



Medical Board of Australia

Instrument of Delegation - Annexure A, Document Control Table

Corporate Legal, National Legal Practice
1 April 2025

Document control

Document Owner	Corporate Counsel			
Document Number	MBAinstD-12			
Date Approved	28 October 2020			
Date Commenced	1 January 2021			
Date Last Amended	1 April 2025			
Date for Review	Two (2) years from document implementation and thereafter every two years.			
Document Sponsor	Medical Board of Australia			
Document Contact	Corporate Counsel			
Amendment History	Part and Division	Description	Change	Date Change Made
	Preamble: Preliminary: Clause 1.2	Clause 1.2 read: <i>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 and authorisations with effect on 1 January 2021.</i>	Amend the effective date to "the date of the signature of the Chair of the Board."	26 May 2021
	Preamble: Preliminary: Clause 1.4	Clause 1.4 read: <i>This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 1 January 2021.</i>	Amend the effective date to "the date of the signature of the Chair of the Board."	28 April 2021
	Preamble: Definitions: Clause 2.15	Clause 2.15 read: <i>Sexual Boundaries Notifications Committee means the committee established by the Board pursuant to Clause 11 of Schedule 4 of the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law constituted according to its terms of reference.</i>	Amend the definition title to "National Special Issues Committee" and moved to clause 2.7 to ensure the definitions remain alphabetised.	26 May 2021
	Preamble: Delegation of Board Functions: Clause 3.6	Clause 3.6 read: <i>Sexual Boundaries Notifications Committee The Board delegates to the Sexual Boundaries Notifications Committee the following functions of the Board:</i> <i>1. The functions listed in Column E of Schedule 2 of this Instrument, subject to the conditions (if any) in Column H of Schedule 2 of this Instrument.</i>	Amend the reference to Sexual Boundaries Notifications Committee to "National Special Issues Committee" in the title and at clause 3.6.2.1.	26 May 2021

		<p>2. All functions delegated to and Ahpra, as listed in Column G of Schedule 2 of this Instrument.</p> <p>a. Where a condition applies to Ahpra as detailed in Column H of Schedule 2 of this Instrument, this condition does not apply to the Sexual Boundary Notifications Committee unless specifically stated in Column H of Schedule 2 of this Instrument.</p>		
S 80(1)(a) – (e)		The condition read: <i>The SBNC and IAC are limited in their use of s 80(1)(a- e) to the situations where the SBNC or IAC are exercising the functions as described in s 125(4).</i>	Amend the condition to read: <i>The IAC is limited in its use of s 80(1)(a - e) to the situations where the IAC is exercising the functions as described in s 125(4).</i>	26 May 2021
82(1)(c)		The condition read: <i>Ahpra can only refuse an application for registration where:</i> <ol style="list-style-type: none"> 1. <i>the refusal of an application is consistent with the Board's proposal;</i> 2. <i>the applicant has been given notice of the Board's proposal to refuse their registration application under s 81; and</i> 3. <i>either (a) or (b) apply:</i> <ol style="list-style-type: none"> a. <i>the applicant has not made any submissions in response to the notice, or</i> b. <i>the applicant has indicated that he or she agrees with the proposed imposition of conditions.</i> 	Amend last dot point to read: <i>b. the applicant has indicated that he or she agrees with the proposed decision.</i>	26 May 2021
S 91(4)(b)(i)	S 91(4)(a)(i)		Amend to s 91(4)(b)(i)	26 May 2021
S 97(1)	-		Addition of section to column E (i.e. the National Special Issues Committee).	26 May 2021
S 100(1)(c)	-		Addition of section to column E (i.e. the National Special Issues Committee).	26 May 2021
S 100(1)(d)	-		Addition of section to column E (i.e. the National Special Issues Committee).	26 May 2021
S 103(1)	-		Addition of section to column E (i.e. the National Special Issues Committee).	26 May 2021
S 110		The condition read: <i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Registration Committee and Ahpra</i>	Amend condition to read: <i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Registration Committee, National Special Issues Committee and Ahpra</i>	26 May 2021
S 112(3)		The condition read: <i>Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:</i> <ol style="list-style-type: none"> 1. <i>the Board has proposal to impose conditions following an application on a renewal of registration or endorsement on registration;</i> 2. <i>the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration; and</i> 3. <i>either (a) or (b) applies:</i> <ol style="list-style-type: none"> a. <i>the applicant submitted that they accept the proposed decision; or</i> 	Amend dot point 1 of the condition to read: <i>1. the Board has proposed to impose conditions following an application on a renewal of registration or endorsement on registration;</i> Amend last dot point of the condition to read: <i>b. the applicant has not made a submission in response to the proposed decision.</i>	26 May 2021

		b. <i>the applicant has not made a submission in response to the proposal.</i>		
125(4)		The condition read: <i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Notifications Committee, Registration Committee, SBNC, IAC and Ahpra.</i>	Amend the condition to read: <i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Notifications Committee, Registration Committee, National Special Issues Committee, IAC and Ahpra.</i>	26 May 2021
S 125(5)		The condition read: SCENARIO 1 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board) and is not delegated to Ahpra.</i>	Amend the condition to read: SCENARIO 1 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i>	26 May 2021
S 126(5)		The condition read: SCENARIO 2 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board) and is not delegated to Ahpra.</i>	Amend the condition to read: SCENARIO 2 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i>	26 May 2021
S 127(2)		The condition read: SCENARIO 1 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board) and is not delegated to Ahpra.</i>	Amend the condition to read: SCENARIO 1 1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> 2. <i>information has been submitted to demonstrate compliance with the conditions; or</i> <i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i>	26 May 2021
Preamble: Preliminary: Clause 1.1		Clause 1.1 read: The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 26 May 2021.	Amend the date the Board resolved to delegate function to 15 December 2021 (the date of the Board meeting).	29 November 2021
Preamble: Preliminary: Clause 1.2		Clause 1.2 read: This Instrument is a complete record of the Board's resolutions with respect to the delegation of its	Amend the effective date to revoke all prior delegations to the implementation date of the MPRNC, namely on 1 February 2022.	29 November 2021

		functions. The Board resolved to revoke all prior delegations and authorisations with effect on 1 July 2021.		
Preamble: Preliminary: Clause 1.4	Clause 1.4 read: This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 1 July 2021.		Amend the effective date of the delegations to the implementation date of the MPRNC, namely on 1 February 2022.	29 November 2021
Preamble: Definitions: Clause 2.14			Addition of the definition of Registration and Notifications Committee: Registration and Notifications Committee means a committee established by the Board pursuant to clause 11 of Schedule 4 to the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law, constituted according to the Registration and Notifications Committee's terms of reference.	29 November 2021
Preamble: Delegation of Board Functions: Clause 3.4.2	The clause read: All functions delegated to and Ahpra, as listed in Column G of Schedule 2 of this Instrument.		Remove the extra "and" in the clause, so it now reads: All functions delegated to Ahpra, as listed in Column G of Schedule 2 of this Instrument.	29 November 2021
Preamble: Delegation of Board Functions: Clause 3.5.2	The clause read: All functions delegated to and Ahpra, as listed in Column G of Schedule 2 of this Instrument.		Remove the extra "and" in the clause, so it now reads: All functions delegated to Ahpra, as listed in Column G of Schedule 2 of this Instrument.	29 November 2021
Preamble: Delegation of Board Functions: Clause 3.6			Addition of the delegation to the Registration and Notifications Committee: <i>3.6 The Board delegates to the Registration and Notifications Committee the following functions of the Board:</i> <i>3.6.1 The functions listed in Columns B, C, D, F and G of Schedule 2 of this Instrument, subject to the conditions (if any) in Column H of Schedule 2 of this Instrument.</i> <i>3.6.2 Where a condition applies to either the State or Territory Board, the Notifications Committee, the Registration Committee, the Immediate Action Committee or Ahpra as detailed in Column H of Schedule 2 of this Instrument, this condition does not apply to the Registration and Notifications Committee unless specifically stated in Column H of Schedule 2 of this Instrument.</i>	29 November 2021
Preamble: Preliminary: Clauses 1.1, 1.2 and 1.4.	Clause 1.1 read: <i>The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 15 December 2021.</i> Clause 1.2 read:		Amend the date the Board resolved to delegate function to 27 April 2022 (the date of the Board meeting). Amend the effective date to revoke all prior delegations to the date the Board Chair signs the Instrument. Amend the effective date to the date the Board Chair signs the Instrument.	7 April 2022

		<p><i>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 and authorisations with effect on 1 February 2022</i></p> <p>Clause 1.4 read: <i>This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 1 February 2022.</i></p>		
Preamble, Definitions: Clause 2.9			<p>Insert a new clause: <i>Notifications Committee: Triage (NCT) means a committee established by the Board pursuant to clause 11 of Schedule 4 to the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law, constituted according to its terms of reference.</i></p>	7 April 2022
Preamble, Delegation of Board functions: Clause 3	<p>Current clauses within Clause 3 reference:</p> <ul style="list-style-type: none"> the condition Column of Schedule 2 as Column H; and do not include a reference to the Notifications Committee Triage. 		<p>Amend:</p> <ul style="list-style-type: none"> the condition Column to Column I; and insert reference to the <i>Notifications Committee, the Notifications Committee: Triage.</i> 	7 April 2022
Preamble, Delegation of Board functions: Clause 3.6			<p><i>Insert clause:</i> <i>Notifications Committee: Triage (NCT)</i> <i>The Board delegates to the Notifications Committee: Triage (NCT) the following functions of the Board:</i></p> <ol style="list-style-type: none"> <i>The functions listed in Column E of Schedule 2 of this Instrument, subject to the conditions (if any) in Column I of Schedule 2 of this Instrument.</i> <i>For completeness, the functions which are delegated to Ahpra and listed in Column H of Schedule 2 of this Instrument are not delegated to the Notifications Committee: Triage.</i> 	7 April 2022
Schedule 2			<p>Add a column to reflect the Notifications Committee: Triage as Column E.</p> <p>Shift the proceeding columns to reflect the amended columns as detailed in the preamble.</p>	7 April 2022
S 151(1)			<p>Add sections 151(1)(a) and 151(1)(d) into Column E (i.e. the Notifications Committee: Triage column).</p>	7 April 2022
Preamble: Preliminary: Clause 1.1	<p>The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 27 April 2022.</p>		<p>Amend the date to the date of the Board's meeting.</p>	8 July 2022
Preamble: Preliminary: Clause 1.2	<p>This Instrument is a complete record of the Board's resolutions with respect to the delegation of its functions.</p>		<p>Amend the date to the date of Chair's signature.</p>	8 July 2022

