



# Optometry Board of Australia

## Instrument of Delegation

Corporate Legal, National Legal Practice  
1 April 2025

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# Instrument of Delegation

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Delegation of the Optometry 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 Optometry 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 March 2025.
- 1.2 This Instrument is a complete record of the Board's resolutions with respect to the delegation of its functions. The Board resolved to revoke all prior delegations with effect on 1 April 2025.
- 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. The effective date of this Instrument is 1 April 2025.

## 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**<sup>1</sup> 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 Optometry 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;

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<sup>1</sup> The Optometry 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 Registration and Accreditation 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.

- 2.6.4 the Health Practitioner Regulation National Law (South Australia) in South Australia;
- 2.6.5 the Health Practitioner Regulation National Law (NT) in the Northern Territory;
- 2.6.6 the Health Practitioner Regulation National Law (Tasmania) in Tasmania;
- 2.6.7 the Health Practitioner Regulation National Law (NSW) in New South Wales; and
- 2.6.8 the Health Practitioner Regulation National Law (Western Australia) in Western Australia.

To avoid doubt, any section cited in this Instrument refers to the section in the National Law in force in each jurisdiction unless:

- 2.6.9 the section is contained within Part 8 of the NSW Act; or
- 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; and
- 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 registration and accreditation 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 of Schedule 2 of this Instrument, subject to the conditions (if any) in Column E of Schedule 2 of this Instrument.
- 3.3.2 The functions listed in Column B of Schedule 3 of this Instrument, subject to the conditions (if any) in Column E of 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 of 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 of Schedule 3 of this Instrument, subject to the conditions (if any) in Column E of 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 of 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 of Schedule 3 of this Instrument, subject to the conditions (if any) in Column E of 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; and



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.

3.6 To avoid doubt, despite the description of division and the conditions listed in Columns A and E respectively of Schedules 2 or 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.

3.7 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**

**Stuart Aamodt**

Chair, Optometry Board of Australia

**Date: 27 March 2025**

# Schedule 1 – Functions only exercised by the National Board

A	B	C	D
Part and Division	Section	Description of Division	Directions
<b>Part 5 – National Boards</b>			
Div 3	38	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.	
<b>Part 6 - Accreditation</b>			
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.
<b>Part 7 - Registration</b>			
	56(1) 72(1) 76(1)	Board's decision as to the registration period for general, 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.	
<b>Part 8 - Notifications</b>			
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 11	183(1)	Board may appoint individuals to a list of approved persons to be appointed as members of panels.	
<b>Part 10 - Information and privacy</b>			
Div 3	225(p)	Board may add other information to the National Register or the Specialists Register that it considers appropriate.	

