

**OCCUPATIONAL THERAPY BOARD  
OF  
SOUTH AUSTRALIA**

**GUIDELINES ON REGISTRATION**

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## FOREWORD

It is intended that these Guidelines will assist applicants with the formalities of obtaining and continuing registration. It is also intended to explain briefly the role and functions of the Board.

The Occupational Therapists Registration Board of South Australia was established by the Occupational Therapists Act 1974, which was proclaimed on 1 June 1976.

On 31 August 2006 the Occupational Therapy Practice Act 2005 ("the Act") was proclaimed and the new Occupational Therapy Board of South Australia was established. Under this Act the Board is now responsible for registering occupational therapists and occupational therapy students. The Board must also keep a list of occupational therapy service providers.

The Board is the Statutory Authority in this State responsible for the administration of the Act, which protects the health and safety of the public by providing for registration of practitioners and students, the regulation of the provision of occupational therapy for the purpose of maintaining high standards of competence and conduct by those who provide it, and for other purposes.

In accordance with Section 6 of the Act, the Board consists of nine members appointed by the Governor, and of these:

- ❖ four must be registered occupational therapists chosen at an election;
- ❖ one must be a registered occupational therapist who gives instruction in occupational therapy at a university in South Australia selected from a panel of three persons nominated by the Council of the University of South Australia;
- ❖ one must be a legal practitioner nominated by the Minister;
- ❖ one must be a medical practitioner nominated by the Minister; and
- ❖ two must be persons nominated by the Minister who are not eligible for appointment under any of the preceding provisions (laypersons).

Members of the Board are appointed for a term of office not exceeding three years but are eligible for reappointment upon the expiration of their term of office. However a member may not hold office for consecutive terms that exceed 9 years in total.

The Board meets regularly on the third Wednesday of each month except in January. The agenda closes one week prior to the date set for such meetings.

Pursuant to Section 14 of the Act:

- “ (1) *The functions of the Board are as follows:*
- (a) *to oversee the practice of occupational therapy in the public interest;*
  - (b) *to approve, after consultation with authorities considered appropriate by the Board, courses of education or training that provide qualifications for registration under this Act;*
  - (c) *to determine, after consultation with authorities considered appropriate by the Board, the requirements necessary for registration under this Act;*
  - (d) *to establish and maintain the registers contemplated by this Act;*
  - (e) *to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered persons or codes of conduct for occupational therapy services providers;*
  - (f) *to prepare or endorse guidelines on continuing occupational therapy education for occupational therapists;*
  - (g) *to establish administrative processes for handling complaints received against registered persons, occupational therapy services providers or persons who occupy positions of authority in corporate or trustee occupational therapy services providers (which may include processes under which the registered person, provider or person who occupies the position voluntarily enters into an undertaking);*
  - (h) *to provide advice to the Minister as the Board considers appropriate;*
  - (i) *to carry out other functions assigned to the Board by or under this Act, or by the Minister.*
- (2) *The Board must perform its functions under this Act with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of occupational therapy in this State. ”*

Registered practitioners are urged to fully acquaint themselves with the Act and Regulations, the Code of Professional Conduct & Practice, and the Board’s various guidelines and policies.

Clarification or information relating to any matter may be sought from the office of the Board or by visiting the Board’s website [www.otrb.saboard.com.au](http://www.otrb.saboard.com.au).

## 1. REGISTRATION

### (a) Occupational Therapists

The prerequisites for registration of occupational therapists are defined in Section 26(1) of the Act:

*"Subject to this Act, a natural person is eligible for registration on the register of occupational therapists if the person, on application to the Board, satisfies the Board that he or she -*

- (a) has qualifications approved or recognised by the Board for the purposes of registration on that register; and*
- (b) has met the requirements determined by the Board to be necessary for the purposes of registration on that register; and*
- (c) is medically fit to provide occupational therapy; and*
- (d) is, unless exempted by the Board, insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person in connection with the provision of occupational therapy; and*
- (e) is a fit and proper person to be registered on the register."*

An application for registration must be made in the approved form and must be accompanied by the application fee and annual practice fee (refer Schedule of Fees – enclosed) and all requested supporting documentation.

All applicants will be required to undergo a criminal history check (refer Item 4 of these Guidelines) and a 100 point identity check.

For information on the cover necessary for professional indemnity insurance refer to Item 2 of these Guidelines.

Recent graduates who have not been confirmed their degree must provide a letter from the Head of School or Registrar of the awarding institution certifying that they have successfully completed all requirements for the award of the degree and are eligible to graduate. A certified copy of the degree parchment certificate or academic transcript showing the conferral date of the degree should be provided to the Board as soon as available.

All new registrants, including students, are issued with an Annual Practising Certificate, a copy of the Act & General Regulations, a copy of the Board's annual newsletter and an Ongoing Professional Development information pack. All Board publications and policies are available to download and print from the Board's website and should be referred to regularly by registrants.

