



Australian Capital Territory

# **Nurses Act 1988 (repealed)**

**A1988-61**

**Republication No 10**

**Effective: 17 January 2006**

Republication date: 17 January 2006

As repealed by A2004-38 s 136 (1) (g)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Nurses Act 1988* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 17 January 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

## Nurses Act 1988 (repealed)

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An Act to provide for the registration and enrolment of nurses, the supervision of nursing education and standards, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Nurses Act 1988*.

### 3 Interpretation for Act

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***board*** means the Nurses Board established under this Act.

***chairperson*** means the chairperson of the board.

***deputy chairperson*** means the deputy chairperson of the board.

***enrolled*** means enrolled under this Act.

***enrolled nurse*** means a person who is, or is deemed to be, enrolled as a nurse or mothercraft nurse.

*Note* A person may be deemed under the *Mutual Recognition (Australian Capital Territory) Act 1992* to be enrolled.

***member*** means a member of the board, and includes the chairperson.

***Mutual Recognition Act*** means the *Mutual Recognition Act 1992* (Cwlth).

***register*** means the register of nurses kept under section 26.

***registered*** means registered under this Act.

**registered nurse** means a person who is, or is deemed to be, registered as a general nurse, mental health nurse, midwife or nurse practitioner.

*Note* A person may be deemed under the *Mutual Recognition (Australian Capital Territory) Act 1992* to be registered.

**registration authority** means a person or body empowered by a law of a place outside the ACT to register, enrol or license nurses or otherwise authorise practising nursing.

**repealed ordinance** means the *Nurses Registration Ordinance 1933*.

**roll** means the roll of enrolled nurses kept under section 50.

- (2) A reference in this Act to **practising** is a reference to practising in any branch of the nursing profession.
- (3) Nothing in this Act applies in relation to the carrying on by a person, in accordance with the Territory laws, of the business or profession of chiropractor, dentist, masseur, medical practitioner, osteopath, physiotherapist or podiatrist.

## **4 Competence to practise nursing**

For this Act, a person shall be taken to be **competent to practise nursing** only if the person—

- (a) has sufficient physical capacity, mental capacity and skill to practise nursing; and
- (b) has sufficient communication skills for practising nursing, including an adequate command of the English language.

## **5 Impairment**

- (1) For this Act, a person shall be taken to suffer from an **impairment** if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise nursing.

**Part 1** Preliminary

Section 5

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- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

## Part 2                      The Nurses Board

### 6                      Establishment of board

There is established by this Act a board to be known as the Nurses Board.

### 7                      Constitution of board

- (1) The board shall consist of—
  - (a) the chairperson, and 4 other members of whom not more than 2 may be enrolled nurses, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
  - (b) 4 members elected in accordance with the *Health Professions Boards (Elections) Act 1980*.
- (2) A person is not eligible for appointment as a member unless—
  - (a) the person is a registered nurse or enrolled nurse; and
  - (b) the person was, at all times during the immediately previous 3 years entitled, under the law of a State or Territory, to practise nursing in that State or Territory.

### 8                      Chairperson etc of board

- (1) A person is not eligible for appointment as chairperson or election as deputy chairperson unless the person is a registered nurse.
- (2) The chairperson shall be the executive officer of the board.

## **Part 3 Education and assessment**

### **9 Courses**

- (1) The board may accredit courses of education or training for this Act.
- (2) The board shall, as soon as practicable after the commencement of this Act—
  - (a) prepare a statement setting out particulars of the courses of education or training accredited by the board; and
  - (b) make copies of the statement available, on request, to members of the public.
- (3) The board shall from time to time, as occasion requires, prepare a statement bringing up to date the particulars contained in the statement referred to in subsection (2) and make copies of the firstmentioned statement available, on request, to members of the public.

## **Part 4                      Registration**

### **Division 4.1              Qualifications for registration**

#### **10                      Entitlement to registration as general nurse**

- (1) A person is entitled to be registered as a general nurse if—
- (a) the person—
    - (i) is a graduate of a course of education or training in general nursing offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; and
    - (ii) has graduated from that course, or has practised as a general nurse, within 5 years immediately before the date of application; or
  - (b) the person—
    - (i) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course referred to in paragraph (a) and that qualifies the person to practise nursing in that place; and
    - (ii) has undertaken the further education or training, gained the experience in practising nursing and passed the examinations that the board requires; or
  - (c) the person—
    - (i) has graduated from a course referred to in paragraph (a) (i) more than 5 years before the date of application; and
    - (ii) has not practised as a general nurse within 5 years immediately before the date of application; and

(iii) has undertaken the further education or training and passed the examinations that the board requires.

- (2) For subsection (1) (a) (ii) and (c) (ii), a person shall be taken to have practised as a general nurse within 5 years immediately before the date of application if the person has attended and satisfactorily completed a refresher course of education or training in general nursing, being a course that is accredited by the board or approved by a registration authority of a State or another Territory.

## **11                      Registration as general nurse under mutual recognition principle**

- (1) A person who is registered as a general nurse under the law in force in a State, or another Territory, that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a general nurse under this Act.
- (2) If the person's registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that registration is subject or conditions appropriate to give effect to any restriction to which that registration is subject.

## **12                      Registration as mental health nurse, midwife or nurse practitioner**

- (1) A person is entitled to be registered as a mental health nurse if—
- (a) the person—
- (i) is registered, or entitled to be registered, under this Act as a general nurse; and



- (ii) is a graduate of a course of education or training in mental health nursing offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; and
  - (iii) has graduated from that course, or has practised as a general nurse or mental health nurse, within the period of 5 years immediately before the date of application; or
- (b) the person—
  - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
  - (ii) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course referred to in paragraph (a) (ii) and that qualifies the person to practise mental health nursing in that place; and
  - (iii) has undertaken the further education or training, gained the experience in practising mental health nursing and passed the examinations that the board requires; or
- (c) the person—
  - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
  - (ii) has graduated from a course referred to in paragraph (a) (ii) more than 5 years before the date of application; and
  - (iii) has not practised as a general nurse or mental health nurse within 5 years immediately before the date of application; and
  - (iv) has undertaken the further education or training and passed the examinations that the board requires.

- (2) A person is entitled to be registered as a midwife if—
- (a) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) is a graduate of a course of education or training in midwifery offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; and
    - (iii) has graduated from that course, or has practised as a general nurse or midwife, within 5 years immediately before the date of application; or
  - (b) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course referred to in paragraph (a) (ii) and that qualifies the person to practise as a midwife in that place; and
    - (iii) has undertaken the further education or training, gained the experience in practising midwifery and passed the examinations that the board requires; or
  - (c) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) has graduated from a course referred to in paragraph (a) (ii) more than 5 years before the date of application; and
    - (iii) has not practised as a general nurse or midwife within 5 years immediately before the date of application; and

- (iv) has undertaken the further education or training and passed the examinations that the board requires.
- (3) A person is entitled to be registered as a nurse practitioner if—
- (a) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) is a graduate of a nurse practitioner master of nursing course that is offered by an Australian institution and either accredited by the board or approved by a registration authority of a State; and
    - (iii) graduated from the course, or has practised as a general nurse or nurse practitioner, within 5 years immediately before the date of application; or
  - (b) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course mentioned in paragraph (a) (ii) and qualifies the person to practise as a nurse practitioner in the place; and
    - (iii) has undertaken the further education or training, gained the experience in practising as a nurse practitioner and passed the examinations that the board requires; or
  - (c) the person—
    - (i) is registered, or entitled to be registered, under this Act as a general nurse; and
    - (ii) graduated from a course mentioned in paragraph (a) (ii) more than 5 years before the date of application; and

- (iii) has not practised as a general nurse or nurse practitioner within 5 years immediately before the date of application; and
  - (iv) has undertaken the further education or training and passed the examinations that the board requires.
- (4) For this section, a person is taken to have practised as a general nurse, mental health nurse, midwife or nurse practitioner within 5 years immediately before the date of application if the person has, within the 5 years, attended and satisfactorily completed a refresher course of education or training in general nursing, mental health nursing, midwifery, or nurse practitioner nursing, as the case may be, that is accredited by the board or approved by a registration authority of a State.

