Chinese Medicine Board of Australia

Instrument of Delegation- Annexure A, Document Control Table

Corporate Legal, National Legal Practice
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Amendment History

Part and Division	Description	Change	Date Change Made
Preamble: Preliminary: Clause 1.1	The Chinese Medicine 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 October 2020.	Amend the date to the date of the Board's meeting.	11 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 1 January 2021.	Amend the date to the date of Chair's signature.	11 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 1 January 2021.	Amend the date to the date of Chair's signature.	11 October 2022
Schedule 2 Decision delegated by a National Board: section 82(1)(c)	Condition 3(b) in Column E read: *the applicant has indicated that he or she agrees with the proposed imposition of the condition(s).*	Amend Condition 3(b) in Column E to read: *the applicant has indicated that he or she agrees with the proposed decision.*	11 October 2022
Schedule 2 Decision delegated by a National Board: section 91(4)(b)(i)	Reference to section in Column D read: 91(4)(a)(i)	Amend reference to section in Column D to read: 91(4)(b)(i)	11 October 2022

	Schedule 2 Decisions delegated by the National Board: S 152(3)	N/A	Addition of section in Column D. Addition of the following description in Column A: *Despite s 152(1), a notice of receipt of notification is not required to be 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.*	11 October 2022
	Schedule 2 Decisions delegated by the National Board: S 159A(2)	N/A	Addition of section in Column D. Addition of the following description in Column A: *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.*	11 October 2022
	Schedule 2 Decisions delegated by the National Board: S 167A(2)	N/A	Addition of section in Column D. Addition of the following description in Column A: *Following a decision after the investigation under s 167, the Board may inform the notifier of the decision and reasons for the decision.*	8 July 2022
	Schedule 2 Decisions delegated by the National Board: S 177A(2)	N/A	Addition of section in Column D. Addition of the following description in Column A: *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.*	8 July 2022
	Preamble: Preliminary: Clause 1.1	The Chinese Medicine 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 September 2022.	Amend the date to the date of the Board's meeting.	22 November 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 11 October 2022.	Amend the date to the date of Chair's signature.	22 November 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 11 October 2022.	Amend the date to the date of Chair's signature.	22 November 2022
	s 112(3)	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.	New Scenario 2 added to power to propose to impose conditions **SCENARIO 2** Ahpra may only propose to impose conditions on a renewal of registration where: 1. conditions relate to the completion of additional Continuing Professional Development requirements; and	22 November 2022

			2. the proposed condition is standard worded conditions in accordance with the National Restriction Library. New Scenario 2 added to power to impose conditions: **SCENARIO 2** Ahpra may only impose conditions on a renewal of registration where: 1. conditions relate to the completion of additional Continuing Professional Development requirements; and the proposed condition is standard worded conditions in accordance with the National Restriction Library.	
	s 112(3)	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.	New Scenario 2 added to power to propose to impose conditions **SCENARIO 2** Ahpra may only propose to impose conditions on a renewal of registration where: 3. conditions relate to the completion of additional Continuing Professional Development requirements; and 4. the proposed condition is standard worded conditions in accordance with the National Restriction Library. New Scenario 2 added to power to impose conditions: **SCENARIO 2** Ahpra may only impose conditions on a renewal of registration where: 2. conditions relate to the completion of additional Continuing Professional Development requirements; and 3. the proposed condition is standard worded conditions in accordance with the National Restriction Library.	25 November 2022
	Preamble: Preliminary: Clause 1.1	The Chinese Medicine 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 22 November 2022.	Amend the date to the date of the Board's meeting.	3 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 22 November 2022.	Amend the date to the date of Chair's signature.	3 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 22 November 2022.	Amend the date to the date of Chair's signature.	3 May 2023

	Schedule 1 Functions only exercised by the National Board: Division 7B	-	Addition of new division 7B	3 May 2023
	Schedule 1 Functions only exercised by the National Board 159Q(1)	-	Addition of new section 159Q(1) into Schedule 1 Addition of new section description as follows: *Board may make a public statement 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*	3 May 2023
	Schedule 1 Functions only exercised by the National Board: 159R(2)	-	Addition of new section 159R(2) into Schedule 1 Addition of new section description as follows: *Board must decide, following consideration of the show cause submission, either:* *i. not to make the public statement; or* *ii. to make the public statement as proposed; or* *iii. to make the public statement in a different way or with different content.*	3 May 2023
	Schedule 1 Functions only exercised by the National Board: 159S(1)	-	Addition of new section 159S(1) into Schedule 1 Addition of new section description as follows: *Board may revise the public statement made under s 159R(2) if the Board reasonably believes it is necessary in the circumstances.*	3 May 2023
	Schedule 1 Functions only exercised by the National Board: 159T(1)	-	Addition of new section 159T(1) into Schedule 1 Addition of new section description as follows: *Board must revoke the public statement if the Board is satisfied the grounds on which the public statement was made:* *i. no longer exist in relation to the person; or* *ii. did not exist at the time the statement was made.*	3 May 2023
	Schedule 2 Decisions delegated by the National Board: S 83A	-	Addition of new section 83A. Addition of new section description as follows: *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.* Addition of section to column D (i.e. Ahpra). Addition of condition in Column E as follows: *Ahpra may only accept an undertaking from a person if:* *1. the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 81;* *2. the undertaking is consistent with the wording proposed by the Board in the conditions; and*	3 May 2023

