



AUSTRALIAN
PHYSIOTHERAPY
ASSOCIATION

NATIONAL PROFESSIONAL STANDARDS PANEL REGULATIONS

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National Professional Standards Panel regulations

PART A - INTERPRETATIONS

Regulation 1—Power to make regulations

- 1.1 These Regulations are made pursuant to clause 43 of the Constitution.
- 1.2 Except for Regulation 2, if any National Professional Standards Panel (NPSP) Regulation is inconsistent with a clause of the Constitution, the Constitution applies to the extent of the inconsistency.

Regulation 2—Definitions

- 2.1 The following words have these meanings in these NPSP Regulations unless the contrary intention appears:

APA Code of Conduct: the Association's code of conduct for its Members, as amended by the Board from time to time.

Association: the Australian Physiotherapy Association ACN 004 265 150.

Association's Regulations: regulations approved by the Board for the Branches and National Groups.

Chairperson: any person elected or appointed as chair of any Committee in accordance with the Office Bearer Regulations and includes:

- (a) Branch Council President;
- (b) National Group National Committee Chairperson;
- (c) State Chapter Committee Chairperson;
- (d) Branch Regional Group Committee Chairperson or;
- (e) any Chairperson of other Committee(s) established by the Board.

Committee: a group of Members elected or appointed to govern the respective group of Members under the Constitution or the Association's regulations and includes any:

- (a) Branch Council;
- (b) National Group National Committee;
- (c) State Chapter Committee;
- (d) Branch Regional Group Committee; or
- (e) other Committee established by the Board.

Committee Member: a person elected or appointed to a position on any Committee in accordance with the Office Bearer Regulations.

Constitution: the Association's constitution.

Deputy Chairperson: a person elected or appointed as deputy chair of the respective Committee in accordance with the Office Bearer Regulations and includes:

- (a) Branch Council Deputy President;
- (b) National Group National Committee Deputy Chairperson;
- (c) State Chapter Committee Deputy Chairperson;
- (d) Branch Regional Group Committee Deputy Chairperson or;

(e) any Deputy Chairperson of other Committee(s) established by the Board.

Delegated Staff: staff engaged by the Chief Executive Officer pursuant to the Association's Regulations.

Meeting: a meeting of any Committee pursuant to the Meeting Regulations.

Meeting Agenda: the agenda for the respective Committee Meeting.

Meeting Regulations: the Association's regulations for meetings.

Meeting Summary Notes: a document prepared pursuant to Meeting Regulation 12.

NAC: the Association's National Advisory Council.

NAC Regulations: the Association's regulations for the NAC.

NAC Representative: a person appointed as a NAC Representative in accordance with the NAC Regulations.

National President: the President of the Association.

National Professional Standards Panel: the Association's National Professional Standards Panel.

Nominations and Elections Policy: the Association's policy specifying the process of nominations and elections.

Objects: the Objects of the Association set out in the Constitution.

Officer Bearer Regulations: the Association's regulations for its office bearers.

Voting Member: a person entitled to vote at meetings of the respective committee pursuant to Meeting Regulation 8.

WCPT Subgroup: any subgroup approved and confirmed by the World Confederation for Physical Therapy from time to time.

2.2 All words used in these Regulations will have the same meaning and interpretation as those corresponding words used in the Constitution unless indicated otherwise.

PART B – NATIONAL PROFESSIONAL STANDARDS PANEL

Regulation 3—Role of the National Professional Standards Panel

- 3.1 The role of the National Professional Standards Panel (NPSP) is to:
- (a) educate, encourage and assist Members to:
 - i. uphold standards of professional conduct,
 - ii. meet the ethical and professional obligations of Members outlined in the APA Code of Conduct, and
 - iii. achieve standards of practice which meet the expectations of the Association, the profession and the community;
 - (b) manage complaints about Members in accordance with these NPSP Regulations; and
 - (c) refer complaints to the Physiotherapy Board of Australia, or another agency that has statutory authority to investigate registered health practitioners.