**13 Registration as mental health nurse, midwife or nurse practitioner under mutual recognition principle**

- (1) A person who is registered as a mental health nurse, midwife or nurse practitioner in a State, or another Territory, that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a nurse of that kind under this Act.
- (2) If the person's registration as a nurse of that kind in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration as a nurse of that kind under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's registration as a nurse of that kind in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration as a nurse of that kind under this Act is an entitlement to registration subject to the conditions to which that registration is subject or conditions appropriate to give effect to any restriction to which that registration is subject.

**14 Registration at discretion of board**

- (1) If a person is a graduate of a course of education or training in general nursing, mental health nursing, midwifery or nurse practitioner nursing that is not accredited by the board or approved by a registration authority of a State, the board may register the person as a general nurse, mental health nurse, midwife or nurse practitioner on a temporary basis to allow the person to—
  - (a) undertake a course of education or training approved by the board; or
  - (b) gain experience in practising nursing.
- (2) The board may register a person as a general nurse, mental health nurse, midwife or nurse practitioner on a temporary basis to allow the person to undertake a course of education or training approved by the board if the person—
  - (a) graduated from a course of education or training in general nursing, mental health nursing, midwifery or nurse practitioner nursing more than 5 years before the date of application for registration; and
  - (b) has not practised as a nurse of that kind within 5 years immediately before the date of application.
- (3) The board may register a person as a general nurse, mental health nurse, midwife or nurse practitioner to allow the person to fill a teaching or research position if—
  - (a) the person has qualifications that the board considers appropriate for the position; and
  - (b) the application is supported in writing by the hospital, professional association, university or other institution by which it is proposed that the person be engaged.
- (4) The board may register a person as a general nurse, mental health nurse, midwife or nurse practitioner on a temporary basis if satisfied that it is in the public interest to do so.

- (5) The board may impose any condition on the registration of a person under this section that the board considers necessary or reasonable to protect the public.

*Note* Words in the singular number include the plural (see Legislation Act, s 145).

## **15 Interim registration**

- (1) An applicant for registration as a general nurse, mental health nurse, midwife or nurse practitioner may be granted interim registration if—
- (a) the applicant is entitled to registration as such a nurse under section 10 or 12 but it is not practicable to wait until the board can consider the application; or
  - (b) the applicant would be entitled to registration as such a nurse under section 10 or 12 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.
- Note* A fee may be determined under s 86 (Determination of fees) for this section.
- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
- (a) granted him or her registration; or
  - (b) refused his or her application for registration; or
  - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.

- (5) A person who holds interim registration is for all purposes to be taken to be registered.

## **16 Conditions of registration in cases of impairment**

- (1) The board may impose conditions on a person's registration as a registered nurse if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—
- (a) that the person no longer suffers from the impairment; or
  - (b) that the impairment has lessened;
- the board may alter or remove the conditions or impose new conditions.

## **17 Refusal of registration if applicant convicted of offence**

- (1) Subject to subsection (3), the board may refuse an application for registration if—
- (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
  - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise nursing.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).

- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**18 Refusal of registration if applicant deregistered under foreign law**

- (1) Subject to subsection (3), the board may refuse an application for registration if the applicant's name has been removed from a foreign register of nurses for any reason relating to conduct of the person as a nurse or on any basis relating to the person's physical or mental capacity to practise nursing.
- (2) A person's name shall be taken to have been removed from a foreign register of nurses if it is removed from any register or roll established or kept under any law of a State, another Territory or a place outside Australia providing for the registration, enrolment or licensing of nurses or the authorisation of persons to practise nursing.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**19 Applicants to be competent and of good character**

- (1) Subject to subsection (3), the board shall not register a person as a general nurse unless satisfied that the person is competent to practise nursing and is of good character.
- (2) Subject to subsection (4), the board shall not register a person as a mental health nurse, midwife or nurse practitioner unless satisfied that the person is competent to practise as a nurse of that kind and is of good character.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration as a general nurse under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19 seeking registration as a general nurse.



- (4) Subsection (2) does not apply in relation to a person who is entitled to registration as a mental health nurse, midwife or nurse practitioner under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19 seeking registration as a mental health nurse, midwife or nurse practitioner.

**20      Restriction on registration of deregistered or suspended persons**

- (1) Subject to subsection (2), if the registration of a person under this Act has been cancelled (otherwise than under section 31 or 35 (2)) or suspended (otherwise than under section 66 (2)) the person may not apply for re-registration or termination of the suspension otherwise than under section 68.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**Division 4.2      Registration procedure**

**21      Applications for registration**

- (1) This section applies to an application for registration as a general nurse, mental health nurse, midwife or nurse practitioner, other than an application by a person who is entitled to registration as such a nurse under the Mutual Recognition Act and who lodges with the board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

*Note 1*    A fee may be determined under s 86 (Determination of fees) for this section.

*Note 2*    If a form is approved under s 86A (Approved forms) for an application, the form must be used.

**22      Applications to be considered and determined**

The board shall consider each application under section 21 and—

- (a) register the applicant in accordance with section 27 unconditionally or subject to conditions; or
- (b) refuse the application.

## **23                      Registration of applicants**

If a person who is applying for registration as a general nurse, mental health nurse, midwife or nurse practitioner, otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to registration as such a nurse in accordance with this Act;

the board shall, subject to this Act, register the person as such a nurse in accordance with section 27.

## **25                      Conditions of registration**

The conditions that the board may impose on the registration of a person as a general nurse, mental health nurse, midwife or nurse practitioner at the time of registration include conditions relating to the duration of registration, the aspects of practise in which the person may be engaged and conditions relating to any other matters the board considers appropriate.

# **Division 4.3                      Register of nurses**

## **26                      Register**

- (1) The board shall keep a register to be called the register of nurses.
- (2) The register may be maintained by electronic means.

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**27 Particulars to be entered in register**

The registration of a person as a general nurse, mental health nurse, midwife or nurse practitioner shall be effected—

- (a) for a person who is not currently registered under this Act—by entering in the register—
  - (i) the name of the person; and
  - (ii) the person's professional address in the ACT or, if he or she has no professional address in the ACT, his or her place of residence, whether within or outside the ACT; and
  - (iii) the branch of nursing in which the person is being registered; and
  - (iv) the qualifications of the person relevant to practising that branch of nursing; and
  - (v) the course of education or training undertaken by the person in that branch of nursing; and
  - (vi) any condition to which the person's registration in that branch of nursing is subject; and
  - (vii) the registration number allotted to the person; and
  - (viii) the date of registration in that branch of nursing; and
  - (ix) the provision under which the person is entitled to be registered in that branch of nursing; and
  - (x) the other particulars (if any) prescribed under the regulations; or
- (b) for a person who is currently registered under this Act—by adding to the particulars entered in the register in relation to the person—
  - (i) the additional branch of nursing in which the person is being registered; and

- (ii) the qualifications of the person relevant to practising that branch of nursing; and
- (iii) the course of education or training undertaken by the person in that branch of nursing; and
- (iv) any condition to which the person's registration in that branch of nursing is subject; and
- (v) the date of registration in that branch of nursing; and
- (vi) the provision under which the person is entitled to be registered in that branch of nursing; and
- (vii) the other particulars (if any) prescribed under the regulations.

## **28                      Certificate of registration**

- (1) The board shall issue a certificate of registration to a person who is registered.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered and set out any conditions to which his or her registration is subject.
- (3) If a person to whom a certificate of registration is issued is subsequently registered as a nurse in a branch of nursing other than that specified in the certificate, the board shall, on production of the certificate by the person for the purpose, enter on the certificate particulars of the subsequent registration of the person.
- (4) A certificate of registration issued and any entry made on that certificate under subsection (3), is evidence that the person specified in the certificate was registered on the date specified in the certificate or entry, as the case may be, as a nurse in the branch of the nursing profession specified in the certificate or entry.
- (5) If—
  - (a) a person ceases to be registered; or

(b) the registration of a person is suspended;

the board may, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days.

(6) If a person whose registration has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.

(7) If, after a certificate of registration has been issued to a person—

(a) conditions are imposed on the registration of the person; or

(b) conditions imposed on the registration of the person are varied;

the board may, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.

(8) A person shall not, without reasonable excuse, refuse or fail to comply with a notice under subsection (5) or (7).

Maximum penalty: 5 penalty units.

(9) If a certificate issued under subsection (1) to a registered nurse has been stolen, lost or destroyed, the board must, on application by the registered nurse, issue a duplicate certificate.