		The Board resolved to revoke all prior delegations and authorisations with effect on 10 May 2022.		
Preamble: Preliminary: Clause 1.4		This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 10 May 2022.	Amend the date to the date of Chair's signature.	8 July 2022
Schedule 2 Decisions delegated by the National Board: section 127(2)		The condition in Column I reads: <i>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 undertaking entered into by the practitioner upon immediate action.</i>	Amend the condition in Column I to read: <i>Limited to those situations where the IAC had first decided to take the immediate action, and where the IAC is removing the conditions already imposed or revoking the undertaking entered into by the practitioner upon immediate action.</i>	8 July 2022
Schedule 2 Decisions delegated by the National Board: S 152(3)	N/A		Addition of section in Column H. Addition of the following description in Column A: <i>Despite s 152(1), a notice of receipt of notification is not required to given to the registered health practitioner or student if the Board reasonably believes doing so would prejudice an investigation of the notification; or place at risk a person's health or safety or place a person at risk of intimidation or harassment.</i>	8 July 2022
Schedule 2 Decisions delegated by the National Board: S 159A(2)	N/A		Addition of section in Column H. Addition of the following description in Column A: <i>Following a decision to take immediate action under s 156, the Board may inform the notifier of the decision and the reasons for the decision.</i>	8 July 2022
Schedule 2 Decisions delegated by the National Board: S 167A(2)	N/A		Addition of section in Column H. Addition of the following description in Column A: <i>Following a decision after the investigation under s 167, the Board may inform the notifier of the decision and reasons for the decision.</i>	8 July 2022
Schedule 2 Decisions delegated by the National Board: S 177A(2)	N/A		Addition of section in Column H. Addition of the following description in Column A: <i>Following a decision after the assessor's report under s 177, the Board may inform the notifier of the decision and the reasons for the decision.</i>	8 July 2022
Preamble: Preliminary: Clause 1.1		The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on insert date of Board Meeting.	Amend the date to the date of the Board's meeting.	10 October 2022
Preamble: Preliminary: Clause 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 and authorisations with effect on insert date of Board Meeting.	Amend the date to the date of Chair's signature.	10 October 2022
Preamble: Preliminary: Clause 1.4		This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is insert date of Chair's signature.	Amend the date to the date of Chair's signature.	10 October 2022
Schedule 2 Decisions delegated by the National Board: S 151(1)		In Column E: Notifications Committee: Triage the sections included are: <i>151(1)(a)</i> <i>151(1)(d)</i>	Add s 151(1)(e)(ii) to Column E: Notifications Committee: Triage	10 October 2022

Schedule 2 Decisions delegated by the National Board: S 152(3)	The description in Column A reads: <i>Despite s 152(1), a notice of receipt of notification is not required to given to the registered health practitioner or student if the Board reasonably believes doing so would prejudice an investigation of the notification; or place at risk a person's health or safety or place a person at risk of intimidation or harassment.</i>	Correct grammatical error and add a "be".	10 October 2022
Schedule 2 Decisions delegated by the National Board: S 156	In Column I: Conditions on Delegation, the condition read: <i>The Notifications Committee and NCA cannot exercise the power under s 156(1).</i>	Amend the condition to read: <i>The NCA cannot exercise the power under s 156(1).</i>	10 October 2022
Schedule 2 Decisions delegated by the National Board: Division 12	Only Columns B and D, namely the State and Territory Board and the National Special Issues Committee were delegated ss 193(1), 193(1) (Qld Act), 193A(1) and (2) (Qld Act), 193A(4) (Qld Act) and 193B(1) and (2) (Qld Act).	Add ss 193(1), 193(1) (Qld Act), 193A(1) and (2) (Qld Act), 193A(4) (Qld Act) and 193B(1) and (2) (Qld Act) to Column D, namely the Notifications Committee.	10 October 2022
Preamble: Preliminary: Clause 1.1	The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 28 September 2022.	Amend the date to the date of the Board's meeting.	9 May 2023
Preamble: Preliminary: Clause 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 and authorisations with effect on 10 October 2022.	Amend the date to the date of Chair's signature.	9 May 2023
Preamble: Preliminary: Clause 1.4	This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 10 October 2022.	Amend the date to the date of Chair's signature.	9 May 2023
Schedule 2 Decisions delegated by the National Board: S 83A	-	Addition of new section 83A. Addition of new section description as follows: <i>If the Board decides to register a person in the health profession, the Board may accept any undertaking from the person if the Board considers it necessary or desirable in the circumstances.</i> Addition of section to column H (i.e. Ahpra). Addition of condition in Column I follows: <i>Ahpra may only accept an undertaking from a person if:</i> 1. <i>the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 81;</i> 2. <i>the undertaking is consistent with the wording proposed by the Board in the conditions; and</i> 3. <i>no additional information has come into possession that may be relevant in making the decision.</i>	
Schedule 2 Decisions delegated by the National Board: Division 6A	-	Addition of new division 6A	9 May 2023
Schedule 2 Decisions delegated by the National Board: S 85A	-	Addition of new section 85A Addition of new section description as follows: <i>Board may propose to withdraw the registration of a registered health practitioner if the Board reasonably</i>	9 May 2023

			<p><i>believes the practitioner's registration was improperly obtained because:</i></p> <ol style="list-style-type: none"> <i>i. the practitioner, or</i> <i>ii. someone else,</i> <p><i>gave the Board information or a document that was false or misleading in a material particular.</i></p> <p>Addition of section to columns C and F (i.e. Registration Committee and NSIC).</p>	
Schedule 2 Decisions delegated by the National Board: S 85C(a)	-		<p>Addition of new section 85C(a)</p> <p>Addition of new section description as follows:</p> <p><i>Board may decide that the registration was not improperly obtained on the ground the registered health practitioner or someone else gave the Board information or a document that was false or misleading in a material particular; and take no further action.</i></p> <p>Addition of section to columns C and F (i.e. Registration Committee and NSIC).</p>	9 May 2023
Schedule 2 Decisions delegated by the National Board: S 85C(b)	-		<p>Addition of new section 85C(b)</p> <p>Addition of new section description as follows:</p> <p><i>Board may decide that the registration was improperly obtained because the practitioner or someone else gave the Board information or a document that was false or misleading in a material particular and do one or more of the following—</i></p> <ol style="list-style-type: none"> <i>i. withdraw the practitioner's registration;</i> <i>ii. refer the matter to a responsible tribunal;</i> <i>iii. take other appropriate action under Part 8.</i> <p>Addition of section to columns C and F (i.e. Registration Committee and NSIC).</p>	9 May 2023
Schedule 2 Decisions delegated by the National Board: S 103A	-		<p>Addition of new section 103A</p> <p>Addition of new section description as follows:</p> <p><i>If the Board decides to endorse the applicant's registration under s 102, the Board may accept any undertaking from the applicant if the Board considers it necessary or desirable in the circumstances.</i></p> <p>Addition of section to column H (i.e. Ahpra).</p> <p>Addition of condition in Column I follows:</p> <p><i>Ahpra may only accept an undertaking from a person if:</i></p> <ol style="list-style-type: none"> <i>1. the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 101;</i> <i>2. the undertaking is consistent with the wording proposed by the Board in the conditions; and</i> <i>3. no additional information has come into possession that may be relevant in the making the decision.</i> 	9 May 2023
Schedule 2 Decisions delegated by the National Board: s 112(3)	Current description read:	<p><i>Board decides to renew a registration, including any endorsement on registration, the registration or the endorsement subject to any conditions the registration was subject to immediately before the renewal and any condition the Board considers necessary or desirable.</i></p> <p>Current conditions read:</p>	<p>Amend description to read:</p> <p><i>Board decides to renew a registration, including any endorsement on registration, the registration or the endorsement subject to:</i></p> <ol style="list-style-type: none"> <i>1. any conditions the registration was subject to immediately before the renewal,</i> 	9 May 2023

Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:

1. conditions relate to a breach of s 133 (advertising offences); and
2. the proposed condition is standard worded conditions in accordance with the National Restrictions Library.

Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:

1. the Board has proposed to impose conditions following an application on a renewal of registration or endorsement on registration;
2. the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration; and
3. either (a) or (b) applies:
 - a. the applicant submitted that they accept the proposed decision; or
 - b. the applicant has not made a submission in response to the proposed decision.

2. any condition the Board considers necessary or desirable in the circumstances,
3. any undertaking given by the applicant to the Board that was in effect immediately before the renewal, and
4. any undertaking given by the applicant to the Board that the Board considers necessary or desirable in the circumstances.

Amend conditions to read:

PROPOSING TO IMPOSE CONDITIONS

SCENARIO 1

Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:

1. conditions relate to a breach of s 133 (advertising offences); and
2. the proposed condition adopts standard wording in accordance with the National Restrictions Library.

