

## Instrument of Delegation

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Delegation of National Board functions under the Health Practitioner Regulation National Law as in force in each State and Territory and Trans-Tasman Mutual Recognition Act 1997 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**') with effect on and from 1 March 2018, or such date as a proclamation is made for commencement of amendments to sections 56, 125, 126, 127A, 151, 156, 181(1A), 191, 191A, 191B and 220 under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Qld) ('**Commencement Date**').
- 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 with effect on the Commencement Date.
- 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.

### 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 **Sexual Boundaries Notifications Committee** means the committee established by the Board pursuant to Clause 11 of Schedule 4 of the National Law constituted according to the Sexual Boundaries Notification Committee's terms of reference.
- 2.18 **Relevant Event** means any health, performance or conduct notification action taken against the registrant in relation to an adverse disclosure on renewal of registration, new information returned on a criminal history check, a confirmed breach of restrictions, or where the practitioner has been the subject of action under Part 8 of the National Law or its equivalent in a co-regulatory jurisdiction. This includes receipt of any new notification irrespective of whether action was taken.
- 2.19 **Appellable decision** has the same meaning as in section 199 of the National Law meaning:
- 2.19.1 a decision to refuse to register the person;
  - 2.19.2 a decision to refuse to endorse the person's registration;
  - 2.19.3 a decision to refuse to renew the person's registration;
  - 2.19.4 a decision to refuse to renew the endorsement of the person's registration;
  - 2.19.5 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);
  - 2.19.6 a decision to refuse to change or remove a condition imposed on the person's registration or the endorsement of the person's registration;
  - 2.19.7 a decision to refuse to change or revoke an undertaking given by the person to the Board;
  - 2.19.8 a decision to suspend the person's registration.
- 2.20 **Western Australia Matter** means a matter to which the National Law applies that relates to the health, conduct or performance of a registered health practitioner, student or an application for registration by an applicant:
- 2.20.1 whose principal place of practice (or for an applicant his or her proposed principal place of practice) is in Western Australia; or
  - 2.20.2 whose principal place of practice is in another state or territory, but who provides health services in Western Australia.

Western Australia Matter is deemed to include a matter that the relevant decision maker under the National Law, acting in good faith, regards as a Western Australia Matter, but which after further inquiry the relevant decision maker discovers does not relate to Western Australia.

Note: to avoid doubt, in this definition the words:

- (i) 'health, conduct or performance'; and
- (ii) 'registered health practitioner', 'student' and applicant for registration,

have the same meaning, and incorporate the same concepts, as those words as used in Part 8 of the National Law (WA).

Note: where the \* symbol appears next to a power or function specified in Schedule 1, the delegation of that power will not apply to Western Australia Matters.

## 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 J.
- 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 J.
- 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 J.
- 3.7 The Board delegates to the Sexual Boundaries Notifications Committee the following functions of the Board:
  - 3.7.1 The functions listed in Column H to the Schedule, subject to the limitations (if any) in Column J.
- 3.8 The Board delegates to AHPRA the following functions of the Board:
  - 3.8.1 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,
  - 3.8.2 The publishing of information on the website, whether or not expressly provided for in this instrument
  - 3.8.3 The functions listed in Column I to the Schedule, subject to the limitations (if any) in Column J.
  - 3.8.4 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:** 28 February 2018

## Schedule 1 – National Law delegations

### Accreditation functions

A	B	C	D	E	F	G	H	I	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
<b>Part 6 Accreditation</b>									
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	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
<b>Part 7 Registration</b>									
Div 1	General registration	56(1)* 56 (WA Matter only)	54		54			56(2)(a)(ii)*	.
Div 2	Specialist registration	61	59		59				
Div 3	Provisional registration	64							
Div 4	Limited registration	72							

A	B	C	D	E	F	G	H	I	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	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> <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>



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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
									<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, 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</p>