Regulation 4—NPSP responsibilities

- 4.1 Subject to any directions of the Board, the NPSP must:
- (a) monitor Members' compliance with the Constitution and the APA Code of Conduct;
 - (b) consider any decision made by a statutory authority that a Member has behaved in a way that constitutes professional misconduct, unprofessional conduct or unsatisfactory professional performance (or similar) and to recommend to the Board a suitable course of action in accordance with the Constitution and these NPSP Regulations;
 - (c) manage complaints to the Association about alleged conduct of its Members in accordance with these NPSP Regulations;
 - (d) conduct disciplinary proceedings in accordance with these NPSP Regulations;
 - (e) review declarations made by Members submitting an application to renew their membership of the Association and by individuals submitting an application for membership of the Association, and make recommendations to the Board about any such declarations;
 - (f) oversee remedial professional development and mentoring programs conducted by the Association for its Members;
 - (g) provide guidance and support to Members and Association staff undertaking external advisory roles related to professional standards;
 - (h) provide guidance and support to Members and Association staff about ethical issues and professional standards as reasonably required upon request;
 - (i) provide information or advice on professional standards to Members, the Physiotherapy Board of Australia, statutory bodies and other organisations or individuals as reasonably required upon request;
 - (j) seek information on decisions that behavior constitutes unprofessional conduct, trends in notifications to the Physiotherapy Board of Australia and health services commissioners (or similar statutory officials), and legislative changes affecting the practice of physiotherapy; and
 - (k) identify education initiatives for Members on professional and ethical matters.

Regulation 5—NPSP composition

- 5.1 The NPSP will generally consist of:
- (a) the NPSP Chairperson; and
 - (b) five (5) other NPSP Members appointed by the Board.

Regulation 6—Appointment of NPSP members

Eligibility for appointment

- 6.1 Subject to sub-clause 6.2, any Member is eligible to be appointed by the Board to the NPSP in accordance with the Nominations and Elections Policy.
- 6.2 Any Member who is a Director is not eligible to be, or remain, appointed to the NPSP.

Term of appointment

- 6.3 Except in relation to a Member appointed to fill a casual vacancy, the term of each NPSP Member:
- (a) commences on 1 January of the year after the date they are appointed; and
 - (b) ceases three (3) years after the date their term commenced unless they cease to hold the position earlier in accordance with these NPSP Regulations.
- 6.4 Subject to NPSP Regulation 6.9, a Member may only be appointed to the NPSP for two (2) consecutive terms.
- 6.5 A Member, after being appointed to the NPSP for two (2) consecutive terms, is not eligible to be appointed to the NPSP for at least one (1) year after the date their two (2) consecutive terms end.
- 6.6 The Board may, in its sole discretion, remove any Chairperson at any time.

Resignation from NPSP

- 6.7 A Member may resign from the NPSP at any time by giving written notice of their resignation and the date of their resignation to the NPSP Chairperson.
- 6.8 A person who resigns under NPSP Regulation 6.7 ceases to be appointed to the NPSP from the resignation date specified in their resignation notice.

Casual vacancy of position on NPSP

- 6.9 If there is a casual vacancy in the position on the NPSP, the Board may appoint a Member to fill the casual vacancy in accordance with the Nominations and Elections Policy.
- 6.10 A Member appointed by the Board under NPSP Regulation 6.9 holds office in the casual vacancy position until the expiry date of the full term of the previous person in that position, at which time that Member is deemed to have served a full term as an NPSP Member for the purposes of NPSP Regulation 6.4.

Regulation 7—Election of Chairperson

- 7.1 The NPSP must elect one (1) of its Voting Members to be its Chairperson in accordance with the Nominations and Elections Policy.

Regulation 8—Responsibilities of Chairperson

- 8.1 The Chairperson must:
- (a) oversee the conduct of the ordinary business of the NPSP; and
 - (b) promote and uphold the role and responsibilities of the NPSP; and
 - (c) be the NAC representative.

Regulation 9—Term of Office of Chairperson

- 9.1 Except in relation to a Chairperson elected to fill a casual vacancy, each Chairperson's term:
- (a) commences on 1 January of the year after the date they are elected; and
 - (b) ceases two (2) years after the date their term commenced unless they cease to be the Chairperson of the NPSP earlier in accordance with the Office Bearer Regulations.
- 9.2 A person may only be elected as Chairperson of the NPSP for a maximum of two (2) terms.
- 9.3 A person, after serving two (2) terms as Chairperson, is not eligible to be elected or appointed as Chairperson of the NPSP for at least two (2) years after the date their term as Chairperson ends, subject to their term eligibility of being a voting member on the NPSP.