			3. *no additional information has come into possession that may be relevant in making the decision.*	
	Schedule 2 Decisions delegated by the National Board: Division 6A	-	Addition of new division 6A	3 May 2023
	Schedule 2 Decisions delegated by the National Board: S 85A	-	Addition of new section 85A Addition of new section description as follows: *Board may propose to withdraw the registration of a registered health practitioner if the Board:* *i. reasonably believes the practitioner's registration was improperly obtained because the practitioner, or* *ii. someone else gave the Board information or a document that was false or misleading in a material particular.* Addition of section to column B (i.e. RNC).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: S 85C(a)	-	Addition of new section 85C(a) Addition of new section description as follows: *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.* Addition of section to column B (i.e. RNC).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: S 85C(b)	-	Addition of new section 85C(b) Addition of new section description as follows: *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. withdraw the practitioner's registration;* *ii. refer the matter to a responsible tribunal;* *iii. take other appropriate action under Part 8.* Addition of section to column B (i.e. RNC).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: s 112(3)	Current description read: *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.* Current conditions read: ***PROPOSING TO IMPOSE CONDITIONS SCENARIO 1*** *Ahpra may only propose to impose conditions on*	Amend description to read: *Board decides to renew a registration, including any endorsement on registration, the registration or the endorsement subject to:* *1. any conditions the registration was subject to immediately before the renewal,* *2. any condition the Board considers necessary or desirable in the circumstances,*	3 May 2023

		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. ***SCENARIO 2*** *Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:* *1. conditions relate to the completion of additional Continuing Professional Development requirements; and* *2. the proposed condition is standard worded conditions in accordance with the National Restriction Library.* ***IMPOSING CONDITIONS*** ***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 only impose conditions on a renewal of registration or endorsement where:* *1. conditions relate to the completion of additional Continuing Professional Development requirements; and* *2. the proposed condition is standard worded conditions in accordance with the National Restriction Library.*	*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.* ***SCENARIO 2*** *Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:* *1. conditions relate to the completion of additional Continuing Professional Development requirements; and* *2. the proposed condition is standard worded conditions in accordance with the National Restriction 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 only impose conditions on a renewal of registration or endorsement where:*	

			1. *conditions relate to the completion of additional Continuing Professional Development requirements; and* 2. *the proposed condition is standard worded conditions in accordance with the National Restriction Library.* ***SCENARIO 3*** *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 4*** *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.*	
	Schedule 2 Decisions delegated by the National Board: s 126(5)	Current description read: *Board must decide whether to change the condition(s) on a registered health practitioner's or student's registration on its own initiative.*	Amend description to read: *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.*	3 May 2023
	Schedule 2 Decisions delegated by the National Board: s 127(2)	Current description read: *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.*	Amend description to read: *Board may decide to remove the condition or revoke the undertaking on a practitioner's registration or endorsements or a student's*	3 May 2023

			registration if it reasonably believes the condition(s) imposed or undertaking given is no longer necessary.	
	Schedule 2 Decisions delegated by the National Board: s 149A		Addition of new section 149A Addition of new section description as follows: *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.* Addition of section to column D (i.e. Ahpra).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: s 149B(1)	-	Addition of new section 149B(1) Addition of new section description as follows: *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.* Addition of section to column D (i.e. Ahpra).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 150A(1) (excl Qld Act) 150C(1) (Qld Act)	-	Addition of new section 150A(1) (excl Qld Act) 150C(1) (Qld Act) Addition of new section description as follows: *Board may decide to refer the subject matter, or part of the subject matter, to be dealt with by another entity.* Addition of section to column D (i.e. Ahpra).	3 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: *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.* Addition of section to column D (i.e. Ahpra).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 151(1)	Current description read: *Board decides to take no further action in relation to a notification:* *a. frivolous, vexatious, misconceived or lacking in substance* *b. amount of time elapsed,* *c. the person is no longer registered,* *d. subject matter already been dealt with* *e. being dealt with by another entity or been referred by Board to another entity, or* *f. registered health practitioner has taken appropriate steps to remedy the subject matter of notification.* Current conditions read: *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).*	Amend description to read: *Board decides to take no further action in relation to a notification:* *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,* *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,*	3 May 2023

			f. the registered health practitioner has taken appropriate steps to remedy the subject matter of notification. Remove conditions.	
	Schedule 2 Decisions delegated by the National Board: 151(1A)	-	Addition of new section 151(1A) Addition of new section description as follows: *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.* Addition of section to column D (i.e. Ahpra).	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 179(2)	Current description read: *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.*	Amend description to read: *Board must decide in relation to a registered health practitioner or student to:* *i. take no action,* *ii. take the proposed relevant action or other relevant action,* *iii. take other action under Part 8, or* *iv. refer the matter to another entity.*	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 193(1) (excl Qld Act)	Current description read: *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.* No conditions	Amend the description to read: *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.*	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 193(1) (Qld Act)	Current description read: *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.* No conditions	Amend the description to read: *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.*	3 May 2023
	Schedule 1 Functions only exercised 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: *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 decides there is no public interest in the matter being heard by a responsible tribunal.*	3 May 2023
	Schedule 2 Decisions delegated by the National Board: Division 14	-	Addition of new division 14	3 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: *Following either the receipt of or awareness of the practitioner's practice information, Board may give written notice of the decision to:* *i. the named registered health practitioners with whom the practitioner currently shares premises and the cost of the premises; and* *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:* *a. risk of harm to a person or a class of persons; or* *b. risk to public health or safety.* Addition of section to column D (i.e. Ahpra)	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 206(3)(b)	-	Addition of new section 206(3)(b) Addition of new section description as follows: *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*. Addition of section to column D (i.e. Ahpra)	3 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: *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.* Addition of section to column C (i.e. IAC)	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 220A(3) and (5)	-	Addition of new section 220A(3) and (5) Addition of new section description as follows: *Following either the receipt of, or awareness of the practitioner's practice information as*	3 May 2023