## 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
<b>Part 7 - Registration</b>				
<b>Division 6</b>				
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 is limited in its use of s 80(1)(a) to the situations where the IAC is 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 is limited in its use of s 80(1)(b) to the situations where the IAC is 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"> <li>• attend before the Board to answer questions,</li> <li>• undertake an examination or assessment, and</li> <li>• undergo a health assessment.</li> </ul>	80(1)(c) 80(1)(e)	80(1)(c) 80(1)(d) 80(1)(e)	80(1)(d)	The IAC is limited in its use of s 80(1)(c), (d) and (e) to the situations where the IAC is exercising the functions as described in s 125(4).  Ahpra may request an applicant undergo an examination or assessment where: <ol style="list-style-type: none"> <li>1. the Board has previously made a request of the same applicant to undergo an examination or assessment under s 80(1)(d); and</li> </ol>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				2. the applicant has not completed an approved program of study since the Board made the previous request under s 80(1)(d).
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 unless otherwise specified:</p> <ol style="list-style-type: none"> <li>1. in the following limited registration circumstance: <ol style="list-style-type: none"> <li>a. an applicant has applied for limited registration for postgraduate training without supervision conditions in the following circumstances, which fall under the eligibility requirements as outlined in section 66: <ol style="list-style-type: none"> <li>i. where the applicant has provided evidence of successfully completing the Competency in Optometry Examination (COE) within the last three years;</li> <li>ii. the applicant has provided evidence that they have enrolled in an approved program of study in ocular therapeutics; and</li> <li>iii. the applicant has provided a postgraduate plan.</li> </ol> </li> </ol> </li> <li>2. Except for the following situations where the application for registration must go to the Registration and/or Notifications Committee: <ol style="list-style-type: none"> <li>a. an individual has applied for limited registration for postgraduate training with supervision (excluding the scenario identified above at point 1(a)), which fall under the eligibility requirements as outlined in section 66; and</li> <li>b. an individual has applied for limited registration for teaching or research, which fall under the eligibility requirements as outlined in section 69.</li> </ol> </li> </ol>
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 applied for where:</p> <ol style="list-style-type: none"> <li>1. the grant of registration is consistent with the Board's proposal;</li> </ol>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<ol style="list-style-type: none"> <li>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</li> <li>3. either (a) or (b) apply:               <ol style="list-style-type: none"> <li>a. the applicant accepts the Board's proposal to grant registration of a type other than that applied for; or</li> <li>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.</li> </ol> </li> </ol>
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"> <li>1. the refusal of an application is consistent with the Board's proposal;</li> <li>2. the applicant has been given notice of the Board's proposal to refuse their registration application under s 81; and</li> <li>3. either (a) or (b) apply:               <ol style="list-style-type: none"> <li>a. the applicant has not made any submissions in response to the notice, or</li> <li>b. the applicant has indicated that he or she agrees with the proposed decision.</li> </ol> </li> </ol>
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 the following scenarios:</p> <p><b>SCENARIO 1</b></p> <ol style="list-style-type: none"> <li>1. The imposition of conditions is consistent with the Board's proposal to impose conditions;</li> <li>2. the applicant has been given reasonable notice of the Board's proposal to impose condition(s) on registration under s 81; and</li> <li>3. either (a) or (b) applies:               <ol style="list-style-type: none"> <li>a. the applicant has submitted they accept the proposed condition(s); or</li> <li>b. the applicant has not made a submission in the time period set out in the notice issued under s 81(2)(b).</li> </ol> </li> </ol>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p><b>SCENARIO 2</b></p> <p>In relation to a deferred graduate applicant:</p> <ol style="list-style-type: none"> <li>1. the applicant has applied for registration as a deferred graduate;</li> <li>2. the applicant has deferred an application for registration for more than two (2) years after completion of the relevant course required by the applicable registration standards; and</li> <li>3. the imposition of conditions on the registration of a deferred graduate is in accordance with the National Restriction Library (NRL) for supervision conditions.</li> </ol>
<p>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.</p>			83A	<p>Ahpra may only accept an undertaking from a person if:</p> <ol style="list-style-type: none"> <li>1. the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 81;</li> <li>2. the undertaking is consistent with the wording proposed by the Board in the conditions; and</li> <li>3. no additional information has come into possession that may be relevant in making the decision.</li> </ol>
<b>Division 6A</b>				
<p>Board may propose to withdraw the registration of a registered health practitioner if the Board:</p> <ol style="list-style-type: none"> <li>i. reasonably believes the practitioner's registration was improperly obtained because the practitioner, or</li> <li>ii. someone else gave the Board information or a document that was false or misleading in a material particular.</li> </ol>	85A			

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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)			
Board may decide that the registration was improperly obtained because the practitioner or someone else gave the Board information or a document that was false or misleading in a material particular and do one or more of the following— i. withdraw the practitioner’s registration; ii. refer the matter to a responsible tribunal; iii. take other appropriate action under Part 8.	85C(b)			
<b>Division 7</b>				
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)	



