

DELEGATIONS MANUAL

Nursing and Midwifery Council of New South Wales

July 2019

Health Professional Councils Authority

INTRODUCTION

Section 41J of the Health Practitioner Regulation National Law (NSW) gives each of the Health Profession Councils a general power to delegate its functions. Statutory functions of a Council's Executive Officer may also be delegated. Appropriate delegation of functions and powers is necessary for effective and efficient administration of the Councils' business.

With the above principle in mind this delegations manual has been compiled to clearly set out the delegation of functions and powers by the Nursing and Midwifery Council of NSW (the Council) and its Executive Officer.

Delegation Power

The delegations in this manual are by the Council in accordance with section 41J of the Health Practitioner Regulation National Law (NSW).

Section 41J provides:

- (1) A council may delegate to a person the exercise of any of its functions, other than this power of delegation.
- (2) An Executive Officer of a Council may delegate to a person the exercise of
 - a. Any of the functions of the Executive Officer under this Law, other than this power of delegation; or
 - b. Any functions delegated to the Executive Officer by the Council, unless the Council otherwise provides in its instrument of delegation to the Executive Officer.
- (3) In this section, a reference to a person includes a reference to a group of persons, including a committee.

Delegates are expected to exercise the powers, authorities, duties or functions delegated to them in a responsible, efficient and consistent manner and in accordance with any conditions to which the delegation is subject. Whether delegation should be exercised in a particular case, or the matter referred to the Council, requires the exercise of discretion by the delegate. Assistance or direction may be sought from Executive or Legal Services in matters that have special features or are considered of special importance.

If delegation is made to a committee the Council will need to ensure that it can effectively prove the establishment of the committee and the appointment of the members so that exercise of the functions will withstand challenge.

When exercising a delegation, the delegate must ensure that he/she is fully aware of the relevant provisions of the Law before exercising the delegation. The delegate, may, in the performance of a delegated function, do anything that is incidental to the delegated function.

It should be noted that functions that are delegated by a Council may, despite the delegation, be exercised by the Council and that delegation of a function does not relieve the Council of the obligation to ensure that the function is properly exercised.

A function delegated by a Council to its Executive Officer may be sub-delegated by the Executive Officer, unless the Council otherwise specifies in its instrument of delegation to the Executive Officer. In all other respects sub-delegation is only permitted if expressly provided for in the primary delegation.

Delegation Format

Each delegation is outlined on an individual page for ease of reference and also to allow amendments to be made to an individual delegated power. Each delegation contains a synopsis of what the delegation is empowering; a reference to the relevant section/s of the *Health Practitioner Regulation National Law (NSW)* providing for the exercise of power or function; and specifies the delegates with the authority to exercise that power or function.

Officers Acting or Relieving in Other Positions

If a function is delegated to a specified officer, another officer acting or relieving for the officer is entitled to exercise the delegated functions of the officer no matter the duration of the period of acting or relieving. The officer so acting or relieving does not have to be entitled to the payment of a higher duties allowance. Officers when exercising another officer's delegation are to sign and indicate that they are acting in the higher position.

Contents

COMPLAINTS.....	6
Complaints - Consultation.....	7
Complaints – Notification to complainants	8
Complaints – Decision not to refer under Part 8, Division 3, Subdivision 2 – Practitioner or Student not registered	9
Complaints – Not to refer under Part 8, Division 3, Subdivision 2 – Complainant fail to provide further particulars.....	10
Complaint – Health Practitioner or Student to undergo examination	11
SECTION 150	12
Section 150 – appointment of delegates.....	13
Section 150 – Interim emergency power to suspend or impose conditions.....	14
Section 150 – Refuse review of decision	15
Section 150A– Review of decision	16
Section 150 – Remove or alter conditions or end suspension	17
Section 150 – obtain information, records and evidence.....	18
HEALTH.....	19
Impairment – Critical impairment conditions – designation	20
Health – Practitioner to undergo an examination	23
Health – Student to undergo an examination	24
Health – Suspend student registration	25
Health – Referral to an Impaired Registrants Panel	26
Health – Establishment of an Impaired Registrants Panel	27
Health – Voluntary suspension or conditions on registration	28
Health – Review of conditions and suspension	29
Health – Suspension or conditions on student registration in the public interest.....	30
PERFORMANCE	31
Performance – Performance assessment	32
Performance – Appointment of performance assessors	33
Performance – Performance assessor’s certificate of authority	34
Performance – Action following a performance assessment.....	35
Performance – Establishment of Performance Review Panel	36
Performance – Appointment of assessors to assist a Performance Review Panel.....	37
Performance – Complaint following consideration by a Performance Review Panel	38