			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. Addition of section to column C (i.e. IAC)	
	Schedule 2 Decisions delegated by the National Board: 220B(2)	-	Addition of new section 220B(2) Addition of new section description as follows: *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).* Addition of section to column D (i.e. Ahpra)	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 226(1)	Current description read: *Board may decide not to include or remove information from the public register in relation to a registered health practitioner.* Each subsection was broken down and delegated to the various committees.	Addition of new s 226(1) Addition of new section description as follows: *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.* Addition of section to columns C and D (i.e. IAC and Ahpra)	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 226(2)	Current description read: *Board may decide not to include or remove information from the public register in relation to a registered health practitioner.* Each subsection was broken down and delegated to the various committees.	Addition of new s 226(2) Addition of new section description as follows: *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.* Addition of section to columns B and C (i.e. RNC and IAC)	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 226(2A)	Current description read: *Board may decide not to include or remove information from the public register in relation to a registered health practitioner.* Each subsection was broken down and delegated to the various committees.	Addition of new s 226(2)(A) Addition of new section description as follows: *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.*	3 May 2023

			Addition of section to columns B and C (i.e. RNC and IAC)	
	Schedule 2 Decisions delegated by the National Board: 226(3)	Current description read: *Board may decide not to include or remove information from the public register in relation to a registered health practitioner.* Each subsection was broken down and delegated to the various committees.	Addition of new s 226(3) Addition of new section description as follows: *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.* Addition of section to column D (i.e. Ahpra)	3 May 2023
	Preamble	Current description read: *Delegation of the Chinese Medicine Board of Australia's functions under the Health Practitioner Regulation National Law as in force in each State and Territory and Trans-Tasman Mutual Recognition Act 1997 to Committees of the Board and the Australian Health Practitioner Regulation Agency*	Addition of '*and Trans-Tasman Mutual Recognition Act 1997*' in the preamble to read: *Delegation of the Chinese Medicine Board of Australia's functions under the Health Practitioner Regulation National Law as in force in each State and Territory and Trans-Tasman Mutual Recognition Act 1997 to Committees of the Board and the Australian Health Practitioner Regulation Agency*	17 August 2023
	Clause 2.6: Definitions	Current description read: *2.6 National Law means:* *2.6.1 the Health Practitioner Regulation National Law (Queensland) in Queensland;* *2.6.2 the Health Practitioner Regulation National Law (ACT) in the Australian Capital Territory;* *2.6.3 the Health Practitioner Regulation National Law (Victoria) in Victoria;* *2.6.4 the Health Practitioner Regulation National Law (South Australia) in South Australia;* *2.6.5 the Health Practitioner Regulation National Law (NT) in the Northern Territory;* *2.6.6 the Health Practitioner Regulation National Law (Tasmania) in Tasmania;* *2.6.7 the Health Practitioner Regulation National Law (NSW) in New South Wales; and* *2.6.8 the Health Practitioner Regulation National Law (Western Australia) in Western Australia.* *To avoid doubt, any section cited in this Instrument refers to the section in the National Law in force in each jurisdiction unless:* *2.6.9 the section is contained within Part 8 of the NSW Act; or it is otherwise indicated by this Instrument that the National Law specific to a particular participating jurisdiction applies*	Addition of new numbered clause 2.6.10 and new clause 2.6.11 as follows: *2.6 National Law means:* *2.6.1 the Health Practitioner Regulation National Law (Queensland) in Queensland;* *2.6.2 the Health Practitioner Regulation National Law (ACT) in the Australian Capital Territory;* *2.6.3 the Health Practitioner Regulation National Law (Victoria) in Victoria;* *2.6.4 the Health Practitioner Regulation National Law (South Australia) in South Australia;* *2.6.5 the Health Practitioner Regulation National Law (NT) in the Northern Territory;* *2.6.6 the Health Practitioner Regulation National Law (Tasmania) in Tasmania;* *2.6.7 the Health Practitioner Regulation National Law (NSW) in New South Wales; and* *2.6.8 the Health Practitioner Regulation National Law (Western Australia) in Western Australia.* *To avoid doubt, any section cited in this Instrument refers to the section in the*	17 August 2023