*Note* A fee may be determined under s 86 (Determination of fees) for this section.

## **29 Change of address**

If—

(a) a change occurs in an address of a registered nurse shown in the register; or

(b) a registered nurse establishes, or ceases to have, a professional address in the ACT; or

(c) for a registered nurse who has no professional address in the ACT—a change occurs in the address of his or her usual place of residence, whether within or outside the ACT;

the registered nurse shall, within 1 month after the change or establishment notify the chairperson in writing.

Maximum penalty: 5 penalty units.

### **30                      Alteration of register**

(1) The board shall remove from the register the name of a registered nurse who has died or whose registration has been cancelled.

(2) The board may, from time to time, at the request of a person or on its own initiative, make the other alterations to particulars in the register that are necessary.

*Note*                      A fee may be determined under s 86 (Determination of fees) for this section.

(3) The board shall not alter the register by including particulars of a qualification obtained or held by a registered nurse other than a qualification that entitled the registered nurse to apply for registration.

### **31                      Deregistration on basis of deregistration under foreign law**

(1) If the board is satisfied that the name of a person who is registered under this Act has been removed from a register kept under a law of a State or another Territory for any reason relating to—

(a) conduct of the person as a nurse; or

(b) the physical or mental capacity of the person to practise nursing;

the board shall cancel the registration of the person.

- (2) If—
- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register referred to in that subsection; and
  - (b) the person applies to the board to be re-registered under this Act;
- the board shall re-register the person.
- (3) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll kept under a law of a place outside Australia for any reason relating to—
- (a) conduct of the person as a nurse; or
  - (b) the physical or mental capacity of the person to practise nursing;
- the board may cancel the registration of the person.
- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

## **32 Imposition of conditions imposed under foreign law**

- (1) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a nurse under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person under this Act.
- (2) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration or enrolment of the person as a nurse under a law of a place outside Australia, the board may impose a similar condition on the registration of the person under this Act.

### **33 Cessation of registration**

- (1) A person who is registered as a general nurse ceases to be so registered—
  - (a) when the board gives the person written notice that his or her registration as a general nurse has been cancelled in accordance with this Act; or
  - (b) if the registration is conditional and the period of registration is specified in a condition—when that period ends.
- (2) A person who is registered as a mental health nurse, midwife or nurse practitioner ceases to be registered—
  - (a) if the board gives the person written notice that the person's registration as a mental health nurse, midwife or nurse practitioner, or as a general nurse, has been cancelled under this Act; or
  - (b) if the registration is conditional and the period of registration is stated in a condition—when the period ends.

## **Division 4.4 Annual registration fees**

### **34 Annual registration fee**

- (1) On or before 1 April in each year, a registered nurse must pay to the Territory the annual registration fee determined under section 86 (Determination of fees) for the year.
- (2) The board shall send to each registered nurse, not less than 1 month before 1 April in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered nurse for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).



**35 Registration to be cancelled for nonpayment**

- (1) If a registered nurse does not comply with section 34 (1), the board shall send to the nurse a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.
- (2) The board shall cancel the registration of a nurse to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

**36 Entitlement to re-registration if fee paid**

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 86 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

*Note* If a form is approved under s 86A (Approved forms) for this section, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register.
- (3) The board may refuse to re-register a person under this section if it is satisfied that the person is not competent to practise nursing or is not of good character.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register.

## **Part 5                      Enrolment**

### **Division 5.1            Qualifications for enrolment**

#### **37                      Entitlement to enrolment as enrolled nurse**

- (1) A person is entitled to be enrolled as a nurse, other than a mothercraft nurse, if—
  - (a) the person is a graduate of a course of education or training offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory for the training of persons to be enrolled nurses; or
  - (b) the person—
    - (i) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course referred to in paragraph (a) and that qualifies the person to practise nursing in that place; and
    - (ii) has undertaken the further education or training, gained the experience in practising nursing and passed the examinations that the board requires.
- (2) A person is entitled to be enrolled as a mothercraft nurse if—
  - (a) the person is a graduate of a course of education or training offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory for the training of persons to be mothercraft nurses; or
  - (b) the person—
    - (i) has completed a course of education or training in a place outside Australia that is substantially equivalent to a

course referred to in paragraph (a) and that qualifies the person to practise mothercraft nursing in that place; and

- (ii) has undertaken the further education or training, gained the experience in practising nursing and passed the examinations that the board requires.

### **38 Enrolment as enrolled nurse under mutual recognition principle**

- (1) A person who is an enrolled nurse under the law in force in a State, or another Territory, that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be enrolled as a nurse or mothercraft nurse under this Act.
- (2) If the person's enrolment in the State or other Territory is not subject to any condition or restriction, the person's entitlement to enrolment under this Act is an entitlement to enrolment that is not subject to any condition.
- (3) If the person's enrolment in the State or other Territory is subject to any condition or restriction, the person's entitlement to enrolment under this Act is an entitlement to enrolment subject to the conditions to which that enrolment is subject or conditions appropriate to give effect to any restriction to which that enrolment is subject.

### **39 Interim enrolment**

- (1) An applicant for enrolment as a nurse or mothercraft nurse may be granted interim enrolment if—
  - (a) the applicant is entitled to enrolment as a nurse or mothercraft nurse under section 37 but it is not practicable to wait until the board can consider the application; or
  - (b) the applicant would be entitled to enrolment as a nurse or mothercraft nurse under section 37 except for the fact that a certificate or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.

- (2) A person authorised by the board for this section may grant an applicant for enrolment interim enrolment in accordance with this section.

*Note*        A fee may be determined under s 86 (Determination of fees) for this section.

- (3) Interim enrolment remains in force from the time when it is granted until the person is given written notice that the board has—
- (a) granted him or her enrolment; or
  - (b) refused his or her application for enrolment; or
  - (c) cancelled the interim enrolment.
- (4) The board may cancel a person's interim enrolment for any reason it considers proper and shall immediately give the person written notice of the cancellation.
- (5) A person who holds interim enrolment is for all purposes to be taken to be an enrolled nurse.

#### **40                      Conditions of enrolment in cases of impairment**

- (1) The board may impose conditions on the enrolment of a person as an enrolled nurse if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's enrolment under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—
- (a) that the person no longer suffers from the impairment; or
  - (b) that the impairment has lessened;
- the board may alter or remove the conditions or impose new conditions.

**41 Refusal of enrolment if applicant convicted of offence**

- (1) Subject to subsection (3), the board may refuse an application for enrolment if—
  - (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
  - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise nursing as an enrolled nurse.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to enrolment under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**42 Refusal of enrolment if applicant removed from roll under foreign law**

- (1) Subject to subsection (3), the board may refuse an application for enrolment if the applicant's name has been removed from a foreign roll of nurses for any reason relating to conduct of the person as a nurse or on any basis relating to the person's physical or mental capacity to practise nursing.
- (2) A person's name shall be taken to have been removed from a foreign roll of nurses if it is removed from any roll or register established or kept under a law of a State, another Territory or a place outside Australia providing for the enrolment, registration or licensing of nurses or the authorisation of persons to practise nursing.

- (3) Subsection (1) does not apply in relation to a person who is entitled to enrolment under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**43                      Applicants to be competent and of good character**

- (1) Subject to subsection (2), the board shall not enrol a person as an enrolled nurse unless satisfied that the person is competent to practise as an enrolled nurse and is of good character.
- (2) Subsection (1) does not apply to a person who is entitled to enrolment as an enrolled nurse under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19 seeking enrolment as an enrolled nurse.

**44                      Restriction on enrolment of persons removed from roll or whose enrolment has been suspended**

- (1) Subject to subsection (2), if the enrolment of a person under this Act has been cancelled (otherwise than under section 55 or 59 (2)) or suspended (otherwise than under section 66 (2)) the person may not apply for re-enrolment or termination of the suspension otherwise than under section 68.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-enrolled under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**Division 5.2                      Enrolment procedure**

**45                      Applications for enrolment**

- (1) This section applies to an application for enrolment as a nurse or mothercraft nurse, other than an application by a person who is entitled to enrolment as a nurse or mothercraft nurse under the Mutual Recognition Act and who lodges with the board a notice under that Act, section 19.

- (2) The applicant must give the board a completed application form.

*Note 1* A fee may be determined under s 86 (Determination of fees) for this section.

