



## Application Management Operational Directive – Evidence required under subsection 77(2)

March 2015

### Related Documents

Policy Framework Document

### Version control and history

Title	Application Management Operational Directive – Evidence required under subsection 77(2)
Policy Area	Application management
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Applies to	Application Lodgement process
Audience	All AHPRA staff, including managers, directors, officers responsible for processing, assessing and deciding applications for registration, renewal or endorsement.
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### Purpose

The Executive Director Regulatory Operations is issuing this operational directive to AHPRA staff responsible for the processing of applications for registration, renewal and endorsement.

State and Territory Managers are accountable for ensuring that the responsible staff adhere to the operational directive and business rules. The business rules define how AHPRA will work in supporting the National Boards and their delegates to make decisions about health practitioners in an effective, efficient, transparent and fair way.

#### 1.1.1 Objective of process

This document sets out the evidence that is required in order for an application to meet the requirements of subsection 77(2) of the National Law. The objective is to ensure operational staff consistently record and establishes the point at which an application can be assessed to ensure that resources are not unnecessarily expended on applications which do not meet the minimum evidentiary requirements.

This process also applies to applications for endorsement (subsection 99(2)) and renewal (subsection 107(4)).

## 1.1 Legislative requirements

In accordance with section 77(2) of the the National Law an application for registration must:

- (a) be in the form approved by the National Board; and
- (b) be accompanied by the relevant fee; and
- (c) be accompanied by proof of the applicant's identity; and
- (d) be accompanied by any other information reasonably required by the Board.

At the point where an application is complete for the purposes of subsection 77(2), the application will be ready for assessment.

Within AHPRA applications that meet subsection 77(2) of the National Law are referred to as "complete applications".

Similar provisions apply to applications for endorsement (subsection 99(2)) and renewal (subsection 107(4)).

## 1.2 Defining the requirements

### 1.2.1 What constitutes "other information reasonably required by the Board"?

Application forms set out what information the relevant Board considers is reasonably required in order to assess an applicant's eligibility for registration. An application for registration is not complete unless it is on the form approved by the National Board (hard copy or online), is accompanied by the relevant fee and proof of the applicant's identify, and any other information reasonably required by the Board (i.e. all information expressly requested in the application form). This includes:

- an explanation or further information or supporting documentation from the applicant
- the information or documents requested in the form that must be provided by a third party, such as an academic transcript / graduate list from an education provider or a Certificate of Registration Status from an overseas regulatory authority
- ICHC reference number and ICHC reference page

### 1.2.2 What does not constitute "other information reasonably required by the Board"?

The information/documentation provided by the applicant **does not** need to meet the eligibility requirements for the application to be complete (e.g. if an applicant provides evidence of a qualification, it is not necessary for that qualification to be an acceptable qualification).

Further guidance will be provided in the form of Frequently Asked Questions for internal use.

## 1.3 Seeking further evidence required under section 77(2)

### 1.3.1 Using informal requests

Initially, the applicant may be asked to provide missing documentation informally. Timeframes for a response can be provided, but the application will not be withdrawn if they fail to provide information within the timeframe.

The informal request approach is not mandatory. However, in some circumstances this would be the most appropriate course of action to efficiently obtain the necessary information, e.g. seeking fees if credit card payment failed.

### 1.3.2 Utilising formal requests

Formal requests for missing evidence must be made by utilising the relevant power, i.e. section 80(1)(b), 100(1)(b), or 110.

Only documents which are required in order for the application to be considered complete in accordance with sections 77(2), 99(2) and 107(4) may be requested in this way at the lodgement stage of application processing.

A reasonable timeframe (usually 14 to 21 days) must be stated in the notice requiring the evidence. Where all information is not provided within the requested time period the applicant will be taken to have withdrawn their application under subsection 80(5), or the other relevant sections, of the National Law.

All application decisions must be recorded within one business day of the decision being made if the decision is delegated to AHPRA. Where the decision is made by the Board the decision must be recorded within one business day of the communication of the meeting decisions.

See also Application Management Operational Directive — Withdrawing applications.

### 1.3.3 Timeframes

Within 42 days of receipt an application should be complete or withdrawn (see *Application Management Operational Directive – Withdrawing applications*). Timeframes for utilising the informal and formal requests should take into consideration this overall timeframe.