			National Law in force in each jurisdiction unless: *2.6.9 the section is contained within Part 8 of the NSW Act; or* *2.6.10 it is otherwise indicated by this Instrument that the National Law specific to a particular participating jurisdiction applies; or* *2.6.11 it is otherwise indicated by this Instrument that the section is in the Trans-Tasman Mutual Recognition Act.*	
	Clause 2.15: Definitions		Addition of new clause 2.15 as follows: *2.15 Trans-Tasman Mutual Recognition Act means the Trans-Tasman Mutual Recognition Act 1997 (Cth).*	17 August 2023
	Clause 3.1: Principles of delegation	Current description read: *3.1 Principles of delegation:* *3.1.1 The purpose of this Instrument is to allow the Board to discharge its functions as set out in section 35 of the National Law.* *3.1.2 To the extent that the Board's functions are capable of being delegated, the Board delegates its functions to Ahpra and the committees of the Board as set out in Schedule 2 of this Instrument.* *3.1.3 The delegations in Schedule 2 of this Instrument are subject to any conditions placed on the delegations made under s 37(1) by the National Boards. These conditions are set out in Column E of Schedule 2 of this Instrument and describe the legal conditions that have an effect on the delegable power.* *3.1.4 A delegate may in the performance of a delegated function do anything that is incidental to the delegated function.* *3.1.5 A delegation does not derogate from the power of the Board to act itself in the matter, so long as the delegate has not yet exercised the function or power.* *3.1.6 A delegate may only exercise a function, or make a decision, subject to the conditions imposed on the delegated function. If the decision to be made is not within the condition which applies to the delegated function, or the delegate is not sure what the decision should be, the delegate must not make the decision. The delegate may, however, make*	Amend clause 3.1.1, 3.1.2, 3.1.3 and addition of new 3.1.4 as follows: *3.1 Principles of delegation:* *3.1.1 The purpose of this Instrument is to allow the Board to discharge its functions as set out in section 35 of the National Law and the Trans-Tasman Mutual Recognition Act.* *3.1.2 To the extent that the Board's functions are capable of being delegated, the Board delegates its functions to Ahpra and the committees of the Board as set out in Schedules 2 and 3 of this Instrument.* *3.1.3 The delegations in Schedule 2 of this Instrument are subject to any conditions placed on the delegations made under s 37(1) by the National Boards. These conditions are set out in Column E of Schedule 2 of this Instrument and describe the legal conditions that have an effect on the delegable power.* *3.1.4 The delegations in Schedule 3 of this Instrument are subject to any conditions placed on the delegations made under s 37(1) by the National Boards. These conditions are set out in Column E of Schedule 3 of this Instrument and describe the legal conditions that have an effect on the delegable power.* *3.1.5 A delegate may in the performance of a delegated function do anything that is incidental to the delegated function.* *3.1.6 A delegation does not derogate from the*	17 August 2023

		recommendations to the National Board or another delegate. *3.1.7 The underlying intention in establishing such delegation is to facilitate the effective and efficient operation of the national accreditation and registration scheme.*	*power of the Board to act itself in the matter, so long as the delegate has not yet exercised the function or power.* *3.1.7 A delegate may only exercise a function, or make a decision, subject to the conditions imposed on the delegated function. If the decision to be made is not within the condition which applies to the delegated function, or the delegate is not sure what the decision should be, the delegate must not make the decision. The delegate may, however, make recommendations to the National Board or another delegate.* *3.1.8 The underlying intention in establishing such delegation is to facilitate the effective and efficient operation of the national accreditation and registration scheme.*	
	Clause 3.3: Registration and/or Notifications Committees	Current description read: *3.3 The Board delegates to the Registration and/or Notifications Committee the following functions of the Board:* *The functions listed in Column B to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E to Schedule 2 of this Instrument.* *3.3.3 All functions delegated to Ahpra, as listed in Column D of Schedule 2 of this Instrument.* *3.3.3.1 Where a condition applies to Ahpra, as detailed in Column E of Schedule 2 of this Instrument, this condition would not apply to the Registration and/or Notifications Committee unless specifically stated in Column E of Schedule 2 of this Instrument.*	Amend clause 3.3 as follows: *3.3 The Board delegates to the Registration and/or Notifications Committee the following functions of the Board:* *3.3.1 The functions listed in Column B to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E to Schedule 2 of this Instrument.* *3.3.2 The functions listed in Column B to Schedule 3 of this Instrument, subject to the conditions (if any) in Column E to Schedule 3 of this Instrument.* *3.3.3 All functions delegated to Ahpra, as listed in Column D of Schedules 2 and 3 of this Instrument.* *3.3.3.1 Where a condition applies to Ahpra, as detailed in Column E of Schedules 2 or 3 of this Instrument, this condition would not apply to the Registration and/or Notifications Committee unless specifically stated in Column E of Schedules 2 or 3 of this Instrument.*	17 August 2023
	Clause 3.4: Immediate Action Committee	Current description read: *3.4 The Board delegates to the Immediate Action Committee the following functions of the Board:* *3.4.1 The functions listed in Column C to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E of Schedule 2 of this Instrument.*	Amend clause 3.4 as follows: *3.4 The Board delegates to the Immediate Action Committee the following functions of the Board:* *3.4.1 The functions listed in Column C to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E*	17 August 2023

