

Chinese Medicine Board of Australia

Instrument of Delegation

Corporate Legal, National Legal Practice
17 AUGUST 2023

Table of Contents

Instrument of Delegation and Authorisation made by the CMBA in favour of its Committees and/or Ahpra in relation to regulatory operational functions	2
Schedule 1	9
Schedule 2	12
Schedule 3	39
Document Control	40

Instrument of Delegation

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

1. Preliminary

- 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 15 August 2023.
- 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 17 August 2023.
- 1.3 The Board resolved to authorise the Chair of the Board to sign this Instrument as evidence of the Board's decision to delegate its functions in compliance with clause 29(3) to Schedule 7 of the National Law.
- 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 17 August 2023.

2. Definitions

- 2.1 **ACT Act** means the *Health Practitioner Regulation National Law* (ACT).
- 2.2 **Ahpra** means the Australian Health Practitioner Regulation Agency, established by section 23 of the National Law.
- 2.3 **Appellable decision** has the same meaning as in section 199 of the National Law meaning:
 - 2.3.1 a decision to refuse to register the person;
 - 2.3.2 a decision to refuse to endorse the person's registration;

- 2.3.3 a decision to refuse to renew the person’s registration;
 - 2.3.4 a decision to refuse to renew the endorsement of the person’s registration;
 - 2.3.5 a decision to impose or change a condition on a person’s registration or the endorsement of the person’s registration, other than
 - 2.3.5.1 a condition relating to the person’s qualification for general registration in the health profession; and
 - 2.3.5.2 a condition imposed by section 112(3)(a);
 - 2.3.6 a decision to refuse to change or remove a condition imposed on the person’s registration or the endorsement of the person’s registration;
 - 2.3.7 a decision to refuse to change or revoke an undertaking given by the person to the Board; and
 - 2.3.8 a decision to suspend the person’s registration.
- 2.4 **Immediate Action Committee**¹ means the 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 Immediate Action Committee’s terms of reference.
- 2.5 **National Board (Board)** means the Chinese Medicine Board of Australia, established by the section 31 of the National Law.
- 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;

¹ The Chinese Medicine Board of Australia’s Immediate Action Committee is part of the Multi-Profession Immediate Action Committee (MPIAC). The MPIAC is a network of immediate action committees that has been set-up by several Boards in the National Accreditation and Registration Scheme to operate under a single, multi-profession model for the management of immediate action matters under the National Law. The MPIAC will exercise the powers delegated to Board’s Immediate Action Committee as set out in this Instrument.

- 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
- 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.

2.7 **NSW Act** means the Health Practitioner Regulation National Law (NSW).

2.8 **NT Act** means the Health Practitioner Regulation National Law (NT).

2.9 **Participating jurisdiction** has the same meaning as in section 5 of the National Law.

2.10 **Qld Act** means the *Health Practitioner Regulation National Law*(Qld).

2.11 **Registration and/or 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 its terms of reference, including:

2.11.1 Registration and Notifications Committees;

2.11.2 Registration Committees; or

2.11.3 Notifications Committees.

2.12 **Relevant Event** means any health, performance or conduct notification action taken against the registrant in relation to an adverse disclosure on renewal of registration, new information returned on a criminal history check, a confirmed breach of restrictions, or where the practitioner has been the subject of action under Part 8 of the National Law or its equivalent in a co-regulatory jurisdiction. This includes receipt of any new notification irrespective of whether action was taken.

2.13 **SA Act** means the *Health Practitioner Regulation National Law* (South Australia).

2.14 **Tas Act** means the *Health Practitioner Regulation National Law (Tasmania) Act 2010*.

2.15 **Trans-Tasman Mutual Recognition Act** means the *Trans-Tasman Mutual Recognition Act 1997 (Cth)*.

2.16 **VIC Act** means the *Health Practitioner Regulation National Law (VIC)*.

2.17 **WA Act** means the *Health Practitioner Regulation National Law (Western Australia) Act 2010*.

2.18 **WA Matter** means a matter to which the National Law applies that relates to the health, conduct or performance of a registered health practitioner, student or an application for registration by an applicant:

2.18.1 whose principal place of practice (or for an applicant his or her proposed principal place of practice) is in Western Australia; or

2.18.2 whose principal place of practice is in another state or territory, but who provides health services in Western Australia.

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

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

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

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

Note: where the * symbol appears next to a power or function specified in Schedule 2 of this Instrument, the delegation of that power will not apply to WA Matters.

3. Delegation of Board functions

3.1 Principles of delegation:

3.1.1 The purpose of this Instrument is to allow the Board to discharge its functions as set out in 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 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.

3.2 Powers and functions that can only be exercised by the Board are detailed in Schedule 1 of this Instrument.

Registration and/or Notifications Committees

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.

Immediate Action Committee

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.
- 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.

Australian Health Practitioner Regulation Agency

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 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.