IMPOSING RESTRICTIONS

SCENARIO 1

Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:

1. the Board has proposed to impose conditions following an application on a renewal of registration or endorsement on registration;
2. the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration; and
3. either (a) or (b) applies:
 - a. the applicant submitted that they accept the proposed decision; or
 - b. the applicant has not made a submission in response to the proposed decision.

SCENARIO 2

Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:

1. the Board proposed to impose conditions following an application on a renewal of registration or endorsement on registration;
2. the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration;
3. the undertaking is consistent with the wording proposed by the Board in the conditions; and
4. no additional information has come into possession that may be relevant in making the decision.

SCENARIO 3

			<p>Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:</p> <ol style="list-style-type: none"> 1. the Board proposed to renew the registration or endorsement on registration with the undertaking that was in effect immediately before the renewal, 2. the applicant has been given reasonable notice of the proposal to renew the registration or endorsement on registration subject to the undertaking that was in effect immediately before the renewal, 3. the applicant has accepted the Board's proposal, and 4. no additional information has come into possession that may be relevant in making the decision. 	
Schedule 2 Decisions delegated by the National Board: s 125(5)	Current description read: <i>Board must decide to grant or refuse to grant the application to change or remove conditions or undertaking on a registered health practitioner's registration or endorsement or student's registration.</i>	Amend description to read: <i>Board must decide to grant or refuse to grant the application to change or remove conditions or undertaking on a registered health practitioner's registration or endorsement or student's registration.</i>		9 May 2023
Schedule 2 Decisions delegated by the National Board: s 126(5)	Current description read: <i>Board must decide whether to change the condition(s) on a registered health practitioner's or student's registration on its own initiative.</i>	Amend description to read: <i>Board must decide whether to change the condition(s) on a registered health practitioner's registration or endorsement or student's registration on its own initiative.</i>		9 May 2023
Schedule 2 Decisions delegated by the National Board: s 127(2)	Current description read: <i>Board may decide to remove the condition or revoke the undertaking if it reasonably believes the condition(s) imposed or undertaking given is no longer necessary.</i>	Amend description to read: <i>Board may decide to remove the condition or revoke the undertaking on a practitioner's registration or endorsements or a student's registration if it reasonably believes the condition(s) imposed or undertaking given is no longer necessary.</i>		9 May 2023
Schedule 2 Decisions delegated by the National Board: s 149A	-	<p>Addition of new section 149A Addition of new section description as follows: <i>Board may require the person to give specified information or produce specified documents to the Board within a specified reasonable time and in a specified reasonable way.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra).</p>		9 May 2023
Schedule 2 Decisions delegated by the National Board: s 149B(1)	-	<p>Addition of new section 149B(1) Addition of new section description as follows: <i>If a document is produced to the Board, the Board may inspect it, make a copy of it, or keep it while necessary for the preliminary assessment.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra).</p>		9 May 2023
Schedule 2 Decisions delegated by the National Board: 150A(1) (excl Qld Act) 150C(1) (Qld Act)	-	<p>Addition of new section 150A(1) (excl Qld Act) 150C(1) (Qld Act) Addition of new section description as follows: <i>Board may decide to refer the subject matter, or part of the subject matter, to be dealt with by another entity.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra).</p>		9 May 2023

Schedule 2 Decisions delegated by the National Board:150A(4) (excl Qld Act) 150C(4) (Qld Act)	-	Addition of new section 150A(4) (excl Qld Act) 150C(4) (Qld Act) Addition of new section description as follows: <i>In respect of decisions made under s 150A(1) (excl Qld Act) or s 150C(4) (Qld Act), the Board may ask the other entity to give the Board information about how the subject matter of the referred matter or the part of the referred matter was resolved.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra).	9 May 2023
Schedule 2 Decisions delegated by the National Board: 151(1)	Current description read: <i>Board decides to take no further action in relation to a notification:</i> a. <i>frivolous, vexatious, misconceived or lacking in substance</i> b. <i>amount of time elapsed,</i> c. <i>the person is no longer registered,</i> d. <i>subject matter already been dealt with</i> e. <i>being dealt with by another entity or been referred by Board to another entity, or</i> f. <i>registered health practitioner has taken appropriate steps to remedy the subject matter of notification.</i> Current conditions read: <i>Delegation of s 151(1)(e) to Ahpra only applies where the Board's delegate and the HCE have agreed that the HCE will deal with the subject matter of the notification, under s 150(3).</i>	Amend description to read: <i>Board decides to take no further action in relation to a notification:</i> a. <i>if it is frivolous, vexatious, misconceived or lacking in substance</i> b. <i>given the amount of time elapsed,</i> c. <i>if the person is no longer registered,</i> d. <i>the subject matter already been dealt with</i> e. <i>the subject matter of the notification,</i> i. <i>is being dealt with by another entity or been referred by Board to another entity, or</i> ii. <i>has been referred by the Board under ss 150 or 150A to another entity to be dealt with,</i> f. <i>the registered health practitioner has taken appropriate steps to remedy the subject matter of notification.</i> Remove conditions.	9 May 2023
Schedule 2 Decisions delegated by the National Board: 151(1A)	-	Addition of new section 151(1A) Addition of new section description as follows: <i>Board may decide to take no further action in relation to part of a referred matter if the subject matter or the part of the referred matter has been referred by the Board under ss 150 or 150A (s 150C (Qld Act)) to another entity to be dealt with by that entity.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra).	9 May 2023
Schedule 2 Decisions delegated by the National Board: Division 7B	-	Addition of new division 7B	9 May 2023
Schedule 2 Decisions delegated by the National Board:159Q(1)	-	Addition of new section 159Q(1) Addition of new section description as follows: <i>Board may make a public statement if, in the Board's reasonable belief, the person:</i> i. <i>has contravened a relevant provision, or</i> ii. <i>is the subject of an assessment, investigation or other proceedings under Part 8</i> Addition of section to columns F and G (i.e. NSIC and IAC)	9 May 2023

Schedule 2 Decisions delegated by the National Board: 159R(2)	-	Addition of new section 159R(2) Addition of new section description as follows: <i>Board must decide, following consideration of the show cause submission, either:</i> <i>i. not to make the public statement; or</i> <i>ii. to make the public statement as proposed; or</i> <i>iii. to make the public statement in a different way or with different content.</i> Addition of section to columns F and G (i.e. NSIC and IAC)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 159S(1)	-	Addition of new section 159S(1) Addition of new section description as follows: <i>Board may revise the public statement made under s 159R(2) if the Board reasonably believes it is necessary in the circumstances.</i> Addition of section to columns F and G (i.e. NSIC and IAC)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 159T(1)	-	Addition of new section 159T(1) Addition of new section description as follows: <i>Board must revoke the public statement if the Board is satisfied the grounds on which the public statement was made:</i> <i>i. no longer exist in relation to the person; or</i> <i>ii. did not exist at the time the statement was made.</i> Addition of section to columns F and G (i.e. NSIC and IAC)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 179(2)	Current description read: <i>Board must decide to take no action or to take relevant action and/or refer the matter to another entity in relation to a registered health practitioner or student.</i>	Amend description to read: <i>Board must decide in relation to a registered health practitioner or student to:</i> <i>i. take no action,</i> <i>i. take the proposed relevant action or other relevant action,</i> <i>ii. take other action under Part 8, or</i> <i>iii. refer the matter to another entity.</i>	9 May 2023
Schedule 2 Decisions delegated by the National Board: 193(1) (excl Qld Act)	Current description read: <i>Board must refer a matter about a registered health practitioner or student to a responsible tribunal if it reasonably believes that the practitioner/student has behaved in a way that constitutes professional misconduct, their registration was improperly obtained or if it is referred from a panel.</i>	Add in "excl Qld Act" after the section number. Amend the description to read: <i>Board must refer a matter about a registered health practitioner or student to a responsible tribunal if it reasonably believes based on a notification or for any other reason, that the practitioner/student has behaved in a way that constitutes professional misconduct, or if it is referred from a panel.</i>	9 May 2023
Schedule 2 Decisions delegated by the National Board: 193(1) (Qld Act)	Current description read: <i>Board must notify the Health Ombudsman if the Board forms a reasonable belief that the behaviour is professional misconduct or another ground for suspension or cancellation or a panel notified the Board of the panel's belief.</i>	Amend the description to read: <i>Board must notify the Health Ombudsman if the Board forms a reasonable belief based on a complaint or for any other reasons that the behaviour is professional misconduct or there is another ground for suspension or cancellation or a panel notified the Board of the panel's belief.</i>	9 May 2023
Schedule 2 Decisions delegated by the National Board: 193A(1) (excl Qld Act) 193C(1) (Qld Act)	-	Addition of new section 193A(1) (excl Qld Act) 193C(1) (Qld Act) Addition of new section description as follows: <i>Board may decide not to refer a matter about a registered health practitioner mentioned in s 193(1)(a) (excl Qld Act) to a responsible tribunal if the Board</i>	9 May 2023