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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
									<p>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 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"> <li>- Supported by Specialist College assessment; and,</li> <li>- Subject to supervision determined by</li> </ul>

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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
									<p>the Specialist College which has established monitoring or compliance programs in place, and;</p> <ul style="list-style-type: none"> <li>- The supervision arrangements are acceptable.</li> </ul> <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"> <li>- The applicant will be working subject to satisfactory on site supervision in a hospital accredited for intern training; and,</li> <li>- Where the applicant is applying for initial registration, the applicant has passed the pre-employment</li> </ul>

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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
									<p>structured clinical interview conducted by Queensland Health.</p> <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 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> <ul style="list-style-type: none"> <li>a. The applicant was given notice of the proposed condition under s 81; and</li> <li>b. The applicant agrees to the proposed condition; or</li> <li>c. The applicant does not make any submissions regarding the proposed condition in</li> </ul>

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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
									<p>the period set out in the notice issued under s 81(2)(b).</p> <p>The Registration Committee and a State or Territory Board 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"> <li>- the applicant has been given notice of a proposal to refuse registration under s.81; and</li> <li>- the applicant has not made any submissions in response to that notice, or has indicated that he or she agrees</li> </ul>

A	B	C	D	E	F	G	H	I	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									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 acupuncture		97(1)		97(1)				
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)	AHPRA to seek the approval of the Chair of the Board (or a nominee of the Chair)

A	B	C	D	E	F	G	H	I	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									<p>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 requirements in an approved registration standard.</p> <p>AHPRA is delegated the power to refuse an application for endorsement only in the following circumstances:</p> <ul style="list-style-type: none"> <li>- the applicant has been given notice of a proposal to refuse endorsement under s.101; and</li> <li>- the applicant has not made any submissions in response to that notice, or has indicated that he or she agrees</li> </ul>

A	B	C	D	E	F	G	H	I	J
Part and Division	Description of Division	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									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) 80(3) 80(4) 111(1) 112		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) 80(3) 80(4) 111(1) 112			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) 112(1) 112(3) 112(5)	<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 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"> <li>- the applicant has been given notice of a proposal to refuse renewal, or to impose a new condition on</li> </ul>



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									<ul style="list-style-type: none"> <li>- registration, under s.111; and</li> <li>- 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.</li> </ul> <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"> <li>- The applicant meets the requirement for registration stated in the Medical Board of Australia's registration standards;</li> <li>- There are no adverse disclosures,</li> <li>- The applicant has satisfactory work reports; and,</li> </ul>

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

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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	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									<p>AHPRA to decide applications for renewal of limited registration for teaching or research if:</p> <ul style="list-style-type: none"> <li>- The applicant meets the requirement for registration stated in the Medical Board of Australia's registration standards;</li> <li>- There are no adverse disclosures;</li> <li>- The applicant has satisfactory work reports; and</li> <li>- The applicant meets the progression policy of the Medical Board of Australia for international medical graduates.</li> </ul> <p>And in Queensland: AHPRA may decide to renew the registration of a</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	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									<p>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(6)* 126(6)*	125(4) 125(5) 126(1) 126(5) 127 125(6)* 126(6)*	125(4) 125(5) 126(1) 126(5) 127 125(6)* 126(6)*	126(1) 126(5) 127 126(6)*	125(4) 125(5) 126(1) 126(5) 127 125(6)* 126(6)*	125(3) 125(4) 125(5) 125(6) (WA Matter only) 125(6A)* 126(2) 126(6) (WA Matter only) 126(6A)* 127A(2)*	<p>AHPRA to seek the approval of the Chair of the Board (or a nominee of the 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</p>

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									<p>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> <ul style="list-style-type: none"> <li>• complied with conditions on their registration regarding the breach of s. 133 (re advertising); and</li> <li>• provided material to AHPRA to demonstrate that they clearly understand the</li> </ul>

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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	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									<p>advertising requirements in the National Law.</p> <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	