A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<b>Division 8</b>				
Board may endorse the registration of a registered health practitioner in respect of scheduled medicines (qualified to administer, obtain, possess, prescribe, sell, supply or use a scheduled medicine or a class of scheduled medicines).	94(1)			
Board may endorse the registration of a registered health practitioner in an approved area of practice where the practitioner holds an approved qualification.			98(1)	Ahpra cannot exercise this delegation if there are conditions to be imposed on the endorsement for approved area of practice.
Board to approve the form used by an individual in their application for endorsement.			99(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 decide to investigate the applicant before deciding application for endorsement.			100(1)(a)	
Board may decide to require the applicant to provide further information or documentation before deciding application for endorsement.			100(1)(b)	
Board may decide to require the applicant to attend before the Board to answer questions before deciding application for endorsement.	100(1)(c)			
Board may decide to require the applicant to undertake a written, oral or practical examination before deciding application for endorsement.	100(1)(d)			
Board must decide to endorse or refuse to endorse the applicant's registration as sought.			102(1)	Ahpra can only refuse an application for endorsement in the following scenario: 1. the refusal of the endorsement on the applicant's registration is consistent with the Board's proposal to refuse;

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				2. the applicant has been given notice of the Board's proposal to refuse the endorsement on their registration under s 101; and 3. either (a) or (b) applies: <ul style="list-style-type: none"> <li>a. the applicant has not made any submissions in response to that notice; or</li> <li>b. the applicant has indicated that he or she agrees with the proposed refusal to endorse their registration.</li> </ul>
Board may decide to impose on the endorsement conditions the Board considers necessary or desirable.	103(1)			
If the Board decides to endorse the applicant's registration under s 102, the Board may accept any undertaking from the applicant if the Board considers it necessary or desirable in the circumstances.			103A	Ahpra may only accept an undertaking from a person if: <ol style="list-style-type: none"> <li>1. the applicant was provided with notice of the Board's proposal to impose condition(s) on registration under s 101;</li> <li>2. the undertaking is consistent with the wording proposed by the Board in the conditions; and</li> <li>3. no additional information has come into possession that may be relevant in making the decision.</li> </ol>
<b>Division 9</b>				
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 the relevant or Board, relevant committees and Ahpra.
Board may decide to renew or refuse to renew, the applicant's registration or the endorsement.			112(1)	Ahpra can only decide to renew a practitioner's registration (or endorsement) in the following scenarios: <b>SCENARIO 1</b>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>1. S 111 does not apply (i.e. a practitioner has not received a notice to propose to refuse or propose to impose conditions on the renewal of their registration or endorsement).</p> <p><b>SCENARIO 2</b></p> <p>1. In relation to a breach of s 133 (advertising offences) where:</p> <ol style="list-style-type: none"> <li>there has been a proposal to refuse to renew a registration or a proposal to impose conditions on a registration has been made;</li> <li>the practitioner has received a notice under s 111(1); and</li> <li>the practitioner has amended their advertising to be compliant with the requirements of s 133 following this proposal.</li> </ol> <p>Ahpra may only refuse an application for renewal of registration (or endorsement) where:</p> <ol style="list-style-type: none"> <li>the Board has proposed to refuse to renew a registration (or endorsement);</li> <li>the applicant has been given notice of the proposal to refuse their application for renewal of registration (or endorsement); and</li> <li>either (a) or (b) applies: <ol style="list-style-type: none"> <li>the applicant submitted that they accept the proposed decision; or</li> <li>the applicant has not made a submission in response to the proposal.</li> </ol> </li> </ol>
<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"> <li>any conditions the registration was subject to immediately before the renewal,</li> <li>any condition the Board considers necessary or desirable in the circumstances,</li> </ol>			112(3)	<p><b>PROPOSING TO IMPOSE CONDITIONS</b></p> <p>Ahpra may only propose to impose conditions on a renewal of registration (or endorsement) in the following scenarios:</p> <p><b>SCENARIO 1</b></p> <p>1. Conditions relate to:</p> <ol style="list-style-type: none"> <li>a breach of s 133 (advertising offences); or</li> </ol>