**(b) Students**

Section 27 of the Act states that:

*“(1) A person is not entitled to—*

- (a) undertake a course of study that provides qualifications for registration on the register of occupational therapists; or*
- (b) provide occupational therapy as part of a course of study related to occupational therapy being undertaken by the person in a place outside the State,*

*unless the person is registered under this section as an occupational therapy student.*

*(2) A person is eligible for registration as an occupational therapy student on the occupational therapy student register, if the person, on application to the Board, satisfies the Board that he or she—*

- (a) genuinely requires registration on that register—*
  - (i) to enable the person to undertake a course of study that provides qualifications for registration on the register of occupational therapists; or*
  - (ii) to enable the person to provide occupational therapy as part of a course of study related to occupational therapy, as the case may be, being undertaken by the person in a place outside the State; and*

*(b) is medically fit to provide occupational therapy of the kind authorised by registration on the register to which the application relates; and*

*(c) is a fit and proper person to be registered on the register to which the application relates.*

*(3) Registration on the occupational therapy student register is subject to the condition that the registered person does not provide occupational therapy except in prescribed circumstances.*

*(4) If a person who applies for registration, or reinstatement of registration, on the occupational therapy student register is not, in the opinion of the Board, medically fit to provide occupational therapy as an occupational therapy student, the Board may register the person on that register in pursuance of this subsection (limited student registration) and impose 1 or more of the following conditions on the registration:*

*(a) a condition limiting the kind of occupational therapy that the person may provide;*

*(b) a condition limiting the period during which the registration will have effect;*

*(c) a condition requiring that the person be supervised in the provision of occupational therapy by a particular person or by a person of a particular class;*

*(d) such other conditions as the Board thinks fit.”*

An application for registration must be made in the approved form and must be accompanied by all requested supporting documentation. Applicants for student registration must provide evidence of offer of enrolment in their course of study.

There is no registration fee payable.

All applicants will be required to undergo a criminal history check (refer Item 4 of these Guidelines) and a 100 point identity check.

Students who fail to register or remain registered will have their enrolment cancelled by the University (if the University is located in South Australia). Students will be subject to the Board's Code of Professional Conduct & Practice and disciplinary powers.

**(c) Mutual Recognition / Trans Tasman Mutual Recognition**

The Mutual Recognition (SA) Act, 1993, adopts the Mutual Recognition Act, 1992, of the Commonwealth and the Trans Tasman Mutual Recognition (SA) Act, 1999 adopts the Trans Tasman Mutual Recognition Act, 1997, of the Commonwealth, as a law of the State and provides that a person who is registered in one State/Territory or New Zealand for an occupation is, by virtue of the Commonwealth Act, entitled after notifying the local registration authority of another State/Territory or New Zealand for the equivalent occupation -

- ❖ to be registered in that other State/Territory or New Zealand for the equivalent occupation; and
- ❖ pending such registration, to carry on the equivalent occupation in that other State/Territory or New Zealand.

The manner of carrying on an occupation and the continuance of registration is subject to the laws of the other State/Territory or New Zealand.

A person who lodges a duly completed notice/application under Mutual Recognition or Trans Tasman Mutual Recognition with a local registration authority of a State/Territory or New Zealand is, pending the granting or refusal of registration, taken to be registered. Such registration is called "deemed registration" and the Board is required to determine the application within one month from the "lodgement date". Deemed registration in one State/ Territory or New Zealand does not itself provide a basis for registration in another jurisdiction.

Once considered, the Board may grant what is called "substantive registration" which is registration under the law of the relevant State/ Territory or New Zealand. Conditions may be applied to a person's registration.

Should a person's registration in any State/Territory or New Zealand -

- (a) be cancelled or suspended; or
- (b) be subject to a condition

on disciplinary grounds, or as a result of, or in anticipation of, criminal, civil or disciplinary procedures, then the person's registration in the other jurisdiction(s) is affected in the same way. The Board however, does have discretion given the circumstances of the matter.

An application for registration under Mutual Recognition or Trans Tasman Mutual Recognition must be made on the relevant form for this purpose.

The application form can be obtained from the Board's website or by contacting the office of the Board, in which case it will be forwarded without delay together with the Board's Guidelines on Registration and Code of Professional Conduct & Practice.

The application fees for Mutual Recognition applications are the same as those applicable to applications under the Occupational Therapy Practice Act (2005) (refer Schedule of Fees – enclosed). Payment of both the application fee and annual practice fee is a condition of registration and non-payment will result in refusal to grant registration or deemed registration.

The Board must give the person who lodges an application for registration, a notice in writing of its decision to grant registration, or to postpone or refuse the grant of registration, or to impose conditions on registration. Applicants must give consent to the making of inquiries or, and the exchange of information with, the authorities of any State/Territory or New Zealand regarding his or her activities in the practice of the profession or matters relevant to the notice. Deemed registration or substantive registration may be refused if any of the information supplied on the application form or accompanying documents is materially false or misleading.