		3.4.2 For completeness, the functions which are delegated to Ahpra and listed in Column D of Schedule 2 of this Instrument are not delegated to the Immediate Action Committee.	*of Schedule 2 of this Instrument.* *3.4.2 The functions listed in Column C to Schedule 3 of this Instrument, subject to the conditions (if any) in Column E to Schedule 3 of this Instrument.* *3.4.3 For completeness, the functions which are delegated to Ahpra and listed in Column D of Schedules 2 and 3 of this Instrument are not delegated to the Immediate Action Committee.*	
	Clause 3.5: Australian Health Practitioner Regulation Agency	Current description read: *3.5 The Board delegates to Ahpra the following functions of the Board,* *3.5.1 The functions listed in Column D to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E of Schedule 2 of this Instrument.* *3.5.2 The provision of notice(s), whether or not expressly provided for in this Instrument, and whether from the Board or a committee of the Board, to any entity or person.* *3.5.3 The publishing of information on the Board's and/or Ahpra's website, whether or not expressly provided for in this Instrument.* *3.5.4 Ahpra may not exercise any function that is an appellable decision unless specified otherwise. Where there is a decision which is appealed Ahpra must seek the advice from the Board and ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal.* *3.5.5 Ahpra may sub-delegate functions to specific positions within Ahpra, however, a sub-delegated function that is properly exercised by the sub-delegate is taken to have been exercised on behalf of the Chief Executive Officer.* *3.5.6 To avoid doubt, despite the description of division and the conditions to listed in Columns A and E respectively of Schedule 2 of this Instrument the delegate must refer back to the applicable section(s) of the National Law that is being exercised.* *3.5.7 The Board's decision, including any delegate decision must be consistent with the National Board guidelines and/or*	Amend clause 3.5 as follows: *3.5 The Board delegates to Ahpra the following functions of the Board,* *3.5.1 The functions listed in Column D to Schedule 2 of this Instrument, subject to the conditions (if any) in Column E of Schedule 2 of this Instrument.* *3.5.2 The functions listed in Column D to Schedule 3 of this Instrument, subject to the conditions (if any) in Column E to Schedule 3 of this Instrument.* *3.5.3 The provision of notice(s), whether or not expressly provided for in this Instrument, and whether from the Board or a committee of the Board, to any entity or person.* *3.5.4 The publishing of information on the Board's and/or Ahpra's website, whether or not expressly provided for in this Instrument.* *3.5.5 Ahpra may not exercise any function that is an appellable decision unless specified otherwise. Where there is a decision which is appealed Ahpra must seek the advice from the Board and ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal.* *3.5.6 Ahpra may sub-delegate functions to specific positions within Ahpra, however, a sub-delegated function that is properly exercised by the sub-delegate is taken to have been exercised on behalf of the Chief Executive Officer.* *3.5.7 To avoid doubt, despite the description of division and the conditions to listed in Columns A and E respectively of Schedules 2 and 3 of this Instrument the delegate must*	17 August 2023

		policies that are in force from time to time.	*refer back to the applicable section(s) of the National Law and/or the Trans-Tasman Mutual Recognition Act that is being exercised.* *3.5.8 The Board's decision, including any delegate decision must be consistent with the National Board guidelines and/or policies that are in force from time to time.*	
	Schedule 3: Trans-Tasman Mutual Recognition Act delegations		Addition of new Schedule 3.	17 August 2023
	Schedule 1 Functions only exercised by the National Board: s159C(1)	N/A	Addition of new s159C(1) Addition of new description as follows: *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159E(6)(a)	N/A	Addition of new s159E(6)(a) Addition of new description as follows: *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159G(1)	N/A	Addition of new s159G(1) Addition of new description as follows: *Board must revoke an interim prohibition order about an unregistered person if, the Board is satisfied the grounds on which the order was issued:* *i. no longer exist in relation to the person, or*	27 June 2024

			ii. did not exist at time the order was issued to the person. Addition of new direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	
	Schedule 1 Functions only exercised by the National Board: s159G(2)	N/A	Addition of new s159G(2) Addition of new description as follows: *Board may vary an interim prohibition order about an unregistered person if,* *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159H(1)	N/A	Addition of new s159H(1) Addition of new description as follows: *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159I(2)	N/A	Addition of new s159I(2) Addition of new description as follows: *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *2. who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159J(2)	N/A	Addition of new s159J(2) Addition of new description as follows: *Prior to the expiration of the interim prohibition order, the Board may apply to the responsible*	27 June 2024

			tribunal to extend the order Addition of new direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *who is the subject of ongoing proceedings under Part 8.*	
	Schedule 1 Functions only exercised by the National Board: s159L(2)	N/A	Addition of new s159L(2) Addition of new description as follows: *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:* *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 direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159M(2)	N/A	Addition of new s159M(2) Addition of new description as follows: *If a responsible tribunal has extended or substituted an interim prohibition order and the Board:* *i. is satisfied a different ground in s 159C(1)(a) exists; and* *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.* Addition of new direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *1. whose registration is suspended, or* *who is the subject of ongoing proceedings under Part 8.*	27 June 2024
	Schedule 1 Functions only exercised by the National Board: s159N(5)	N/A	Addition of new s159N(5) Addition of new description as follows: *The Board may decide that the interim prohibition order should not be published because:* *i. the person subject to the interim prohibition order has requested the information not be published, and*	27 June 2024