Performance – Distribution of a Performance Review Panel’s statement of decision	39
Performance - Monitoring	40
ENFORCEMENT	41
Enforcement – Approval for an authorised person to enter premises	42
Enforcement – Further information from Practitioner or Student	43
TRIBUNAL	44
Tribunal – Constitution of the Tribunal	45
PROFESSIONAL STANDARDS COMMITTEE	46
Professional Standards Committee - Establishment.....	47
Professional Standards Committee – dissemination of any other statement of decision	48
Professional Standards Committee – Contravention of Condition/s	49
MISCELLANEOUS.....	50
Miscellaneous – Approve employment preconditions.....	51
Miscellaneous – Appropriate review body	52
Miscellaneous – Making of a complaint	53
Miscellaneous – Approve supervision preconditions	55
Miscellaneous – Approve educational program.....	56
Miscellaneous – Written notice of a condition decision	57
Miscellaneous – Approve alternative arrangements for drug screening	58
Miscellaneous – Approve alcohol breath testing supervisor.....	59

COMPLAINTS

Complaints - Consultation

Power to consult with the Health Care Complaints Commission to see if agreement can be reached as to the course of action to be taken concerning the complaint.

Determination of the most appropriate course of action available to the Council.

Refer sections 145A and 145B of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

Delegation number: **C - 2**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Complaints – Notification to complainants

Power to determine what, if any, additional information is to be included in a notice to a complainant notifying the outcome of their complaint.

Refer sections 145BA(3) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PRESIDENT

DEPUTY PRESIDENT

ANY TWO MEMBERS OF THE COUNCIL

Version 1.2, addition of Deputy President.

Complaints – Decision not to refer under Part 8, Division 3, Subdivision 2 – Practitioner or Student not registered

Determination not to refer a complaint under Part 8, Division 3, Subdivision 2 of the Health Practitioner Regulation National Law (NSW) on the basis that the practitioner or student concerned has ceased to be registered.

Refer section 145I of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

Delegation number: **C - 4**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Complaints – Not to refer under Part 8, Division 3, Subdivision 2 – Complainant fail to provide further particulars

Determination not to refer a complaint under Part 8, Division 3, Subdivision 2 of the Health Practitioner Regulation National Law (NSW) if the complainant has failed to provide further particulars in response to a request by the Council or the Health Care Complaints Commission.

Refer section 145J of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee.

Complaint – Health Practitioner or Student to undergo examination

Power to direct a practitioner or student to undergo an examination by a specified registered health practitioner at a specified reasonable time and place.

Refer section 145E of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

SECTION 150

Section 150 – appointment of delegates

Appointment of delegates for purposes of exercising the Council’s powers under sections 150(1), 150A or 150C of the Health Practitioner Regulation National Law (NSW).

Refer section 150(7) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

ANY 2 MEMBERS OF THE COUNCIL

(Note: In accordance with s.150(7) of the National Law at least one delegate appointed under s.150(7) must be a person who is not, and has never been, a registered health practitioner or student in the profession)

Section 150 – Interim emergency power to suspend or impose conditions

Power to suspend or impose conditions on a health practitioner’s registration for protection of the health and safety of any person or persons or otherwise in the public interest.

Refer section 150(1) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

THE DELEGATES APPOINTED TO EXERCISE POWERS UNDER SECTION 150(1) OF THE LAW

(Note: In accordance with s.150(7) of the National Law *at least one delegate must be a person who is not, and has never been, a registered health practitioner or student in the profession*)

Section 150 – Refuse review of decision

Power to refuse to reconsider a decision made under section 150(1) of the Health Practitioner Regulation National Law (NSW) on the basis that the application for review is frivolous or vexatious.

Refer section 150A(2)(a) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

THE DELEGATES APPOINTED IN ACCORDANCE WITH S150(7)

(Note: In accordance with s.150(7) of the National Law *at least one delegate must be a person who is not, and has never been, a registered health practitioner or student in the profession*)

Section 150A– Review of decision

Power to review a decision made under section 150(1) of the Health Practitioner Regulation National Law (NSW).