Applicants must provide with their application, a certified copy of a document evidencing current registration in another State/Territory or New Zealand and 100 points of identification. From the moment a person is deemed registered that person will be subject to all the requirements of the Occupational Therapy Practice Act 2005, and Regulations, and the Board's Code of Professional Conduct & Practice, with respect to the practice of occupational therapy in this State. Persons are therefore urged to fully acquaint themselves with these documents.

A certificate of full registration together with other Board publications will be forwarded to the registrant upon the grant of substantive registration.

**(d) Recognised Qualifications**

Pursuant to Section 26(1)(a) of the Act, the Board has prepared a list of qualifications which are recognised for the purposes of registration, and this list is available from the office of the Board or from the Board's website under "*Education > Prescribed Qualifications*".

**(e) Provisional Registration**

Section 28 of the Act states:

- " (4) If it appears likely to the Registrar that the Board will grant an application for registration, the Registrar may provisionally register the applicant (provisional registration).*
- (5) Provisional registration remains in force until the Board determines the application.*
- (6) The registration by the Board under this Act of a person who was provisionally registered has effect from the commencement of the provisional registration. "*

Provisional registration enables a practitioner to commence practise prior to full registration being granted and carries with it all rights and privileges of full registration.

**(f) Limited Registration**

Section 26 of the Act states:

*“ (2) If a person who applies for registration, or reinstatement of registration, on the register of occupational therapists—*

- (a) does not, in the opinion of the Board, have the necessary qualifications or experience required for registration on that register; or*
- (b) is not, in the opinion of the Board, medically fit to provide occupational therapy; or*
- (c) is not, in the opinion of the Board, a fit and proper person to be registered on that register,*

*the Board may register the person on the register in pursuance of this subsection (limited registration)—*

- (d) in order to enable the person—*
  - (i) to do whatever is necessary to become eligible for full registration under this Act; or*
  - (ii) to teach or to undertake research or study in this State; or*
  - (iii) in the case of an applicant who has obtained qualifications for the practice of occupational therapy under the law of a place outside of Australia—to practise in a part of the State or at a place that the Minister and the Board consider is in urgent need of the services of an occupational therapist; or*
- (e) if, in its opinion, it would otherwise be in the public interest to do so.*

*(3) In registering a person under subsection (2) the Board may impose 1 or more of the following conditions on the registration:*

- (a) a condition restricting the places or times at which the person may provide occupational therapy;*
- (b) a condition limiting the kind of occupational therapy that the person may provide;*
- (c) a condition limiting the period during which the registration will have effect;*
- (d) a condition requiring that the person be supervised in the provision of occupational therapy by a particular person or by a person of a particular class;*
- (e) such other conditions as the Board thinks fit. ”*

Limited registration for example may be granted to a person wishing to re-enter the workforce to upgrade his or her skills.

**(g) Temporary Registration**

Temporary registration is available to occupational therapists wishing to undertake a locum position in South Australia. Temporary registration in these circumstances is granted for a period not exceeding two (2) calendar months and applicants should nominate the date from which they require their registration to commence.

Temporary registration is at a reduced fee (refer Schedule of Fees – enclosed) and carries with it all rights and privileges of full registration.

**(h) Overseas Applicants**

The Board will not grant limited registration to any overseas-trained applicant until successful completion of a desktop assessment by the Council of Occupational Therapists Registration Boards (Australia & New Zealand) Inc (“COTRB”).

Limited registration for a period of time will be granted by the Board to those applicants whose occupational therapy qualifications have been assessed by COTRB as suitable for migration purposes to allow them to complete a practice audit as defined and administered by COTRB.

Within six weeks of applying for registration the therapist must submit an audited practice plan for approval by the Overseas Qualifications Assessment Committee (OQAC) of COTRB.

The OQAC will nominate an Administrator for each applicant to ensure that the audited practice plan is being undertaken according to the specifications within the approved plan.

Full registration will be considered by the Board when the applicant provides the Board with a certified copy of a “Certificate of Practical Completion” from COTRB.

Details about the assessment and practice audit, and the relevant fees payable, may be obtained from the COTRB website at [www.cotrb.com.au](http://www.cotrb.com.au).

Limited registration will also be granted to those overseas persons on working holiday visas whose occupational therapy qualifications have been assessed by COTRB as suitable but who do not have to undergo a practice audit. A condition of the limited registration will be that the person is supervised by a registered occupational therapist at a particular place of employment for a period of time.

**(i) Certification of Documents**

All required documents must be either originals or certified copies. Each document submitted for certification must be in the form of a photocopy with the original document available for sighting.

A certified copy means that copies of your original documents must be certified as a true and accurate record of the original by either a Justice of the Peace, Notary Public, Commissioner for Taking Affidavits (Solicitor, Barrister), Proclaimed Police Officer, or Proclaimed Manager of ADI (Authorised Depositing Institution, eg. Credit Union, Bank).