			ii. the Board reasonably believes that the publication of the information would present a serious risk to the health or safety of: ▪ *the person, or* *a member of the person's family or an associate of the person.* Addition of new direction in column D as follows: *The National Board will make the decision where the unregistered person is a person:* *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: s112B(4)(a)	N/A	Addition of new s112B(4)(a) Addition of new description as follows: *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 condition s112B(4)(a): *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.*	27 June 2024
	Schedule 2 Decisions delegated by the National Board: s131A(2)	N/A	Addition of new s 131A(2) Addition of new description as follows: *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 condition 131A(2): *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.*	27 June 2024
	Preamble: Preliminary: Clause 1.1	The Chinese Medicine 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 9 October 2023.	Amend the date to the date of the Board's meeting.	~~1 April 2025~~25 March 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 27 June 2024.	Amend the date to the date of the Chair's signature.	~~1 April 2025~~27 March 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 27 June 2024.	Amend the date to the date of the Chair's signature.	~~1 April 2025~~27 March 2025
	Schedule 2 Decisions delegated by the National Board: s 80(1)(c)(d)(e)	-	Removal of section 80(1)(d) from Column B. Addition of section 80(1)(d) to Column D. Addition of condition in Column E: *Ahpra may request an applicant undergo an examination or assessment where:* *1. the Board has previously made a request of the same applicant to undergo an examination or assessment under s 80(1)(d); and* *2. the applicant has not completed an approved program of study since the Board made the previous request under s 80(1)(d).*	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 83(1)	Current conditions in Column E read: *Ahpra can only impose a condition on registration in circumstances where:* *1. the imposition of conditions is consistent with the Board's proposal to impose conditions;* *2. the applicant has been given notice of the Board's proposal to impose condition(s) on registration under s 81;* *3. either one of the following applies:* *a. conditions relate to supervision and refer to Board's approved supervision guidelines; or* *b. conditions relate to compliance with the English language registration standard; or* *c. the conditions relate to requiring completion of a Board approved program of study; and* *4. either (a) or (b) apply:* *a. the applicant has not made any submissions in response to the notice, or* b. *the applicant has indicated that he or she agrees with the proposed imposition of the condition(s).*	Amend conditions in Column E to read: *Ahpra can only impose a condition on registration in the following scenarios:* ***SCENARIO 1*** *1. the imposition of conditions is consistent with the Board's proposal to impose conditions;* *2. the applicant has been given reasonable notice of the Board's proposal to impose condition(s) on registration under s 81; and* *3. either (a) or (b) applies:* *a. the applicant submitted that they accept the proposed condition; or* *b. the applicant has not made a submission in the time period set out in the notice issued under s 81(2)(b).* ***SCENARIO 2*** *In relation to a deferred graduate applicant:* *1. the applicant has applied for registration as a deferred graduate;* *2. 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* *3. the imposition of conditions on the registration of a deferred graduate is in accordance with the National Restriction Library (NRL) for supervision conditions.*	1 April 2025

	Schedule 2 Decisions delegated by the National Board: s 110	Current conditions in Column E read: *Corresponding functions under s 80 (as listed above) apply to relevant committees and Ahpra.*	Amend conditions in Column E to read: *Corresponding functions under s 80 (as listed above) apply to relevant Board, relevant committees and Ahpra.*	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 112(1)	Current conditions in Column E read: *Ahpra can only decide to renew a practitioner's registration (excluding limited registration) in the following scenarios:* ***SCENARIO 1*** *1. 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* ***SCENARIO 2*** *1. In relation to a breach of section 133 (advertising offences) where:* *a. there has been a proposal to refuse to renew a registration or a proposal to impose conditions on a registration has been made;* *b. the practitioner has received a notice under section 111(1); and* *c. the practitioner has amended their advertising to be compliant with the requirements of section 133 following this proposal.* *Ahpra may only refuse an application for renewal of registration where:* *1. the Board has proposal to refuse to renew a registration;* *2. the applicant has been given notice of the Board's proposal to refuse their* *2. application for renewal of 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 proposal.*	Amend conditions in Column E to read: *Ahpra can only decide to renew a practitioner's registration (or endorsement) in the following scenarios:* ***SCENARIO 1*** *1. 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).* ***SCENARIO 2*** *1. In relation to a breach of s 133 (advertising offences) where:* *a. there has been a proposal to refuse to renew a registration or a proposal to impose conditions on a registration has been made;* *b. the practitioner has received a notice under s 111(1); and* *c. the practitioner has amended their advertising to be compliant with the requirements of s 133 following this proposal.* *Ahpra may only refuse an application for renewal of registration (or endorsement) where:* *1. the Board has proposal to refuse to renew a registration (or endorsement);* *2. the applicant has been given notice of the Board's proposal to refuse their application for 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.*	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 112(3)	Current conditions in Column E 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 s133 (advertising offences); and* *2. the proposed condition adopts standard wording in accordance with the National Restriction Library.*	Amend conditions in Column E to read: *Ahpra may only propose to impose conditions on a renewal of registration (or endorsement) in the following scenarios:* ***SCENARIO 1*** *1. Conditions relate to:* *a. a breach of s 133 (advertising offences); or* *b. the completion of additional Continuing Professional Development requirements; or*	1 April 2025

		SCENARIO 2 *Ahpra may only propose to impose conditions on a renewal of registration where:* *1. conditions relate to the completion of additional Continuing Professional Development requirements; and* *2. the proposed condition is standard worded conditions in accordance with the National Restriction Library.* ***IMPOSING CONDITIONS*** ***SCENARIO 1*** *Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:* *1. the Board has proposal 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 proposal.* ***SCENARIO 2*** *Ahpra may only impose conditions on a renewal of registration where:* *1. conditions relate to the completion of additional Continuing Professional Development requirements; and* *2. the proposed condition is standard worded conditions in accordance with the National Restriction Library.* ***SCENARIO 3*** *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*	*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*	