Refer section 150A of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

THE DELEGATES APPOINTED TO EXERCISE POWERS UNDER SECTION 150(1) OF THE LAW

DELEGATES APPOINTED IN ACCORDANCE WITH S.150(7)

Note: In accordance with s.150(7) of the National Law *at least one delegate must be a person who is not, and has never been, a registered health practitioner or student in the profession*)

Section 150 – Remove or alter conditions or end suspension

Power to alter or remove conditions or end suspension imposed under section 150(1) of the Health Practitioner Regulation National Law (NSW).

Refer section 150C of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

THE DELEGATES APPOINTED TO EXERCISE POWERS UNDER SECTION 150(1) OF THE LAW

DELEGATES APPOINTED IN ACCORDANCE WITH S.150(7)

(Note: In accordance with s.150(7) of the National Law at least one delegate must be a person who is not, and has never been, a registered health practitioner or student in the profession)

Delegation number: **s150 - 6**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Section 150 – obtain information, records and evidence

Power to require a person to produce documents, records or evidence that would assist in making a decision about action to be taken under section 150(1) of the Health Practitioner Regulation National Law (NSW).

Refer section 150J of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

THE DELEGATES APPOINTED TO EXERCISE POWERS UNDER SECTION 150(1) OF THE LAW

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE SECTION 150 REVIEW COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee, any 2 members of the Monitoring and Review Committee and any 2 members of the Section 150 Review Committee.

HEALTH

Delegation number: **H-1**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Impairment – Critical impairment conditions – designation

Power to order that a condition on the registration of a nursing and/or midwifery practitioner that is imposed or altered because of the impairment of the practitioner is a critical impairment condition.

(NB: A condition on a student’s registration can NOT be designated as a critical impairment condition)

Refer sections 150FA of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE S.150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE SECTION 152J COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee, any 2 members of the Monitoring and Review Committee, any 2 members of the Section 150 Review Committee, and any 2 members of the section 152J Committee.

Delegation number: **H-2**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Impairment – Critical impairment conditions – contravention

Determination that a critical impairment condition on the registration of a nurse or midwife has been contravened.

Refer sections 150FA of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY TWO MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE S.150 REVIEW COMMITTEE

ANY 2 MEMBERS OF THE SECTION 152J COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Version 1.2, deletion of Manager Monitoring Inspections and Scheduling Unit; change from:

- i. the Notifications Committee to of any 2 members of the Notifications Committee,

- ii. the Monitoring and Review Committee to any 2 members of the Monitoring and Review Committee, addition of any 2 members of the Section 150 Review Committee and any 2 members of the section 152J Committee; and addition of professional officer.

Health – Practitioner to undergo an examination

Power to require a practitioner to undergo an examination by another registered health practitioner.

Refer section 152B of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE S.152J COMMITTEE

Health – Student to undergo an examination

Power to require a student to undergo an examination by another registered health practitioner.

Refer section 152C(1) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE S.152J COMMITTEE

Health – Suspend student registration

Power to suspend a student’s registration, until the student undergoes the examination, if the student fails to comply with the requirement of undergoing examination without reasonable excuse.

Refer section 152C (4) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

Health – Referral to an Impaired Registrants Panel

Power to refer a matter to an Impaired Registrants Panel, if the matter indicates a registered health practitioner or student has or may have an impairment.

Refer section 152D of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

Health – Establishment of an Impaired Registrants Panel

Appointment of persons to sit as the Impaired Registrants Panel for the purpose of dealing with a matter referred to an Impaired Registrants Panel.

Refer section 173A of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Delegation number: **H-8**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Health – Voluntary suspension or conditions on registration

Power to impose conditions or suspend a practitioner or student’s registration, if recommended by an Impaired Registrants Panel and the practitioner or student has voluntarily agreed to the conditions or suspension.

Refer to section 152J of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S152J COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee,

Health – Review of conditions and suspension

Following a recommendation by an IRP:

Power to refuse to alter or remove conditions; or

Power to refuse to terminate or shorten a suspension.

Power to specify a period in which a further request by the practitioner or student for removal of conditions or termination or shortening of suspension period is not permitted.

Refer sections 152K(3) and (5) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S152J COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee,

Delegation number: **H-10**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Health – Suspension or conditions on student registration in the public interest

Power to suspend a student’s registration; or impose specific conditions on student’s registration, if recommended by an Impaired Registrants Panel and it is in the public interest to do so.

Refer section 152M of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE S152J COMMITTEE

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

Version 1.2, addition of any 2 members of the Notifications Committee,

PERFORMANCE

Delegation number: **P-1**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Performance – Performance assessment

Power to have the professional performance of a registered health practitioner assessed.

