

Instrument of Delegation

Delegation of National Board functions under the Health Practitioner Regulation National Law as in force in each State and Territory to Committees of the Board and the Australian Health Practitioner Regulation Agency

Preliminary

- 1.1 The Medical Board of Australia (the '**Board**'), pursuant to s 37 of the National Law, resolved to delegate its functions as specified in this instrument of delegation ('**instrument**') to take effect on and from May 2017.
- 1.2 This instrument is a complete record of the Board's resolutions with respect to the delegation of its functions. The Board resolved to revoke all prior delegations on May 2017.
- 1.3 The Board resolved to authorise the Chair of the Board to sign this instrument as evidence of the Board's decision to delegate its functions in compliance with Clause 29(3) to Schedule 7 of the National Law, subject to the continuing operation of the Queensland Delegation until the Queensland Delegation is revoked.

Definitions

- 2.1 **National Law** means:
 - 2.1.1 the Health Practitioner Regulation National Law (Queensland) in Queensland
 - 2.1.2 the Health Practitioner Regulation National Law (ACT) in the Australian Capital Territory
 - 2.1.3 the Health Practitioner Regulation National Law (Victoria) in Victoria
 - 2.1.4 the Health Practitioner Regulation National Law (South Australia) in South Australia
 - 2.1.5 the Health Practitioner Regulation National Law (NT) in the Northern Territory
 - 2.1.6 the Health Practitioner Regulation National Law (Tasmania) in Tasmania
 - 2.1.7 the Health Practitioner Regulation National Law (NSW) in New South Wales
 - 2.1.8 the Health Practitioner Regulation National Law (Western Australia) in Western Australia.

- 2.2 **ACT Act** means the *Health Practitioner Regulation National Law (ACT)*
- 2.3 **NSW Act** means the *Health Practitioner Regulation National Law (New South Wales)*
- 2.4 **Qld Act** means the *Health Practitioner Regulation National Law (Queensland)*
- 2.5 **SA Act** means the *Health Practitioner Regulation National Law (South Australia)*
- 2.6 **WA Act** means the *Health Practitioner Regulation National Law (Western Australia) Act 2010*
- 2.7 **Tas Act** means the *Health Practitioner Regulation National Law (Tasmania) Act 2010*
- 2.8 To avoid doubt, any section cited in this instrument refers to the section in the National Law in force in each jurisdiction unless:
- 2.8.1 the section is contained within Part 8 of the Health Practitioner Regulation National Law (NSW); or
- 2.8.2 it is otherwise indicated by this instrument that the National Law specific to a particular participating jurisdiction applies.
- 2.9 **AHPRA** means the Australian Health Practitioner Regulation Agency, established by section 23 of the National Law.
- 2.10 **National Board (Board)** means the Medical Board of Australia, established by the section 31 of the National Law.
- 2.11 **Participating jurisdiction** has the same meaning as in section 5 of the National Law.
- 2.12 **State or Territory Board** means the committee established by the Board in a participating jurisdiction pursuant to section 36 of the National Law.
- 2.13 **Registration Committee** means the committee established by the Board pursuant to Clause 11 of Schedule 4 to the National Law constituted according to the Registration Committee's terms of reference.
- 2.14 **Notifications Committee** means the committee established by the Board pursuant to Clause 11 of Schedule 4 to the National Law constituted according to the Notifications Committee's terms of reference.
- 2.15 **Health Committee** means the committee established by the Board pursuant to Clause 11 of Schedule 4 to the National Law constituted according to the Health Committee's terms of reference.
- 2.16 **Immediate Action Committee** the committee established by the Board pursuant to Clause 11 of Schedule 4 to the National Law constituted according to the Immediate Action Committee's terms of reference.