			<i>decides there is no public interest in the matter being heard by a responsible tribunal.</i> Addition of section to columns B, D and F (i.e. STB, NC and NSIC)	
	Schedule 2 Decisions delegated by the National Board: Division 14	-	Addition of new division 14	9 May 2023
	Schedule 2 Decisions delegated by the National Board: 206(2)	-	Addition of new section 206(2) Addition of new section description as follows: <i>Following either the receipt of or awareness of the practitioner's practice information, Board may give written notice of the decision to:</i> <i>i. the named registered health practitioners with whom the practitioner currently shares premises and the cost of the premises; and</i> <i>ii. the named registered health practitioners with whom the practitioner previously shared premises and the cost of the premises if the Board reasonably believes the practitioner's health, conduct or performance while the practitioner shared the premises with the registered health practitioners posed a:</i> <i>a. risk of harm to a person or a class of persons; or</i> <i>b. risk to public health or safety.</i>	9 May 2023
	Schedule 2 Decisions delegated by the National Board: 206(3)(b)	-	Addition of section to column H (i.e. Ahpra) Addition of new section 206(3)(b) Addition of new section description as follows: <i>Following application of s 206(1), a written notice of the decision may be provided to an entity which the registered health practitioner had a previous practice arrangement with and the Board believes that the practitioner's health, conduct or performance whilst they were at that entity posed a risk of harm to a person or a class of person or a risk to public health or safety.</i> Addition of section to column H (i.e. Ahpra)	9 May 2023
	Schedule 2 Decisions delegated by the National Board: 220A(2) and (5)	-	Addition of new section 220A(2) and (5) Addition of new section description as follows: <i>Following either the receipt of, or awareness of the practitioner's practice information as defined in s 132(4)(a), the Board may give written notice of the risk and any relevant information about the practitioner to the named registered health practitioners with whom the practitioner currently shares premises and the cost of the premises if it is in the public interest to do so.</i> Addition of section to columns F and G (i.e. NSIC and IAC)	9 May 2023
	Schedule 2 Decisions delegated by the	-	Addition of new section 220A(3) and (5) Addition of new section description as follows:	9 May 2023

National Board: 220A(3) and (5)		<i>Following either the receipt of, or awareness of the practitioner's practice information as defined in s 132(4)(b), the Board must give written notice of the risk and any relevant information about the practitioner to a named entity that has a current practice arrangement with the practitioner if it is in the public interest to do so.</i> Addition of section to columns F and G (i.e. NSIC and IAC)	
Schedule 2 Decisions delegated by the National Board: 220B(2)	-	Addition of new section 220B(2) Addition of new section description as follows: <i>If the Board holds a reasonable belief pursuant to s 220B(1)(a), the Board may give written notice of the risk, and any relevant information about the unregistered person, to the registered health practitioners or entities mentioned in s 220B(1)(b).</i> Addition of section to column H (i.e. Ahpra)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 226(1)	Current description read: <i>Board may decide not to include or remove information from the public register in relation to a registered health practitioner.</i> Each subsection was broken down and delegated to the various committees.	Addition of new s 226(1) Addition of new section description as follows: <i>Board may decide that a condition imposed on a practitioner's registration, or an undertaking accepted from the practitioner because the practitioner has an impairment is not recorded on the public register if it is necessary to protect the practitioner's privacy and there is no overriding public interest for the condition or undertaking to be recorded.</i> Addition of section to columns F, G and H (i.e. NSIC, IAC and Ahpra)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 226(2)	Current description read: <i>Board may decide not to include or remove information from the public register in relation to a registered health practitioner.</i> Each subsection was broken down and delegated to the various committees.	Addition of new s 226(2) Addition of new section description as follows: <i>Following a request from the practitioner, the Board may decide that information relating to a practitioner should not be recorded on the public register because the Board reasonably believes that the inclusion of the information would present a serious risk to the health or safety of the practitioner or a member of the practitioner's family or an associate of the practitioner.</i> Addition of section to columns C, D, F and G (i.e. RC, NC, NSIC and IAC)	9 May 2023
Schedule 2 Decisions delegated by the National Board: 226(2A)	Current description read: <i>Board may decide not to include or remove information from the public register in relation to a registered health practitioner.</i> Each subsection was broken down and delegated to the various committees.	Addition of new s 226(2) Addition of new section description as follows: <i>Board may decide to record information, which previously was excluded under s 226(2), on the public register if the Board reasonably believes the circumstances on which the previous exclusion was based have changed.</i> Addition of section to columns C, D, F and G (i.e. RC, NC, NSIC and IAC)	9 May 2023

	Schedule 2 Decisions delegated by the National Board: 226(3)	Current description read: <i>Board may decide not to include or remove information from the public register in relation to a registered health practitioner.</i> Each subsection was broken down and delegated to the various committees.	Addition of new s 226(3) Addition of new section description as follows: <i>Board may decide to remove information from the public register that the registered health practitioner has been reprimanded if it considers it is no longer necessary or appropriate for the information to be recorded on the Register.</i> Addition of section to column H (i.e. Ahpra)	9 May 2023
	Schedule 2 Decisions delegated by the National Board: s 151(1)(f)		Addition of section 151(1)(f) to column E (the Notifications Committee: Triage).	13 March 2024
	Schedule 2 Decisions delegated by the National Board: s112B(4)(a)	Board to approve the form used by an individual in their application for registration in the health profession following period of suspension.	Addition of new s112B(4)(a) Addition of condition on column H as follows: <i>NCA cannot exercise the power under s 112B(4)(a).</i> <i>The delegation to Ahpra to approve the application form is limited to stylistic and minor changes only. Stylistic and minor changes include changes to the design of the form, dates and logo. If there is a substantive change – for instance, changes to the questions - those decisions remain with the Board.</i>	28 June 2024
	Schedule 2 Decisions delegated by the National Board: s131A(2)	Board may decide to refuse to record an alternative name on the: i. public register, and ii. the practitioner's certificate of registration.	Addition of new s131A(2) Addition of condition on column H as follows: <i>NCA cannot exercise the power under s 131A(2).</i> <i>Ahpra may make a decision under s 131A(2) only if the name satisfies the definition of 'prohibited name' under s 131A(4)(a) to (c). If the refusal to include the name on the public register and on the practitioner's certificate of registration is because it is contrary to the public interest for another reason (s 131A(4)(d)), that will be a decision of the relevant committee.</i>	28 June 2024
	Schedule 2 Decisions delegated by the National Board: s159C(1)	Board may issue an interim prohibition order to an unregistered person if, in the Board's reasonable belief, the person: i. has contravened a relevant provision, or ii. is the subject of an assessment, investigation or other proceedings under Part 8	Addition of new s159C(1) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.	28 June 2024
	Schedule 2 Decisions delegated by the National Board: s159E(6)(a)	Following consideration of any submissions made by the unregistered practitioner in accordance with the notice from s 159E(3), the Board must decide, to either: i. confirm the issue of the interim prohibition order, or ii. revoke the interim prohibition order.	Addition of new s159E(6)(a) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.	28 June 2024

Schedule 2 Decisions delegated by the National Board: s159G(1)	Board must revoke an interim prohibition order about an unregistered person if, the Board is satisfied the grounds on which the order was issued: <ul style="list-style-type: none"> i. no longer exist in relation to the person, or ii. did not exist at time the order was issued to the person. 	Addition of new s159G(1) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159G(2)	Board may vary an interim prohibition order about an unregistered person if, <ul style="list-style-type: none"> i. the Board is satisfied a different ground in s 159C(1)(a) exists; and ii. the Board continues to hold the reasonable belief as specified in s 159C(1)(b). 	Addition of new s159G(2) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159H(1)	Board may extend an interim prohibition order about an unregistered person by a period of 60 days if the Board reasonably believes it is necessary.	Addition of new s159H(1) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159I(2)	Following a decision to issue or extend an interim prohibition order, the Board may inform the notifier who made the notification or the person who made the complaint of the decision and the reasons for the decision.	Addition of new s159I(2) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159J(2)	Prior to the expiration of the interim prohibition order, the Board may apply to the responsible tribunal to extend the order.	Addition of new s159J(2) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159L(2)	If a responsible tribunal has extended or substituted an interim prohibition order and the Board is satisfied the grounds on which the order was issued: <ul style="list-style-type: none"> i. no longer exist in relation to the person, or ii. did not exist at time the order was issued to the person; the Board may before either the extended or substituted order ends apply to the responsible tribunal to revoke the order.	Addition of new s159L(2) Addition of new section description as follows: <i>The IAC will make the decision where the unregistered person is a person:</i> <ol style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
Schedule 2 Decisions delegated by the National Board: s159M(2)	If a responsible tribunal has extended or substituted an interim prohibition order and the Board: <ul style="list-style-type: none"> i. is satisfied a different ground in s 159C(1)(a) exists; and 	Addition of new s159M(2) Addition of new section description as follows: The IAC will make the decision where the unregistered person is a person:	28 June 2024

		<ul style="list-style-type: none"> ii. continues to reasonably believe the ground specified in s 159C(1)(b) exists, the Board may before the extended or substituted interim prohibition order ends apply to the responsible tribunal to vary the order. 	<ul style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	
	Schedule 2 Decisions delegated by the National Board: s159N(5)	<p>The Board may decide that the interim prohibition order should not be published because:</p> <ul style="list-style-type: none"> i. the person subject to the interim prohibition order has requested the information not be published, and ii. the Board reasonably believes that the publication of the information would present a serious risk to the health or safety of: <ul style="list-style-type: none"> ▪ the person, or ▪ a member of the person's family or an associate of the person. 	<p>Addition of new s159N(5) Addition of new section description as follows: The IAC will make the decision where the unregistered person is a person:</p> <ul style="list-style-type: none"> 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8. 	28 June 2024
	Preamble: Delegation of Board functions, Clause 3.4.2	-	Reference to Column I has been corrected to Column H which lists the functions delegated to Ahpra.	30 October 2024
	Schedule 2 Decisions delegated by the National Board: s151(1)	-	<p>Addition of the remaining sections of s151(1) to Column E.</p> <p>This allows the Notifications Committee: Triage to exercise the powers under s151(1) in totality.</p>	30 October 2024
	Preamble: Preliminary: Clause 1.1	The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 23 October 2024.	Amend the date to the date of the Board's meeting.	15 January 2025
	Preamble: Preliminary: Clause 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 and authorisations with effect on 1 November 2024.	Amend the date to the date of Chair's signature.	15 January 2025
	Preamble: Preliminary: Clause 1.4	This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 1 November 2024.	Amend the date to the date of Chair's signature.	15 January 2025
	Preamble: Definitions	-	<p>Addition of new Clause 2.5:</p> <ul style="list-style-type: none"> a. <i>Low Risk Early Determination Committee (LREDC) means a committee established by the Board pursuant to clause 11 of Schedule 4 to the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law, constituted according to its terms of reference.</i> <p>Renumbering of all definitions after 2.5 as appropriate.</p>	15 January 2025
	Preamble: Delegation of Board functions, Clause 3.10	-	<p>Addition of new Clause 3.10:</p> <p><i>Low Risk Early Determination Committee</i></p>	15 January 2025