Signature

As signed

Adjunct Professor Danforn Lim
Chair, Chinese Medicine Board of Australia

Date: 17 August 2023

Schedule 1 – Functions only exercised by the National Board

A	B	C	D
Part and Division	Section	Description of Division	Directions
Part 5 – National Boards			
Div 3	38(1)	Board must develop and recommend to the Ministerial Council registration standards for the health profession.	
	39	Board may develop and approve of codes and guidelines as guidance to health practitioners and about matters relevant to the exercise of its functions.	
Part 6 - Accreditation			
Div 2	43(1)	Board must decide whether an accreditation function for the health profession is to be exercised by an external accreditation entity or a committee established by the Board.	
	47(2)	Board must decide to approve, refuse or request review of an accreditation standard.	
	49(1)	Board may approve or refuse to approve the accredited program of study as providing a qualification for the purposes of registration.	
	49(2)	Board may approve an accredited program of study under s 49(1), subject to condition that it considers necessary or desirable.	
	51(2)	Board may decide to impose conditions on the approval of an accredited program of study if it considers necessary or desirable or cancel its approval of an accredited program of study.	Notice from the accreditation authority must be received pursuant to s 50(2)(b), prior to Board's decision.
Part 7 - Registration			
	56(1) 61(1) 64(1)(a) 72(1) 76(1)	Board's decision as to the registration period for general, specialist, provisional, limited and non-practising registration	
Div 7	87(1)	Board must decide to register a person undertaking an approved program of study for the entire period of study or only part of the period of enrolment.	

A	B	C	D
Part and Division	Section	Description of Division	Directions
	88(4)(a)	Board must publish details of the failure of the education provider to comply with a notice given to the education provider under s 88(1) on the Board's website.	
	93(4)(a)	Board must publish details of a failure of an education provider to give notice within 60 days of a student ceasing to be enrolled in the program of study or the clinical placement as detailed in s 93(2) on its website.	
Part 8 - Notifications			
Div 2	143(3)(a)	Board must publish details of a failure of an education provider to comply with a notice under s 143(1) on its website.	
Div 7B	159Q(1)	Board may make a public statement if, in the Board's reasonable belief, the person: <ul style="list-style-type: none"> i. has contravened a relevant provision, or ii. is the subject of an assessment, investigation or other proceedings under Part 8 	
	159R(2)	Board must decide, following consideration of the show cause submission, either: <ul style="list-style-type: none"> 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. 	
	159S(1)	Board may revise the public statement made under s 159R(2) if the Board reasonably believes it is necessary in the circumstances.	
	159T(1)	Board must revoke the public statement if the Board is satisfied the grounds on which the public statement was made: <ul style="list-style-type: none"> i. no longer exist in relation to the person; or ii. did not exist at the time the statement was made. 	
Div 11	183(1)	Board may appoint individuals to a list of approved persons to be appointed as members of panels.	
Div 12	193A(1) (excl Qld Act) 193C(1) (Qld Act)	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.	

Part 10 - Information and privacy

Div 3	225(p)	Board may add other information to the National Register or the Specialists Register that it considers appropriate.	
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Schedule 2 – Decisions delegated by the National Board

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Part 7 - Registration				
Division 6				
Board to approve the form used by an individual in their application for registration in the health profession.			77(2)(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.
Board may by written notice ask an entity that issued the applicant's proof of identity document to confirm the validity or provide further information relevant to the applicant's identity.			78(1)	
Board may obtain a written report about the criminal history of an applicant from the entities listed in s 79(2)(a), (b) or (c).			79	
Board may decide to investigate the applicant before deciding an application for registration.		80(1)(a)	80(1)(a)	The IAC are limited in their use of s 80(1)(a) to the situations where the IAC are exercising the functions as described in s 125(4).
Board may decide to require the applicant to provide further information or documentation before deciding an application for registration.		80(1)(b)	80(1)(b)	The IAC are limited in their use of s 80(1)(b) to the situations where the IAC are exercising the functions as described in s 125(4).
Board may decide to require the applicant before deciding an application for registration to: <ul style="list-style-type: none"> • attend before the Board to answer questions, • undertake an examination or assessment, and • undergo a health assessment. 	80(1)(c) 80(1)(d) 80(1)(e)	80(1)(c) 80(1)(d) 80(1)(e)		The IAC are limited in their use of s 80(1)(c), (d) and (e) to the situations where the IAC are exercising the functions as described in s 125(4).