2.17 **Appellable decision** has the same meaning as in section 199 of the National Law meaning:

- 2.17.1 a decision to refuse to register the person;
- 2.17.2 a decision to refuse to endorse the person's registration;
- 2.17.3 a decision to refuse to renew the person's registration;
- 2.17.4 a decision to refuse to renew the endorsement of the person's registration;
- 2.17.5 a decision to impose or change a condition on a person's registration or the endorsement of the person's registration, other than –
 - (i) a condition relating to the person's qualification for general registration in the health profession; and
 - (ii) a condition imposed by section 112(3)(a);
- 2.17.6 a decision to refuse to change or remove a condition imposed on the person's registration or the endorsement of the person's registration;
- 2.17.7 a decision to refuse to change or revoke an undertaking given by the person to the Board;
- 2.17.8 a decision to suspend the person's registration.

Delegation of Board functions

3.1 Principles of delegation:

- 3.1.1 The purpose of this instrument is to allow the Board to discharge its functions as set out in s 35 of the National Law.
- 3.1.2 To the extent that the Board's functions are capable of being delegated, the Board delegates its functions to AHPRA and the committees of the Board as set out below.
- 3.1.3 A delegate may in the performance of a delegated function do anything that is incidental to the delegated function.
- 3.1.4 A delegation does not derogate from the power of the Board to act itself in the matter, so long as the delegate has not yet exercised the function or power.
- 3.1.5 A delegate may only exercise a function, or make a decision, subject to the limitations imposed on the delegated function. If the decision to be made is not within the limitation which applies to the delegated function, or the delegate is not sure what the decision should be, the delegate must not make the decision. The delegate may, however, make recommendations to the National Board or another delegate.

3.2 Powers and functions that have not been delegated by the Board are in Column C to the Schedule.

3.3 The Board delegates to the State or Territory Board the following functions of the Board:

- 3.3.1 The functions listed in Column D to the Schedule.
- 3.3.2 All functions delegated to the Health Committee, Notifications Committee, Registration Committee, the Immediate Action Committee and AHPRA.

3.4 The Board delegates to the Health Committee, and Notifications Committee the following functions of the Board:

3.4.1 The functions listed in Column E to the Schedule, subject to the limitations (if any) in Column I.

3.4.2 All functions delegated to AHPRA.

3.5 The Board delegates to the Registration Committee the following functions of the Board:

3.5.1 The functions listed in Column F to the Schedule, subject to the limitations (if any) in Column I.

3.5.2 All functions delegated to AHPRA.

3.6 The Board delegates to the Immediate Action Committee the following functions of the Board:

3.6.1 The functions listed in Column G to the Schedule, subject to the limitations (if any) in Column I.

3.7 The Board delegates to AHPRA the following functions of the Board:

3.7.1 The provision of notice(s), whether or not expressly provided for in this instrument and whether from the Board or a committee of the Board, to any entity or person; and,

3.7.2 The publishing of information on the website, whether or not expressly provided for in this instrument

3.7.3 The functions listed in Column H to the Schedule, subject to the limitations (if any) in Column I.

3.7.4 AHPRA may not exercise any function that is an appellable decision unless specified otherwise.

Signature

As signed

Joanna Flynn

Chair, Medical Board of Australia

Date: 10 May 2017

Schedule

Accreditation functions

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
Part 6 Accreditation								
Div 3	Accreditation functions	47(1) 47(2) 47(6) 49(1) 49(2) 51(2)						

Registration functions

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
Part 7 Registration								
Div 1	General registration	56	54		54			
Div 2	Specialist registration	61	59		59			
Div 3	Provisional registration	64						
Div 4	Limited registration	72						

