

## Extracts from the *Health Practitioner Regulation National Law Act* relevant to Student Registration

This document contains sections extracted from the Health Practitioner Regulation National Law as in force in each State and Territory (National Law) which are relevant to student registration. Please note that this is not an exhaustive list. To view the Health Practitioner Regulation National Law in its entirety, please visit the [Legislation](#) section of Ahpra's website.

### Definitions

Section 5 of the National Law defines the terms that are relevant to student registration. For a full list of definitions, please refer to the Health Practitioner Regulation National Law published on the [Legislation](#) section of Ahpra's website.

**Approved program of study**, for a health profession or for an endorsement of registration in a health profession, means an accredited program of study –

- (a) approved under section 49(1) by the National Board established for the health professions; and
- (b) included in the list published by the National Agency under section 49(5).

In relation to sections 87 to 90 (inclusive) only of the National Law, **approved program of study**, for a health profession, does not include an approved program of study that provides a qualification for endorsement of registration in the profession but does not qualify a person for registration in the profession.

### **Education provider means -**

- (a) a university; or
- (b) a tertiary education institution, or another institution or organisation, that provides vocational training; or
- (c) a specialist medical college or other health profession college.

**Impairment**, in relation to a person, means the person has a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that detrimentally affects or is likely to detrimentally affect—

- (b) for a student, the student's capacity to undertake clinical training—
  - (i) as part of the approved program of study in which the student is enrolled; or
  - (ii) arranged by an education provider.

**National Agency** means the Australian Health Practitioner Regulation Agency established by section 23.

**National Board** means a National Health Practitioner Board established by section 31.

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Ahpra and the National Boards regulate these registered health professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine, chiropractic, dental, medical, medical radiation practice, midwifery, nursing, occupational therapy, optometry, osteopathy, paramedicine, pharmacy, physiotherapy, podiatry and psychology.

## Sections pertinent to Registration

### **Part 7 Registration of health practitioners**

#### **Division 7 Student registration**

#### **Subdivision 1 Persons undertaking approved programs of study**

#### **Section 87 National Board must register person undertaking approved program of study**

- (1) The National Board established for a health profession must decide whether persons who are undertaking an approved program of study for the health profession must be registered—
  - (a) for the entire period during which the persons are enrolled in the approved program of study; or
  - (b) for the period starting when the persons begin a particular part of the approved program of study and ending when the persons complete, or otherwise cease to be enrolled in, the program.
- (2) In deciding whether to register persons undertaking an approved program of study for the entire period of the program of study or only part of the period, the National Board must have regard to—
  - (a) the likelihood that persons undertaking the approved program of study will, in the course of undertaking the program, have contact with members of the public; and
  - (b) if it is likely that the persons undertaking the approved program of study will have contact with members of the public—
    - (i) when in the approved program of study it is likely the persons will have contact with members of the public; and
    - (ii) the potential risk that contact may pose to members of the public.

#### **Section 88 National Board may ask education provider for list of persons undertaking approved program of study**

- (1) For the purposes of registering persons as required by section 87, a National Board may, at any time by written notice given to an education provider, ask the provider for the following—
  - (a) the particulars of all persons who are undertaking an approved program of study for the health profession for which the Board is established;
  - (b) the particulars of all persons who will be undertaking the part of the approved program of study specified in the notice.
- (2) An education provider given a notice under subsection (1) must not fail, without reasonable excuse, to comply with the notice.
- (3) A contravention of subsection (2) does not constitute an offence.
- (4) However, if an education provider does not comply with a notice under subsection (1)—
  - (a) the National Board that gave the education provider the notice must publish details of the failure to comply with the notice on the Board's website; and
  - (b) the National Agency may, on the recommendation of the National Board, include a statement about the failure to comply with the notice in the Agency's annual report.