*Note 2* If a form is approved under s 86A (Approved forms) for an application, the form must be used.

#### **46 Applications to be considered and determined**

The board shall consider each application under section 45 and—

- (a) enrol the applicant in accordance with section 51 unconditionally or subject to conditions; or
- (b) refuse the application.

#### **47 Enrolment of applicants**

If a person who is applying for enrolment as a nurse or mothercraft nurse otherwise than under the Mutual Recognition Act—

- (a) complies with section 45; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to enrolment;

the board shall, subject to this Act, enrol the person as a nurse or mothercraft nurse in accordance with section 51.

#### **49 Conditions of enrolment**

The conditions that the board may impose on the enrolment of a person as an enrolled nurse at the time of enrolment include conditions relating to the duration of enrolment, the aspects of practice in which the person may be engaged and conditions relating to any other matters the board considers appropriate.

## **Division 5.3                      Roll of enrolled nurses**

### **50                      Roll**

- (1) The board shall keep a roll to be called the roll of enrolled nurses.
- (2) The roll may be maintained by electronic means.

### **51                      Particulars to be entered in roll**

The enrolment of a person as a nurse or mothercraft nurse shall be effected—

- (a) for a person who is not presently enrolled under this Act—by entering in the roll—
  - (i) the name of the person; and
  - (ii) the person's professional address in the ACT or, if he or she has no professional address in the ACT, his or her place of residence, whether within or outside the ACT; and
  - (iii) the branch of nursing in which the person is being enrolled; and
  - (iv) the qualifications of the person relevant to practising that branch of nursing; and
  - (v) the course of education or training undertaken by the person in that branch of nursing; and
  - (vi) any condition to which the person's enrolment in that branch of nursing is subject; and
  - (vii) the enrolment number allotted to the person; and
  - (viii) the date of enrolment in that branch of nursing; and
  - (ix) the provision under which the person is entitled to be enrolled in that branch of nursing; and



- (x) the other particulars (if any) prescribed under the regulations; or
- (b) for a person who is currently enrolled under this Act—by adding to the particulars entered in the roll in relation to that person—
  - (i) the additional branch of nursing in which the person is being enrolled; and
  - (ii) the qualifications of that person relevant to practising that branch of nursing; and
  - (iii) the course of education or training undertaken by the person in that branch of nursing; and
  - (iv) any condition to which the person's enrolment in that branch of nursing is subject; and
  - (v) the date of enrolment in that branch of nursing; and
  - (vi) the provision under which the person is entitled to be enrolled in that branch of nursing; and
  - (vii) the other particulars (if any) prescribed under the regulations.

## **52 Certificate of enrolment**

- (1) The board shall issue to an enrolled nurse a certificate of enrolment.
- (2) A certificate of enrolment shall state the provision under which the person specified in the certificate is entitled to be enrolled and set out any condition to which his or her enrolment is subject.
- (3) A certificate of enrolment is evidence that the person specified in the certificate was enrolled on the date specified in the certificate.
- (4) If—
  - (a) a person ceases to be enrolled; or
  - (b) the enrolment of a person is suspended;

the board may, by written notice given to the person, require the person to give his or her certificate of enrolment to the board within 14 days.

- (5) If a person whose enrolment has been suspended gives his or her certificate of enrolment to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's enrolment has sooner been cancelled.
- (6) If, after a certificate of enrolment has been issued to a person—
- (a) conditions are imposed on the enrolment of the person; or
  - (b) conditions imposed on the enrolment of the person are varied;
- the board may, by written notice given to the person, require the person to give his or her certificate of enrolment to the board within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.
- (7) A person shall not, without reasonable excuse, refuse or fail to comply with a notice under subsection (4) or (6).

Maximum penalty: 5 penalty units.

- (8) If a certificate issued under subsection (1) to an enrolled nurse has been stolen, lost or destroyed, the board must, on application by the enrolled nurse, issue a duplicate certificate.

*Note*        A fee may be determined under s 86 (Determination of fees) for this section.

## **53                      Change of address**

If—

- (a) a change occurs in an address of a person shown in the roll; or
- (b) a person who is enrolled establishes, or ceases to have, a professional address in the ACT;

the person shall, within 1 month after the change or establishment notify the chairperson in writing.

Maximum penalty: 5 penalty units.

**54           Alteration of roll**

- (1) The board shall remove from the roll the name of an enrolled nurse who has died or whose enrolment has been cancelled.
- (2) The board may, from time to time, at the request of a person or on its own initiative, make the other alterations to particulars in the roll as are necessary.
- (3) The board shall not alter the roll by including particulars of a qualification obtained or held by an enrolled nurse other than a qualification that entitled the person to apply for enrolment.

**55           Removal from roll on basis of removal from roll under foreign law**

- (1) If the board is satisfied that the name of a person who is enrolled under this Act has been removed from any roll or register kept under a law of a State or another Territory for any reason relating to—
  - (a) conduct of the person as a nurse; or
  - (b) the physical or mental capacity of the person to practise nursing;the board shall cancel the enrolment of the person.
- (2) If—
  - (a) the name of a person whose enrolment has been cancelled under subsection (1) is restored to the roll or register referred to in that subsection; and
  - (b) the person applies to the board to be re-enrolled under this Act;the board shall re-enrol the person.

- (3) If the board is satisfied that the name of a person who is enrolled under this Act has been removed from any roll or register kept under a law of a place outside Australia for any reason relating to—
- (a) conduct of the person as a nurse; or
  - (b) the physical or mental capacity of the person to practise nursing;
- the board may cancel the enrolment of the person.
- (4) The board may re-enrol a person whose enrolment has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

## **56                      Imposition of conditions imposed under foreign law**

- (1) If the board is satisfied that after a person has been enrolled under this Act a condition has been imposed on the enrolment of the person as a nurse under a law of a State or another Territory, the board shall impose a similar condition on the enrolment of the person under this Act.
- (2) If the board is satisfied that after a person has been enrolled under this Act a condition has been imposed on the enrolment or registration of the person as a nurse under a law of a place outside Australia, the board may impose a similar condition on the enrolment of the person under this Act.

## **57                      Cessation of enrolment**

A person who is enrolled as an enrolled nurse or a mothercraft nurse ceases to be so enrolled—

- (a) when the board gives the person written notice that his or her enrolment as an enrolled nurse or mothercraft nurse has been cancelled in accordance with this Act; or
- (b) if the enrolment is conditional and the period of enrolment is specified in the condition—when that period ends.

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## **Division 5.4                      Annual registration fees**

### **58                      Annual registration fee**

- (1) On or before 1 April in each year, an enrolled nurse must pay to the Territory the annual registration fee determined under section 86 (Determination of fees) for the year.
- (2) The board shall send to each enrolled nurse, not less than 1 month before 1 April in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of an enrolled nurse for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

### **59                      Enrolment to be cancelled for nonpayment**

- (1) If an enrolled nurse does not comply with section 58 (1), the board shall send to the nurse a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her enrolment will be cancelled.
- (2) The board shall cancel the enrolment of an enrolled nurse to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

### **60                      Entitlement to re-enrolment if fee paid**

- (1) A person whose enrolment has been cancelled for failure to pay the annual registration fee determined under section 86 (Determination of fees) for a year is entitled to be re-enrolled if the person gives the board a completed application and pays the fee.

*Note*            If a form is approved under s 86A (Approved forms) for this section, the form must be used.

- (2) The entitlement of a person to re-enrolment under this section is an entitlement to re-enrolment on the same terms and subject to the same conditions (if any) as applied to the person's enrolment immediately before the removal of his or her name from the roll.
- (3) The board may refuse to re-enrol a person under this section if it is satisfied that the person is not competent to practise nursing or is not of good character.
- (4) An entitlement to re-enrolment under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the roll.