Regulation 10—Resignation of Chairperson

- 10.1 The Chairperson may resign at any time by giving written notice of their resignation and the date of their resignation to:
- (a) the NPSP Members; and
 - (b) any person authorised by the Chief Executive Officer to receive such a notice.
- 10.2 Any person who resigns under Office Bearer Regulation 6.1 ceases to be Chairperson of the NPSP from the resignation date specified in their resignation notice.

Regulation 11—Removal of Chairperson

- 11.1 The NPSP may, by resolution of 75 per cent of the voting members, remove its Chairperson at any time subject to the approval of the CEO.
- 11.2 The Board may, in its sole discretion, remove the NPSP Chairperson at any time.

Regulation 12—Cessation of Chairperson

- 12.1 A person immediately ceases to be Chairperson of the NPSP if they:
- (a) cease to be a Voting Member of the NPSP for any reason;
 - (b) are elected or appointed as the Chairperson of any other Committee;
 - (c) die or their estate is liable to be dealt with in any way under the laws relating to mental health;
 - (d) are absent, without reasonable excuse or the consent of the NPSP Members, from three (3) consecutive meetings of the NPSP;
 - (e) are found guilty of an offence of professional misconduct; or
 - (f) are removed from office.

Regulation 13—Casual vacancy of Chairperson

- 13.1 If there is a casual vacancy in the position of Chairperson, the NPSP must immediately elect one (1) of its Voting Members to fill the casual vacancy.
- 13.2 Any person elected as Chairperson under Office Bearer Regulation 9.1 will hold office until the expiry of the term of the position they filled.

- 13.3 For the purposes of Office Bearer Regulation 5.2, any person elected to fill a casual vacancy under Office Bearer Regulation 9.1 is deemed to have served a full term, unless the vacancy is less than one (1) year.

Regulation 14—Election of Deputy Chairperson

- 14.1 Subject to the Association's Regulations, each Committee that includes a Deputy Chairperson(s) must elect one (or two) of its Voting Members to be its Deputy Chairperson(s) in accordance with the Nominations and Elections Policy.

Regulation 15—Responsibility of Deputy Chairperson

- 15.1 Each Deputy Chairperson must assist and deputise in the absence of the respective Chairperson.

Regulation 16—Term of Office of Deputy Chairperson

- 16.1 Except in relation to any Deputy Chairperson elected to fill a casual vacancy, each Deputy Chairperson's term:
- (a) commences on 1 January of the year after the date they are elected; and
 - (b) ceases two (2) years after the date their term commenced unless they cease to be a Deputy Chairperson earlier in accordance with the Office Bearer Regulations.
- 16.2 Subject to Office Bearer Regulation 16.3, a person may only be elected as Deputy Chairperson of the respective Committee for a maximum of two (2) terms.
- 16.3 Subject to any limit on consecutive terms as a Voting Member of the respective Committee pursuant to the Association's Regulations, a person, after serving two (2) terms as Deputy Chairperson, may be elected or appointed as a Voting Member of the respective Committee or as Chairperson.

Regulation 17—Resignation of Deputy Chairperson

- 17.1 Any Deputy Chairperson of the NPSP may resign at any time by giving written notice of their resignation and the date of their resignation to:
- (a) the NPSP Members; and
 - (b) any person authorised by the Chief Executive Officer to receive such a notice.
- 17.2 Any person who resigns under Office Bearer Regulation 13.1 ceases to be Deputy Chairperson of the NPSP from the resignation date specified in their resignation notice.

Regulation 18—Removal of Deputy Chairperson

- 18.1 The NPSP may, by resolution of 75 per cent of the voting members, remove its Deputy Chairperson at any time subject to the approval of the CEO.
- 18.2 The Board may, at its sole discretion, remove any Deputy Chairperson at any time.

Regulation 19—Cessation of Deputy Chairperson

- 19.1 A person immediately ceases to be a NPSP Deputy Chairperson if they:
- (a) cease to be a Voting Member of the NPSP for any reason;
 - (b) are elected or appointed as Chairperson of the respective Committee or any other Committee;
 - (c) die or their estate is liable to be dealt with in any way under the laws relating to mental health;
 - (d) are absent, without reasonable excuse or the consent of the NPSP Members, from three (3) consecutive NPSP meetings;
 - (e) are found guilty of an offence of professional misconduct; or
 - (f) are removed from office.