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board decides to grant the application for registration in the type of registration applied for by the applicant.			82(1)(a)	<p>Ahpra can decide to grant an application for registration in the type of registration applied for by the applicant except for the following situations:</p> <ol style="list-style-type: none"> 1. where the application for registration must go to the Registration and/or Notification Committee: <ol style="list-style-type: none"> a. an individual has applied for limited registration for postgraduate training or supervised practice, which fall under the eligibility requirements as outlined in section 66; b. an individual has applied for limited registration for area of need, which fall under the eligibility requirements as outlined in section 67; c. an individual has applied for limited registration in the public interest, which fall under the eligibility requirements as outlined in section 68; d. an individual has applied for limited registration for teaching or research, which fall under the eligibility requirements as outlined in section 69; and e. an individual has applied for general registration, which fall under the eligibility requirements as outlined in section 52 and they do not hold an approved qualification as defined in section 5. <p><i>Note: Before Ahpra provides an application for registration to the Registration and/or Notifications Committee under e) above, the National Board must determine:</i></p>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>a. whether the applicant's qualification meets the Board's threshold requirements to be considered substantially equivalent or based on similar competencies to an approved qualification (s 53(b)); and, subject to that decision,</p> <p>b. whether the applicant's qualification meets the National Board's threshold requirements to be considered relevant to the profession (s53(c))</p> <p>Ahpra must provide the National Board's determination with the application for registration to the Registration and/or Notifications Committee under e) above to advise the Registration and/or Notifications Committee on whether the applicant meets the eligibility requirement to be qualified for general registration (s52(1)(a)).</p>
Board decides to grant an application for registration, other than the type of registration applied for by the applicant.			82(1)(b)	<p>Ahpra can grant a registration other than a type of registration (excluding limited registration) applied for where:</p> <ol style="list-style-type: none"> 1. the grant of registration is consistent with the Board's proposal; 2. the applicant has been given notice of the Board's proposal to grant registration other than a type of registration applied for under s 81; and 3. either (a) or (b) apply: <ol style="list-style-type: none"> a. the applicant accepts the Board's proposal to grant registration of a type other than that applied for; or b. the applicant has not made a submission in response to the Board's proposal despite being provided with a reasonable opportunity to do so.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board decides to refuse to grant the application for registration.			82(1)(c)	<p>Ahpra can only refuse an application for registration where:</p> <ol style="list-style-type: none"> 1. the refusal of an application is consistent with the Board's proposal; 2. the applicant has been given notice of the Board's proposal to refuse their registration application under s 81; and 3. either (a) or (b) apply: <ol style="list-style-type: none"> 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 decision.
Board decides to register a person in the health profession, the registration is subject to any conditions that the Board considers necessary or desirable.			83(1)	<p>Ahpra can only impose a condition on registration in circumstances where:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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).

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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.			83A	<p>Ahpra may only accept an undertaking from a person if:</p> <ol style="list-style-type: none"> 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. no additional information has come into possession that may be relevant in making the decision.
Division 6A				
<p>Board may propose to withdraw the registration of a registered health practitioner if the Board:</p> <ol style="list-style-type: none"> 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. 	85A			
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.	85C(a)			

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>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—</p> <ul style="list-style-type: none"> i. withdraw the practitioner's registration; ii. refer the matter to a responsible tribunal; iii. take other appropriate action under Part 8. 	85C(b)			
Division 7				
Board to ask education provider for list of persons undertaking approved program of study.			88(1)	Ahpra to notify the Board of any contravention of an education provider to give particulars of students.
Board may register the person as a student in the health profession on the student register on receipt of the particulars under s 88 or following completion of an application form.			89(1)	
Board to approve the form used by a person in their application for registration as a student.			89(1)(b)(i) 91(4)(b)(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.
Board may register the person as a student in the health profession on the student register who is undertaking clinical training but not enrolled in an approved program of study or following completion of an application form.			91(4)(a)	
Division 9				

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board to approve the form used by a registered health practitioner in their application for renewal of registration or endorsement.			107(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.
Board may exercise power under s 80 in deciding an application for renewal of registration.			110	Corresponding functions under s 80 (as listed above) apply to relevant committees and Ahpra.
Board may decide to renew or refuse to renew, the applicant's registration or the endorsement.			112(1)	<p>Ahpra can only decide to renew a practitioner's registration (excluding limited registration) in the following scenarios:</p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> 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 <p>SCENARIO 2</p> <ol style="list-style-type: none"> 1. In relation to a breach of section 133 (advertising offences) where: <ol style="list-style-type: none"> 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. <p>Ahpra may only refuse an application for renewal of registration where:</p> <ol style="list-style-type: none"> 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 application for renewal of registration; and 3. either (a) or (b) applies: <ol style="list-style-type: none"> a. the applicant submitted that they accept the proposed decision; or b. the applicant has not made a submission in response to the proposal.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>Board decides to renew a registration, including any endorsement on registration, the registration or the endorsement subject to:</p> <ol style="list-style-type: none"> 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. 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. 			112(3)	<p>PROPOSING TO IMPOSE CONDITIONS</p> <p>SCENARIO 1</p> <p>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</p> <ol style="list-style-type: none"> 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. <p>SCENARIO 2</p> <p>Ahpra may only propose to impose conditions on a renewal of registration where:</p> <ol style="list-style-type: none"> 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. <p>IMPOSING CONDITIONS</p> <p>SCENARIO 1</p> <p>Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. the applicant submitted that they accept the proposed decision; or b. the applicant has not made a submission in response to the proposal.

				<p>SCENARIO 2</p> <p>Ahpra may only impose conditions on a renewal of registration where:</p> <ol style="list-style-type: none"> 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. <p>SCENARIO 3</p> <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 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. <p>SCENARIO 4</p> <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.
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Division 11, subdivision 2

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board to approve the form used by a registered health practitioner or student in their application to change or remove conditions or undertaking.			125(3)(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.
Board may exercise a power under s 80 before deciding the application to change or remove conditions and/or undertaking on application by a registered health practitioner or student.		125(4)	125(4)	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.
Board must decide to grant or refuse to grant the application to change or remove conditions or undertaking on a registered health practitioner's or student's registration.		125(5)	125(5)	The IAC can only reconsider a section 125(5) application where the conditions or undertaking on a practitioner or student's registration was imposed by the IAC and the ongoing part 8 action has not concluded.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>Ahpra's delegation is only in relation to deciding to grant a s 125(5) application in the following scenarios:</p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> 1. Ahpra may remove a condition that requires the registered health practitioner or student to achieve a certain level of English language proficiency where: <ol style="list-style-type: none"> a. the practitioner or student has successfully completed an English language test consistent with the requirements set out in the English language skills registration standard. <p>SCENARIO 2</p> <ol style="list-style-type: none"> 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 <p>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.</p> <p>SCENARIO 3</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, and is not delegated to Ahpra.</p>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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.		126(5)	126(5)	<p>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.</p> <p>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)).</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. 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>If Ahpra changes the conditions, it must advise the relevant committee who proposed to change the condition of the outcome.</p> <p>SCENARIO 2</p> <ol style="list-style-type: none"> 1. conditions were imposed in response to a breach of s. 133 (Advertising offences), and