A Part and Division	B Description of Division	C Not delegated by National Board	D State or Territory Board	E Health Committee, Notifications Committee	F Registration Committee	G Immediate Action Committee	H AHPRA	I Limitations on delegation
Div 5	Non-practising registration	76						
Div 6	Application for registration		78(1) 79 80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(1)(c) 80(1)(d) 80(1)(e) 80(2) 81(1) 82(1)(a) 82(1)(b) 82(1)(c) 83		80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(1)(c) 80(1)(d) 80(1)(e) 80(2) 80(3) 81(1)82(1)(a) 82(1)(b) 82(1)(c) 83		77(2) 78(1) 79 80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(2) 81(1) 82(1)(a) 82(1)(c) 83 84 85	<p>AHPRA to seek the approval of the Chair of the Board (or a nominee of the Chair) when approving a form.</p> <p>AHPRA may only register an applicant if the applicant is: eligible, qualified, suitable and meets all requirements for registration in the applicable registration standards.</p> <p>Eligible means the applicant meets all the requirements in s 52 or 57 or 62 or 65 or 73.</p> <p>Qualified means the applicant meets the requirements in s 53 or 58</p>

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>Suitable means the applicant is not an unsuitable person within the meaning of s 55 or 60 or 63 or 70 or 74.</p> <p>Limited registration for postgraduate training or supervised practice: AHPRA may only decide to grant limited registration for postgraduate training or supervised practice if the applicant is qualified for the limited registration applied for because the applicant has a qualification that is relevant to, and suitable for, the postgraduate training,</p>

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>supervised practice, assessment or examination and the applicant is eligible and suitable.</p> <p>AHPRA may also grant limited registration for postgraduate training, supervised practice or for area of need when:</p> <p>a. The applicant is a graduate of a UK or Republic of Ireland undergraduate medical course</p> <p>b. The applicant is completing an internship in June, July or August 2012</p> <p>c. The applicant has applied to the AMC for</p>

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>the Certificate of Advanced Standing</p> <p>d. The applicant is in the Competent Authority Pathway.</p> <p>Limited registration for area of need (specialist practice): AHPRA may only decide to grant limited registration for area of need for medical practitioners who are eligible, qualified and suitable and comply with all applicable registration standards; and are:</p> <ul style="list-style-type: none"> - Supported by Specialist College assessment ; and, - Subject to

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								<p>supervision determined by the Specialist College which has established monitoring or compliance programs in place, and;</p> <ul style="list-style-type: none"> - The supervision arrangements are acceptable. <p>Limited registration for area of need (Queensland only): AHPRA may decide to grant limited registration, when the applicant will be working in a Principal House Officer Position and:</p> <ul style="list-style-type: none"> - The applicant will be working subject to

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>satisfactory on site supervision in a hospital accredited for intern training; and,</p> <ul style="list-style-type: none"> - Where the applicant is applying for initial registration, the applicant has passed the pre-employment structured clinical interview conducted by Queensland Health. <p>AHPRA may not grant limited registration for the following purposes: public interest or for teaching or research.</p> <p>AHPRA must provide a report</p>

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>to the National Board whenever an applicant is granted limited registration in the public interest</p> <p>AHPRA may only impose conditions on registration where:</p> <p>a. The applicant was given notice of the proposed condition under s 81; and</p> <p>b. The applicant agrees to the proposed condition; or</p> <p>c. The applicant does not make any submissions regarding the proposed condition in the period set out in the notice issued under s 81(2)(b).</p> <p>The Registration Committee and a State or Territory Board</p>

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>may only impose conditions on registration where the applicant was given notice of the proposed condition under s.81.</p> <p>AHPRA is delegated the power to refuse an application for registration only in the following circumstances:</p> <ul style="list-style-type: none"> - the applicant has been given notice of a proposal to refuse registration under s.81; and - the applicant has not made any submissions in response

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								to that notice, or has indicated that he or she agrees with the proposed refusal decision.
Div 7/1	Student registration	87 88(4) 89(4)					88(1) 89(1)(a) 89(1)(b) 89(4)	An application must be in the form approved by the National Board
Div 7/2	Other persons						91(4)	An application must be in the form approved by the National Board
Div 7/3	General provisions re students						92(2)	An application must be in the form approved by the National Board
Div 8/1	Endorsement of registration – scheduled medicines	94						
Div 8/2	Endorsement for nurse practitioner	N/A	N/A	N/A	N/A	N/A	N/A	
Div 8/3	Endorsement for midwifery	N/A	N/A	N/A	N/A	N/A	N/A	
Div 8/4	Endorsement for		97(1)		97(1)			