Regulation 20—Casual vacancy of Deputy Chairperson

- 20.1 If there is a casual vacancy in any position of Deputy Chairperson, the NPSP must immediately elect one (1) of its Voting Members to fill the casual vacancy.
- 20.2 Any person elected as the Deputy Chairperson under Office Bearer Regulation 16.1 will hold office until the expiry of the term of the position they filled.
- 20.3 For the purposes of Office Bearer Regulation 12.2, any person elected to fill a casual vacancy under Office Bearer Regulation 16.1 is deemed to have served a full term, unless the vacancy is less than one (1) year.

Regulation 21—NAC Representative

- 21.1 Subject to the NAC Regulations, each Chairperson is the NAC representative.
- 21.2 Each NAC Representative must comply with the NAC Regulations.

Regulation 22—NPSP Voting

- 22.1 Each NPSP Member is entitled to one (1) vote.
- 22.2 The NPSP Chairperson has a second or casting vote if the vote on any resolution is tied.

Regulation 23—Calling of NPSP Meetings

- 23.1 The NPSP may meet up to a maximum of 10 times per annum as specified by the NPSP at their first meeting each year.
- 23.2 The NPSP Chairperson or the Delegated Staff must give at least five (5) days written notice to each member of the NPSP of any Meeting of the NPSP called under NPSP Regulation 23.1.
- 23.3 Any notice given under NPSP Regulation 23.2 must include:
- (a) the date and time of the Meeting;
 - (b) if the Meeting is face to face, the place of the Meeting;
 - (c) if the Meeting is to be held in two (2) or more places, the form of technology that will be used to facilitate the Meeting; and
 - (d) the business of the Meeting.

Regulation 24—Method of NPSP Meetings

- 24.1 Any Meeting may be held using any form of technology that allows all members of the NPSP at the Meeting to participate in discussion (including, without limitation, telephone, computer and telephone link and transcript communication).

Regulation 25—Cancellation of Meetings

- 25.1 Any Chairperson or the Delegated Staff may, by giving at least one (1) day's written notice to each member of the NPSP, cancel a Meeting of the NPSP called under NPSP Regulation 23.1.

Regulation 26—Business of NPSP Meetings

- 26.1 The scope of business at any Meeting must reflect the responsibilities of the NPSP under the Association's Regulations.
- 26.2 Subject to NPSP Regulation 26.1, the NPSP may agree to discuss business not contained in any notice given to the NPSP under Regulation 23.2.

Regulation 27—Voting at Meeting

- 27.1 Ex-officio members of the NPSP are not entitled to vote at Meetings of the NPSP.
- 27.2 Subject to NPSP Regulation 27.1, each member of the NPSP is entitled to one (1) vote.
- 27.3 Resolutions put to the NPSP are passed if more than 50 per cent of Voting Members of the NPSP vote in favour of the resolution at any Meeting of the NPSP.
- 27.4 The chairperson of a Meeting has a second or casting vote if the vote on any resolution at the respective Meeting is tied.

Regulation 28—Quorum at NPSP Meeting

- 28.1 The quorum at a Meeting of the NPSP is more than fifty percent (50%) of all Voting Members of the NPSP.
- 28.2 No resolution may be passed at any Meeting unless a quorum under Meeting Regulation 9.1 is present.
- 28.3 Subject to NPSP Regulation 28.2, a Meeting may proceed if a quorum under NPSP Regulation 28.1 is not present.
- 28.4 If any Meeting proceeds under NPSP Regulation 28.3, the Chairperson of the respective Meeting may, during the respective Meeting, direct the Delegated Staff to, within seven (7) days of the conclusion of the respective Meeting, circulate any motion to each Voting Member of the NPSP for their consideration.