			<p>3.10 <i>The Board delegates to the Low Risk Early Determination Committee (LREDC) the following functions of the Board:</i></p> <p>3.10.1 <i>The functions listed in Column EA of Schedule 2 of this Instrument, subject to the conditions (if any) in Column I of Schedule 2 of this Instrument.</i></p> <p>3.10.2 <i>For completeness, the functions which are delegated to Ahpra and listed in Column H of Schedule 2 of this Instrument are not delegated to the Low Risk Early Determination Committee (LREDC).</i></p> <p>Renumbering of all clauses after 3.10 as appropriate.</p>	
	Schedule 2 Decisions delegated by the National Board	-	Insertion of new column EA – Low Risk Early Determination Committee	15 January 2025
	Schedule 2 Decisions delegated by the National Board: s151(1)	<p>Board decides to take no further action in relation to a notification:</p> <ul style="list-style-type: none"> a. if it is frivolous, vexatious, misconceived or lacking in substance b. given the amount of time elapsed, c. if the person is no longer registered, d. the subject matter already been dealt with e. the subject matter of the notification, <ul style="list-style-type: none"> i. is being dealt with by another entity or been referred by Board to another entity, or ii. has been referred by the Board under ss 150 or 150A to another entity to be dealt with, f. the registered health practitioner has taken appropriate steps to remedy the subject matter of notification. 	<p>Insertion of 151(1)(a), 151(1)(d) in column EA – Low Risk Early Determination Committee.</p> <p>Insertion of the following in column I – Conditions on Delegation:</p> <p><i>LREDC can only exercise its delegation under s 151(1)(a) or 151(1)9d) where the members of LREDC determine that a response to the notification from the practitioner notified about is not required before making the decision.</i></p>	15 January 2025
	Preamble: Preliminary: Clause 1.1	The Medical Board of Australia (the Board), pursuant to section 37 of the Health Practitioner Regulation National Law Act 2009 (the National Law), resolved to delegate its functions as specified in this Instrument of Delegation (Instrument) on 18 December 2024.	Amend the date to the date of the Board's meeting.	1 April 2025
	Preamble: Preliminary: Clause 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 and authorisations with effect on 15 January 2025.	Amend the date to the date of Chair's signature.	1 April 2025
	Preamble: Preliminary: Clause 1.4	This Instrument does not take effect until the date of the signature of the Chair of the Board unless specified otherwise. The effective date of this Instrument is 15 January 2025.	Amend the date to the date of Chair's signature.	1 April 2025
	Preamble: Definitions: Clause 1.4	Current definition for Notifications Committee reads: 2.9 <i>Notifications Committee means a committee established by the Board pursuant to clause 11 of</i>	Amend definition for Notifications Committee to read: 2.9 <i>Notifications Committee means a committee established by the Board pursuant to clause 11 of</i>	1 April 2025

		<i>Schedule 4 to the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law, constituted according to its terms of reference including: 2.9.1 Notifications Committee 2.102.9 Notifications Committee: Assessment (NCA).</i>	<i>Schedule 4 to the National Law to exercise functions set out in section 35 of the National Law under delegation pursuant to section 37 of the National Law, constituted according to its terms of reference.</i>	
	Schedule 2 Decision delegated by a National Board: s 80(1)(c)(d)(e)	-	Addition of s 80(1)(d) to Column D. Insertion of Conditions for Ahpra in Column I: <i>Ahpra may request an applicant undergo an examination or assessment where:</i> 1. <i>the Board has previously made a request of the same applicant to undergo an examination or assessment under s 80(1)(d); and</i> 2. <i>the applicant has not completed an approved program of study since the Board made the previous request under s 80(1)(d).</i>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 83(1)	Current conditions for Ahpra in Column I read: <i>Ahpra may only impose a condition on registration in circumstances where:</i> 1. <i>the imposition of conditions is consistent with the Board's proposal to impose conditions;</i> 2. <i>the applicant has been given reasonable notice of the proposal to impose condition(s) on registration under s 81; and</i> 3. <i>either (a) or (b) applies:</i> <i>a. the applicant submitted that they accept the proposed conditions; or</i> <i>b. the applicant has not made a submission in the time period set out in the notice issued under s 81(2)(b).</i>	Amend Conditions for Ahpra in Column I to read: <i>Ahpra can only impose a condition on registration in the following scenarios:</i> SCENARIO 1 1. <i>the imposition of conditions is consistent with the Board's proposal to impose conditions;</i> 2. <i>the applicant has been given reasonable notice of the Board's proposal to impose condition(s) on registration under s 81; and</i> 3. <i>either (a) or (b) applies:</i> <i>a. the applicant submitted that they accept the proposed condition; or</i> <i>b. the applicant has not made a submission in the time period set out in the notice issued under s 81(2)(b).</i> SCENARIO 2 <i>In relation to a deferred graduate applicant:</i> 1. <i>the applicant has applied for registration as a deferred graduate;</i> 2. <i>the applicant has deferred an application for registration for more than two (2) years after completion of the relevant course required by the applicable registration standards; and</i> 3. <i>the imposition of conditions on the registration of a deferred graduate is in accordance with the National Restriction Library (NRL) for supervision conditions.</i>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 88(1)	Current conditions for Ahpra in Column I read: <i>Ahpra to notify the National Board of any contravention of an education provider to give particulars of students.</i>	Delete 'National' from conditions in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 102(1)	Current conditions for Ahpra in Column I read: <i>Ahpra can only refuse an application for endorsement in the following circumstance:</i> 1. <i>the refusal of the endorsement on the applicant's registration is consistent with the Board's proposal to refuse;</i>	Amend Conditions for Ahpra in Column I to read: <i>Ahpra can only refuse an application for endorsement in the following circumstances:</i> 1. <i>the refusal of the endorsement on the applicant's registration is consistent with the Board's proposal to refuse;</i>	1 April 2025

		<p>2. <i>the applicant has been given notice of a proposal to refuse the endorsement on their registration under s 101; and</i></p> <p>3. <i>either (a) or (b) apply:</i></p> <p>a. <i>the applicant has not made any submissions in response to that notice; or</i></p> <p>b. <i>the applicant has indicated that he or she agrees with the proposed refusal to endorse their registration.</i></p>	<p>2. <i>the applicant has been given notice of the Board's proposal to refuse the endorsement on their registration under s 101; and</i></p> <p>3. <i>either (a) or (b) applies:</i></p> <p>a. <i>the applicant has not made any submissions in response to that notice; or</i></p> <p>b. <i>the applicant has indicated that he or she agrees with the proposed refusal to endorse their registration.</i></p>	
	Schedule 2 Decision delegated by a National Board: s 103A	<p>Current conditions for Ahpra in Column I read:</p> <p><i>Ahpra may only accept an undertaking from a person if:</i></p> <p>1. <i>the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 101;</i></p> <p>2. <i>the undertaking is consistent with the wording proposed by the Board in the conditions; and</i></p> <p>3. <i>no additional information has come into possession that may be relevant in the making the decision.</i></p>	<p>Amend item 3 as follows:</p> <p>3. <i>no additional information has come into possession that may be relevant in making the decision.</i></p>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 110	<p>Current condition in Column I reads:</p> <p><i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Registration Committee, National Special Issues Committee and Ahpra.</i></p>	<p>Amend conditions in Column I to read:</p> <p><i>Corresponding functions under s 80 (as listed above) apply to the relevant State or Territory Board, relevant committees and Ahpra.</i></p>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 112(1)	<p>Current conditions for Ahpra in Column I read:</p> <p><i>Applications for renewal of limited registration in public interest must be considered by the Registration Committee.</i></p> <p><i>Ahpra can only decide to renew a practitioner's registration in the following scenarios:</i></p> <p>SCENARIO 1</p> <p>1. <i>section 111 does not apply (i.e. a practitioner has not received a notice to propose to refuse or propose to impose conditions on the renewal of their registration or endorsement); or</i></p> <p>SCENARIO 2</p> <p>1. <i>in relation to a breach of section 133 (advertising offences) where:</i></p> <p>a. <i>there has been a proposal to refuse to renew a registration or a proposal to impose conditions on a registration has been made;</i></p> <p>b. <i>the practitioner has received a notice under section 111(1); and</i></p> <p>c. <i>the practitioner has amended their advertising to be compliant with the requirements of section 133 following this proposal.</i></p> <p>SCENARIO 3</p>	<p>Amend conditions for Ahpra in Column I to read:</p> <p><i>Ahpra can only decide to renew a practitioner's registration (or endorsement) in the following scenarios:</i></p> <p>SCENARIO 1</p> <p>1. <i>S 111 does not apply (i.e. a practitioner has not received a notice to propose to refuse or propose to impose conditions on the renewal of their registration or endorsement).</i></p> <p>SCENARIO 2</p> <p>1. <i>In relation to a breach of s 133 (advertising offences) where:</i></p> <p>a. <i>there has been a proposal to refuse to renew a registration or a proposal to impose conditions on a registration has been made;</i></p> <p>b. <i>the practitioner has received a notice under s 111(1); and</i></p> <p>c. <i>the practitioner has amended their advertising to be compliant with the requirements of s 133 following this proposal.</i></p> <p>SCENARIO 3</p> <p>1. <i>In relation to a renewal of limited registration for post graduate training or supervised practice if the applicant:</i></p> <p>a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i></p> <p>b. <i>has no adverse disclosures;</i></p> <p>c. <i>has satisfactory work reports; and</i></p>	1 April 2025