#### **Section 89 Registration of students**

- (1) On receipt of the particulars of persons undertaking an approved program of study, or part of an approved program of study, under section 88—
  - (a) the National Board may register the persons as students in the health profession by entering the persons' particulars in the student register kept by the Board; or
  - (b) the National Board may—
    - (i) by written notice given to each person, require the person to complete an application for registration as a student in the form approved by the National Board; and

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- (ii) on receipt of the person's application form, register the person as a student in the health profession by entering the person's particulars in the student register kept by the Board.
- (2) The National Board must not register a person as a student if the person is undertaking an approved program of study for a health profession in which the person already holds registration under Division 6.
- (3) The National Board must not require a person to pay a fee for registration as a student.
- (4) As soon as practicable after registering a person as a student, a National Board must give written notice of the registration to—
  - (a) the education provider that provided the student's particulars to the Board; and
  - (b) if the Board required the person to complete an application form for registration, the student.
- (5) As soon as practicable after receiving notice that a student has been registered under subsection (1)(a), the education provider must give written notice of the registration to the student.

### **Section 90 Period of student registration**

The period of registration for a student—

- (a) starts when the student is registered under section 89; and
- (b) expires at the end of the day on which the student completes, or otherwise ceases to be enrolled in, the approved program of study.

### **Subdivision 2 Other persons to be registered as students**

#### **Section 91 Education provider to provide lists of persons**

- (1) If an education provider arranges clinical training in a health profession for a person who is not enrolled in an approved program of study for the profession, the education provider must give the National Board established for the profession written notice about the arrangement.
- (2) Subsection (1) does not apply if the person is a registered health practitioner who is registered in the health profession in which the clinical training is being undertaken.
- (3) A notice under subsection (1) must include—
  - (a) the particulars of the person undertaking the clinical training, and
  - (b) particulars of the arrangement for the person to undertake the clinical training
- (4) On receipt of a notice under subsection (1)—
  - (a) the National Board may register the persons as students in the health profession by entering the persons' particulars in the student register kept by the Board; or
  - (b) the National Board may—
    - (i) by written notice given to each person, require the person to complete an application for registration as a student in the form approved by the National Board; and
    - (ii) on receipt of the person's application form, register the person as a student in the health profession by entering the person's particulars in the student register kept by the Board.
- (5) As soon as practicable after registering a person as a student under subsection (4), a National Board must give written notice of the registration to the education provider that provided the student's particulars to the Board.
- (6) The National Board must not require a person to pay a fee for registration as a student.
- (7) A student's period of registration under this section
  - (a) starts when the student is registered under subsection (4); and
  - (b) expires at the end of the day on which the person completes, or otherwise ceases to undertake, the period of clinical training.

### **Subdivision 3 General provisions applicable to students**

#### **Section 92 Notice to be given if student registration suspended or condition imposed**

- (1) This section applies if, at any time, any of the following events occurs—
  - (a) a person's registration as a student under this Law is suspended;
  - (b) a condition is imposed on a person's registration as a student under this Law or a condition to which a person's registration is subject is changed or removed;
  - (c) a National Board accepts an undertaking from a person who is a student.

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- (2) The National Board that registered the person must, as soon as practicable after the event occurs, give written notice of the event to the education provider with which the person is undertaking the approved program of study.
- (3) If an education provider is given a notice under subsection (2) about a person, the education provider must, as soon as practicable after receiving the notice, give notice of the event to any entity with whom the person is undertaking training as part of the approved program of study.

**Section 93 Report to National Board of cessation of status as student**

- (1) This section applies if—
  - (a) a student completes, or otherwise ceases to be enrolled in, an approved program of study for a health profession provided by an education provider; or
  - (b) a student completes, or otherwise ceases to undertake, clinical training in a health profession arranged by an education provider.
- (2) The education provider must give written notice of the student ceasing to be enrolled in the program of study, or to undertake the clinical training, to the National Board established for the health profession within 60 days of it occurring.
- (3) A contravention of subsection (2) does not constitute an offence.
- (4) However, if an education provider contravenes subsection (2)—
  - (a) the National Board must publish details of the contravention on the Board’s website; and
  - (b) the National Agency may, on the recommendation of the National Board, include a statement about the contravention in the Agency’s annual report.