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>3. any undertaking given by the applicant to the Board that was in effect immediately before the renewal, and</p> <p>4. any undertaking given by the applicant to the Board that the Board considers necessary or desirable in the circumstances.</p>				<p>b. the completion of additional Continuing Professional Development requirements; or</p> <p>c. recency of practice conditions with re-entry;</p> <p>and</p> <p>2. the proposed condition adopts standard wording in accordance with the National Restriction Library (NRL).</p> <p><b>SCENARIO 2</b></p> <p>1. The Board has proposed to impose conditions on a renewal of registration (or endorsement);</p> <p>2. the applicant has been given notice of the proposal to impose the condition(s) following an application on a renewal of registration (or endorsement); and</p> <p>3. either (a) or (b) applies:</p> <p>a. the applicant submitted that they accept the proposed decision; or</p> <p>b. the applicant has not made a submission in response to the proposal.</p> <p><b>IMPOSING CONDITIONS</b></p> <p>Ahpra may only impose conditions on an application for renewal of registration (or endorsement) in the following scenarios:</p> <p><b>SCENARIO 1</b></p> <p>1. The Board has proposed to impose conditions following an application on a renewal of registration (or endorsement);</p> <p>2. the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration (or endorsement); and</p> <p>3. either (a) or (b) applies:</p> <p>a. the applicant submitted that they accept the proposed decision; or</p>

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				<p>b. the applicant has not made a submission in response to the proposed decision.</p> <p><b>SCENARIO 2</b></p> <ol style="list-style-type: none"> <li>1. Conditions relate to: <ol style="list-style-type: none"> <li>a. a breach of s 133 (advertising offences); or</li> <li>b. the completion of additional Continuing Professional Development requirements; or</li> <li>c. recency of practice conditions with re-entry;</li> </ol> and </li> <li>2. the proposed condition is standard worded conditions in accordance with the National Restriction Library (NRL).</li> </ol> <p>Ahpra may accept an undertaking on an application for renewal of registration (or endorsement) in the following scenarios:</p> <p><b>SCENARIO 1</b></p> <ol style="list-style-type: none"> <li>1. the Board proposed to impose conditions following an application on a renewal of registration (or endorsement);</li> <li>2. the applicant has been given reasonable notice of the proposal to impose conditions following an application on a renewal of registration (or endorsement);</li> <li>3. the undertaking is consistent with the wording proposed by the Board in the conditions; and</li> <li>4. no additional information has come into possession that may be relevant in making the decision.</li> </ol> <p><b>SCENARIO 2</b></p> <ol style="list-style-type: none"> <li>1. The Board proposed to renew the registration (or endorsement) with the undertaking that was in effect immediately before the renewal;</li> </ol>

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				<ol style="list-style-type: none"> <li>2. the applicant has been given reasonable notice of the proposal to renew the registration (or endorsement) subject to the undertaking that was in effect immediately before the renewal;</li> <li>3. the applicant has accepted the Board's proposal; and</li> <li>4. no additional information has come into possession that may be relevant in making the decision.</li> </ol>
Board to approve the form used by an individual in their application for registration in the health profession following period of suspension.			112B(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.
<b>Division 11, subdivision 2</b>				
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)	<p>Corresponding functions under s 80 (as listed above) apply to the relevant Board, relevant committees and Ahpra.</p> <p>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.</p>
Board must decide to grant or refuse to grant the application to change or remove conditions or undertaking on a registered health practitioner's registration or endorsement or student's registration.		125(5)	125(5)	<p>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.</p> <p>Ahpra's delegation to decide to grant a s 125(5) application is only in the following scenarios:</p>

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				<p><b>SCENARIO 1</b></p> <ol style="list-style-type: none"> <li>1. Conditions were imposed in response to a breach of s 133 (advertising offences); and</li> <li>2. information has been submitted to demonstrate compliance with the conditions.</li> </ol> <p>Where there is non-compliance with the s 133 conditions, the decision to grant remains with the relevant Board or committee and is not delegated to Ahpra.</p> <p><b>SCENARIO 2</b></p> <ol style="list-style-type: none"> <li>1. A practitioner has submitted evidence to the delegate that they have complied with their conditions on their registration; or</li> <li>2. The restrictions relate to health or conduct; or</li> <li>3. The restrictions relate to performance and the relevant clinical advisor has assessed the practitioner as meeting the required standard of a registered health practitioner.</li> </ol> <p><b>SCENARIO 3</b></p> <p>Replace a re-entry to practice supervision requirement with a condition to undertake an approved re-entry to practice education program.</p> <p>Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.</p>
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)	The IAC can only reconsider a section 126(5) 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.