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>2. information has been submitted to demonstrate compliance with the conditions; or</p> <p>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.</p> <p>SCENARIO 3</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, and is not delegated to Ahpra.</p>
<p>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.</p>		127(2)	127(2)	<p>The IAC can only reconsider a section 127(2) application where the conditions or undertaking on a practitioner's or student's registration were imposed by the IAC and the ongoing part 8 action has not concluded.</p> <p>Relevant delegate reasonably believes its necessary to remove the condition or revoke the undertaking (s 127(1)).</p> <p>Ahpra can make a s 127(2) decision in the following scenarios:</p> <p>SCENARIO 1</p> <ol style="list-style-type: none"> 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

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>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.</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, and is not delegated to Ahpra..</p>
Board may decide that any change, removal or revocation may be decided by the review body of a co-regulatory jurisdiction.			127A(2)	
Division 11, subdivision 3				
Board requires, at any time, evidence of the appropriate professional indemnity insurance arrangements.			129(2)	
Board may ask, at any time, practitioner to give the Board their practice information.			132(1)	
Division 11, subdivision 5				
Board may require, at any time, a registered health practitioner to provide evidence of their identity.			134(1)	
Board may obtain a written report about a registered health practitioner's criminal history from the entities listed in the section.			135(1)	
Part 8 – Notifications				

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Division 5				
<p>Board must decide whether notification:</p> <p>(a) relates to a health practitioner or student,</p> <p>(b) relates to a ground, and</p> <p>(c) could also be made to a Health Complaints Entity (HCE)</p>		<p>149(1)(a), (b), (c) (excl Qld Act)</p> <p>150(1)(a), (b) (Qld Act)</p>	<p>149(1)(a), (b), (c) (excl Qld Act)</p> <p>150(1)(a), (b) (Qld Act)</p>	
<p>Board decides that the notification relates to a person who is not registered in a health profession established for the Board but may be registered in another profession the Board must refer the notification to the other Board.</p>			<p>149(3) (excl Qld Act)</p> <p>150(3) (Qld Act)</p>	
<p>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.</p>			149A	
<p>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.</p>			149B(1)	
<p>Board and HCE must attempt to reach agreement about how a notification is to be dealt with.</p>			150(3) (excl Qld Act)	
<p>Board may decide to refer the subject matter, or part of the subject matter, to be dealt with by another entity.</p>			<p>150A(1) (excl Qld Act)</p> <p>150C(1) (Qld Act)</p>	

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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.			150A(4) (excl Qld Act) 150C(4) (Qld Act)	
Board decides to take no further action in relation to a notification: <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. registered health practitioner has taken appropriate steps to remedy the subject matter of notification. 	151(1)		151(1)(e)	
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.			151(1A)	

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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.			152(3)	
Division 6				
Board may deal with more than one notification about a registered health practitioner or student together.	153	153		
Board may deal with notification in conjugation with other Board(s), if a registered health practitioner or student is registered in more than one health profession.	154(2)	154(2)		
Division 7				
Board may take immediate action in relation to a registered health practitioner or student if one of the grounds as detailed in ss 156(1)(a) to (e) are met.		156(1)	156(1)	<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.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				Ahpra must advise the relevant committee of the outcome of its proposal.
Board must take the further action under Part 8 that is appropriate.	158(1)(b)	158(1)(b)		
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.			159A(2)	
Division 8				
Board may decide to investigate a registered health practitioner or student if it is necessary or appropriate.		160(1)	160(1)	<p>Ahpra to commence an investigation under s 160(1)(a) or (b) where:</p> <ol style="list-style-type: none"> 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. <p>Ahpra may commence a compliance investigation under s 160(1)(c) where:</p> <ol style="list-style-type: none"> 1. an instrument imposing an obligation through a registration condition or undertaking does not empower Ahpra to collect information necessary to monitor compliance; and 2. the information sought through an investigation is necessary to assure compliance with a registration condition or undertaking. <p>The relevant Committee must be notified following a s 160(1) decision made by Ahpra.</p>
Board must direct an appropriate investigator to conduct the investigation.			160(2)	