		4. no additional information has come into possession that may be relevant in making the decision. ***SCENARIO 4*** *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.*	*endorsement) in the following scenarios:* ***SCENARIO 1*** *1. The Board 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);* *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 2*** *1. The Board proposed to renew the registration (or endorsement) 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) 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(4)	Current conditions in Column E read: *Corresponding functions under s 80 (as listed above) apply to the relevant committees and Ahpra.* *The IAC can make a decision under section 125(4) application where the conditions or undertaking on a practitioner's or student's registration was imposed by the IAC and the ongoing part 8 action has not concluded.*	Amend conditions in Column E to read: *The IAC can make a decision under section 125(4) application where the conditions or undertaking on a practitioner's or student's registration was imposed by the IAC and the ongoing part 8 action has not concluded.* *Corresponding functions under s 80 (as listed above) apply to the relevant Board, relevant committees and Ahpra.*	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 125(5)	Current conditions in Column E read: *Ahpra's delegation is only in relation to deciding to grant a s 125(5) application in the following scenarios:* ***SCENARIO 1*** *1. Ahpra may remove a condition that requires the registered health practitioner or student to achieve a certain level of English language proficiency where:*	Amend conditions in Column E to read: *Ahpra's delegation to decide to grant a s 125(5) application is only in the following scenarios:* ***SCENARIO 1*** *1. Conditions were imposed in response to a breach of s 133 (advertising offences), and* *2. information has been submitted to demonstrate compliance with the conditions.* *Where there is non-compliance with the s 133 conditions, the decision to grant remains with*	1 April 2025

		a. the practitioner or student has successfully completed an English language test consistence with the requirements set out in the English language skills registration standard. ***SCENARIO 2*** *1. conditions were imposed in response to a breach of s. 133 (Advertising offences), and* *2. information has been submitted to demonstrate compliance with the conditions; or* *Where there is non-compliance with the s 133 conditions, the decision to refuse remains with the relevant committee, and is not delegated to Ahpra.* ***SCENARIO 3*** *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.* *Where clinical advice is sought the matter must be presented to the next available relevant committee meeting and is not delegated to Ahpra.*	*the relevant Board or committee and is not delegated to Ahpra.* ***SCENARIO 2*** *1. A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration; or* *2. The restrictions relate to health or conduct; or* *3. The restrictions relate to performance and the relevant clinical advisor has assessed the practitioner as meeting the required standard of a registered health practitioner.* ***SCENARIO 3*** *Replace a re-entry to practice supervision requirement with a condition to undertake an approved re-entry to practice education program.* ***SCENARIO 4*** *Ahpra may remove a condition that requires the registered health practitioner or student to achieve a certain level of English language proficiency where:* *1. the practitioner or student has successfully completed an English language test consistence with the requirements set out in the English language skills registration standard.* *Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.*	
	Schedule 2 Decisions delegated by the National Board: s 126(5)	Current conditions in Column E read: *The IAC can only reconsider a section 126(5) application where the conditions on a practitioner's or student's registration were imposed by the IAC and the ongoing part 8 action has not concluded.* *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)).* *Ahpra can decide to change a condition only in the following three scenarios.* ***SCENARIO 1*** *1. Committee has proposed to change the condition;* *2. subsections 126(2) and 126(4) have been complied with; and* *3. practitioner or student:*	Amend conditions in Column E to read: *The IAC can only reconsider a section 126(5) application where the conditions on a practitioner's or student's registration were imposed by the IAC and the ongoing part 8 action has not concluded.* *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)).* *Ahpra can only decide to change a condition in the following scenarios.* ***SCENARIO 1*** *1. The committee has proposed to change the condition;* *2. subsections 126(2) and 126(4) have been complied with; and*	1 April 2025

		a. submitted that they accept the proposed change; or *b. have not made a submission and* *4. 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.* *If Ahpra changes the conditions, it must advise the relevant committee who proposed to change the condition of the outcome.* ***SCENARIO 2*** *1. conditions were imposed in response to a breach of s. 133 (Advertising offences), and* *2. information has been submitted to demonstrate compliance with the conditions; or* *Where there is non-compliance with the s 133 conditions, the decision to refuse remains with the relevant committee, and is not delegated to Ahpra.* ***SCENARIO 3*** *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.* *Where clinical advice is sought the matter must be presented to the next available relevant committee meeting and is not delegated to Ahpra.*	*3. practitioner or student:* *a. submitted that they accept the proposed change; or* *b. have not made a submission.* *If Ahpra changes the conditions, it must advise the relevant Board or committee who proposed to change the condition of the outcome.* ***SCENARIO 2*** *The change is to increase the number of supervised practice hours required to address a shortfall in meeting recency of practise requirements since the date the restrictions were imposed.* *Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.*	
	Schedule 2 Decisions delegated by the National Board: s 127(2)	Current conditions in Column E read: *Relevant delegate reasonably believes its necessary to remove the condition or revoke the undertaking (s 127(1)).* *Ahpra can make a s 127(2) decision in the following scenarios:* ***SCENARIO 1*** *1. conditions were imposed in response to a breach of s. 133 (Advertising offences), and* *2. information has been submitted to demonstrate compliance with the conditions; or* *Where there is non-compliance with the s 133 conditions, the decision to refuse remains with the relevant committee, and is not delegated to Ahpra.* ***SCENARIO 2*** *1. A practitioner has submitted evidence to the delegate that they have complied with their*	Amend conditions in Column E to read: *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)).* *Ahpra can only make a s 127(2) decision in the following scenarios:* ***SCENARIO 1*** *1. Conditions were imposed in response to a breach of s 133 (advertising offences), and* *2. information has been submitted to demonstrate compliance with the conditions.* ***SCENARIO 2*** *1. A practitioner has submitted evidence to the delegate that they have complied with their conditions and/or undertaking on their registration; or* *2. The restrictions relate to health or conduct;*	1 April 2025