		<p>1. <i>in relation to a renewal of limited registration for post graduate training or supervised practice if the applicant:</i></p> <ol style="list-style-type: none"> a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i> b. <i>has no adverse disclosures;</i> c. <i>has satisfactory work reports; and</i> d. <i>meets any progression policy of the Medical Board of Australia for IMGs.</i> <p>SCENARIO 4</p> <p>1. <i>in relation to a renewal of limited registration for area of need if the applicant:</i></p> <ol style="list-style-type: none"> a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i> b. <i>has no adverse disclosures;</i> c. <i>has satisfactory work reports; and</i> d. <i>meets any progression policy of the Medical Board of Australia for IMGs.</i> <p>SCENARIO 5</p> <p>1. <i>in relation to a renewal of limited registration for teaching or research if the applicant:</i></p> <ol style="list-style-type: none"> a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i> b. <i>has no adverse disclosures;</i> c. <i>has satisfactory work reports; and</i> d. <i>meets the progression policy of the Medical Board of Australia for IMGs.</i> <p><i>Ahpra may only refuse an application for renewal of registration where:</i></p> <ol style="list-style-type: none"> 1. <i>the Board has proposal to refuse to renew a registration;</i> 2. <i>the applicant has been given reasonable notice of the proposal to refuse their application for renewal of registration; and</i> 3. <i>either (a) or (b) applies:</i> <ol style="list-style-type: none"> a. <i>the applicant submitted that they accept the proposed decision; or</i> b. <i>the applicant has not made a submission in response to the proposal.</i> 	<p>d. <i>meets any progression policy of the Medical Board of Australia for IMGs.</i></p> <p>SCENARIO 4</p> <p>1. <i>In relation to a renewal of limited registration for area of need if the applicant:</i></p> <ol style="list-style-type: none"> a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i> b. <i>has no adverse disclosures;</i> c. <i>has satisfactory work reports; and</i> d. <i>meets any progression policy of the Medical Board of Australia for IMGs.</i> <p>SCENARIO 5</p> <p>1. <i>In relation to a renewal of limited registration for teaching or research if the applicant:</i></p> <ol style="list-style-type: none"> a. <i>meets the requirement for registration stated in the Medical Board of Australia's registration standards;</i> b. <i>has no adverse disclosures;</i> c. <i>has satisfactory work reports; and</i> d. <i>meets the progression policy of the Medical Board of Australia for IMGs.</i> <p><i>Ahpra may only refuse an application for renewal of registration (or endorsement) where:</i></p> <ol style="list-style-type: none"> 1. <i>the Board has proposed to refuse to renew a registration (or endorsement);</i> 2. <i>the applicant has been given notice of the Board's proposal to refuse their application for renewal of registration (or endorsement); and</i> 3. <i>either (a) or (b) applies:</i> <ol style="list-style-type: none"> a. <i>the applicant submitted that they accept the proposed decision; or</i> b. <i>the applicant has not made a submission in response to the proposal.</i> 	
	Schedule 2 Decision delegated by a National Board: s 112(3)	Current conditions for Ahpra in Column I read: PROPOSING TO IMPOSE CONDITIONS SCENARIO 1 <i>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</i>	Amend conditions for Ahpra in Column I to read: PROPOSING TO IMPOSE CONDITIONS <i>Ahpra may only propose to impose conditions on a renewal of registration (or endorsement) in the following scenarios:</i> SCENARIO 1	1 April 2025

2. *the proposed condition adopts standard wording in accordance with the National Restrictions Library.*

**IMPOSING RESTRICTIONS
SCENARIO 1**

Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:

1. *the Board has proposed to impose conditions following an application on a renewal of registration or endorsement on registration;*
2. *the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration; and*
3. *either (a) or (b) applies:*
 - a. *the applicant submitted that they accept the proposed decision; or*
 - b. *the applicant has not made a submission in response to the proposed decision.*

SCENARIO 2

Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:

1. *the Board proposed to impose conditions following an application on a renewal of registration or endorsement on registration;*
2. *the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration or endorsement on registration;*
3. *the undertaking is consistent with the wording proposed by the Board in the conditions; and*
4. *no additional information has come into possession that may be relevant in making the decision.*

SCENARIO 3

Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:

1. *the Board proposed to renew the registration or endorsement on registration with the undertaking that was in effect immediately before the renewal,*
2. *the applicant has been given reasonable notice of the proposal to renew the registration or endorsement on registration subject to the undertaking that was in effect immediately before the renewal,*
3. *the applicant has accepted the Board's proposal, and*
4. *no additional information has come into possession that may be relevant in making the decision.*

- b. *the completion of additional Continuing Professional Development requirements; or*
- c. *recency of practice conditions with re-entry; and*
2. *the proposed condition adopts standard wording in accordance with the National Restriction Library (NRL).*

SCENARIO 2

1. *The Board has proposed to impose conditions on a renewal of registration (or endorsement);*
2. *the applicant has been given notice of the proposal to impose the condition(s) following an application on a renewal of registration (or endorsement), and*
3. *either (a) or (b) applies:*
 - a. *the applicant submitted that they accept the proposed decision; or*
 - b. *the applicant has not made a submission in response to the proposal.*

IMPOSING CONDITIONS

Ahpra may only impose conditions on a renewal of registration (or endorsement) in the following scenarios:

SCENARIO 1

1. *The Board has proposed to impose conditions following an application on a renewal of registration (or endorsement);*
2. *the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration (or endorsement); and*
3. *either (a) or (b) applies:*
 - a. *the applicant submitted that they accept the proposed decision; or*
 - b. *the applicant has not made a submission in response to the proposed decision.*

SCENARIO 2

1. *Conditions relate to:*
 - a. *a breach of s 133 (advertising offences); or*
 - b. *the completion of additional Continuing Professional Development requirements; or*
 - c. *recency of practice conditions with re-entry; and*
2. *the proposed condition is standard worded conditions in accordance with the National Restriction Library (NRL).*

Ahpra may accept an undertaking on an application for renewal of registration (or endorsement) in the following scenarios:

SCENARIO 1

1. *The Board proposed to impose conditions following an application on a renewal of registration (or endorsement);*

			<p>2. <i>the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration (or endorsement);</i></p> <p>3. <i>the undertaking is consistent with the wording proposed by the Board in the conditions; and</i></p> <p>4. <i>no additional information has come into possession that may be relevant in making the decision.</i></p> <p>SCENARIO 2</p> <p>1. <i>The Board proposed to renew the registration (or endorsement) with the undertaking that was in effect immediately before the renewal;</i></p> <p>2. <i>the applicant has been given reasonable notice of the proposal to renew the registration (or endorsement) subject to the undertaking that was in effect immediately before the renewal;</i></p> <p>3. <i>the applicant has accepted the Board's proposal; and</i></p> <p>4. <i>no additional information has come into possession that may be relevant in making the decision.</i></p>	
	Schedule 2 Decision delegated by a National Board: s 112B(4)(a)	<p>Current conditions in Column I read:</p> <p><i>NCA cannot exercise the power under s 112B(4)(a).</i></p> <p><i>The delegation to Ahpra to approve the application form is limited to stylistic and minor changes only. Stylistic and minor changes include changes to the design of the form, dates and logo. If there is a substantive change – for instance, changes to the questions – those decisions remain with the Board.</i></p>	<p>Remove the following condition:</p> <p><i>NCA cannot exercise the power under s 112B(4)(a).</i></p>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 125(4)	<p>Current conditions in Column I read:</p> <p><i>Corresponding functions under s 80 (as listed above) apply to the State or Territory Board, Notifications Committee, Registration Committee, National Special Issues Committee, IAC and Ahpra.</i></p> <p><i>NCA cannot exercise the powers under section 125(4).</i></p>	<p>Amend conditions in Column I to read:</p> <p><i>Corresponding functions under s 80 (as listed above) apply to the relevant State or Territory Board, relevant committees and Ahpra.</i></p>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 125(5)	<p>Current conditions in Column I read:</p> <p><i>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.</i></p> <p><i>NCA cannot exercise the powers under section 125(5).</i></p> <p><i>Ahpra's delegation is only in relation to deciding to grant a s 125(5) application in the following scenarios:</i></p> <p>SCENARIO 1</p> <p>1. <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i></p> <p>2. <i>information has been submitted to demonstrate compliance with the conditions; or</i></p>	<p>Amend conditions in Column I to read:</p> <p><i>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.</i></p> <p><i>Ahpra's delegation to decide to grant a s 125(5) application is only in the following scenarios:</i></p> <p>SCENARIO 1</p> <p>1. <i>Conditions were imposed in response to a breach of s 133 (advertising offences); and</i></p> <p>2. <i>information has been submitted to demonstrate compliance with the conditions.</i></p> <p><i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains</i></p>	1 April 2025

