

Information sheet

Appeals



Australian Health Practitioner Regulation Agency

Aboriginal and Torres Strait
Islander health practice
Chinese medicine
Chiropractic
Dental
Medical
Medical radiation practice
Nursing and Midwifery
Occupational therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

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What appeals can I make against a National Board or panel decision?

Division 13 of the National Law¹, sets out how and in what circumstances appeals can be made about decisions of National Boards or panels (health or performance and professional standards).

Section 199 of the National Law (section 175 in New South Wales) describes all the appellable decisions (decisions that can be appealed) a National Board or panel can make.

Appellable decisions

The following decisions can be appealed:

A decision by a National Board to:

- refuse to register or endorse the person's registration
- refuse to renew the person's registration or endorsement
- impose or change a condition on a person's registration or endorsement
- refuse to change or remove a condition imposed on the person's registration or endorsement
- refuse to change or revoke an undertaking given by the person to the National Board, or
- suspend the person's registration.

A decision by a panel to:

- impose a condition on the person's registration
- suspend the person's registration (health panel only), or
- reprimand the person (performance and professional standards panel only).

Where do I lodge an appeal?

The appeal body is the 'appropriate responsible tribunal'. Each state and territory has a tribunal, listed below.

Tribunals in each state and territory

State/Territory	Tribunal
New South Wales	Civil and Administrative Tribunal
Australian Capital Territory	Civil and Administrative Tribunal
Northern Territory	Civil and Administrative Tribunal
Queensland	Civil and Administrative Tribunal
South Australia	Civil and Administrative Tribunal
Tasmania	Civil and Administrative Tribunal
Victoria	Civil and Administrative Tribunal
Western Australia	State Administrative Tribunal

More information about tribunals is published in the fact sheet on tribunal hearings at www.ahpra.gov.au/Notifications/Fact-sheets/Tribunal-hearings.

In general, if the decision was made as a result of the registration process, the responsible tribunal is the participating jurisdiction in which the person lives. For persons living overseas, the responsible tribunal is where the decision was made.

If the decision was made as a result of the notification process, the responsible tribunal is the one in the state or territory in which the behaviour at the centre of the decision took place.

If the behaviour occurred in more than one state or territory, then the responsible tribunal is where the practitioner has listed their principal place of practice.

If a student appeals a decision, the responsible tribunal will be in the state or territory in which the student is undertaking the approved program of study or clinical training.

An application for appeal should be made within 28 days of being given notice of the decision.

¹ The Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

Parties to the appeal

When a practitioner or student appeals against a decision of the National Board or panel to the responsible tribunal, the practitioner or student is called the appellant and the National Board is called the respondent.

Tribunal proceedings and decisions

Tribunal proceedings are open to the public and decisions are published on the tribunal's website and elsewhere. Some tribunal proceedings are of interest to the community and the media.

After hearing a matter, the responsible tribunal may:

- confirm the appellable decision (that is, state that the initial decision of the National Board or panel was correct)
- amend the appellable decision, or
- substitute another decision for the appellable decision. In doing this, the tribunal has the same powers as the National Board or panel which made the original decision.

Costs of the appeal

The responsible tribunal may make any order about costs it considers appropriate. This may result in the practitioner/student being ordered to pay the National Board's costs as well as their own costs, or the reverse.