		conditions on their registration, and *2. Clinical advice is not required to determine the practitioner's compliance with their conditions.* *Where clinical advice is sought the matter must be presented to the next available relevant committee meeting, and is not delegated to Ahpra.*	*or* *3. The restrictions relate to performance and the relevant clinical advisor has assessed the practitioner as meeting the required standard of a registered health practitioner.* *Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.*	
	Schedule 2 - Decisions delegated by the National Board: s 150A(4), 150C(4)	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.*	Amend 150C(4) to 150C(1) in the description.	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 156(1)	Current conditions in Column E read: *Ahpra may only make a decision if:* *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:* *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.* *Ahpra must advise the relevant committee of the outcome of its proposal.*	Delete 'the' from 'the making an interim in Item 5 of the conditions in Column E.	1 April 2025
	Schedule 2 Decisions delegated by the National Board: s 160(1)	Current conditions in Column E read: *Ahpra to commence an investigation under s 160(1)(a) or (b) where:* *1. s 150(4) applies to require an investigation; or* *2. where further information is necessary to progress the management of a matter and it is impractical in the circumstances to await a Committee meeting.* *Ahpra may commence a compliance investigation under s 160(1)(c) where:* *1. an instrument imposing an obligation through a registration condition or undertaking does not empower Ahpra to collect information necessary to monitor compliance; and*	Amend conditions in Column E to read: *Ahpra to commence an investigation under s 160(1)(a) or (b) where:* *1. s 150(4) applies to require an investigation; or* *2. further information is necessary to progress the management of a matter and it is impractical in the circumstances to await a Committee meeting.* *…* *The relevant Board or committee must be notified following a s 160(1) decision made by Ahpra.*	1 April 2025

		2. the information sought through an investigation is necessary to assure compliance with a registration condition or undertaking. *The relevant Committee must be notified following a s 160(1) decision made by Ahpra.*		
	Schedule 2 Decisions delegated by the National Board: s 178(2), s 178(4)(ACT Act)	Current conditions in Column E read: *The relevant delegate holds a reasonable belief (s 178(1)(a)).* *Ahpra may only make a decision under s 178(2) if:* *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:* *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 holds the reasonable belief (s 178(1)(a)); and* *4. no additional information has come into possession that may be relevant in making a determinative decision.* *Ahpra must advise the relevant committee who proposed the relevant action of the outcome of its proposal.* *Notwithstanding the limitation above, Ahpra may only propose conditions under s 178(2)(c) where:* *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 Restriction Library.*[2] [2] *The National Director, Compliance must be advised once a decision under s 178 has been made in relation to a monitoring and compliance matter.*	Amend conditions in Column E to read: *The relevant delegate must hold a reasonable belief (s 178(1)(a)).* *Ahpra may only make a decision under s 178(2) if:* *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:* *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.* *Ahpra must advise the relevant Board or committee who proposed the relevant action of the outcome of its proposal.* *Notwithstanding the limitation above* *…* *2. the proposed condition must be standard worded conditions in accordance with the National Restriction Library (NRL).* [2] [2] *The National Director, Compliance must be advised once a decision under s 178 has been made in relation to a monitoring and compliance matter.*	1 April 2025
	Schedule 2: Decisions delegated by the National Board: s 179(2)	Current conditions in Column E read: *Ahpra may only decide to take no further action under s 179(2)(a):* *1. in relation to breaches of s 133 (advertising offences).*	Amend conditions in Column E to read; *The relevant delegate must hold a reasonable belief (s 178(1)(a)).* *…*	1 April 2025

		The relevant delegate holds a reasonable belief (s 178(1)(a)). *Ahpra may only make a decision under s 179(2)(b)(i) if:* *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:* *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.* *Ahpra must advise the relevant Committee of the outcome of its proposal.*	*Ahpra must advise the relevant Board or committee of the outcome of its proposal.*	
	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 B. Addition of section 193A(1) and (2) (Qld Act) to Column D. Addition of conditions in Column E: *Ahpra can exercise the power to refer a practitioner to a responsible tribunal if:* *1. a Board or committee with power to refer has decided to refer; and* *2. consultation with the Health Ombudsman has confirmed that the practitioner can be referred.*	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 B. Addition of section 193B(1) and (2) (Qld Act) to Column D. Addition of conditions in Column E: *Ahpra can exercise the power to refer a practitioner to a responsible tribunal if:* *1. a Board or committee with power to refer has decided to refer; and* *2. consultation with the Health Ombudsman has confirmed that the practitioner can be referred.*	1 April 2025
	Schedule 2: Decisions delegated by the National Board: s 226(3)	Current conditions in Column E read: *Ahpra is only delegated the power to decide to remove information that a registered health practitioner has*	Amend conditions in Column E to read: *Ahpra is only* …	1 April 2025

		been reprimanded from the register under s 226(3) where: *1. the reprimand has been published for 5 years or longer; and* *2. there has not been a 'Relevant Event' in the preceding 5 years.* *Ahpra is only delegated the power to refuse a request to remove a reprimand under s 226(3) where:* *1. the Committee has issued a written notice to the registered health practitioner proposing to refuse to remove the reprimand, and* 2. *the Practitioner has not provided a response to the notice or has indicated they intend not to make submissions.*	*Ahpra is only delegated the power to refuse a request to remove a reprimand under s 226(3) where:* *1. the relevant Board or committee has issued a written notice to the registered health practitioner proposing to refuse to remove the reprimand, and* *2. the practitioner has not provided a response to the notice or has indicated they intend not to make submissions.*	