A Part and Division	B Description of Division	C Not delegated by National Board	D State or Territory Board	E Health Committee, Notifications Committee	F Registration Committee	G Immediate Action Committee	H AHPRA	I Limitations on delegation
	acupuncture							
Div 8/5	Endorsement for area of practice		98(1)		98(1)			
Div 8/6	Application for endorsement		100(1) 101 102 103		100(1) 101 102 103		99(2) 100(1)(a) 100(1)(b) 100(1)(c) 102(1)	<p>AHPRA to seek the approval of the Chair of the Board (or a nominee of the Chair) when approving a form.</p> <p>AHPRA may only grant an endorsement if the applicant is qualified for the endorsement and complies with all applicable requirement in an approved registration standard.</p> <p>AHPRA is delegated the power to refuse an application for endorsement only in the following circumstances:</p>

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								<ul style="list-style-type: none"> - the applicant has been given notice of a proposal to refuse endorsement under s.101; and - the applicant has not made any submissions in response to that notice, or has indicated that he or she agrees with the proposed refusal decision.
Div 9	Renewal of registration		110 (functions corresponding to 80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(1)(c) 80(1)(d) 80(1)(e) 80(2)		110 (functions corresponding to 80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(1)(c) 80(1)(d) 80(1)(e) 80(2)		107(4)(a) 110 (functions corresponding to 80(1)(a)(i) 80(1)(a)(ii) 80(1)(b) 80(1)(c) 80(2) 80(4)	AHPRA to seek the approval of the Chair of the Board (or a nominee of the Chair) when approving a form.

A	B	C	D	E	F	G	H	I
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			80(3) 80(4) 111(1) 112		80(3) 80(4) 111(1) 112		112(1) 112(3) 112(5)	<p>AHPRA may only renew a practitioner's registration if s 111 does not apply, but this does not prevent AHPRA from imposing a condition on registration as set out below.</p> <p>AHPRA is delegated the power to refuse an application for renewal of registration, or to impose a new condition on registration, only in the following circumstances:</p> <ul style="list-style-type: none"> - the applicant has been given notice of a proposal to refuse renewal, or to impose a new condition on registration,

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>under s.111; and</p> <ul style="list-style-type: none"> - the applicant has not made any submissions in response to that notice, or has indicated that he or she agrees with the proposed refusal decision or imposition of the new condition. <p>AHPRA to decide applications for renewal of limited registration for post graduate training or supervised practice if:</p> <ul style="list-style-type: none"> - The applicant meets the requirement for

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								<p>registration stated in the Medical Board of Australia's registration standards;</p> <ul style="list-style-type: none"> - There are no adverse disclosures, - The applicant has satisfactory work reports; and, - In accordance with any progression policy of the Medical Board of Australia for IMGs. <p>AHPRA to decide applications for renewal of limited registration for area of need if:</p> <ul style="list-style-type: none"> - The applicant

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								<p>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</p> <ul style="list-style-type: none"> - There are no adverse disclosures, - The applicant has satisfactory work reports; and, - In accordance with any progression policy of the Medical Board of Australia for IMGs. <p>AHPRA to decide applications for renewal of limited registration for teaching or</p>

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>research if:</p> <ul style="list-style-type: none"> - The applicant meets the requirement for registration stated in the Medical Board of Australia's registration standards; - There are no adverse disclosures; - The applicant has satisfactory work reports; and - The applicant meets the progression policy of the Medical Board of Australia for international medical graduates. <p>And in Queensland:</p>