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Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>The relevant delegate must hold a reasonable belief that it is necessary to change a condition imposed on a registered health practitioner's or student's registration (s 126(1)).</p> <p>Ahpra can only decide to change a condition only in the following scenarios:</p> <p><b>SCENARIO 1</b></p> <ol style="list-style-type: none"> <li>1. The committee has proposed to change the condition;</li> <li>2. subsections 126(2) and 126(4) have been complied with; and</li> <li>3. practitioner or student: <ol style="list-style-type: none"> <li>a. submitted that they accept the proposed change; or</li> <li>b. have not made a submission.</li> </ol> </li> </ol> <p>If Ahpra changes the conditions, it must advise the relevant Board or committee who proposed to change the condition of the outcome.</p> <p><b>SCENARIO 2</b></p> <p>The change is to increase the number of supervised practice hours required to address a shortfall in meeting recency of practise requirements since the date the restrictions were imposed.</p> <p>Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.</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.		127(2)	127(2)	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.



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Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<p>The relevant delegate must hold a reasonable belief that it is necessary to remove a condition or revoke the undertaking on a registered health practitioner's or student's registration (s 127(1)).</p> <p>Ahpra can make a s 127(2) decision in the following scenarios:</p> <p><b>SCENARIO 1</b></p> <ol style="list-style-type: none"> <li>1. Conditions were imposed in response to a breach of s 133 (advertising offences); and</li> <li>2. information has been submitted to demonstrate compliance with the conditions.</li> </ol> <p><b>SCENARIO 2</b></p> <ol style="list-style-type: none"> <li>1. A practitioner has submitted evidence to the delegate that they have complied with their conditions and/or undertaking on their registration; or</li> <li>2. The restrictions relate to health or conduct; or</li> <li>3. The restrictions relate to performance and the relevant clinical advisor has assessed the practitioner as meeting the required standard of a registered health practitioner.</li> </ol> <p><b>SCENARIO 3</b></p> <ol style="list-style-type: none"> <li>1. The applicant/registrant has a supervision condition relating to their limited registration which falls under the eligibility requirements in s 66;</li> <li>2. the applicant/registrant is already registered with limited registration for supervised practice;</li> <li>3. the applicant/registrant has since completed the clinical component of the COE;</li> <li>4. the applicant/registrant is enrolled in an approved program of study in ocular therapeutics; and</li> <li>5. the applicant/registrant has provided a postgraduate training plan.</li> </ol>

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Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				Where clinical advice is sought outside of the scenarios listed above, the matter must be presented to the next available relevant Board or committee meeting and is not delegated to Ahpra.
Board may decide that any change, removal or revocation may be decided by the review body of a co-regulatory jurisdiction.			127A(2)	
<b>Division 11, subdivision 3</b>				
Board requires, at any time, evidence of the appropriate professional indemnity insurance arrangements.			129(2)	
Board may decide to refuse to record an alternative name on the: <ul style="list-style-type: none"> <li>i. public register, and</li> <li>ii. the practitioner's certificate of registration.</li> </ul>			131A(2)	Ahpra may make a decision under s 131A(2) only if the name satisfies the definition of 'prohibited name' under s 131A(4)(a) to (c).  If the refusal to include the name on the public register and on the practitioner's certificate of registration is because it is contrary to the public interest for another reason (s 131A(4)(d)), that will be a decision of the relevant committee.
Board may ask, at any time, practitioner to give the Board their practice information.			132(1)	
<b>Division 11, subdivision 5</b>				
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)	