		<p>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</p> <p>SCENARIO 2</p> <ol style="list-style-type: none"> 1. A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration, and 2. Clinical advice is not required to determine the practitioner's compliance with their conditions. <p>Where clinical advice is sought the matter must be presented to the next available relevant committee meeting.</p>	<p>with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</p> <p>SCENARIO 2</p> <ol style="list-style-type: none"> 1. A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration; and 2. Clinical advice is not required to determine the practitioner's compliance with their conditions. <p>SCENARIO 3</p> <p>Replace a re-entry to practice supervision requirement with a condition to undertake an approved re-entry to practice education program.</p> <p>SCENARIO 4</p> <p>The decision is to remove the requirement to only work in a non-specialist position after the practitioner has been granted specialist registration and the restrictions related to meeting the rotation requirements for general registration.</p> <p>Where clinical advice is sought, the matter must be presented to the next available relevant State or Territory Board or committee meeting and is not delegated to Ahpra.</p>	
Schedule 2 Decision delegated by a National Board: s 126(5)	Current conditions in Column I read:	<p><i>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.</i></p> <p>NCA cannot exercise the powers under section 126(5).</p> <p><i>Provided that the delegate reasonably believes it is necessary to change a condition imposed on a registered health practitioner's or student's registration (s 126(1))</i></p> <p>Ahpra can decide to change a condition only in the following three scenarios:</p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> 1. Committee has proposed to change the condition; 2. subsections 126(2) and 126(4) have been complied with; and 3. practitioner or student: <ol style="list-style-type: none"> a. submitted that they accept the proposed change; or b. have not made a submission and 4. both the delegate agrees that the condition should be changed for the reasons proposed by the Board; and 5. no additional information has come into possession that may be relevant in making a decision. 	<p>Amend conditions in Column I to read:</p> <p><i>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.</i></p> <p><i>The relevant delegate must hold a reasonable belief that it is necessary to change a condition imposed on a registered health practitioner's or student's registration (s 126(1)).</i></p> <p>Ahpra can only decide to change a condition in the following scenarios:</p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> 1. The committee has proposed to change the condition; 2. ss 126(2) and 126(4) have been complied with; and 3. practitioner or student: <ol style="list-style-type: none"> a. submitted that they accept the proposed change; or b. have not made a submission. <p><i>If Ahpra changes the conditions, it must advise the relevant State or Territory Board or committee who proposed to change the condition of the outcome.</i></p> <p>SCENARIO 2</p> <p><i>The change is to increase the number of supervised practice hours required to address a shortfall in meeting</i></p>	1 April 2025

		<p><i>If Ahpra changes the conditions, it must advise the Committee who proposed to change the condition of the outcome.</i></p> <p>SCENARIO 2</p> <ol style="list-style-type: none"> <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> <i>information has been submitted to demonstrate compliance with the conditions; or</i> <p><i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i></p> <p>SCENARIO 3</p> <ol style="list-style-type: none"> <i>A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration, and</i> <i>Clinical advice is not required to determine the practitioner's compliance with their conditions.</i> <p><i>Where clinical advice is sought the matter must be presented to the next available relevant committee meeting.</i></p>	<p><i>recency of practise requirements since the date the restrictions were imposed.</i></p> <p>SCENARIO 3</p> <p><i>The decision is to remove the requirement to only work in a non-specialist position after the practitioner has been granted specialist registration and the restrictions related to meeting the rotation requirements for general registration.</i></p> <p><i>Where clinical advice is sought, the matter must be presented to the next available relevant State or Territory Board or committee meeting and is not delegated to Ahpra.</i></p>	
	<p>Schedule 2 Decision delegated by a National Board: s 127(2)</p>	<p>Current conditions in Column I read:</p> <p><i>Limited to those situations where the IAC had first decided to take the immediate action, and where the IAC is removing the conditions already imposed or revoking the undertakings entered into by the practitioner upon immediate action.</i></p> <p><i>NCA cannot exercise the powers under section 127(2).</i></p> <p><i>Relevant delegate reasonably believes its necessary to remove the condition or revoke the undertaking (s 127(1)).</i></p> <p><i>Ahpra can only make a s 127(2) decision in the following scenarios:</i></p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> <i>conditions were imposed in response to a breach of s 133 (Advertising offences), and</i> <i>information has been submitted to demonstrate compliance with the conditions; or</i> <p><i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i></p>	<p>Amend conditions in Column I to read:</p> <p><i>Limited to those situations where the IAC had first decided to take the immediate action, and where the IAC is removing the conditions already imposed or revoking the undertakings entered into by the practitioner upon immediate action.</i></p> <p><i>The relevant delegate must hold a reasonable belief that it is necessary to remove a condition imposed or revoke the undertaking on a registered health practitioner's or student's registration (s 127(1)).</i></p> <p><i>Ahpra can make a s 127(2) decision in the following scenarios:</i></p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> <i>Conditions were imposed in response to a breach of s 133 (advertising offences); and</i> <i>information has been submitted to demonstrate compliance with the conditions.</i> <p><i>Where there is non-compliance with the s 133 conditions, the matter must be presented to the Registration Committee meeting (except in NSW where this remains with the State Board or where the practitioner has a special issues matter and it must be presented to the National Special Issues Committee) and is not delegated to Ahpra.</i></p> <p>SCENARIO 2</p>	<p>1 April 2025</p>

		<p>SCENARIO 2</p> <p>1. A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration, and</p> <p>2. Clinical advice is not required to determine the practitioner's compliance with their conditions.</p> <p>Where clinical advice is sought the matter must be presented to the next available relevant committee meeting.</p>	<p>1. A practitioner has submitted evidence to the delegate that they have complied with their conditions and/or undertaking on their registration; and</p> <p>2. Clinical advice is not required to determine the practitioner's compliance with their conditions.</p> <p>Where clinical advice is sought, the matter must be presented to the next available relevant State or Territory Board or committee meeting and is not delegated to Ahpra.</p>	
	Schedule 2 Decision delegated by a National Board: s 131A(2)	<p>Current conditions in Column I read: NCA cannot exercise the power under s 131A(2).</p> <p>Ahpra may make a decision under s 131A(2) only if the name satisfies the definition of 'prohibited name' under s 131A(4)(a) to (c). If the refusal to include the name on the public register and on the practitioner's certificate of registration is because it is contrary to the public interest for another reason (s 131A(4)(d)), that will be a decision of the relevant committee.</p>	Remove the following condition in Column I: NCA cannot exercise the power under s 131A(2).	1 April 2025
	Schedule 2 - Decisions delegated by the National Board: s 150A(4), 150C(4)	<p>Current description reads: In respect of decisions made under s 150A(1) (excl Qld Act) or s 150C(4) (Qld Act), the Board may ask the other entity to give the Board information about how the subject matter of the referred matter or the part of the referred matter was resolved.</p>	Amend 150C(4) to 150C(1) in the description.	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 156(1)	<p>Current conditions in Column I read: NCA cannot exercise the power under s 156(1).</p> <p>Ahpra must not make a decision to take immediate action under s 156 in relation to a matter involving an allegation that a registrant is impaired.</p> <p>Ahpra may only make a decision if:</p> <ol style="list-style-type: none"> 1. the decision to take immediate action is consistent with the Board's proposal; 2. s 157 has been complied with, 3. the practitioner or student has either: <ol style="list-style-type: none"> a. accepted the proposed action; or b. not made submissions in response to the proposed immediate action; and 4. the delegate agrees that immediate action should be taken for the reasons proposed by the Board; and 5. no additional information has come into possession that may be relevant in the making an interim decision. <p>Ahpra must advise the relevant Committee of the outcome of its proposal.</p>	<p>Amend conditions in Column I to read: Ahpra must not make a decision to take immediate action under s 156 in relation to a matter involving an allegation that a registrant is impaired.</p> <p>Ahpra may only make a decision if:</p> <ol style="list-style-type: none"> 1. the decision to take immediate action is consistent with the Board's proposal; 2. s 157 has been complied with; 3. the practitioner or student has either: <ol style="list-style-type: none"> a. accepted the proposed action; or b. not made submissions in response to the proposed immediate action; 4. the delegate agrees that immediate action should be taken for the reasons proposed by the Board; and 5. no additional information has come into possession that may be relevant in making an interim decision. <p>Ahpra must advise the relevant State or Territory Board or committee of the outcome of its proposal.</p>	1 April 2025

	Schedule 2 Decision delegated by a National Board: s 160(1)	<p>Current conditions in Column I read: <i>Ahpra to commence an investigation under s 160(1)(a) or (b) where:</i></p> <ol style="list-style-type: none"> 1. <i>s 150(4) applies to require an investigation; or</i> 2. <i>further information is necessary to progress the management of a matter and it is impractical in the circumstances to await a Committee meeting.</i> <p><i>Ahpra may commence a compliance investigation under s 160(1)(c) where:</i></p> <ol style="list-style-type: none"> 1. <i>an instrument imposing an obligation through a registration condition or undertaking does not empower Ahpra to collect information necessary to monitor compliance; and</i> 2. <i>the information sought through an investigation is necessary to assure compliance with a registration condition or undertaking.</i> <p><i>The relevant committee must be notified following a s 160(1) decision made by Ahpra.</i></p>	<p>Amend conditions in Column I to read: <i>Ahpra to commence an investigation under s 160(1)(a) or (b) where:</i></p> <ol style="list-style-type: none"> 1. <i>s 150(4) applies to require an investigation; or</i> 2. <i>further information is necessary to progress the management of a matter and it is impractical in the circumstances to await a committee meeting.</i> <p><i>Ahpra may commence a compliance investigation under s 160(1)(c) where:</i></p> <ol style="list-style-type: none"> 1. <i>an instrument imposing an obligation through a registration condition or undertaking does not empower Ahpra to collect information necessary to monitor compliance; and</i> 2. <i>the information sought through an investigation is necessary to assure compliance with a registration condition or undertaking.</i> <p><i>The relevant State or Territory Board or committee must be notified following a s 160(1) decision made by Ahpra.</i></p>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 167 167(2) (ACT Act)	<p>Current conditions in Column I read: <i>NCA cannot exercise the powers under sections 167 and 167 (ACT Act).</i></p>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 176(3)	<p>Current conditions in Column I read: <i>The person discussing an assessment report with the registrant:</i></p> <ol style="list-style-type: none"> 1. <i>must be a registered medical practitioner, and</i> 2. <i>been approved by the Chair or the nominee of the Chair of the relevant Committee or State or Territory Board.</i> 	<p>Insert section 176(3) in Column H.</p> <p>Amend conditions in Column I read: <i>The person discussing an assessment report with the registrant:</i></p> <ol style="list-style-type: none"> 1. <i>must be a registered medical practitioner, and</i> 2. <i>be approved by the Chair or the nominee of the Chair of the relevant committee or State or Territory Board.</i> 	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 177 177(3) (ACT Act)	<p>Current conditions in Column I read: <i>NCA cannot exercise the powers under sections 177 and 177 (ACT Act).</i></p>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 178(2)	<p>Current conditions in Column I read: <i>Ahpra must not make a decision to take relevant action under s 178(2) in relation to a matter involving an allegation that a registrant is impaired.</i></p> <p><i>The relevant delegate holds a reasonable belief (s 178(1)(a)).</i></p> <p><i>Ahpra may only make a decision under s 178(2) if:</i></p> <ol style="list-style-type: none"> 1. <i>s 179(1) has been complied with or, if s 179(1) does not apply, the practitioner / student has been afforded a reasonable opportunity to show cause as to why relevant action should not be taken; and</i> 2. <i>practitioner or student has:</i> <ol style="list-style-type: none"> a. <i>submitted that they accept the action proposed;</i> <p style="text-align: center;"><i>or</i></p>	<p>Amend conditions in Column I to read: <i>Ahpra must not make a decision to take relevant action under s 178(2) in relation to a matter involving an allegation that a registrant is impaired.</i></p> <p><i>The relevant delegate must hold a reasonable belief (s 178(1)(a)).</i></p> <p><i>Ahpra may only make a decision under s 178(2) if:</i></p> <ol style="list-style-type: none"> 1. <i>s 179(1) has been complied with or, if s 179(1) does not apply, the practitioner / student has been afforded a reasonable opportunity to show cause as to why relevant action should not be taken;</i> 2. <i>practitioner or student has:</i> <ol style="list-style-type: none"> a. <i>submitted that they accept the action proposed;</i> <p style="text-align: center;"><i>or</i></p>	1 April 2025