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>AHPRA may decide to renew the registration of a practitioner when the practitioner will be working in a Principal House Officer Position and, the practitioner will be working subject to satisfactory on site supervision in a hospital accredited for intern training.</p> <p>AHPRA cannot decide applications for renewal of limited registration in public interest.</p>
Div 10	Title and practice protections							
Div 11/1	Certificate of registration						124	
Div 11/2	Review of conditions and undertakings		125(4) 125(5) 126(1) 126(5) 127	125(4) 125(5) 126(1) 126(5) 127	125(4) 125(5) 126(1) 126(5) 127	126(1) 126(5) 127	125(3) 125(4) 125(5) 125(6) 126(2)	AHPRA to seek the approval of the Chair of the Board (or a nominee of the

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								<p>Chair) when approving a form.</p> <p>Limited to those situations where the IAC had first decided to take the immediate action, and where the IAC is amending the conditions already imposed or undertakings entered into by the practitioner upon immediate action</p> <p>Delegation of s. 125(4) and (5) to AHPRA limited to matters where conditions were imposed in response to a breach of s. 133 (Advertising offences).</p> <p>AHPRA can only grant applications under s. 125(5) where the practitioner has:</p>

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Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<ul style="list-style-type: none"> • complied with conditions on their registration regarding the breach of s. 133 (re advertising); and • provided material to AHPRA to demonstrate that they clearly understand and the advertising requirements in the National Law.

A	B	C	D	E	F	G	H	I
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								<p>If advertising is assessed as continuing to be non-compliant, a decision to refuse to remove the conditions remains with the Registration Committee (except in NSW where this remains with the State Board), and is not delegated to AHPRA.</p> <p>Section 125(7) sets out the contents of a notice to refuse to grant an application.</p>
Div 11/3	Obligations of registered health practitioners and students		129(2)				129(2) 132(1)	
Div 11/5	Boards powers to check identity and criminal history						134 135(1)	
Div 116	General						137	

A	B	C	D	E	F	G	H	I
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								notification, under s. 150(3).
Div 6	Other matters		153 154(2)	153 154(2)		153 154(2)		
Div 7	Immediate action		156 157(3) 158(1)(b) 159(2)(b) & (c)	159(2)(b) & (c)		156 157(3) 158(1)(b) 159(2)(b) & (c)	157(1) 158(1)(a)	
Div 8	Investigations		160 161(4)	160 161(4)		160 161(4)	160(1) 160(2) 161(1),(2),(3) & (4) 81(1) (SA Act)	Delegation of s 160(1) to AHPRA is limited to situations where: - s150(4) applies to require an investigation; or where a notification is made to AHPRA or the Board without patient consent to obtain records relevant to the notification.
Div 8	Investigators						163, 164(1)	
Div 8	Procedure after investigation		167(1) (ACT) 167	167 167(1) (ACT)			166(3) (ACT) 167(1) (ACT)	

A Part and Division	B Description	C Not delegated by National Board	D State or Territory Board	E Health Committee, Notifications Committee	F Registration Committee	G Immediate Action Committee	H AHPRA	I Limitations on delegation
Div 9	Health and performance assessments		169 170 171(1) 172 176(1)(b) 176(3) 177(note: in Qld Act, s.177 applies subject to Div 12, Subdiv 1 of Part 8) 177(1) (ACT) 177(2) (ACT)	169 170 171(1) 172 176(1)(b) 176(3) 177(note: in Qld Act, s.177 applies subject to Div 12, Subdiv 1 of Part 8) 177(1) (ACT) 177(2) (ACT)		169 170	172(1) 175(2) (ACT) 176(1)(a) 176(3)	<p>AHPRA may only provide a copy of the report once the Chair or the nominee of the Chair of the relevant Committee or State Board has determined that s176(1)(b) does not apply.</p> <p>The person discussing the report with the registrant must be a registered medical practitioner. AHPRA may only nominate a medical practitioner subject to the medical practitioner being approved by the Chair or the nominee of the Chair of the relevant</p>