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board does not have to give the registered health practitioner or student a notice under s 161(3) if it reasonably believes that it would seriously prejudice the investigation, place a person's health or safety at risk, or place a person at risk of harassment or intimidation.		161(4)	161(4)	
Board may appoint persons as investigators.			163(1) 81(1)(SA Act)	
Board must decide, following investigation, either to take no further action, or take action and/or refer the matter to another entity.	167 167(2) (ACT Act)			
Following a decision after the investigation under s 167, the Board may inform the notifier of the decision and reasons for the decision.			167A(2)	
Division 9				
Board may require a registered health practitioner or student to undergo a health assessment because reasonably believes that they have or may have an impairment.	169	169		
Board may require a registered health practitioner to undergo a performance assessment because the Board reasonably believes that they practise or may practise the profession unsatisfactorily.	170	170		
Board to choose an assessor to carry out the assessment.			171(1)	Ahpra can appoint an assessor from a list of approved assessors maintained by the Board and updated from time to time.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Board to provide a copy of the assessor's report to the registered health practitioner or student to whom it relates to, unless the Board considers that it may be prejudicial to the practitioner's or student's physical or mental health or wellbeing, then to a nominated medical practitioner or psychologist.			176(1)	Ahpra must not release the assessor's report in a manner contrary to any recommendations made by the appointed assessor.
Board to nominate a person to discuss the report with a registered health practitioner or student and discuss ways of dealing with the adverse findings in the report.			176(3)	
Board may decide following consideration of the assessor's report and discussions held under s 176(3), to take the action the Board considers necessary or appropriate, refer the matter to another entity or take no further action.	177 177(3) (ACT Act) NB/ Qld Act - s 177 applies subject to Div 12, Subdiv 1 of Part 8			
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.			177A(2)	
Division 10				
Board may decide to take relevant action in relation to a registered health practitioner or student.			178(2) 178(4) (ACT Act)	The relevant delegate holds a reasonable belief (s 178(1)(a)).

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>Ahpra may only make a decision under s 178(2) 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 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. <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 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.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>Board must decide in relation to a registered health practitioner or student to:</p> <ol style="list-style-type: none"> 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. 			179(2)	<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 holds 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; 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>Ahpra must advise the relevant Committee of the outcome of its proposal.</p>
Division 11				
<p>Board may establish a health panel if it reasonably believes and it is necessary or appropriate that the matter be referred to a panel.</p>	181(1)			
<p>Board may establish a performance and professional standards panel if it reasonably believes a registered health practitioner practises unsatisfactorily or their professional conduct is or may be unsatisfactory.</p>	182(1)			
Division 12				

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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.	193(1) (excl Qld Act)			
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.	193(1) (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.	193A(1) and (2) (Qld Act)			
Board may refer another matter about a practitioner or student to the health ombudsman with their agreement.	193A(4) (Qld Act)			
Board's referral to Tribunal at panel's or ombudsman's request.	193B(1) and (2) (Qld Act)			
Division 14				

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>Following either the receipt of or awareness of the practitioner's practice information, Board may give written notice of the decision to:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. risk of harm to a person or a class of persons; or b. risk to public health or safety. 			206(2)	
<p>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.</p>			206(3)(b)	
Part 10 – Information and Privacy				
Division 2				

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Following a request under s 217(1) made by the Ministerial Council, the Board may by written notice ask the practitioner for information relevant to the request.			217(2)	
Board may make a disclosure to protect health or safety of patients or other persons to an entity of the Commonwealth or State or Territory that the Board considers may be required to take action in relation to the risk.			220* 220 (WA Matter)	
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.		220A(2) and (5)		
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.		220A(3) and (5)		

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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).			220B(2)	
Division 3				
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.		226(1)	226(1)	
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.	226(2)	226(2)		

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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	226(2A)	226(2A)		
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.			226(3)	<p>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:</p> <ol style="list-style-type: none"> 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. <p>Ahpra is only delegated the power to refuse a request to remove a reprimand under s 226(3) where:</p> <ol style="list-style-type: none"> 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.
Part 11 - Miscellaneous				
Board may appoint persons as inspectors.			239(1) 81(2) (SA Act)	

Schedule 3 – Trans-Tasman Mutual Recognition Act delegations

A	B	C	D	E
Description of Division	Registration and/or Notifications and/or Compliance Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
Part 3 Division 2 - Entitlement to registration				
Local registration authority may permit the notice under s 18(1) to be amended after it is lodged.			18(6)	
Local registration authority may grant registration and may grant renewals.			19(2)	
Local registration authority may impose conditions on registration.			19(5)	
Local registration authority may: <ul style="list-style-type: none"> postpone or refuse to grant of registration, or refuse to grant registration. 			20(3)	
Local registration authority may cancel a person's deemed registration (on application of registered person).			25(5)	
Local registration authority may waive any conditions imposed or an undertaking accepted under the law of New Zealand if it thinks appropriate.			26(4)	
Local registration authority may impose conditions on deemed registration.			26(5)	
Local registration authority may reinstate any cancelled or suspended registration or waive any such condition if it's appropriate in the circumstances.			32(2)	
Local registration authority to prepare and make available guidelines and information regarding operation of this Part.			39(2)	
Local registration authority may impose fees in relation to substantive or deemed registration or continuance of registration.			40(1)	

Document control

Document Owner	Corporate Counsel			
Document Number	CMBEinstD-05			
Date Approved	27 October 2020			
Date Commenced	1 January 2021			
Date Last Amended	17 August 2023			
Date for Review	Two (2) years from document implementation and thereafter every two years.			
Document Sponsor	Chinese Medicine Board of Australia			
Document Contact	Corporate Counsel			
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: <i>the applicant has indicated that he or she agrees with the proposed imposition of the condition(s).</i>	Amend Condition 3(b) in Column E to read: <i>the applicant has indicated that he or she agrees with the proposed decision.</i>	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: <i>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.</i>	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: <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>	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: <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 D. 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 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:	22 November 2022