## Part 6 Cancellation and suspension

### 61 Cancellation or suspension of registration or enrolment

The board may—

- (a) cancel the registration or enrolment of a person; or
- (b) by order served on the person, suspend the registration or enrolment of the person for such period as the board considers appropriate;

if satisfied—

- (c) that the registration or enrolment of the person was obtained by fraud or misrepresentation; or
- (d) that the nursing qualification of the person has been withdrawn or cancelled by the body that granted it; or
- (e) that the person has contravened this Act; or
- (f) that the person has contravened a condition to which his or her registration or enrolment under this Act is subject; or
- (g) that the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise as a nurse; or
- (h) that the person has engaged in canvassing, or employed an agent or canvasser, for the purpose of procuring patients or practice; or
- (i) that the person is guilty of habitual drunkenness or addiction to a deleterious drug that renders him or her unfit to practise as a nurse; or

- (j) that the person has engaged in conduct, whether in practising nursing or not, that adversely affects practising nursing by the person; or
- (k) that the person has engaged in any improper or unethical conduct relating to the practice of nursing; or
- (l) that the person has failed to exercise adequate judgment or care in practising nursing; or
- (m) that the person is not competent to practise nursing.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

## **62 Cancellation, suspension or restriction of right of practise on health grounds**

- (1) Subject to subsection (2), the board shall, when it is satisfied that the mental or physical condition of a person who is registered or enrolled as a nurse renders him or her unfit to practise as a nurse—
  - (a) cancel the registration or enrolment of the person; or
  - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.
- (2) The board may, instead of cancelling or suspending the registration or enrolment of a person, if it is satisfied that the person is fit to give or perform some nursing services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person direct the person not to give or perform the nursing services specified, whether individually or otherwise, in the order.
- (3) If the board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if satisfied that the mental or physical condition of the person has changed since the order was made, amend or revoke the order.



- (4) A person on whom an order under subsection (2) has been served who gives or performs a nursing service in contravention of that order shall, in giving or performing the service, be deemed to be a person other than a registered nurse or an enrolled nurse.

**63 Practising when registration or enrolment suspended**

If a person whose registration or enrolment as a nurse has been suspended is convicted of an offence against section 69, 70 or 71, the board may—

- (a) cancel the registration or enrolment of the person; or
- (b) by order served on the person, suspend the registration or enrolment of the person for the further period the board considers appropriate.

**64 Power of board to caution, reprimand etc**

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a registered nurse or an enrolled nurse:
- (a) caution or reprimand the nurse;
  - (b) order that the nurse seek and undergo medical or psychiatric treatment or counselling;
  - (c) impose on the nurse's registration or enrolment the conditions relating to practising nursing the board considers appropriate;
  - (d) order that the nurse seek and follow advice, in relation to the management of his or her nursing practice, from persons specified by the board;
  - (e) order that the nurse complete specified educational courses.
- (2) Subsection (1) (e) does not apply in relation to a nurse who obtained registration or enrolment under this Act under the Mutual Recognition Act.

**65 Power of board to impose fines**

- (1) Subject to subsection (2), if the board finds that a registered nurse or an enrolled nurse has failed to comply with an order of the board under section 64 it may, by order served on the nurse, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a nurse on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
  - (a) cancel the registration or enrolment of the nurse; or
  - (b) by order served on the nurse, suspend the registration or enrolment of the nurse for the period the board considers appropriate.

**66 Inquiry by board**

- (1) The board shall hold an inquiry before—
  - (a) cancelling or suspending the registration or enrolment of a person, other than under section 31 (1), 35, 55 (1) or 59; or
  - (b) making an order under section 62 (2); or
  - (c) taking any action under section 64 (1).
- (2) Pending the holding of an inquiry, the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration or enrolment of the person.

**67 Effect of suspension**

A person whose registration or enrolment has been suspended under section 61, 62 (1), 63 or 66 (2) shall, during the period of the suspension, be deemed not to be registered or enrolled under this Act.

**68 Application for re-registration or re-enrolment**

- (1) If the registration or enrolment of a person has been cancelled or suspended, other than under section 31, 35 (2), 55, 59 (2) or 66 (2), the person may apply in writing to the board for re-registration or re-enrolment, or for termination of the suspension.
- (2) An application under subsection (1) shall specify—
  - (a) the change in the circumstances that has occurred since the date of the cancellation or suspension; and
  - (b) the reasons why the registration or enrolment of the person should be restored or the suspension should be terminated.
- (3) If the board is satisfied that, because of a change in circumstances, the registration or enrolment of the person should be restored, or the suspension should be terminated, it shall restore the registration or enrolment.

## Part 7 Conduct of the practice of nursing

### 69 Persons who may practise nursing

- (1) A person other than a registered nurse or an enrolled nurse shall not give or perform, for fee or reward, any nursing service.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A registered nurse or an enrolled nurse shall not practise nursing under a name other than the name under which the registered nurse or enrolled nurse is registered or enrolled.

Maximum penalty: 50 penalty units.

- (3) In proceedings for an offence against subsection (1) or (2), a certificate given by the chairperson that—

- (a) the person named in the certificate is not a registered nurse or an enrolled nurse; or
- (b) the name of a person named in the certificate is the name under which that person is registered or enrolled;

is evidence of that fact.

### 70 Use of title of nurse

- (1) A person other than a registered nurse or an enrolled nurse shall not—

- (a) take or use, either alone or in combination with any other words or letters, the name or title of a nurse or a name, title, addition or description (including initials or letters placed after his or her name) indicating or implying that the person is a registered nurse or an enrolled nurse or that the person is a person who practises, or is qualified to practise, nursing; or

- (b) hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practise nursing or as being a person who practises nursing.

Maximum penalty: 30 penalty units.

- (2) An enrolled nurse shall not hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practise nursing, or as being a person who practises nursing, as a registered nurse.

Maximum penalty: 30 penalty units.

## **71 Registered nurse or enrolled nurse—provision of services etc**

- (1) A registered nurse or an enrolled nurse shall not give or perform, for fee or reward, a nursing service in a branch of the nursing profession in relation to which the registered nurse or enrolled nurse is not registered or enrolled unless the service is given or performed under the immediate supervision of a registered nurse who is registered in that branch.

Maximum penalty: 50 penalty units.

- (2) A registered nurse or an enrolled nurse shall not—
  - (a) take or use, either alone or in combination with any other words or letters, a name, title, addition or description (including initials or letters placed after his or her name) indicating or implying that the person is registered or enrolled, or that the person is a person who practises or is qualified to practise as a nurse, in a branch of the nursing profession in relation to which the person is not registered or enrolled; or
  - (b) hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practise in a branch of the nursing profession in relation to which the person is not registered or enrolled.

Maximum penalty: 30 penalty units.

**72 Employment of enrolled nurses**

A person who employs an enrolled nurse shall not require or permit that nurse to practise nursing in the course of that employment otherwise than under the immediate supervision of a registered nurse.

Maximum penalty: 50 penalty units.

**73 Signing of certificates**

A person other than a registered nurse shall not sign any certificate or other document required or permitted by any law of the Commonwealth or of the Territory to be given by a nurse.

Maximum penalty: 50 penalty units.

**74 Recovery of fees**

- (1) Subject to subsection (3), a person other than a registered nurse or an enrolled nurse is not entitled to sue or counterclaim for, or set off or otherwise recover, any remuneration for a nursing service.
- (2) A registered nurse or an enrolled nurse is not entitled to begin an action for the recovery from a person of a fee or other remuneration for a nursing service given to that person, or a dependant of that person, unless the registered nurse or enrolled nurse has served on that person, by delivery to that person personally or by post addressed to that person at his or her last-known place of residence, an account for the fee or other remuneration setting out the amount claimed, a brief statement of the nature of the nursing service given, the date or dates when it was given and the person to whom it was given.
- (3) An action for the recovery of a fee or other remuneration for a nursing service may be begun without the service of an account for that fee or remuneration in accordance with subsection (2) if the action is one in which an application could, apart from that subsection, be made for an order under the *Court Procedures Act 2004*, sections 63 to 69.

- (4) Subsection (3) and this subsection expire on the existing rules expiry day under the *Court Procedures Act 2004*, section 60 (3).

## **75 Review of accounts for fees for nursing service**

- (1) A person liable to pay a fee or other remuneration to a registered nurse or an enrolled nurse for a nursing service may, within 1 month after service on him or her of an account for the fee or other remuneration in accordance with section 74, apply in writing to the board to review the account.
- (2) The board shall, on receipt of an application under subsection (1), review the account and certify, by writing signed by the chairperson or the deputy chairperson, the amount that in the opinion of the board, is a reasonable amount of the fee or other remuneration for the nursing service.
- (3) The board shall, in a certificate referred to in subsection (2), set out the facts on which the certificate is based.
- (4) The board may request a person to give the information it considers necessary or desirable for the purposes of a review under this section and may fix a time within which the information should be furnished.
- (5) If a person does not give information requested by the board under subsection (4) within the time fixed by the board under that subsection, the board may proceed to review the account for the fee or other remuneration without that information.
- (6) In reviewing an account for a fee or other remuneration under this section, the board shall provide the parties to the application with any information given to the board under subsection (4).
- (7) In reviewing an account for a fee or other remuneration under this section, the board shall have regard to the time occupied in giving, and the nature of, the nursing service and any other circumstances submitted by the registered nurse or enrolled nurse in relation to the provision of the nursing service.