Each page of each document must be marked as follows:

*"I have sighted the original document and certify this to be a true copy of the original",*

followed by the title, name, address, licence number and signature of the certifier, and the date of certification.

If all documents have not been correctly certified your application cannot be processed and it will be returned to you.

Please note that a Justice of the Peace is available at the office of the Board, please telephone ahead to make an appointment.

**(j) Medical Examination or Report**

Section 68 of the Act states:

*" (1) The Board may, for any purpose associated with the administration or operation of this Act, require a registered person or a person who is applying for registration or reinstatement of registration to—*

*(a) submit to an examination by a health professional, or by a health professional of a class, specified by the Board; or*

*(b) provide a medical report from a health professional, or from a health professional of a class, specified by the Board,*

*(including an examination or report that will require the person to undergo some form of medically invasive procedure).*

*(2) If a person fails to comply with a requirement made under subsection (1), the Board may suspend the person's registration until further order of the Board.*

*(3) In this section—*

**health professional** means—

*(a) a medical practitioner; or*

*(b) a psychologist; or*

*(c) any other person who belongs to a profession, or who has an occupation, declared by the Board, by notice in the Gazette, to be a profession or occupation within the ambit of this definition. "*

## 2. PROFESSIONAL INDEMNITY INSURANCE

Section 61 of the Act states that:

- " (1) *A registered person or occupational therapy services provider must not, unless exempted by the Board, provide occupational therapy unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider, as the case may be, in connection with the provision of occupational therapy.*
- (2) *The Board may, subject to such conditions as it thinks fit, exempt a person, or a class of persons, from the requirements of this section and may, whenever it thinks fit, revoke an exemption or revoke or vary the conditions under which an exemption operates."*

The Board has determined that registered persons and service providers must possess a minimum level of \$5,000,000 professional indemnity insurance cover for any one claim.

Breaches of this section may incur a maximum \$5,000 fine.

In considering which person or class of persons the Board may exempt under clause 61(2) of the Act, the Board has ruled that an occupational therapist who conducts a practice and attends members of the public (including partners and family members) shall not be eligible for exemption.

Non-practising occupational therapists will however be exempt from the requirements of this section (refer Item 6 of these Guidelines).

In addition, it is a requirement under Section 27(1)(d) of the Act that applicants for registration must provide evidence of insurance cover prior to registration being granted (~~either~~ certificate of currency/compliance from the insurer/broker or letter from employer confirming employment and insurance cover).

If an applicant is unable to provide evidence of insurance cover when applying for registration, the Board may grant "Limited" registration, in order for the applicant to gain employment, on the condition that the applicant does not engage in the practice of occupational therapy until the Board is provided with evidence of appropriate insurance. Upon receipt of this evidence the Board will remove this condition on registration.

If an applicant is solely employed in the South Australian public service, or with the Department for Families & Communities, or with CRS Australia (ie. not engaged in private practice or other), then a letter from the employer confirming employment as an occupational therapist is all that is required as evidence of insurance cover.

**Note:** Pursuant to Section 52 of the Act:  
*"A person who contravenes, or fails to comply with, a condition imposed under this Act on the person's registration is guilty of an offence.  
Maximum penalty: \$75,000 or imprisonment for 6 months"*

The Board may also institute disciplinary proceedings for unprofessional conduct for failure to comply with a provision of the Act.

The requirement to provide evidence of current professional indemnity insurance cover will also apply to applicants for renewal of registration.

### 3. ONGOING PROFESSIONAL DEVELOPMENT

Section 14(1) of the Act states that one of the functions of the Board is “to prepare or endorse guidelines on continuing occupational therapy education for occupational therapists”.

Section 14(2) states “The Board must perform its functions under the Act with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of occupational therapy in this State”.

The Board has determined that registered persons must provide a completed Professional Development Plan with their annual return in accordance with the Ongoing Professional Guidelines for Occupational Therapists. The provision of a completed professional development is considered to act as supporting documentation to the registered persons self declaration regarding their competence to practice.

The Ongoing Professional Development Guidelines for Occupational Therapists require a practising Occupational Therapist to undertake a minimum of 20 hours of goal directed professional development per year and non-practising Occupational Therapists to undertake a minimum of 15 hours of goal directed professional development over 3 years.

More information about the requirements for Ongoing Professional Development including a copy of the Guidelines can be viewed on the Board’s website.

### 4. ENGLISH LANGUAGE PROFICIENCY

A high level of English language proficiency is essential to enable occupational therapists to communicate with patients, other occupational therapists and other professionals, to write reports that often deal with complex matters and to maintain professional standards.