Refer section 154 of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE SECTION 150 REVIEW COMMITTEE

Version 1.2, addition of any 2 members of the Section 150 Review Committee

Delegation number: **P-2**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Performance – Appointment of performance assessors

Appointment of suitably qualified persons to be assessors for the purposes of conducting a performance assessment of a registered practitioner.

Refer section 174D of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

NURSE EDUCATOR

Version 1.2, addition of any 2 members of the Notifications Committee and Nurse Educator.

Delegation number: **P-3**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Performance – Performance assessor’s certificate of authority

Approval of certificate of authority for performance assessors.

Refer Schedule 5B clause 7 of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

NURSE EDUCATOR

Version 1.2, addition of Nurse Educator.

Performance – Action following a performance assessment

Power to take any action, as provided in section 155C (1) of the Health Practitioner Regulation National Law (NSW), after receiving the performance assessment report.

Refer section 155C of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

Delegation number: **P-5**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Performance – Establishment of Performance Review Panel

Appointment of 3 persons to sit as the Performance Review Panel for the purpose of a matter referred for performance review.

Refer section 174A of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

NURSE EDUCATOR

Version 1.2, addition of Nurse Educator

Delegation number: **P-6**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Performance – Appointment of assessors to assist a Performance Review Panel

Appointment of one or more assessors to assist the Performance Review Panel with the performance review.

Refer Schedule 5B clause 13 of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

NURSE EDUCATOR

Version 1.2, addition of Nurse Educator

Performance – Complaint following consideration by a Performance Review Panel

Power to make a complaint in respect of a matter that has been considered by a Performance Review Panel.

Refer section 156C (5) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

Performance – Distribution of a Performance Review Panel’s statement of decision

Determination to provide a copy of a Performance Review Panel’s statement of decision to the persons that the Council thinks fit.

Refer section 156E of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER (on the recommendation of the Performance Review Panel)

DEPUTY EXECUTIVE OFFICER (on the recommendation of the Performance Review Panel)

PROFESSIONAL OFFICER (on the recommendation of the Performance Review Panel)

Performance - Monitoring

Power to take any action under the Law, following the monitoring and evaluation of the effectiveness of conditions imposed by a Performance Review Panel.

Refer section 157 of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ENFORCEMENT

Delegation number: **E-1**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
02/02/17

Enforcement – Approval for an authorised person to enter premises

Approval for an authorised person to enter and inspect specified premises being used for the carrying on of the practice of nursing or midwifery.

Refer section 164A (2) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

Version 1.2, addition of Executive Officer and Deputy Executive Officer.

Delegation number: **E-2**
Version 1.1
Date adopted by Council:
04/02/16
Version 1.2
Date adopted by Council:
02/02/17
Version 1.3
Date adopted by Council:
01/07/19 (approved 4 April 2019)

Enforcement – Further information from Practitioner or Student

Power to require a practitioner or student to provide further information about any complaint or other matter concerning the practitioner or student.

Refer section 164G of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Version 1.2, addition of Manager Monitoring Inspections and Scheduling Unit.

Version 1.3, deletion of Manager Monitoring Inspections and Scheduling Unit.

TRIBUNAL

Tribunal – Constitution of the Tribunal

Selection of persons for appointment as occasional members of NCAT for specified proceedings.

Refer section 165B (1) (b) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

PROFESSIONAL STANDARDS COMMITTEE

Professional Standards Committee - Establishment

Power to establish a Professional Standards Committee by appointing 4 persons to sit as the Committee for the purposes of conducting an inquiry into a specific complaint.

Refer section 169A of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Professional Standards Committee – dissemination of any other statement of decision

Power to disseminate the PSC decision where the complaint is not proven or admitted in whole or in part.

Refer section 171E (4) (b) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

EXECUTIVE OFFICER

ASSISTANT DIRECTOR – LEGAL, HPCA

Professional Standards Committee – Contravention of Condition/s

Power to refer a matter to the Tribunal, where it is reasonably believed that a nurse or midwife has contravened any conditions imposed under a direction made by a Professional Standards Committee.

Refer section 146E(1) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

MISCELLANEOUS

Miscellaneous – Approve employment preconditions

Provide approval in circumstances where conditions on a practitioner's registration or orders made by an adjudication body require the Council's approval of a specific action or thing relating to the employment of a practitioner.

Refer to individual conditions imposed on practitioners' registration or orders made on practitioners by an adjudication body under the Health Practitioner Regulation National Law (NSW) relating to the employment of the practitioner.