A Part and Division	B Description	C Not delegated by National Board	D State or Territory Board	E Health Committee, Notifications Committee	F Registration Committee	G Immediate Action Committee	H AHPRA	I Limitations on delegation
								Committee or State or Territory Board
Div 10	Action by National Board		178 179	178 178(4) (ACT) 179			178(2)(c) 179(1) 179(2)(a) 180(1)	<p>AHPRA is limited to deciding to propose action to impose conditions that relate to an apparent breach of s. 133 (advertising offences).</p> <p>AHPRA is limited to proposing standard conditions in relation to apparent breaches of s. 133 (advertising offences).</p> <p>AHPRA may only decide to take no further action under s. 179(2)(a) in relation to apparent breaches of s. 133 (advertising</p>

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Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
								offences).
Div 11	Panels	183	181 182 192	181 182 192			181(1) 182(1) 184(3) (ACT) 192(2) 192(3A)	<p>AHPRA may only select persons to be on the panel and may not establish the panel.</p> <p>AHPRA limited to maintaining the list of approved persons. AHPRA does not have power to approve people.</p> <p>AHPRA to give notice at the direction of panel members</p> <p>AHPRA to give notice to reflect the Panel's decision</p>
Div 12	Referring matter to tribunal		193 (excl Qld Act) 193 (Qld Act) 193A(1),(2) and (4) (Qld Act)				193(2)(b) (excl Qld Act)	

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			193B(1), (2) and (3) (Qld Act)					
Div 13	Appeals							
Div 14	Miscellaneous						205, 206 206A(2) (Qld Act) 206B(3) (Qld Act)	
Div 14B (NSW Act)	Miscellaneous [NSW]						176B (NSW Act)	
Part 10								
Div 2	Disclosure of information and confidentiality		220	220			217 220	
Div 3	Registers (registered health practitioners)		226 (2) & (3)	226 (2) & (3)		226 (2) & (3)	222 223 225 226 227	AHPRA may decide not to include or to remove certain information in register (s 226) after considering National Board policy.
Div 4	Registers (students)						229 230	
Div 5	Other records						231 232	
Div 6	Unique identifier						233	
Part 11								
Div 2	Inspectors						239 81(2) (SA Act) 240	
Part 12								

A	B	C	D	E	F	G	H	I
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	AHPRA	Limitations on delegation
Div 13	Complaints, notifications, disciplinary proceedings		289 291 17(WA Act) 18 (Tas Act)	289 291 17(WA Act) 18 (Tas Act)			289 291 17(WA Act) 18 (Tas Act)	AHPRA may only give notice under this division.
Part 13 (Qld Act)								
	Transition (Qld)						310(1) (Qld Act)	

Change Table

Part and Division	Description	Change	Date Change Made
Part 7, Div 11/2	Review of conditions and undertakings	<p>Insert the delegation of s. 125(4) and 125(5) to AHPRA.</p> <p>Insert the following limitation:</p> <p>Delegation of s. 125(4) and (5) to AHPRA limited to matters where conditions were imposed in response to a breach of s. 133 (Advertising offences).</p> <p>AHPRA can only grant applications under s. 125(5) where the practitioner has:</p> <ul style="list-style-type: none"> • complied with the conditions on their registration regarding the breach of s. 133 (re advertising); and • provided material to AHPRA to demonstrate that they clearly understand the advertising requirements in the National Law. <p>If advertising is assessed as continuing to be non-compliant, a decision to refuse to remove the condition remains with the Registration Committee (except in NSW where this remains with the State Board), and is not delegated to AHPRA.</p>	May 2017
Part 8, Div 10	Action by National Boards	<p>Insert the delegation of s. 178(2)(c) to AHPRA.</p> <p>Insert the following limitations:</p> <p>AHPRA is limited to deciding to propose action to impose conditions that relate to an apparent breach of s. 133 (advertising</p>	May 2017

		<p>offences).</p> <p>AHPRA is limited to proposing standard conditions in relation to apparent breaches of s. 133 (advertising offences).</p> <p>Insert the delegation of s. 179(2)(a) to AHPRA.</p> <p>Insert the following limitation:</p> <p>AHPRA may only decide to take no further action under s. 179(2)(a) in relation to apparent breaches of s. 133 (advertising offences).</p>	