Applicants for registration (under the Occupational Therapy Practice Act 2005) as an occupational therapist in South Australia, for whom English is not the first or native language, need to submit evidence to the Board of competency in both oral and written communication in English, as demonstrated by the following:

- ❖ Achieved a minimum score of seven (7) in each of the four components (Listening, Reading, Writing and Speaking) in the International English Language Testing System (IELTS) examination (Academic Module).
- ❖ Obtained an overall pass in the Occupational English Test (OET) administered by the Centre for Adult Education with grades A or B only in each of the four components.

Results of these tests must have been obtained within two (2) years prior to applying for registration.

An IELTS or OET Report more than two years old will be accepted as evidence of present level of ability if accompanied by proof that an applicant has actively maintained employment as an occupational therapist in a country where English is the native or first language.

An exemption may apply when the applicant can provide evidence of:

- (a) completion of all components of their qualification for registration at a tertiary institution where programs and assessments are conducted in English; and/or
- (b) successful completion of the overseas qualifications assessment process carried out by the Council of Occupational Therapists Registration Boards (Aust & NZ) (“COTRB”).

**NOTES:**

1. The applicant is responsible for the cost of the English tests.
2. Pass results in each component of either the IELTS or OET must be obtained at the one sitting, ie. pass results in a module from a previous attempt at either examination cannot be carried forward to a subsequent sitting which, when combined, would give an overall pass in the examination.
3. Specific details regarding the English language testing systems are available at:  
IELTS - [www.ielts.org](http://www.ielts.org)  
OET - [www.oet.com.au](http://www.oet.com.au)
4. The Board will accept the entry level English language requirements of the education provider (University) for overseas persons applying for student registration.

**5. CRIMINAL HISTORY RECORD CHECK**

All applicants for registration with the Occupational Therapy Board of South Australia must either provide the Board with consent to undertake a criminal history record check (utilising the Commonwealth agency, CrimTrac) or provide the Board with a National Police Certificate.

The Board's costs in obtaining the criminal history check for persons applying for registration as an occupational therapist are subsidised by the Board for those applicants who provide a completed criminal record check consent form.

There is no legal requirement for an applicant to give consent for the Board to conduct a criminal history record check. However if the applicant does not provide consent for the Board to undertake a criminal history check then a National Police Certificate must be enclosed with the application for registration. Additionally a new National Police Certificate must be provided annually with lodgement of the Annual Return. Applicants' costs in obtaining National Police Certificates will be their own responsibility. Applications are available at local Police Stations.

Full details regarding the criminal history record check are set out in Appendix B of the relevant application form.

Offences will be assessed using the following general guidelines:

- Child protection implications, age and vulnerability
- Relevance in a practice environment
- The gravity and nature of convictions
- Circumstances surrounding the offence(s), whether alcohol, drugs or a weapon was involved
- The harm to any victim including injury or loss
- Adverse impact on the profession
- Total criminal history
- Severity of sentence imposed
- Length of time since offence, any rehabilitation
- Age at time of offence(s), eg. adult or juvenile
- Evidence of the applicant's good character since offence committed
- Whether offence has been decriminalised
- Whether found guilty 'without conviction'
- Whether penalty restricted only to a fine
- Personal circumstances at the time of offending

## 6. ANNUAL RETURN/RENEWAL OF REGISTRATION

Section 31 of the Act, provides for provision of an annual return form and payment of an annual practice fee to the Board by registered occupational therapists by 31 August each year and by registered occupational therapy students by 30 November each year (dates fixed by Board).

Annual return forms are forwarded to the postal address of all registered occupational therapists in July or August every year and to all registered occupational therapy students in October or November every year. Reminder notices are sent to those applicants who do not return the completed form and pay the annual practice fee on time.

Upon receipt of a duly completed annual return form, requested supporting documentation and annual practice fee (refer Schedule of Fees – enclosed) the Board will issue an occupational therapist a receipt and a new annual practising certificate valid until the last day of September the following year.

Upon receipt of a duly completed annual return form and requested supporting documentation the Board will issue a student a new annual practising certificate valid until the last day of December in the following year. Students are not required to pay an annual practice fee.

If an annual practice fee is not paid and/or the completed return form is not lodged with the Board by 31 August for occupational therapist or 30 November for occupational therapy students (dates fixed by Board) in the given year, the registrant's name may be removed from the appropriate Register pursuant to Section 31(3) of the Act and the person concerned would no longer be entitled to practise as or hold out as an occupational therapist or occupational therapy student (refer Item 13 "Offences and Definitions" of these Guidelines). Renewal of registration is not possible once registration has lapsed and the name removed from the Register. Once registration has lapsed it is necessary for persons to apply for reinstatement of registration (refer Item 9 of these Guidelines).

Should the annual return form, supporting documents, or annual practice fee not be received by the due date, the annual return will not be processed and the Board may lapse the registration. Persons with lapsed registration are not able to practise as an occupational therapist or be enrolled in an occupational therapy degree, or hold out as an occupational therapist or occupational therapy student in South Australia.