## Notification functions

A	B	C	D	E	F	G	H	I	J
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
<b>Part 8 Notifications</b>									
Div 1	Persons formerly registered under this Law								
Div 2	Mandatory Notifications								
Div3	Voluntary notifications								
Div4	Making a Notification								
Div 5	Preliminary assessment		<p>149(1)(a), (b) and (c), (excl Qld Act)            149(3) (excl Qld Act)            150(excl Qld Act)            151            152(excl Qld Act)</p> <p>150(1)(a) and (b) (Qld Act)            150(3) (Qld Act)</p>	<p>149(1)(a),(b) and(c), (excl Qld Act)            149(3) (excl Qld Act)            150(excl Qld Act)            151            152(excl Qld Act)</p> <p>150(1)(a) and (b) (Qld Act)            150(3) (Qld Act)</p>		<p>149(1)(a), (b) and (c) (excl Qld Act)</p> <p>150(1)(a) and (b) (Qld Act)</p>	<p>149(1)(a), (b) and (c), (excl Qld Act)            149(3) (excl Qld Act)            150(excl Qld Act)            151            152(excl Qld Act)</p> <p>150(1)(a) and (b) (Qld Act)            150(3) (Qld Act)</p>	<p>149(1)(a),(b),(c)            149(3) (excl Qld Act)            150(excl Qld Act)            151(1)(e) (excl Qld Act)            152(excl Qld Act)</p> <p>150(1)(a) and (b) (Qld Act)            150(3) (Qld Act)</p>	<p>AHPRA may not decide that a notification/referred matter does not relate to a ground for a notification</p> <p>Delegation of s. 151(1)(e) to AHPRA limited to situations where the Board's delegate and the health complaints entity ('HCE') have agreed that the HCE will deal with the subject matter of the notification, under s. 150(3).</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	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
Div 6	Other matters		153 154(2)	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)	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)	160 161(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)			167(1) (ACT) 167	166(3) (ACT) 167(1) (ACT)	
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)	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)		169 170	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)		



A	B	C	D	E	F	G	H	I	J
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
			177(2) (ACT)	177(2) (ACT)			177(2) (ACT)	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 Committee or State or Territory Board</p>
Div 10	Action by National Board		178 179	178 178(4) (ACT) 179			178 178(4) (ACT) 179	178(2)(c) 179(1) 179(2)(a) 180(1)	AHPRA is limited to deciding to propose action to impose conditions that relate to an apparent breach of s. 133 (advertising offences).

A	B	C	D	E	F	G	H	I	J
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									<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 offences).</p>
Div 11	Panels	183	181 182 192	181 182 192			181 182 192	181(1) 181(1A)* 182(1) 184(3) (ACT) 192(2) 192(3A)	<p>AHPRA may only select persons to be on the panel and may not establish a panel unless it is a panel established under s. 181(1A), following a panel decision under s. 191(4A). This limitation does not apply for WA Matters.</p> <p>For WA Matters only: 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>

A	B	C	D	E	F	G	H	I	J
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									AHPRA to give notice at the direction of panel members  AHPRA to give notice to reflect the Panel's decision
Div 12	Referring matter to tribunal		193 (excl Qld Act)  193 (Qld Act) 193A(1),(2) and (4) (Qld Act) 193B(1), (2) and (3) (Qld Act)				193 (excl Qld Act)  193 (Qld Act) 193A(1),(2) and (4) (Qld Act) 193B(1), (2) and (3) (Qld Act)	193(2)(b) (excl 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)	
<b>Part 10</b>									
Div 2	Disclosure of information and confidentiality		220	220			220	217 220	
Div 3	Registers (registered health practitioners)		226 (2) & (3)	226 (2) & (3)		226 (2) & (3)	226 (2) & (3)	222 223 225 226	AHPRA may decide not to include or to remove certain information in register (s 226) after