- (8) The board shall send a copy of a certificate of the board under subsection (2) by post to the registered nurse or enrolled nurse at the professional address last recorded in the register of that registered nurse or enrolled nurse.
- (9) In proceedings for the recovery of a fee or other remuneration in relation to a nursing service, a certificate of the board under subsection (2) in relation to that service is evidence that the amount certified in the certificate is a reasonable amount of fee or other remuneration for the nursing service.

**76 Administration of estate of deceased nurse**

On the death of a registered nurse who was at the time of death carrying on business as a nurse, an executor or executrix of the will of the registered nurse, or an administrator, administratrix or trustee of the estate of the registered nurse may continue the business for a period of 6 months or for any longer period that the board, on application by the executor, executrix, administrator, administratrix or trustee, permits, if the practice of nursing in the business is carried on by a registered nurse.

**77 Substitutes for registered nurses**

A registered nurse shall not knowingly or recklessly employ a person other than a registered nurse as his or her locum.

Maximum penalty: 50 penalty units.

**78 Application of pt 7**

Nothing in this part prohibits—

- (a) the giving or performance in any case of emergency of any nursing service by a person entitled to practise nursing under the law of a State or another Territory; and
- (b) the giving or performance, for quarantine purposes, of any nursing service by a person entitled to practise nursing under the law of a State or another Territory; and



- (c) the giving or performance of a nursing service by a person who is undergoing a course of training or supplementary training for section 10 (1) (a), (b) or (c), 12 (1) (a), (b) or (c), (2) (a), (b) or (c) or (3) (a), (b) or (c) or 37 (1), if the nursing service is given or performed as part of the course or supplementary training.

## Part 8                      Miscellaneous

### 79                      Board may require additional information

The board may, by written notice, require an applicant for registration or enrolment to give the board, either orally or in writing, the further information relating to the application that is specified in the notice.

*Note*            It is an offence to make a false or misleading statement or give false or misleading information (see Criminal Code, pt 3.4).

### 80                      Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 14 (5), 16 (1), 32 (2), 40 (1) or 56 (2) to impose conditions on the registration or enrolment of a person; or
- (b) under section 15 (4) or 39 (4) to cancel the interim registration or enrolment of a person; or
- (c) under section 16 (2) or 40 (2) to refuse to review conditions imposed on the registration or enrolment of a person; or
- (d) under section 16 (2) or 40 (2) to refuse to alter or remove conditions imposed on the registration or enrolment of a person; or
- (e) under section 16 (2) or 40 (2) to impose new conditions on the registration or enrolment of a person; or
- (f) under section 22 (b) or 46 (b) to refuse to register or enrol a person; or
- (g) under section 31 (4), 36, 55 (4), 60 or 68 (3) to refuse to re-register or re-enrol a person; or

- (h) under section 31 (3) or 55 (3), 61 (a), 62 (1) (a), 63 (a) or 65 (4) (a) to cancel the registration or enrolment of a person; or
- (i) under section 61 (b), 62 (1) (b), 63 (b), 65 (4) (b) or 66 (2) to suspend the registration or enrolment of a person; or
- (j) under section 62 (2) to make an order directing a person not to give or perform a nursing service; or
- (k) under section 62 (3) to refuse to review an order directing a person not to give or perform a nursing service; or
- (l) under section 62 (3) to refuse to amend or revoke an order directing a person not to give or perform a nursing service; or
- (m) under section 62 (3) to amend an order directing a person not to give or perform a nursing service; or
- (n) under section 64 (1) to take any action of a kind specified in that subsection in relation to a registered nurse or an enrolled nurse; or
- (o) under section 65 (1) to impose a fine on a registered nurse or an enrolled nurse; or
- (p) under section 68 (3) to refuse to terminate the suspension of the registration or enrolment of a nurse; or
- (q) under section 75 (2) to certify the amount that, in the opinion of the board, is a reasonable amount of fees or remuneration for a nursing service; or
- (r) under section 76 to refuse to extend beyond 6 months the period during which the executor or executrix of the will of a deceased registered nurse, or the administrator, administratrix or trustee of the estate of a deceased registered nurse, may continue the business of the registered nurse; or
- (s) under section 76 to fix a period longer than 6 months during which the executor or executrix of the will of a deceased registered nurse, or the administrator, administratrix or trustee

of the estate of a deceased registered nurse, may continue the business of the registered nurse.

## **81 Notification of decisions**

- (1) If a decision of the kind referred to in section 80 (other than paragraph (b), (i), (j) or (o)) is made, the board shall, within 28 days after the date of the decision, give written notice of the decision—
- (a) for a decision referred to in section 80 (a)—to the person on whose registration or enrolment conditions have been imposed; or
  - (b) for a decision referred to in section 80 (c) or (d)—to the person whose registration or enrolment is subject to the conditions; or
  - (c) for a decision referred to in section 80 (e)—to the person on whose registration or enrolment new conditions have been imposed; or
  - (d) for a decision referred to in section 80 (f)—to the person whose application for registration or enrolment has been refused; or
  - (e) for a decision referred to in section 80 (g)—to the person whose application for re-registration or re-enrolment has been refused; or
  - (f) for a decision referred to in section 80 (h)—to the person whose registration or enrolment has been cancelled; or
  - (g) for a decision referred to in section 80 (k), (l) or (m)—to the person in relation to whom the order was made; or
  - (h) for a decision referred to in section 80 (n)—to the registered nurse or enrolled nurse in relation to whom the action has been taken; or

- (i) for a decision referred to in section 80 (p)—to the person whose registration or enrolment has been suspended; or
  - (j) for a decision referred to in section 80 (q)—to the person who requested the review of the account; or
  - (k) for a decision referred to in section 80 (r) or (s)—to the executor or executrix of the will of the deceased nurse or the administrator, administratrix or trustee of the estate of the deceased nurse.
- (2) A notice under section 15 (4), 29 (4) or subsection (1) of this section shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) An order under section 38 (b), 39 (1) (b), 39 (2), 39A (b), 39C (1), 39C (4) (b) or 40 (2) shall have endorsed on it or attached to it a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **82 Publication of notice of decision of board or tribunal**

- (1) The chairperson may prepare written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—
- (a) cancelling the registration or enrolment of a person; or
  - (b) suspending, otherwise than under section 66 (2), the registration or enrolment of a person; or
  - (c) imposing a condition on the registration or enrolment of a person; or
  - (d) making or amending an order under section 62 (2); or
  - (e) taking any action under section 64 (1); or
  - (f) imposing a fine on a person under section 65 (1);

and the reasons for the decision, including the findings on material questions of fact.

- (2) The notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

### **83 Committees**

- (1) The board may appoint any committees it considers necessary to undertake research or studies, and to advise the board, in relation to the education and training of nurses, the practice of nursing and any other matters related to nursing that the board determines.
- (2) A committee appointed under this section shall consist of the persons (who may include members of the board) that the board considers appropriate.
- (3) A committee shall conduct the research or studies and make the investigations, and give to the board the reports, in connection with the matter in relation to which it has been appointed, that the board directs.
- (4) A member of a committee is entitled to reimbursement of any of the expenses reasonably incurred by the member in the performance of his or her duties or functions as a member of the committee that are approved by the Minister.

### **84 Inspection of register or roll**

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

*Note* A fee may be determined under s 86 (Determination of fees) for this section.

- (2) The board may, on request by the registration authority of a State, Territory or place outside Australia and without payment by the registration authority of a fee, forward a certified copy of the register or the roll to that registration authority.

- (3) In this section:

**registration authority** means a person or body empowered by or under the law of a State, Territory or place outside Australia to register, enroll or license nurses or otherwise to control the practice of nursing.