			<p>1. conditions relate to the completion of additional Continuing Professional Development requirements; and</p> <p>2. the proposed condition is standard worded conditions in accordance with the National Restriction Library.</p> <p>New Scenario 2 added to power to impose conditions: SCENARIO 2 Ahpra may only impose conditions on a renewal of registration where:</p> <p>1. conditions relate to the completion of additional Continuing Professional Development requirements; and</p> <p>the proposed condition is standard worded conditions in accordance with the National Restriction Library.</p>	
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.	<p>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:</p> <p>3. conditions relate to the completion of additional Continuing Professional Development requirements; and</p> <p>4. the proposed condition is standard worded conditions in accordance with the National Restriction Library.</p> <p>New Scenario 2 added to power to impose conditions: SCENARIO 2 Ahpra may only impose conditions on a renewal of registration where:</p> <p>2. conditions relate to the completion of additional Continuing Professional Development requirements; and</p> <p>3. the proposed condition is standard worded conditions in accordance with the National Restriction Library.</p>	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: <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> <i>ii. is the subject of an assessment, investigation or other proceedings under Part 8</i>	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: <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>	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: <i>Board may revise the public statement made under s 159R(2) if the Board reasonably believes it is necessary in the circumstances.</i>	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: <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>	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: <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 D (i.e. Ahpra). Addition of condition in Column E as follows: <i>Ahpra may only accept an undertaking from a person if:</i> <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 81;</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 making the decision.</i>	3 May 2023

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: <i>Board may propose to withdraw the registration of a registered health practitioner if the Board:</i> <i>i. reasonably believes the practitioner's registration was improperly obtained because the practitioner, or</i> <i>ii. someone else gave the Board information or a document that was false or misleading in a material particular.</i> 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: <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> 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: <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> <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> 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: <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> Current conditions read: PROPOSING TO IMPOSE CONDITIONS SCENARIO 1 <i>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</i> <i>1. conditions relate to a breach of s 133 (advertising offences); and</i>	Amend description to read: <i>Board decides to renew a registration, including any endorsement on registration, the registration or the endorsement subject to:</i> <i>1. any conditions the registration was subject to immediately before the renewal,</i> <i>2. any condition the Board considers necessary or desirable in the circumstances,</i> <i>3. any undertaking given by the applicant to the Board that was in effect immediately before the renewal, and</i> <i>4. any undertaking given by the applicant to the Board that the Board considers necessary or desirable in the circumstances.</i>	3 May 2023

		<p>2. the proposed condition is standard worded conditions in accordance with the National Restrictions Library.</p> <p>SCENARIO 2</p> <p><i>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</i></p> <ol style="list-style-type: none"> 1. <i>conditions relate to the completion of additional Continuing Professional Development requirements; and</i> 2. <i>the proposed condition is standard worded conditions in accordance with the National Restriction Library.</i> <p>IMPOSING CONDITIONS</p> <p>SCENARIO 1</p> <p><i>Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:</i></p> <ol style="list-style-type: none"> 1. <i>the Board has proposed 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> b. <i>the applicant has not made a submission in response to the proposed decision.</i> <p>SCENARIO 2</p> <p><i>Ahpra may only impose conditions on a renewal of registration or endorsement where:</i></p> <ol style="list-style-type: none"> 1. <i>conditions relate to the completion of additional Continuing Professional Development requirements; and</i> 2. <i>the proposed condition is standard worded conditions in accordance with the National Restriction Library.</i> 	<p>Amend conditions to read:</p> <p>PROPOSING TO IMPOSE CONDITIONS</p> <p>SCENARIO 1</p> <p><i>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</i></p> <ol style="list-style-type: none"> 1. <i>conditions relate to a breach of s 133 (advertising offences); and</i> 2. <i>the proposed condition adopts standard wording in accordance with the National Restrictions Library.</i> <p>SCENARIO 2</p> <p><i>Ahpra may only propose to impose conditions on a renewal of registration or endorsement where:</i></p> <ol style="list-style-type: none"> 1. <i>conditions relate to the completion of additional Continuing Professional Development requirements; and</i> 2. <i>the proposed condition is standard worded conditions in accordance with the National Restriction Library.</i> <p>IMPOSING RESTRICTIONS</p> <p>SCENARIO 1</p> <p><i>Ahpra may only impose conditions on an application for renewal of registration or endorsement on registration where:</i></p> <ol style="list-style-type: none"> 1. <i>the Board has proposed 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> b. <i>the applicant has not made a submission in response to the proposed decision.</i> <p>SCENARIO 2</p> <p><i>Ahpra may only impose conditions on a renewal of registration or endorsement where:</i></p> <ol style="list-style-type: none"> 1. <i>conditions relate to the completion of additional Continuing Professional Development requirements; and</i> 2. <i>the proposed condition is standard worded conditions in accordance with the National Restriction Library.</i> <p>SCENARIO 3</p> <p><i>Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:</i></p>	
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			<ol style="list-style-type: none"> 1. <i>the Board proposed 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;</i> 3. <i>the undertaking is consistent with the wording proposed by the Board in the conditions; and</i> 4. <i>no additional information has come into possession that may be relevant in making the decision.</i> <p>SCENARIO 4 <i>Ahpra may accept an undertaking on an application for renewal of registration or endorsement on registration where:</i></p> <ol style="list-style-type: none"> 1. <i>the Board proposed to renew the registration or endorsement on registration with the undertaking that was in effect immediately before the renewal,</i> 2. <i>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,</i> 3. <i>the applicant has accepted the Board's proposal, and</i> 4. <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: 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>	3 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>	3 May 2023
	Schedule 2 Decisions delegated by the National Board: s 149A		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 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: <i>If a document is produced to the Board, the Board may inspect it, make a copy of it, or keep it while</i>	3 May 2023