**Sections pertinent to students’ obligations to notify Ahpra**

**Division 11 Miscellaneous**

**Subdivision 3 Obligations of registered health practitioners and students**

**Section 130 Registered health practitioner or student to give National Board notice of certain events**

- (1) A registered health practitioner or student must, within 7 days after becoming aware that a relevant event has occurred in relation to the practitioner or student, give the National Board that registered the practitioner or student written notice of the event.
- (2) A contravention of subsection (1) by a registered health practitioner or student does not constitute an offence but may constitute behaviour for which health, conduct or performance action may be taken.

(3) In this section—

**relevant event** means—

- (b) in relation to a student—
  - (i) the student is charged with an offence punishable by 12 months imprisonment or more; or
  - (ii) the student is convicted of or the subject of a finding of guilt for an offence punishable by imprisonment; or Extract of Health Practitioner Regulation National Law Act 2009 Relevant to Student Registration; or
  - (iii) the student’s registration under the law of another country that provides for the registration of students has been suspended or cancelled.

**Sections pertinent to the Student Register**

**Part 10 Information and privacy**

**Division 4 Student registers**

**Section 229 Student registers**

- (1) Each National Board must, in conjunction with the National Agency, keep a student register that includes the name of all persons currently registered as students by the Board.
- (2) A student register is not to be open to inspection by the public.

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### **Section 230 Information to be recorded in student register**

- (1) Subject to this Division, a student register kept by a National Board must be kept in the way the National Agency considers appropriate.
- (2) A student register kept by a National Board must include the following information for each student whose name is included in the register-
  - (a) the student's name;
  - (b) the student's date of birth;
  - (c) the student's sex;
  - (d) the student's mailing address and any other contact details;
  - (e) the name of the education provider that is providing the approved program of study being undertaken by the student
  - (f) the date on which the student was first registered whether under this law or a corresponding prior Act;
  - (g) the date on which the student started the approved program of study;
  - (h) the date on which the student is expected to complete the approved program of study;
  - (i) if the student has completed or otherwise ceased to be enrolled in the approved program of study, the date of the completion or cessation;
  - (j) if a condition has been imposed on the student's registration, details of the condition;
  - (k) if the Board accepts an undertaking from the student, details of the undertaking;
  - (l) the student's USI (unique student identifier); and
  - (m) any other information the Board considers appropriate

In relation to section 230(l), Ahpra requests the following additional information:

- The student's ID number
- The student's email details
- Name of the (approved) program of study or clinical training being undertaken by the student
- The reason why the student completed or otherwise ceased to be enrolled in the approved program of study or clinical training

### **Sections pertinent to voluntary and mandatory notifications**

**Part 8                    Health, performance and conduct**  
**Division 2            Mandatory notifications**  
**Section 143        Mandatory notifications by education providers**

- (1) An education provider must notify the National Agency if the provider reasonably believes—
  - (a) a student enrolled in a program of study provided by the provider has an impairment that, in the course of the student undertaking clinical training as part of the program of study, may place the public at substantial risk of harm; or
  - (b) a student for whom the education provider has arranged clinical training has an impairment that, in the course of the student undertaking the clinical training, may place the public at substantial risk of harm;

Note. See section 237 which provides protection from civil, criminal and administrative liability for persons who make a notification under this Law. Section 237(3) provides that the making of a notification does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct and nor is any liability for defamation incurred.

- (2) A contravention of subsection (1) does not constitute an offence.
- (3) However, if an education provider does not comply with subsection (1)—
  - (a) the National Board that registered the student must publish details of the failure on the Board's website; and
  - (b) the National Agency may, on the recommendation of the National Board, include a statement about the failure in the Agency's annual report.

**Division 3 Voluntary Notifications**

**Section 144 Grounds for voluntary notification**

- (2) A voluntary notification about a student may be made to the National Agency on the grounds that—
- (a) the student has been charged with an offence, or has been convicted or found guilty of an offence, that is punishable by 12 months imprisonment or more; or
  - (b) the student has, or may have, an impairment; or
  - (c) that the student has, or may have, contravened a condition of the student's registration or an undertaking given by the student to a National Board.

**Section 145 Who may make voluntary notification**

Any entity that believes that a ground on which a voluntary notification may be made exists in relation to a registered health practitioner or a student may notify the National Agency.

Note. See section 237 which provides protection from civil, criminal and administrative liability for persons who, in good faith, make a notification under this Law