		<p>b. not made a submission in response to the proposed relevant action; and</p> <p>3. delegate agrees that relevant action should be taken for the reasons proposed by the Board and holds the reasonable belief (s 178(1)(a)); and</p> <p>4. no additional information has come into possession that may be relevant in making a determinative decision.</p> <p>Ahpra must advise the relevant committee who proposed the relevant action of the outcome of its proposal.</p> <p>Notwithstanding the limitation above, Ahpra may only propose conditions under s 178(2)(c) where:</p> <ol style="list-style-type: none"> 1. conditions relate to a breach of s133 (advertising offences), and 2. the proposed condition must be standard worded conditions in accordance with the National Restrictions Library. <p>¹ The National Director, Compliance must be advised once a decision under s 178 has been made in relation to a monitoring and compliance matter.</p>	<p>b. not made a submission in response to the proposed relevant action;</p> <p>3. delegate agrees that relevant action should be taken for the reasons proposed by the Board and holds the reasonable belief (s 178(1)(a)); and</p> <p>4. no additional information has come into possession that may be relevant in making a determinative decision.</p> <p>Ahpra must advise the relevant State or Territory Board or committee who proposed the relevant action of the outcome of its proposal.</p> <p>Notwithstanding the limitation above, Ahpra may only propose conditions under s 178(2)(c) where:</p> <ol style="list-style-type: none"> 1. conditions relate to a breach of s 133 (advertising offences), and 2. the proposed condition must be standard worded conditions in accordance with the National Restrictions Library (NRL). <p>¹ The National Director, Compliance must be advised once a decision under s 178 has been made in relation to a monitoring and compliance matter which involves advertising.</p>	
	<p>Schedule 2 Decision delegated by a National Board: s 179(2)</p>	<p>Current conditions in Column I read:</p> <p>Ahpra must not make a decision to take relevant action under s 179(2) in relation to a matter involving an allegation that a registrant is impaired.</p> <p>Ahpra may only decide to take no further action under s 179(2)(a):</p> <ol style="list-style-type: none"> 1. in relation to breaches of s 133 (advertising offences). <p>The relevant delegate must hold a reasonable belief (s 178(1)(a)).</p> <p>Ahpra may only make a decision under s 179(2)(b)(i) if:</p> <ol style="list-style-type: none"> 1. s 179(1) has been complied with or, if s 179(1) does not apply, the practitioner / student has been afforded a reasonable opportunity to show cause as to why relevant action should not be taken; and 2. practitioner or student has: <ol style="list-style-type: none"> a. submitted that they accept the action proposed; or b. not made a submission in response to the proposed relevant action; and 3. delegate agrees that relevant action should be taken for the reasons proposed by the Board; and 4. no additional information has come into possession that may be relevant in making a determinative decision. <p>Ahpra must advise the relevant committee of the outcome of its proposal.</p>	<p>Amend conditions in Column I to read:</p> <p>Ahpra must not make a decision to take relevant action under s 179(2) in relation to a matter involving an allegation that a registrant is impaired.</p> <p>The relevant delegate must hold a reasonable belief (s 178(1)(a)).</p> <p>Ahpra may only decide to take no further action under s 179(2)(a):</p> <ol style="list-style-type: none"> 1. in relation to breaches of s 133 (advertising offences). <p>Ahpra may only make a decision under s 179(2)(b)(i) if:</p> <ol style="list-style-type: none"> 1. s 179(1) has been complied with or, if s 179(1) does not apply, the practitioner / student has been afforded a reasonable opportunity to show cause as to why relevant action should not be taken; 2. practitioner or student has: <ol style="list-style-type: none"> a. submitted that they accept the action proposed; or b. not made a submission in response to the proposed relevant action; 3. delegate agrees that relevant action should be taken for the reasons proposed by the Board; and 4. no additional information has come into possession that may be relevant in making a determinative decision. 	<p>1 April 2025</p>

			<i>Ahpra must advise the relevant State or Territory Board or committee of the outcome of its proposal.</i>	
	Schedule 2 Decision delegated by a National Board: 181(1)	Current conditions in Column I read: <i>NCA cannot exercise the powers under section 181(1).</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: 182(1)	Current conditions in Column I read: <i>NCA cannot exercise the powers under section 182(1).</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: 193(1)(excl Qld Act)	Current conditions in Column I read: <i>NCA cannot exercise the powers under section 193(1)(excl Qld Act)</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: 193(1)(Qld Act)	Current conditions in Column I read: <i>NCA cannot exercise the powers under section 193(1)(Qld Act)</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 Decision delegated by a National Board: 193A(1) (excl Qld Act), 193C(1) (Qld Act)	Current conditions in Column I read: <i>NCA cannot exercise the powers under sections 193A(1) (excl Qld Act) and 193C(1) (Qld Act).</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 - Decisions delegated by the National Board: s 193A(1) and (2) (Qld Act)	Board must refer a matter to the Health Ombudsman if requested to do so by the health ombudsman and if a panel has notified the Board that the matter is to be referred the responsible tribunal.	Removal of section 193A(1) and (2) (Qld Act) from Column D. Addition of section 193A(1) and (2) (Qld Act) to Column H. Removal of the following condition from Column I: <i>NCA cannot exercise the powers under section 193A(1) and (2) (Qld Act)</i> Addition of conditions in Column I: <i>Ahpra can exercise the power to refer a practitioner to a responsible tribunal if:</i> <ol style="list-style-type: none"><i>a Board or committee with power to refer has decided to refer; and</i><i>consultation with the Health Ombudsman has confirmed that the practitioner can be referred.</i>	1 April 2025
	Schedule 2 Decision delegated by a National Board: s 193A(4) (Qld Act)	Current conditions in Column I read: <i>NCA cannot exercise the powers under section 193A(4) (Qld Act)</i>	Remove the condition in Column I.	1 April 2025
	Schedule 2 - Decisions delegated by the National Board: s 193B(1) and (2) (Qld Act)	Board's referral to Tribunal at panel's or ombudsman's request.	Removal of section 193B(1) and (2) (Qld Act) from Column D. Addition of section 193B(1) and (2) (Qld Act) to Column H. Removal of the following condition from Column I: <i>NCA cannot exercise the powers under section 193B(1) and (2) (Qld Act).</i> Addition of conditions in Column I: <i>Ahpra can exercise the power to refer a practitioner to a responsible tribunal if:</i> <ol style="list-style-type: none"><i>a Board or committee with power to refer has decided to refer; and</i><i>consultation with the Health Ombudsman has confirmed that the practitioner can be referred.</i>	1 April 2025

	<p>Schedule 2 Decision delegated by a National Board: s 226(3)</p>	<p>Current conditions in Column I read: <i>NCA cannot exercise the powers under section 226.</i></p> <p><i>Ahpra is only delegated the power to decide to remove information that a registered health practitioner has been reprimanded from the register under s 226(3) where:</i></p> <ol style="list-style-type: none"> <i>1. reprimand has been published for 5 years or longer; and</i> <i>2. there has not been a 'Relevant Event' in the preceding 5 years.</i> 	<p>Amend conditions in Column I to read:</p> <p><i>Ahpra is only delegated the power to decide to remove information that a registered health practitioner has been reprimanded from the register under s 226(3) where:</i></p> <ol style="list-style-type: none"> <i>1. the reprimand has been published for 5 years or longer; and</i> <i>2. there has not been a 'Relevant Event' in the preceding 5 years.</i> <p><i>Ahpra is only delegated the power to refuse a request to remove a reprimand under s 226(3) where:</i></p> <ol style="list-style-type: none"> <i>1. the relevant State or Territory Board or committee has issued a written notice to the registered health practitioner proposing to refuse to remove the reprimand; and</i> <i>2. the practitioner has not provided a response to the notice or has indicated they intend not to make submissions.</i> 	<p>1 April 2025</p>
--	--	---	--	---------------------