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Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<b>Part 8 – Notifications</b>				
<b>Division 5</b>				
Board must decide whether notification: (a) relates to a health practitioner or student, (b) relates to a ground, and (c) could also be made to a Health Complaints Entity (HCE)		149(1)(a), (b), (c) (excl Qld Act)  150(1)(a), (b) (Qld Act)	149(1)(a), (b), (c) (excl Qld Act)  150(1)(a), (b) (Qld Act)	
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.			149(3) (excl Qld Act)  150(3) (Qld Act)	
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.			149A	
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.			149B(1)	
Board and HCE must attempt to reach agreement about how a notification is to be dealt with.			150(3) (excl Qld Act)	
Board may decide to refer the subject matter, or part of the subject matter, to be dealt with by another entity.			150A(1) (excl Qld Act)  150C(1) (Qld Act)	
In respect of decisions made under s 150A(1) (excl Qld Act) or s 150C(1) (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)	

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Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<p>Board decides to take no further action in relation to a notification:</p> <ul style="list-style-type: none"> <li>a. if it is frivolous, vexatious, misconceived or lacking in substance</li> <li>b. given the amount of time elapsed,</li> <li>c. if the person is no longer registered,</li> <li>d. the subject matter already been dealt with</li> <li>e. the subject matter of the notification, <ul style="list-style-type: none"> <li>i. being dealt with by another entity or been referred by Board to another entity, or</li> <li>ii. has been referred by the Board under ss 150 or 150A to another entity to be dealt with,</li> </ul> </li> <li>f. the registered health practitioner has taken appropriate steps to remedy the subject matter of notification.</li> </ul>	151(1)		151(1)(e)	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).
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)	
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)	

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<b>Division 6</b>				
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)		
<b>Division 7</b>				
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"> <li>1. the decision to take immediate action is consistent with the Board's proposal;</li> <li>2. s 157 has been complied with;</li> <li>3. the practitioner or student has either: <ol style="list-style-type: none"> <li>a. accepted the proposed action; or</li> <li>b. not made submissions in response to the proposed immediate action;</li> </ol> </li> <li>4. the delegate agrees that immediate action should be taken for the reasons proposed by the Board; and</li> <li>5. no additional information has come into possession that may be relevant in making an interim decision.</li> </ol> <p>Ahpra must advise the relevant Board or committee of the outcome of its proposal.</p>
Board must take the further action under Part 8 that is appropriate.	158(1)(b)	158(1)(b)		

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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)	
<b>Division 7A</b>				
Board may issue an interim prohibition order to an unregistered person if, in the Board's reasonable belief, the person: <ul style="list-style-type: none"> <li>i. has contravened a relevant provision, or</li> <li>ii. is the subject of an assessment, investigation or other proceedings under Part 8</li> </ul>		159C(1)		The IAC will make the decision where the unregistered person is a person: <ol style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ol>
Following consideration of any submissions made by the unregistered practitioner in accordance with the notice from s 159E(3), the Board must decide, to either: <ul style="list-style-type: none"> <li>i. confirm the issue of the interim prohibition order, or</li> <li>ii. revoke the interim prohibition order.</li> </ul>		159E(6)(a)		The IAC will make the decision where the unregistered person is a person: <ol style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ol>
Board must revoke an interim prohibition order about an unregistered person if, the Board is satisfied the grounds on which the order was issued: <ul style="list-style-type: none"> <li>i. no longer exist in relation to the person, or</li> <li>ii. did not exist at time the order was issued to the person.</li> </ul>		159G(1)		The IAC will make the decision where the unregistered person is a person: <ol style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ol>
Board may vary an interim prohibition order about an unregistered person if, <ul style="list-style-type: none"> <li>i. the Board is satisfied a different ground in s 159C(1)(a) exists; and</li> </ul>		159G(2)		The IAC will make the decision where the unregistered person is a person: <ol style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ol>

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ii. the Board continues to hold the reasonable belief as specified in s 159C(1)(b).				
Board may extend an interim prohibition order about an unregistered person by a period of 60 days if the Board reasonably believes it is necessary.		159H(1)		The IAC will make the decision where the unregistered person is a person: 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.
Following a decision to issue or extend an interim prohibition order, the Board may inform the notifier who made the notification or the person who made the complaint of the decision and the reasons for the decision.		159I(2)		The IAC will make the decision where the unregistered person is a person: 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.
Prior to the expiration of the interim prohibition order, the Board may apply to the responsible tribunal to extend the order.		159J(2)		The IAC will make the decision where the unregistered person is a person: 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.
If a responsible tribunal has extended or substituted an interim prohibition order and the Board is satisfied the grounds on which the order was issued:  i. no longer exist in relation to the person, or ii. did not exist at time the order was issued to the person;  the Board may before either the extended or substituted order ends apply to the responsible tribunal to revoke the order.		159L(2)		The IAC will make the decision where the unregistered person is a person: 1. whose registration is suspended, or 2. who is the subject of ongoing proceedings under Part 8.