			<i>necessary for the preliminary assessment.</i> Addition of section to column D (i.e. Ahpra).	
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: <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 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: <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 column D (i.e. Ahpra).	3 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.	3 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 column D (i.e. Ahpra).	3 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> ii. <i>take the proposed relevant action or other relevant action,</i>	3 May 2023

			<p>iii. <i>take other action under Part 8, or</i></p> <p>iv. <i>refer the matter to another entity.</i></p>	
Schedule 2 Decisions delegated by the National Board: 193(1) (excl Qld Act)	<p>Current description read:</p> <p><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></p> <p>No conditions</p>	Amend the description to read:	<p><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></p>	3 May 2023
Schedule 2 Decisions delegated by the National Board: 193(1) (Qld Act)	<p>Current description read:</p> <p><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></p> <p>No conditions</p>	Amend the description to read:	<p><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></p>	3 May 2023
Schedule 1 Functions only exercised by the National Board: 193A(1) (excl Qld Act) 193C(1) (Qld Act)	-	<p>Addition of new section 193A(1) (excl Qld Act) 193C(1) (Qld Act)</p> <p>Addition of new section description as follows:</p> <p><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 decides there is no public interest in the matter being heard by a responsible tribunal.</i></p>	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)	-	<p>Addition of new section 206(2)</p> <p>Addition of new section description as follows:</p> <p><i>Following either the receipt of or awareness of the practitioner's practice information, Board may give written notice of the decision to:</i></p> <p>i. <i>the named registered health practitioners with whom the practitioner currently shares premises and the cost of the premises; and</i></p> <p>ii. <i>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></p> <p>a. <i>risk of harm to a person or a class of persons; or</i></p> <p>b. <i>risk to public health or safety.</i></p> <p>Addition of section to column D (i.e. Ahpra)</p>	3 May 2023	

	Schedule 2 Decisions delegated by the National Board: 206(3)(b)	-	<p>Addition of new section 206(3)(b)</p> <p>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></p> <p>Addition of section to column D (i.e. Ahpra)</p>	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 220A(2) and (5)	-	<p>Addition of new section 220A(2) and (5)</p> <p>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></p> <p>Addition of section to column C (i.e. IAC)</p>	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 220A(3) and (5)	-	<p>Addition of new section 220A(3) and (5)</p> <p>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)(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></p> <p>Addition of section to column C (i.e. IAC)</p>	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 220B(2)	-	<p>Addition of new section 220B(2)</p> <p>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></p> <p>Addition of section to column D (i.e. Ahpra)</p>	3 May 2023
	Schedule 2 Decisions delegated by the National Board: 226(1)	<p>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></p> <p>Each subsection was broken down and delegated to the various committees.</p>	<p>Addition of new s 226(1)</p> <p>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</i></p>	3 May 2023

			<i>public interest for the condition or undertaking to be recorded.</i> Addition of section to columns C and D (i.e. IAC and Ahpra)	
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 B and C (i.e. RNC and IAC)	3 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)(A) 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 B and C (i.e. RNC and IAC)	3 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 D (i.e. Ahpra)	3 May 2023	
Preamble	Current description read: <i>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</i>	Addition of 'and Trans-Tasman Mutual Recognition Act 1997' in the preamble to read: <i>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</i>	17 August 2023	
Clause 2.6: Definitions	Current description read: 2.6 <i>National Law means:</i> 2.6.1 <i>the Health Practitioner Regulation National Law (Queensland) in Queensland;</i> 2.6.2 <i>the Health Practitioner Regulation</i>	Addition of new numbered clause 2.6.10 and new clause 2.6.11 as follows: 2.6 <i>National Law means:</i> 2.6.1 <i>the Health Practitioner Regulation National Law (Queensland) in Queensland;</i>	17 August 2023	