## 7. NON-PRACTISING OCCUPATIONAL THERAPISTS

At annual return time, occupational therapists will have the option to change their registration to “non-practising”. It should be noted that it is not possible for a registrant to change their status to “non-practising” during the year, this option is only available at annual return time.

Occupational therapists who wish to remain on the register but who are non-practising within the State of South Australia will be exempt from the requirement to provide evidence of professional indemnity insurance and are only required to undertake 15 hours of occupational therapy professional development activities over 3 years (instead of 20 hours per year).

The Board has determined that the definition of a non-practising occupational therapist is as follows:

*“Occupational therapists who are not engaging in any form of occupational therapy practice including but not limited to remunerated or unremunerated consultations or procedures, writing referrals and signing documents requiring the exercise of knowledge and skills of an occupational therapist, within the State of South Australia.”*

Therefore any practitioners involved in the practice of occupational therapy for any purpose (including for partners and family members) must be registered and suitably insured. Practitioners who are not practising within the State of South Australia may remain on the register once paying the appropriate fee but will be exempt from providing evidence of insurance. Such practitioners may include:

- ❖ Those currently interstate or overseas who are not practising within South Australia
- ❖ Retirees who are not engaging in any of the above occupational therapy practices
- ❖ Those who are on extended leave from employment and not engaging in any of the above occupational therapy practices.

Non-practising occupational therapists must sign a declaration which is available from the Board’s website under “Registration”.

Practitioners who wish to return to practice within a period of 5 years must apply to the Board to change their registration status and provide evidence of their appropriate professional indemnity insurance cover. A form to apply to change registration status is available from the Board’s website under “Registration”. These practitioners must also pay the balance between the non-practising fee that has already been paid, and the appropriate annual practice fee applicable at that time of year.

Practitioners who have not practised for a period of 5 years may be required to undertake a program of supervised practice in order to update their skills and satisfy the Board of their competence in the practice of occupational therapy.

For detailed information regarding supervised practice please refer to the Board’s Guidelines on Supervision which are available under “Publications” on the Board’s website.

## 8. REGISTRATION OF OCCUPATIONAL THERAPISTS WORKING IN POSITIONS NOT IDENTIFIED AS “OCCUPATIONAL THERAPIST”

The Board has been concerned that some occupational therapists who are working in positions not identified as an “occupational therapist” are not applying for registration and thus their practice is not being monitored by the Board and the public do not have an avenue for complaint.

Section 33 of the Occupational Therapy Practice Act 2005 carries a maximum penalty of a \$50,000 fine, or imprisonment for six months, for an unregistered person holding out as an occupational therapist or occupational therapy student.

The growth of non-traditional positions in the health, disabilities and vocational rehabilitation sector has contributed to this issue and caused confusion whether or not the occupational therapist should hold registration and an annual practising certificate.

The following guidelines for practitioners and employers have been endorsed by the Board on the recommendation of the Council of Occupational Therapists Registration Boards (Australia and New Zealand) Inc. (COTRB) for the purpose of determining whether or not the practice of an occupational therapist falls within the scope of “holding out as an occupational therapist” and thus registration/practising certificate is required.

### **Registration/Practising Certificate is required:**

- (a) If the job title is “occupational therapist”.
- (b) For any position where the selection criteria stipulates that an occupational therapy qualification is an essential requirement.
- (c) If an occupational therapy qualification is listed as one required qualification and the occupational therapist obtains or occupies the position.
- (d) In circumstances where the position’s occupant signs correspondence, purports to provide an occupational therapy service, or otherwise depicts themselves as an occupational therapist, even if the job title or selection criteria do not suggest that the person requires an occupational therapy qualification.

## 9. REMOVAL FROM THE REGISTER

Section 29 of the Act states:

- “ (1) *The Registrar must, on application by a registered person, remove the person from the register to which the application relates.*
- (2) *The Registrar must remove from the appropriate register a person—*
- (a) *who dies; or*
  - (b) *who ceases to hold a qualification required for registration on that register; or*
  - (c) *who ceases for any other reason to be entitled to be registered on that register; or*
  - (d) *who completes, or ceases to be enrolled in, the course of study that formed the basis for the person's registration on the occupational therapy student register; or*
  - (e) *whose registration on the appropriate register has been suspended or cancelled under this Act.*
- (3) *The Registrar may act under subsection (2) without giving prior notice to the relevant person.*”

## 10. REINSTATEMENT TO THE REGISTER / RE-REGISTRATION

If registration is allowed to lapse for any reason persons must re-apply for registration using the same forms, fees and procedure as for initial registration.

It is not necessary to resubmit evidence of qualifications or change of name which is already held on file. Current copies of all other information/documents requested on the application form must be provided.