## **85 Publication of names of registered or enrolled nurses**

- (1) The board must, as soon as practicable after 1 April in each year, prepare a written notice containing the name and professional address (if any) of each person registered or enrolled on that date.
- (2) The notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **86 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **86A Approved forms**

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**87 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the control of the professional conduct of registered nurses and the practice of nursing; and
  - (b) the control of the conduct of enrolled nurses in the course of their employment.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Nurses Ordinance 1988* No 61 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Nurses Ordinance 1988* to *Nurses Act 1988* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

#### Legislation before becoming Territory enactment

##### **Nurses Act 1988 No 61**

notified 7 September 1988 (Cwlth Gaz 1988 No GN33)

commenced 5 December 1988 (s 2 and Cwlth Gaz 1988 No S369)

as amended by

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

#### Legislation after becoming Territory enactment

##### **Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)

s 1, s 2 commenced 28 December 1990 (s 2 (1))

sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

##### **Health (Consequential Provisions) Act 1993 No 14 sch 1**

notified 1 March 1993 (Gaz 1993 No S23)

commenced 1 March 1993 (s 2)

**Nurses (Amendment) Act 1994 No 47**

notified 5 October 1994 (Gaz 1994 No S196)  
ss 1-3 commenced 5 October 1994 (s 2 (1))  
remainder commenced 6 October 1994 (s 2 (2) and Gaz 1994 No S215)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
amds commenced 18 December 1995 (s 2)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 262**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 262 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Nurses Amendment Act 2003 A2003-24**

notified LR 23 June 2003  
s 1, s 2 commenced 23 June 2003 (LA s 75 (1))  
remainder commenced 24 June 2003 (s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.57**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.57 commenced 9 April 2004 (s 2 (1))

## Endnotes

4 Amendment history

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### **Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.56**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.56 commenced 10 January 2005 (s 2 and see Court  
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

### **Health Professionals Act 2004 A2004-38 s 136 (1) (g)**

notified LR 8 July 2004  
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))  
s 136 (1) (g) commenced 17 January 2006 (s 2 and CN2006-2)

## **4 Amendment history**

### **Commencement**

s 2 om 2001 No 44 amdt 1.2961

### **Interpretation for Act**

s 3 def **authority** om 1990 No 63 sch 1  
def **determined fee** om 2001 No 44 amdt 1.2962  
def **enrolled nurse** sub 1994 No 47 s 4; A2003-24 s 4  
def **enrolled person** om 1994 No 47 s 4  
def **Mutual Recognition Act** ins 1994 No 47 s 4  
def **registered nurse** sub 1994 No 47 s 4; A2003-24 s 5  
def **registration authority** ins 1994 No 47 s 4  
def **tribunal** ins 1989 No 38 sch 1  
om 1994 No 60 sch 1

### **Competence to practise nursing**

s 4 (prev s 3A) ins 1994 No 47 s 5  
renum 1994 No 47 s 44

### **Impairment**

s 5 (prev s 3B) ins 1994 No 47 s 5  
renum 1994 No 47 s 44

### **Establishment of board**

s 6 (prev s 4) renum 1994 No 47 s 44

### **Constitution of board**

s 7 (prev s 5) am 1994 No 47 sch  
renum 1994 No 47 s 44

### **Chairperson etc of board**

s 8 orig s 8 om 1994 No 47 s 7  
(prev s 6) renum 1994 No 47 s 44

**Courses**

s 9 orig s 9 om 1994 No 47 s 7  
(prev s 7) am 1994 No 47 s 6  
renum 1994 No 47 s 44

**Qualifications for registration**

div 4.1 hdg (prev pt 4 div 1 hdg) ins 1994 No 47 s 8  
renum R5 LA

**Entitlement to registration as general nurse**

s 10 sub 1994 No 47 s 8

**Registration as general nurse under mutual recognition principle**

s 11 sub 1994 No 47 s 8

**Registration as mental health nurse, midwife or nurse practitioner**

s 12 hdg sub A2003-24 s 6  
s 12 sub 1994 No 47 s 8  
am A2003-24 s 7

**Registration as mental health nurse, midwife or nurse practitioner under mutual recognition principle**

s 13 hdg sub A2003-24 s 8  
s 13 sub 1994 No 47 s 8  
am A2003-24 s 15

**Registration at discretion of board**

s 14 sub 1994 No 47 s 8; A2003-24 s 9

**Interim registration**

s 15 sub 1994 No 47 s 8  
am 1995 No 46 sch; 2001 No 44 amdt 1.2963; A2003-24 s 15

**Conditions of registration in cases of impairment**

s 16 (prev s 15A ) ins 1994 No 47 s 8  
renum 1994 No 47 s 44

**Refusal of registration if applicant convicted of offence**

s 17 (prev s 15B ) ins 1994 No 47 s 8  
renum 1994 No 47 s 44

**Refusal of registration if applicant deregistered under foreign law**

s 18 (prev s 15C ) ins 1994 No 47 s 8  
renum 1994 No 47 s 44

**Applicants to be competent and of good character**

s 19 orig s 19 om 1994 No 47 s 12  
(prev s 15D) ins 1994 No 47 s 8  
renum 1994 No 47 s 44  
am A2003-24 s 15

## Endnotes

4 Amendment history

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### **Restriction on registration of deregistered or suspended persons**

s 20 orig s 20 om 1994 No 47 s 12  
(prev s 15E) ins 1994 No 47 s 8  
renum 1994 No 47 s 44

### **Registration procedure**

div 4.2 hdg (prev pt 4 div 2 hdg) ins 1994 No 47 s 8  
renum R5 LA

### **Applications for registration**

s 21 orig s 21 om 1994 No 47 s 12  
(prev s 15F) ins 1994 No 47 s 8  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2964; A2003-24 s 15

### **Applications to be considered and determined**

s 22 orig s 22 om 1994 No 47 s 12  
(prev s 15G) ins 1994 No 47 s 8  
renum 1994 No 47 s 44

### **Registration of applicants**

s 23 orig s 23 om 1994 No 47 s 12  
(prev s 15H) ins 1994 No 47 s 8  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2965; A2003-24 s 15

### **Fee for registration pursuant to Mutual Recognition Act**

s 24 orig s 24 om 1994 No 47 s 12  
(prev s 15J) ins 1994 No 47 s 8  
renum 1994 No 47 s 44  
om 2001 No 44 amdt 1.2966

### **Conditions of registration**

s 25 (prev s 15K) ins 1994 No 47 s 8  
renum 1994 No 47 s 44  
am A2003-24 s 15

### **Register of nurses**

div 4.3 hdg (prev pt 4 div 3 hdg) ins 1994 No 47 s 8  
renum R5 LA

### **Register**

s 26 (prev s 16) am 1994 No 47 s 9  
renum 1994 No 47 s 44

### **Particulars to be entered in register**

s 27 (prev s 17) sub 1994 No 47 s 10  
renum 1994 No 47 s 44  
am A2003-24 s 15

**Certificate of registration**

s 28 (prev s 18) am 1994 No 47 s 11  
 renum 1994 No 47 s 44  
 am 1994 No 81 sch; 2001 No 44 amdt 1.2967; ss renum R5  
 LA (see 2001 No 44 amdt 1.2968)

**Change of address**

s 29 (prev s 25) am 1994 No 47 s 13  
 renum 1994 No 47 s 44  
 am 1994 No 81 sch

**Alteration of register**

s 30 (prev s 26) am 1994 No 47 s 14  
 renum 1994 No 47 s 44  
 am 2001 No 44 amdt 1.2969, amdt 1.2970

**Deregistration on basis of deregistration under foreign law**

s 31 (prev s 26A) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44

**Imposition of conditions imposed under foreign law**

s 32 orig s 32 om 1994 No 47 s 20  
 (prev s 26B) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44

**Cessation of registration**

s 33 orig s 33 om 1994 No 47 s 20  
 (prev s 26C) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44  
 am A2003-24 s 10, s 11

**Annual registration fees**

div 4.4 hdg (prev pt 4 div 4 hdg) ins 1994 No 47 s 15  
 sub 2001 No 44 amdt 1.2971

**Annual registration fee**

s 34 hdg sub 2001 No 44 amdt 1.2972  
 s 34 orig s 34 om 1994 No 47 s 20  
 (prev s 26D) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44  
 am 2001 No 44 amdt 1.2973

**Registration to be cancelled for nonpayment**

s 35 orig s 35 om 1994 No 47 s 20  
 (prev s 26E) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44