		<p><i>National Law (ACT) in the Australian Capital Territory;</i></p> <p>2.6.3 <i>the Health Practitioner Regulation National Law (Victoria) in Victoria;</i></p> <p>2.6.4 <i>the Health Practitioner Regulation National Law (South Australia) in South Australia;</i></p> <p>2.6.5 <i>the Health Practitioner Regulation National Law (NT) in the Northern Territory;</i></p> <p>2.6.6 <i>the Health Practitioner Regulation National Law (Tasmania) in Tasmania;</i></p> <p>2.6.7 <i>the Health Practitioner Regulation National Law (NSW) in New South Wales; and</i></p> <p>2.6.8 <i>the Health Practitioner Regulation National Law (Western Australia) in Western Australia.</i></p> <p>To avoid doubt, any section cited in this Instrument refers to the section in the National Law in force in each jurisdiction unless:</p> <p>2.6.9 <i>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</i></p>	<p>2.6.2 <i>the Health Practitioner Regulation National Law (ACT) in the Australian Capital Territory;</i></p> <p>2.6.3 <i>the Health Practitioner Regulation National Law (Victoria) in Victoria;</i></p> <p>2.6.4 <i>the Health Practitioner Regulation National Law (South Australia) in South Australia;</i></p> <p>2.6.5 <i>the Health Practitioner Regulation National Law (NT) in the Northern Territory;</i></p> <p>2.6.6 <i>the Health Practitioner Regulation National Law (Tasmania) in Tasmania;</i></p> <p>2.6.7 <i>the Health Practitioner Regulation National Law (NSW) in New South Wales; and</i></p> <p>2.6.8 <i>the Health Practitioner Regulation National Law (Western Australia) in Western Australia.</i></p> <p>To avoid doubt, any section cited in this Instrument refers to the section in the National Law in force in each jurisdiction unless:</p> <p>2.6.9 <i>the section is contained within Part 8 of the NSW Act; or</i></p> <p>2.6.10 <i>it is otherwise indicated by this Instrument that the National Law specific to a particular participating jurisdiction applies; or</i></p> <p>2.6.11 <i>it is otherwise indicated by this Instrument that the section is in the Trans-Tasman Mutual Recognition Act.</i></p>	
	Clause 2.15: Definitions		<p>Addition of new clause 2.15 as follows:</p> <p>2.15 <i>Trans-Tasman Mutual Recognition Act means the Trans-Tasman Mutual Recognition Act 1997 (Cth).</i></p>	17 August 2023
	Clause 3.1: Principles of delegation	<p>Current description read:</p> <p>3.1 <i>Principles of delegation:</i></p> <p>3.1.1 <i>The purpose of this Instrument is to allow the Board to discharge its functions as set out in section 35 of the National Law.</i></p> <p>3.1.2 <i>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.</i></p> <p>3.1.3 <i>The delegations in Schedule 2 of this Instrument are subject to any conditions placed on the delegations</i></p>	<p>Amend clause 3.1.1, 3.1.2, 3.1.3 and addition of new 3.1.4 as follows:</p> <p>3.1 <i>Principles of delegation:</i></p> <p>3.1.1 <i>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.</i></p> <p>3.1.2 <i>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.</i></p> <p>3.1.3 <i>The delegations in Schedule 2 of this Instrument are subject to any conditions placed on the delegations made under s</i></p>	17 August 2023

		<p>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.</p> <p>3.1.4 A delegate may in the performance of a delegated function do anything that is incidental to the delegated function.</p> <p>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.</p> <p>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 recommendations to the National Board or another delegate.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>3.1.5 A delegate may in the performance of a delegated function do anything that is incidental to the delegated function.</p> <p>3.1.6 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.</p> <p>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.</p> <p>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.</p>	
	Clause 3.3: Registration and/or Notifications Committees	<p>Current description read:</p> <p>3.3 <i>The Board delegates to the Registration and/or Notifications Committee the following functions of the Board:</i> <i>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.</i></p> <p>3.3.3 <i>All functions delegated to Ahpra, as listed in Column D of Schedule 2 of this Instrument.</i></p> <p>3.3.3.1 <i>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</i></p>	<p>Amend clause 3.3 as follows:</p> <p>3.3 <i>The Board delegates to the Registration and/or Notifications Committee the following functions of the Board:</i></p> <p>3.3.1 <i>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.</i></p> <p>3.3.2 <i>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.</i></p> <p>3.3.3 <i>All functions delegated to Ahpra, as listed in Column D of Schedules 2 and 3 of this Instrument.</i></p> <p>3.3.3.1 <i>Where a condition applies to Ahpra, as detailed in Column E of Schedules 2 or 3 of this Instrument,</i></p>	17 August 2023

		<i>of Schedule 2 of this Instrument.</i>	<i>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.</i>	
	Clause 3.4: Immediate Action Committee	<p>Current description read:</p> <p><i>3.4 The Board delegates to the Immediate Action Committee the following functions of the Board:</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>Amend clause 3.4 as follows:</p> <p><i>3.4 The Board delegates to the Immediate Action Committee the following functions of the Board:</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	17 August 2023
	Clause 3.5: Australian Health Practitioner Regulation Agency	<p>Current description read:</p> <p><i>3.5 The Board delegates to Ahpra the following functions of the Board,</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>	<p>Amend clause 3.5 as follows:</p> <p><i>3.5 The Board delegates to Ahpra the following functions of the Board,</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>3.5.6 Ahpra may sub-delegate functions to</i></p>	17 August 2023

		<p><i>exercised on behalf of the Chief Executive Officer.</i></p> <p>3.5.6 <i>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.</i></p> <p>3.5.7 <i>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.</i></p>	<p><i>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.</i></p> <p>3.5.7 <i>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 refer back to the applicable section(s) of the National Law and/or the Trans-Tasman Mutual Recognition Act that is being exercised.</i></p> <p>3.5.8 <i>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.</i></p>	
	Schedule 3: Trans-Tasman Mutual Recognition Act delegations		Addition of new Schedule 3.	17 August 2023