more than two-thirds, of the members of the panel must be persons who are registered health practitioners in the health profession for which the Board is established, and chosen from a list approved under section 183.
- (5) At least one member must be a person who represents the community and chosen from a list approved under section 183.
- (6) A person may not be appointed to the panel if the person has been involved in any proceedings relating to the matter the subject of the hearing by the panel.

Section 183 List of approved persons for appointment to panels

- (1) A National Board may appoint individuals to a list of persons approved to be appointed as members of panels.
- (2) To the extent practicable, individuals appointed under subsection (1) should not—
 - (a) for registered health practitioners, be individuals whose principal place of practice is in a co-regulatory jurisdiction; or
 - (b) otherwise, be individuals who live in a co-regulatory jurisdiction.\

Section 184 Notice to be given to registered health practitioner or student

- (1) A panel must give notice of its hearing of a matter to the registered health practitioner or student the subject of the hearing.
- (2) The notice must state—
 - (a) the day, time and place at which the hearing is to be held; and
 - (b) the nature of the hearing and the matters to be considered at the hearing; and
 - (c) that the registered health practitioner or student is required to attend the hearing; and

- (d) that the registered health practitioner may be accompanied at the hearing by an Australian legal practitioner or other person; and
- (e) that if the registered health practitioner or student fails to attend the hearing the hearing may continue, and the panel may make a decision, in the practitioner's or student's absence; and
- (f) the types of decision the panel may make at the end of the hearing.

185 Procedure of panel

- (1) Subject to this Division, a panel may decide its own procedures.
- (2) A panel is required to observe the principles of natural justice but is not bound by the rules of evidence.
- (3) A panel may have regard to—
 - (a) a report prepared by an assessor about the registered health practitioner or student; and
 - (b) any other information the panel considers relevant to the hearing of the matter.

186 Legal representation

- (1) At a hearing of a panel, the registered health practitioner or student the subject of the hearing may be accompanied by an Australian legal practitioner or another person.
- (2) An Australian legal practitioner or other person accompanying the registered health practitioner or student may appear on behalf of the practitioner or student only with the leave of the panel.
- (3) The panel may grant leave for an Australian legal practitioner or other person to appear on behalf of the registered health practitioner or student only if the panel considers it appropriate in the particular circumstances of the hearing.

187 Submission by notifier

If a matter the subject of a hearing before a panel relates to a notification, the notifier may, with the leave of the panel, make a submission to the panel about the matter.

188 Panel may proceed in absence of registered health practitioner or student

At a hearing, a panel may proceed in the absence of the registered health practitioner or student the subject of the proceedings if the panel reasonably believes the practitioner or student has been given notice of the hearing.

189 Hearing not open to the public

A hearing before a panel is not open to the public.

190 Referral to responsible tribunal

A panel must stop hearing a matter and require the National Board that established the panel to refer the matter to a responsible tribunal under section 193 if, at any time—

- (a) the practitioner or student the subject of the hearing asks the panel for the matter to be referred to a responsible tribunal under section 193; or
- (b) if the subject of the hearing is a registered health practitioner—

- (i) the panel reasonably believes the evidence demonstrates the practitioner may have behaved in a way that constitutes professional misconduct; or
- (ii) the panel reasonably believes the evidence demonstrates the practitioner's registration may have been improperly obtained because the practitioner or someone else gave the Board information or a document that was false or misleading in a material particular.

191 Decision of panel

- (1) After hearing a matter about a registered health practitioner, a panel may decide—
 - (a) the practitioner has no case to answer and no further action is to be taken in relation to the matter; or
 - (b) one or more of the following—
 - (i) the practitioner has behaved in a way that constitutes unsatisfactory professional performance;
 - (ii) the practitioner has behaved in a way that constitutes unprofessional conduct;
 - (iii) the practitioner has an impairment;
 - (iv) the matter must be referred to a responsible tribunal under section 193;
 - (v) the matter must be referred to another entity, including, for example, a health complaints entity, for investigation or other action.

- (2) After hearing a matter about a student, a health panel may decide—
 - (a) the student has an impairment; or
 - (b) the matter must be referred to another entity, including, for example, a health complaints entity, for investigation or other action; or
 - (c) the student has no case to answer and no further action is to be taken in relation to the matter.

- (3) If a panel decides a registered health practitioner or student has an impairment, or that a practitioner has behaved in a way that constitutes unsatisfactory professional performance or unprofessional conduct, the panel may decide to do one or more of the following—
 - (a) impose conditions on the practitioner's or student's registration, including, for example, in relation to a practitioner—
 - (i) a condition requiring the practitioner to complete specified further education or training within a specified period; or
 - (ii) a condition requiring the practitioner to undertake a specified period of supervised practice; or
 - (iii) a condition requiring the practitioner to do, or refrain from doing, something in connection with the practitioner's practice; or
 - (iv) a condition requiring the practitioner to manage the practitioner's practice in a specified way; or
 - (v) a condition requiring the practitioner to report to a specified person at specified times about the practitioner's practice; or
 - (vi) a condition requiring the practitioner not to employ, engage or recommend a specified person, or class of persons;
 - (b) for a health panel, suspend the practitioner's or student's registration;
 - (c) for a performance and professional standards panel, caution or reprimand the practitioner.

- (4) If a panel decides to impose a condition on a registered health practitioner's or student's registration, the panel must also decide a review period for the condition.
- (5) A decision by a panel that a registered health practitioner has no case to answer in relation to a matter does not prevent a National Board or adjudication body taking the matter into consideration at a later time as part of a pattern of conduct or practice by the health practitioner.

192 Notice to be given about panel's decision

- (1) As soon as practicable after making a decision under section 191, a panel must give notice of its decision to the National Board that established it.
- (2) The National Board must, within 30 days after the panel makes its decision, give written notice of the decision to—
 - (a) the registered health practitioner or student the subject of the hearing; and
 - (b) if the hearing related to a notification, the notifier.
- (3) The notice given to the registered health practitioner or student must state—
 - (a) the decision made by the panel; and
 - (b) the reasons for the decision; and
 - (c) that the registered health practitioner or student may appeal against the decision; and
 - (d) how an application for appeal may be made and the period within which the application must be made.
- (4) The notice to the notifier must include information about the decision made by the panel but only to the extent the information is available on the National Board's register.