Section 30 of the Act states:

*“(1) A person who has been removed from a register under this Act—*

- (a) on his or her application; or*
- (b) on account of failure to pay the annual practice fee or to furnish the return required under section 31; or*
- (c) on account of failure to pay a fine imposed on the person by the Board under this Act; or*
- (d) on account of the person—*
  - (i) ceasing to hold a qualification required for registration on that register or otherwise ceasing to be entitled to be registered on that register; or*
  - (ii) ceasing to be enrolled in the course of study that formed the basis for the person's registration on the occupational therapy student register,*

*may apply to the Board at any time for reinstatement on that register.*

- (2) A person whose registration on a register has been suspended may apply to the Board for reinstatement on that register (but not, in the case of an order for suspension for a specified period, until after the expiry of that period).*
- (3) A person who has been disqualified from being registered on a register under this Act may, subject to the terms of the order for disqualification, apply to the Board for reinstatement on that register.*
- (4) An application for reinstatement must—*
  - (a) be made to the Board in the manner and form approved by the Board; and*
  - (b) be accompanied by the reinstatement fee fixed under this Act.*
- (5) An applicant for reinstatement must, if the Board so requires provide the Board with specified information to enable the Board to determine the application.*
- (6) The Board may require an applicant for reinstatement of registration—*
  - (a) to submit a medical report or other evidence acceptable to the Board as to the applicant's medical fitness to provide occupational therapy; or*
  - (b) to obtain additional qualifications or experience specified by the Board before the Board determines the application.*
- (7) Subject to this section, the Board must reinstate on the appropriate register an applicant under this section if satisfied that the applicant is eligible for registration on that register.*
- (8) The Board may refuse to reinstate the applicant on the appropriate register until all complaints (if any) laid against the applicant under this Act have been finally disposed of. ”*

## 11. CHANGE OF NAME AND ADDRESS

In accordance with Section 25(3) of the Act, a registered person must, within 1 month after changing his or her name or nominated contact address, inform the Registrar in writing of the change.

The corresponding penalty for breaches of this Section is a maximum penalty of \$250.

Registered persons are also asked to ensure that the Board is always advised of any change of postal, employment or residential addresses, email and telephone numbers. This may be done by telephone provided proof of identity can be established.

## 12. ADDITIONAL QUALIFICATIONS

At any time a registered occupational therapist or occupational therapy student may apply to have additional qualifications entered on the Register.

These qualifications will be assessed by the Board on an individual basis.

A new certificate of registration may be requested.

The fees for such applications and duplicate certificates appear in the enclosed Schedule of Fees.

## 13. OCCUPATIONAL THERAPY SERVICE PROVIDERS

Section 32 of the Act states:

- “ (1) *An occupational therapy services provider must—*
- (a) *in the case of a person who was such a provider immediately before the commencement of this section—within 60 days of that commencement; and*
  - (b) *in any other case—within 60 days of becoming such a provider,*  
*give written notice to the Board of—*
  - (c) *the provider's full name and business or (in the case of a corporation) registered address; and*
  - (d) *the address of the premises at which the provider provides occupational therapy; and*
  - (e) *the full names and nominated contact addresses of the occupational therapists through the instrumentality of whom the provider is providing occupational therapy; and*
  - (f) *in the case of a corporate or trustee occupational therapy services provider—the full names and addresses of all persons who occupy a position of authority in the provider.*
- (2) *The provider must, within 30 days of any change occurring in the particulars required to be given under subsection (1), inform the Board in writing of the change.*
- (3) *A person who contravenes or fails to comply with this section is guilty of an offence. Maximum penalty: \$10 000.*
- (4) *The Board must keep a record of information provided to the Board under this section available for inspection, on payment of the prescribed fee, by any person during ordinary office hours at the office of the Board and may make the record available to the public by electronic means. ”*

An occupational therapy service provider means a person (not being an occupational therapist) who provides occupational therapy through the instrumentality of an occupational therapist or occupational therapy student, but does not include an exempt provider.

Under the Act, an exempt provider means:

- “ (a) *a recognised hospital, incorporated health centre or private hospital within the meaning of the South Australian Health Commission Act 1976; or*
- (b) any other person declared by the regulations to be an exempt provider for the purposes of this Act.”*

No other persons have been declared by the regulations to be an exempt provider.

Section 3 of the Act states:

- “ (5) *For the purposes of this Act:*
  - (a) a corporate occupational therapy services provider is an occupational therapy services provider that is a body corporate and a person occupies a position of authority in such a provider if the person—*
    - (i) is a director of the body corporate; or*
    - (ii) exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs; or*
    - (iii) manages, or is to manage, the business of the body corporate that consists of the provision of occupational therapy; or*
    - (iv) where the body corporate is a proprietary company—is a shareholder in the body corporate; and*
  - (b) a trustee occupational therapy services provider is a person acting as an occupational therapy services provider in the capacity of trustee of a trust and a person occupies a position of authority in such a provider if the person is a trustee or beneficiary of the trust.*
- (6) For the purposes of this Act, a person occupies a position of authority in a body corporate other than a corporate occupational therapy services provider if the person—*
  - (a) is a director of the body corporate; or*
  - (b) exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs; or*
  - (c) where the body corporate is a proprietary company—is a shareholder in the body corporate.*
- (7) However—*
  - (a) a minor who is a shareholder in a proprietary company, or a beneficiary under a trust, is not, for that reason, to be regarded as a person occupying a position of authority; and*
  - (b) a charitable organisation that is a beneficiary of a trust is not, for that reason, to be regarded as occupying a position of authority.*
- (8) For the purposes of this Act, a person who holds more than 10 per cent of the issued share capital of a public company will be regarded as a person occupying a position of authority in that company. ”*