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 Sexual Boundaries Notifications Committee	I AHPRA	J Limitations on delegation
								227	<p>considering National Board policy.</p> <p>AHPRA is only delegated the power to decide to remove information that a registered health practitioner has been reprimanded from the National Register or Specialists Register under s. 226(3) where:</p> <ul style="list-style-type: none"> <li>- the reprimand has been published for 5 years or longer; and</li> <li>- there has not been a 'Relevant Event' in the preceding 5 years regarding the practitioner.</li> </ul> <p>AHPRA is only delegated the power to refuse a request to remove a reprimand under s. 226(3) where the Board or a duly authorised Committee (as the case may be) has issued a written notice to the registered health practitioner proposing to refuse to</p>

A	B	C	D	E	F	G	H	I	J
Part and Division	Description	Not delegated by National Board	State or Territory Board	Health Committee, Notifications Committee	Registration Committee	Immediate Action Committee	Sexual Boundaries Notifications Committee	AHPRA	Limitations on delegation
									remove the reprimand and the practitioner does not provide a response in the time required by the notice or indicates they intend to make no submission in relation to the notice.
Div 4	Registers (students)							229 230	
Div 5	Other records							231 232	
Div 6	Unique identifier							233	
<b>Part 11</b>									
Div 2	Inspectors							239 81(2) (SA Act) 240	
<b>Part 12</b>									
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.
<b>Part 13 (Qld Act)</b>									
	Transition (Qld)							310(1) (Qld Act)	

## Change table

Part and Division	Description	Change	Date Change Made
Clause 2.20	Definition of Western Australia Matter	<p>Insert the following definition:</p> <p><b>Western Australia Matter</b> means a matter to which the National Law applies that relates to the health, conduct or performance of a registered health practitioner, student or an application for registration by an applicant:</p> <ul style="list-style-type: none"> <li>• whose principal place of practice (or for an applicant his or her proposed principal place of practice) is in Western Australia; or</li> <li>• whose principal place of practice is in another state or territory, but who provides health services in Western Australia.</li> </ul> <p>Western Australia Matter is deemed to include a matter that the relevant decision maker under the National Law, acting in good faith, regards as a Western Australia Matter, but which after further inquiry the relevant decision maker discovers does not relate to Western Australia.</p> <p>Note: to avoid doubt, in this definition the words:</p> <ul style="list-style-type: none"> <li>• 'health, conduct or performance'; and</li> <li>• 'registered health practitioner', 'student' and applicant for registration,</li> </ul>	March 2018

		<p>have the same meaning, and incorporate the same concepts, as those words as used in Part 8 of the National Law (WA).</p> <p>Note: where the * symbol appears next to a power or function specified in Schedule 1, the delegation of that power will not apply to Western Australia Matters.</p>	
Part 7, Div 1	General registration	<p>Clarify that s. 56(1)* and s.56 (WA Matter only) are not delegated by National Board.</p> <p>Delegate s. 56(2)(a)(ii)* to AHPRA.</p>	March 2018
Part 7, Div 11/2	Review of conditions and undertakings	<p>Delegate 125(6)* and 126(6)* to State or Territory Board, Health Committee, Notifications Committee, Registration Committee and Sexual Boundaries Notifications Committee.</p> <p>Delegate 126(6)* to Immediate Action Committee.</p> <p>Delegate s. 125(6) (WA Matter only), 125(6A)*, 126(6) (WA Matter only), 126(6A)* and 127A(2)* to AHPRA.</p>	March 2018
Part 8, Div 11	Panels	<p>Delegate 181(1A)* to AHPRA subject to the following limitations:</p> <p>AHPRA may only select persons to be on the panel and may not establish a panel unless it is a panel established under s 181(1A), following a panel decision under s. 191(4A). This limitation does not apply for WA Matters.</p> <p>For WA Matters only: AHPRA may only select persons to be on the panel and may not establish the panel.</p>	March 2018