Regulation 29—Chairing of NPSP Meetings

- 29.1 The Chairperson of the NPSP is chairperson of every Meeting of the NPSP.
- 29.2 If, at any Meeting:
- (a) there is no Chairperson of the NPSP;
 - (b) the Chairperson of the NPSP is not present within ten (10) minutes after the time scheduled for commencing that Meeting; or
 - (c) being present, the Chairperson of the NPSP is unwilling to chair that Meeting,
- then the Deputy Chairperson of the NPSP is chairperson of that Meeting.
- 29.3 If the Deputy Chairperson of the NPSP is unable or unwilling to chair a Meeting pursuant to NPSP Regulation 29.2, the NPSP must choose one (1) of its Voting Members to chair that Meeting.

Regulation 30—Resolution outside Meeting

- 30.1 A written resolution signed by more than 50 per cent of all Voting Members of the NPSP is valid and effective as if it had been passed at a Meeting of the NPSP.

Regulation 31—Resolution during NPSP Meeting

- 31.1 Subject to NPSP Regulation 22, a resolution is passed during an NPSP Meeting if the majority of NPSP Members present at the NPSP Meeting vote in favour of the resolution.

Regulation 32—Meeting Summary Notes

- 32.1 Delegated Staff must prepare and distribute Meeting Summary Notes to each member of the NPSP within fourteen (14) days of the conclusion of any Meeting of the NPSP.
- 32.2 When preparing the Meeting Summary Notes, Delegated Staff must:
- (a) list the items on the respective Meeting Agenda;
 - (b) summarise the outcomes of discussion at the respective Meeting;
 - (c) not identify comments by individual members of the NPSP;
 - (d) list any decisions and resolutions passed at the respective Meeting; and
 - (e) comply with any resolution of the NPSP to include or exclude any information.
- 32.3 If there are any amendments, members of the NPSP must send amendments to the Meeting Summary Notes to the Delegated Staff within twenty eight (28) days of the conclusion of the respective Meeting.
- 32.4 After receiving amendments in accordance with Meeting Regulation 12.3, the Delegated Staff must:
- (a) amend the respective Meeting Summary Notes in accordance with any details received under Meeting Regulation 12.3; and
 - (b) circulate the respective amended Meeting Summary Notes to:
 - (c) the members of the NPSP; and
 - (d) any other person as directed by the NPSP.
- 32.5 The respective Meeting Summary Notes are not intended to be widely distributed as an official communication tool of the Association.

PART C – MANAGEMENT OF COMPLAINTS

Regulation 33—Management of complaints about Members

- 33.1 The NPSP must manage any complaint received by the Association about a Member's conduct in accordance with the procedures determined by the Board from time to time.
- 33.2 The NPSP must decide to take no further action in relation to any complaint if:
- (a) the NPSP reasonably believes the complaint is frivolous, vexatious, misconceived or lacking in substance;
 - (b) the NPSP reasonably believes the complaint relates to an independent dispute between Members including (but not limited to) business contractual issues such as terms and conditions of employment, the sale or purchase of a practice or the location of a practice; or
 - (c) the complaint does not fall within the categories specified in NPSP Regulation 33.3.
- 33.3 The NPSP must only consider complaints about Members which are related to the following categories of conduct:
- (a) conduct determined by the Physiotherapy Board of Australia, or other panel, commission, tribunal or court of competent jurisdiction to constitute unprofessional conduct or unsatisfactory professional performance (or similar);
 - (b) conduct that has led to disciplinary action (or similar) by the Physiotherapy Board of Australia, or other panel, commission, tribunal or court of competent jurisdiction;
 - (c) alleged conduct or action prejudicial to the interests of the Association, its Members or the physiotherapy profession generally;
 - (d) alleged conduct or action bringing the Association, its Members or the physiotherapy profession into disrepute;
 - (e) alleged conduct or action that fails to comply with the Constitution and APA Code of Conduct; and
 - (f) other conduct referred to the NPSP by the Board from time to time such as at the request of a Health Complaints/Services Commissioner.
- 33.4 The NPSP may decide to conduct disciplinary proceedings in relation to any complaint if:
- (a) the complaint falls within the categories specified in NPSP Regulation 33.3; and
 - (b) the NPSP reasonably believes the complaint is not frivolous, vexatious, misconceived or lacking in substance.