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<p>If a responsible tribunal has extended or substituted an interim prohibition order and the Board:</p> <ul style="list-style-type: none"> <li>i. is satisfied a different ground in s 159C(1)(a) exists; and</li> <li>ii. continues to reasonably believe the ground specified in s 159C(1)(b) exists,</li> </ul> <p>the Board may before the extended or substituted interim prohibition order ends apply to the responsible tribunal to vary the order.</p>		159M(2)		<p>The IAC will make the decision where the unregistered person is a person:</p> <ul style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ul>
<p>The Board may decide that the interim prohibition order should not be published because:</p> <ul style="list-style-type: none"> <li>i. the person subject to the interim prohibition order has requested the information not be published, and</li> <li>ii. the Board reasonably believes that the publication of the information would present a serious risk to the health or safety of: <ul style="list-style-type: none"> <li>▪ the person, or</li> <li>▪ a member of the person's family or an associate of the person.</li> </ul> </li> </ul>		159N(5)		<p>The IAC will make the decision where the unregistered person is a person:</p> <ul style="list-style-type: none"> <li>1. whose registration is suspended, or</li> <li>2. who is the subject of ongoing proceedings under Part 8.</li> </ul>
<b>Division 7B</b>				
<p>Board may make a public statement if, in the Board's reasonable belief, the person:</p> <ul style="list-style-type: none"> <li>i. has contravened a relevant provision, or</li> <li>ii. is the subject of an assessment, investigation or</li> <li>iii. other proceedings under Part 8</li> </ul>		159Q(1)		
<p>Board must decide, following consideration of the show cause submission, either :</p>		159R(2)		



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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.				
Board may revise the public statement made under s 159R(2) if the Board reasonably believes it is necessary in the circumstances.		159S(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"> <li>i. no longer exist in relation to the person; or</li> <li>ii. did not exist at the time the statement was made.</li> </ul>		159T(1)		
<b>Division 8</b>				
Board may decide to investigate a registered health practitioner or student if it is necessary or appropriate.		160(1)	160(1)	Ahpra to commence an investigation under s 160(1)(a) or (b) where: <ol style="list-style-type: none"> <li>1. s 150(4) applies to require an investigation; or</li> <li>2. further information is necessary to progress the management of a matter and it is impractical in the circumstances to await a committee meeting.</li> </ol> Ahpra may commence a compliance investigation under s160(1)(c) where: <ol style="list-style-type: none"> <li>1. an instrument imposing an obligation through a registration condition or undertaking does not empower Ahpra to collect information necessary to monitor compliance; and</li> <li>2. the information sought through an investigation is necessary to assure compliance with a registration condition or undertaking.</li> </ol> The relevant Board or committee must be notified following a s 160(1) decision made by Ahpra.

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Board must direct an appropriate investigator to conduct the investigation.			160(2)	
Board does not have to give the registration 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)	
<b>Division 9</b>				
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.