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Miscellaneous – Appropriate review body

Conduct review proceedings in circumstances where the Council has been designated as the appropriate review body under s.163 of the Health Practitioner Regulation National Law (NSW).

Refer to s.163B of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

A PANEL OF THREE PERSONS (BEING 2 PERSONS WHO ARE REGISTERED NURSES OR REGISTERED MIDWIVES AND ONE PERSON WHO IS NOT A REGISTERED NURSE OR A REGISTERED MIDWIFE) APPOINTED BY THE EXECUTIVE OFFICER (the Executive Officer is to appoint a panel for the purposes of reviewing the specific matter).

Miscellaneous – Making of a complaint

Power to make a complaint.

Refer to s.144B of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

ANY 2 MEMBERS OF THE NOTIFICATIONS COMMITTEE

ANY TWO MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

Delegation number: **Misc-4**
Version 1.1
Date adopted by Council:
04/02/16

{Delegation Misc – 4 deleted October 2018 – Duplication of delegation Misc – 1}

Miscellaneous – Approve supervision preconditions

Provide approval in circumstances where conditions on a practitioner's registration or orders made by an adjudication body require the Council's approval of a specific action or thing relating to the supervision of a practitioner.

Refer to individual conditions imposed on practitioners' registration or orders made on practitioners by an adjudication body under the Health Practitioner Regulation National Law (NSW) relating to the supervision of the practitioner.

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Miscellaneous – Approve educational program

Provide approval in circumstances where conditions on a practitioner's registration or orders made by an adjudication body require the Council's approval of educational programs to be undertaken by the practitioner.

Refer to individual conditions imposed on practitioners' registration or orders made on practitioners by an adjudication body under the Health Practitioner Regulation National Law (NSW) relating to educational courses to be undertaken by the practitioner.

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

ANY 2 MEMBERS OF THE MONITORING AND REVIEW COMMITTEE

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

PROFESSIONAL OFFICER

Miscellaneous – Written notice of a condition decision

Power to determine that it is appropriate to give written notice of a condition decision with respect to a registered health practitioner to an entity that becomes the practitioner’s employer or accreditor after the decision is made.

Refer sections 176BA(3) of the Health Practitioner Regulation National Law (NSW).

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 MEMBERS OF THE COUNCIL

EXECUTIVE OFFICER

DEPUTY EXECUTIVE OFFICER

Miscellaneous – Approve alternative arrangements for drug screening

Power to approve alternative collection arrangements for a practitioner who is required by conditions on their registration to provide urine or hair samples for drug screening in accordance with the Council's *Drug Screening Policy and Participant Procedure: Drug Screening*.

Refer to individual conditions imposed on practitioners' registration and to section 7.1 of the Council's *Participant Procedure: Drug Screening*.

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 PERSONS FROM THE FOLLOWING CATEGORIES:

- COUNCIL MEMBER
- EXECUTIVE OFFICER
- PRINCIPAL, AIIM
- DEPUTY EXECUTIVE OFFICER
- PROFESSIONAL OFFICER

Version 1.2, Deletion of any 2 Members of the Council, Executive Officer, Principal AIIM, professional officer and substitution of any 2 persons from the following categories:

- Council Member
- Executive Officer
- Principal, AIIM
- Deputy Executive Officer
- Professional Officer

Miscellaneous – Approve alcohol breath testing supervisor

Power to approve one or more people to supervise alcohol breath testing for a practitioner who is required by conditions on their registration to be breath tested for alcohol consumption in accordance with the Council's *Alcohol Screening Policy* and *Participant Procedure: Breath-testing for Alcohol*.

Refer to individual conditions imposed on practitioners' registration and to section 6.1 of the Council's *Participant Procedure: Breath-testing for Alcohol*.

Authority for delegation comes from the Council under section 41J of the Health Practitioner Regulation National Law (NSW).

DELEGATES:

ANY 2 PERSONS FROM THE FOLLOWING CATEGORIES:

- COUNCIL MEMBER
- EXECUTIVE OFFICER
- PRINCIPAL, AIIM
- DEPUTY EXECUTIVE OFFICER
- PROFESSIONAL OFFICER

Version 1.2, Deletion of any 2 Members of the Council, Executive Officer, Principal AIIM, professional officer and substitution of any 2 persons from the following categories:

- Council Member
- Executive Officer
- Principal, AIIM
- Deputy Executive Officer
- Professional Officer