PART D – DISCIPLINARY PROCEEDINGS

Regulation 34—Conduct of Disciplinary Proceedings

- 34.1 The NPSP must conduct any disciplinary proceedings about a Member's conduct in accordance with the procedures determined by the Board from time to time.
- 34.2 The principles of natural justice, including but not limited to procedural fairness, apply to any disciplinary proceedings conducted by the NPSP.
- 34.3 The proceedings of any disciplinary hearing must be recorded in such manner as the NPSP Chairperson decides in their sole discretion.
- 34.4 The Member whose conduct is the subject of the disciplinary proceedings may, within 30 days of the date of those proceedings, submit a written request to the CEO to receive a copy of the recording made under NPSP Regulation 34.3.

- 34.5 If a Member submits a written request under NPSP Regulation 34.4, the recording must be provided to the Member within 30 days of the date the CEO receives that request.

Regulation 35—Cost of Disciplinary Proceedings

- 35.1 The Board may determine that the Member is liable to pay an amount of not more than \$2000 towards the costs of any disciplinary proceedings about a Member's conduct.
- 35.2 Any fine imposed by the Board under NPSP Regulation 38.1(d)(i) or costs determined under NPSP Regulation 35.1 may be recovered by the Association as a debt owed to it by the Member.

PART E – OUTCOMES AND RECOMMENDATIONS

Regulation 36—Outcome and Recommendation 1

- 36.1 If the outcome of the NPSP's consideration of any complaint is a decision under NPSP Regulation 33.2 to take no further action in relation to that complaint, the NPSP may recommend to the Board either:
- (a) that no further action be taken by the Association; or
 - (b) that the Association recommends the Members seek to resolve the dispute through an independent mediation process or such other dispute resolution processes as are permitted at law.

Regulation 37—Outcome and Recommendation 2

- 37.1 If the outcome of the NPSP's consideration of any complaint is that the Physiotherapy Board of Australia, or other panel, commission, tribunal or court of competent jurisdiction has decided the Member has behaved in a way that constitutes unprofessional conduct or unsatisfactory professional performance (or similar), the NPSP may recommend to the Board that:
- (a) the Member be required to undertake a professional development and/or mentoring program with specified objectives; and/or
 - (b) the Board impose one (1) or more of the following penalties on the Member:
 - i. a reprimand or admonishment;
 - ii. suspension of the Member's membership of the Association for a period not exceeding 12 months;
 - iii. cancellation of the Member's membership under clause 15 of the Constitution.

Regulation 38—Outcome and Recommendation 3

- 38.1 If the outcome of the NPSP's consideration of any complaint is that the Member:
- (a) has behaved in a way, whether in the provision of health services or otherwise, that constitutes conduct or action prejudicial to the interests of the Association, its Members or the physiotherapy profession generally,
 - (b) has behaved in a way, whether in the provision of health services or otherwise, that constitutes conduct or actions that brings the Association, its Members or the physiotherapy profession into disrepute, or
 - (c) has behaved in a way, whether in the provision of health services or otherwise, that fails to comply with the Constitution and APA Code of Conduct,

- (d) the NPSP may recommend to the Board that:
 - (1) the Member be required to undertake a professional development and/or mentoring program with specified objectives; and/or
 - (2) the Board impose one (1) or more of the following penalties on the Member:
 - i. a fine not exceeding \$2,000;
 - ii. a reprimand or admonishment;
 - iii. suspension of the Member's membership of the Association for a period not exceeding 12 months;
 - iv. cancellation of the Member's membership under clause 15 of the Constitution.

PART F – APPEALS

Regulation 39—Appeal to Board Decision

Appeal

- 39.1 If any Member receives notification that the Board has made a decision based on a recommendation by the NPSP under NPSP Regulation 37 or NPSP Regulation 38, the respective Member may, within 30 days of the date that Member receives the notification, lodge a written appeal (the Appeal) to the Association for a review of that decision.

Board Review

- 39.2 The Board must, if reasonably possible, review and consider the Appeal at the next Board meeting after the Association receives the Appeal.
- 39.3 The Board may decide to:
- (a) reconsider the complaint in accordance with the procedures determined by the Board from time to time; or
 - (b) affirm the decision.
- 39.4 The Association must notify the Member in writing of the Board's decision under sub-clause 39.3 with in 14 days of the Board making its decision.
- 39.5 The Board's decision under sub-clause 39.3 is final.