A service provider must possess a minimum level of \$5 million professional indemnity insurance cover for any one claim (refer Item 2 of these Guidelines).

Service providers will be subject to the Board’s Code of Professional Conduct & Practice and disciplinary powers.

## 14. OFFENCES AND DEFINITIONS

(Also refer to Items 2, 5, 6, 10, and 12 of these Guidelines for information relating to offences under the Act.)

The Act sets out the following definition:

**“ occupational therapy means—**

- (a) *any therapy provided to persons with disabilities arising out of injury, illness or impairment of any kind, being therapy directed towards the acquisition (or reacquisition) of life skills; and*
- (b) *all diagnostic, therapeutic, health or other services or advice not referred to in paragraph (a) provided in the course of practice by an occupational therapist or a person who holds himself or herself out, or is held out by another, as an occupational therapist ”*

### **(a) Illegal Holding Out as a Registered Person**

Section 33 of the Act states:

*“ (1) A person must not hold himself or herself out as a registered occupational therapy student or an occupational therapist or permit another person to do so unless registered on the appropriate register.*

*Maximum penalty: \$50 000 or imprisonment for 6 months.*

*(2) A person must not hold out another as a registered occupational therapy student or an occupational therapist unless the other person is registered on the appropriate register.*

*Maximum penalty: \$50 000 or imprisonment for 6 months. ”*

### **(b) Illegal Holding Out Concerning Limitations or Conditions**

Section 34 of the Act states:

*“ (1) A person whose registration is limited or subject to a condition under this Act must not hold himself or herself out as having a registration that is not limited or not subject to a condition or permit another person to do so.*

*Maximum penalty: \$50 000 or imprisonment for 6 months.*

*(2) A person must not hold out another whose registration is limited or subject to a condition under this Act as having a registration that is not limited or not subject to a condition.*

*Maximum penalty: \$50 000 or imprisonment for 6 months. ”*

**(c) Use of Certain Titles or Descriptions Permitted**

Section 35 of the Act states:

“ (1) *A person who is not registered on the appropriate register must not use a prescribed word, or its derivatives, to describe himself or herself or a service that he or she provides.*

*Maximum penalty: \$50 000.*

(2) *A person must not, in the course of advertising or promoting a service that he or she provides, use a prescribed word, or its derivatives, to describe a person who is engaged in the provision of the service but is not registered on the appropriate register.*

*Maximum penalty: \$50 000.*

(3) *In this section—*

*prescribed word means—*

(a) *in relation to registration on the occupational therapy student register — registered occupational therapy student;*

(b) *in relation to registration on the register of occupational therapists — occupational therapist; or*

(c) *any other word or expression prescribed by the regulations.*

**(d) Offence to Contravene Conditions of Registration**

Section 52 of the Act states:

*“A person who contravenes, or fails to comply with, a condition imposed under this Act on the person’s registration is guilty of an offence.*

*Maximum penalty: \$75 000 or imprisonment for 6 months. ”*

**(e) Procurement of Registration by Fraud**

Section 56 of the Act states:

*“A person who, by fraud or any other dishonest means, procures registration or reinstatement of registration under this Act (whether for himself or herself or for another person) is guilty of an offence.*

*Maximum penalty: \$20 000 or imprisonment for 6 months. ”*

**(f) False or Misleading Statement**

Section 58 of the Act states:

*“A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.*

*Maximum penalty: \$20 000. ”*

**(g) Report to Board of Cessation of Status as Student**

Section 60 of the Act states:

*“ (1) The person in charge of an educational institution must, if an occupational therapy student completes, or ceases to be enrolled in, a course of study at that institution providing qualifications for registration on the register of occupational therapists, cause written notice of that fact to be given to the Board.*

*Maximum penalty: \$5 000.*

*(2) A person registered on the occupational therapy student register who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration must cause written notice of that fact to be given to the Board.*

*Maximum penalty: \$1 250. ”*

Service providers will be subject to the Board’s Code of Professional Conduct & Practice and disciplinary powers.

Should a service provider or a person in a position of authority in a corporate or trustee service provider direct or pressure an occupational therapist or occupational therapy student to engage in unprofessional conduct, the person is guilty of an offence and liable to a maximum penalty of \$75,000 (refer Section 55 of the Act.)