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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)	
<b>Division 10</b>				
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 must hold a reasonable belief (s 178(1)(a)).  Ahpra may only make a decision under s 178(2) if:  1. s 179(1) has been complied with or, if s 179(1) does not apply, the practitioner / student has been afforded a reasonable opportunity to show cause as to why relevant action should not be taken;

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				<p>2. practitioner or student has:</p> <ol style="list-style-type: none"> <li>a. submitted that they accept the action proposed; or</li> <li>b. not made a submission in response to the proposed relevant action;</li> </ol> <p>3. delegate agrees that relevant action should be taken for the reasons proposed by the Board and holds the reasonable belief (s 178(1)(a)); and</p> <p>4. no additional information has come into possession that may be relevant in making a determinative decision.</p> <p>Ahpra must advise the relevant Board or committee who proposed the relevant action of the outcome of its proposal.</p> <p>Notwithstanding the limitation above, Ahpra may only propose conditions under s 178(2)(c) where:</p> <ol style="list-style-type: none"> <li>1. conditions relate to a breach of s 133 (advertising offences), and</li> <li>2. the proposed condition must be standard worded conditions in accordance with the National Restriction Library (NRL).<sup>2</sup></li> </ol>
<p>Board must decide in relation to a registered health practitioner or student to:</p> <ol style="list-style-type: none"> <li>i. take no action,</li> <li>ii. take the proposed relevant action or other relevant action,</li> <li>iii. take other action under Part 8, or</li> <li>iv. refer the matter to another entity.</li> </ol>			179(2)	<p>The relevant delegate must hold a reasonable belief (s 178(1)(a)).</p> <p>Ahpra may only decide to take no further action under s 179(2)(a):</p> <ol style="list-style-type: none"> <li>1. in relation to breaches of s 133 (advertising offences).</li> </ol> <p>Ahpra may only make a decision under s 179(2)(b)(i) if:</p>

<sup>2</sup> The National Director, Compliance must be advised once a decision under s 178 has been made in relation to a monitoring and compliance matter which involves advertising.

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
				<ol style="list-style-type: none"> <li>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;</li> <li>2. practitioner or student has: <ol style="list-style-type: none"> <li>a. submitted that they accept the action proposed; or</li> <li>b. not made a submission in response to the proposed relevant action;</li> </ol> </li> <li>3. delegate agrees that relevant action should be taken for the reasons proposed by the Board; and</li> <li>4. no additional information has come into possession that may be relevant in making a determinative decision.</li> </ol> <p>Ahpra must advise the relevant Board or committee of the outcome of its proposal.</p>
<b>Division 11</b>				
Board may establish a health panel if it reasonably believes and it is necessary or appropriate that the matter be referred to a panel.	181(1)			
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.	182(1)			
<b>Division 12</b>				
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)			

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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 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.	193A(1) (excl Qld Act) 193C(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)	Ahpra can exercise the power to refer a practitioner to a responsible tribunal if: 1. a Board or committee with power to refer has decided to refer; and 2. consultation with the Health Ombudsman has confirmed that the practitioner can be referred.
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)	Ahpra can exercise the power to refer a practitioner to a responsible tribunal if: 1. a Board or committee with power to refer has decided to refer; and 2. consultation with the Health Ombudsman has confirmed that the practitioner can be referred.
<b>Division 14</b>				
Following either the receipt of or awareness of the practitioner's practice information, Board may give written notice of the decision to:  i. the named registered health practitioners with whom the practitioner currently shares premises and the cost of the premises; and			206(2)	

A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
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"> <li>a. risk of harm to a person or a class of persons; or</li> <li>b. risk to public health or safety.</li> </ul>				
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.			206(3)(b)	
<b>Part 10 – Information and Privacy</b>				
<b>Division 2</b>				
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		220A(2) and (5)		

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



A	B	C	D	E
Description of Division	Registration and/or Notifications Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
member of the practitioner's family or an associate of the practitioner.				
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"> <li>1. the reprimand has been published for 5 years or longer; and</li> <li>2. there has not been a 'Relevant Event' in the preceding 5 years.</li> </ol> <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"> <li>1. the relevant Board or committee has issued a written notice to the registered health practitioner proposing to refuse to remove the reprimand; and</li> <li>2. the practitioner has not provided a response to the notice or has indicated they intend not to make submissions.</li> </ol>
<b>Part 11 - Miscellaneous</b>				
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 Committee	Immediate Action Committee	Ahpra	Conditions on Delegation
<b>Part 3   Division 2 - Entitlement to registration</b>				
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"> <li>postpone or refuse to grant of registration, or</li> <li>refuse to grant registration.</li> </ul>			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)	