**Entitlement to re-registration if fee paid**

s 36 (prev s 26F) ins 1994 No 47 s 15  
 renum 1994 No 47 s 44  
 am 2001 No 44 amdt 1.2974

## Endnotes

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### **Qualifications for enrolment**

div 5.1 hdg (prev pt 5 div 1 hdg) ins 1994 No 47 s 16  
renum R5 LA

### **Entitlement to enrolment as enrolled nurse**

s 37 (prev s 27) sub 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Enrolment as enrolled nurse under mutual recognition principle**

s 38 (prev s 28) sub 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Interim enrolment**

s 39 (prev s 29) sub 1994 No 47 s 16  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2975

### **Conditions of enrolment in cases of impairment**

s 40 (prev s 29A) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Refusal of enrolment if applicant convicted of offence**

s 41 (prev s 29B) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Refusal of enrolment if applicant removed from roll under foreign law**

s 42 (prev s 29C) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Applicants to be competent and of good character**

s 43 (prev s 29D) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Restriction on enrolment of persons removed from roll or whose enrolment has been suspended**

s 44 (prev s 29E) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

### **Enrolment procedure**

div 5.2 hdg (prev pt 5 div 2 hdg) ins 1994 No 47 s 16  
renum R5 LA

### **Applications for enrolment**

s 45 (prev s 29F) ins 1994 No 47 s 16  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2976

### **Applications to be considered and determined**

s 46 (prev s 29G) ins 1994 No 47 s 16  
renum 1994 No 47 s 44



**Enrolment of applicants**

s 47 (prev s 29H) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

**Fee for enrolment pursuant to Mutual Recognition Act**

s 48 (prev s 29J) ins 1994 No 47 s 16  
renum 1994 No 47 s 44  
om 2001 No 44 amdt 1.2977

**Conditions of enrolment**

s 49 (prev s 29K) ins 1994 No 47 s 16  
renum 1994 No 47 s 44

**Roll of enrolled nurses**

div 5.3 hdg (prev pt 5 div 3 hdg) ins 1994 No 47 s 16  
renum R5 LA

**Roll**

s 50 (prev s 30) am 1994 No 47 s 17  
renum 1994 No 47 s 44

**Particulars to be entered in roll**

s 51 (prev s 30A) ins 1994 No 47 s 18  
renum 1994 No 47 s 44

**Certificate of enrolment**

s 52 (prev s 31) am 1994 No 47 s 19, sch  
renum 1994 No 47 s 44  
pres s 52 am 1994 No 81 sch; 2001 No 44 amdt 1.2978; ss  
renum R5 LA (see 2001 No 44 amdt 1.2979)

**Change of address**

s 53 (prev s 36) am 1994 No 47 s 21  
renum 1994 No 47 s 44  
pres s 53 am 1994 No 81 sch

**Alteration of roll**

s 54 (prev s 37) am 1994 No 47 s 22, sch  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2980

**Removal from roll on basis of removal from roll under foreign law**

s 55 (prev s 37A) ins 1994 No 47 s 23  
renum 1994 No 47 s 44

**Imposition of conditions imposed under foreign law**

s 56 orig s 56 am 1990 No 63 sch 1  
om 1993 No 14 sch 1  
(prev s 37B) ins 1994 No 47 s 23  
renum 1994 No 47 s 44

## Endnotes

### 4 Amendment history

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#### **Cessation of enrolment**

s 57 (prev s 37C) ins 1994 No 47 s 23  
renum 1994 No 47 s 44  
am A2003-24 s 12

#### **Annual registration fees**

div 5.4 hdg (prev pt 5 div 4 hdg) ins 1994 No 47 s 23  
sub 2001 No 44 amdt 1.2981

#### **Annual registration fee**

s 58 hdg sub 2001 No 44 amdt 1.2983  
s 58 (prev s 37D) ins 1994 No 47 s 23  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2983

#### **Enrolment to be cancelled for nonpayment**

s 59 (prev s 37E) ins 1994 No 47 s 23  
renum 1994 No 47 s 44

#### **Entitlement to re-enrolment if fee paid**

s 60 (prev s 37F) ins 1994 No 47 s 23  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2984

#### **Cancellation or suspension of registration or enrolment**

s 61 (prev s 38) sub 1994 No 47 s 24  
renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2985, amdt 1.2986; pars renum R5 LA

#### **Cancellation, suspension or restriction of right of practise on health grounds**

s 62 (prev s 39) sub 1994 No 47 s 24  
renum 1994 No 47 s 44

#### **Practising when registration or enrolment suspended**

s 63 orig s 63 om 1994 No 47 s 32  
(prev s 39A) ins 1994 No 47 s 24  
renum 1994 No 47 s 44

#### **Power of board to caution, reprimand etc**

s 64 (prev s 39B) ins 1994 No 47 s 24  
renum 1994 No 47 s 44

#### **Power of board to impose fines**

s 65 orig s 65 om 1994 No 47 s 34  
(prev s 39C) ins 1994 No 47 s 24  
renum 1994 No 47 s 44

#### **Inquiry by board**

s 66 (prev s 40) am 1994 No 47 s 25  
renum 1994 No 47 s 44

**Effect of suspension**

s 67 (prev s 41) am 1994 No 47 s 26  
renum 1994 No 47 s 44

**Application for re-registration or re-enrolment**

s 68 (prev s 42) am 1994 No 47 s 27  
renum 1994 No 47 s 44

**Persons who may practise nursing**

s 69 (prev s 43) am 1994 No 47 sch  
renum 1994 No 47 s 44  
pres s 69 am 1994 No 81

**Use of title of nurse**

s 70 (prev s 44) am 1994 No 47 sch  
renum 1994 No 47 s 44  
pres s 70 am 1994 No 81 sch

**Registered nurse or enrolled nurse—provision of services etc**

s 71 hdg (prev s 45 hdg) am 1994 No 47 Note  
s 71 (prev s 45) am 1994 No 47 sch  
renum 1994 No 47 s 44  
pres s 71 am 1994 No 81 sch

**Employment of enrolled nurses**

s 72 (prev s 46) renum 1994 No 47 s 44  
pres s 72 am 1994 No 81 sch

**Signing of certificates**

s 73 (prev s 47) renum 1994 No 47 s 44  
pres s 73 am 1994 No 81 sch

**Recovery of fees**

s 74 (prev s 48) am 1994 No 47 sch  
renum 1994 No 47 s 44  
am A2004-60 amdt 1.596, amdt 1.597  
(3), (4) exp 1 July 2006 (s 74 (4))

**Review of accounts for fees for nursing service**

s 75 (prev s 49) am 1994 No 47 sch  
renum 1994 No 47 s 44

**Administration of estate of deceased nurse**

s 76 (prev s 50) am 1994 No 47 s 28; 1994 No 81 sch  
renum 1994 No 47 s 44

**Substitutes for registered nurses**

s 77 (prev s 51) renum 1994 No 47 s 44  
pres s 77 am 1994 No 81 sch

## Endnotes

4 Amendment history

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### **Application of pt 7**

s 78 (prev s 52) am 1994 No 47 s 29  
renum 1994 No 47 s 44  
am A2003-24 s 13

### **Board may require additional information**

s 79 hdg sub A2004-15 amdt 2.125  
s 79 (prev s 53) renum 1994 No 47 s 44  
pres s 79 am 1994 No 81 sch  
am A2004-15 amdt 2.126, amdt 2.127

### **Review of decisions**

s 80 (prev s 54) am 1989 No 38 sch 1  
sub 1994 No 47 s 30  
renum 1994 No 47 s 44  
am 1994 No 60 sch 1; pars renum R5 LA

### **Notification of decisions**

s 81 (prev s 55) am 1989 No 38 sch 1  
sub 1994 No 47 s 30  
renum 1994 No 47 s 44  
am 1994 No 60 sch 1; pars renum R5 LA

### **Publication of notice of decision of board or tribunal**

s 82 (prev s 55A) ins 1994 No 47 s 30  
renum 1994 No 47 s 44  
am 1994 No 60 sch 1; 2001 No 44 amdts 1.2987-1.2989

### **Committees**

s 83 (prev s 57) am 1990 No 63 sch 1; 1993 No 14 sch 1  
renum 1994 No 47 s 44

### **Inspection of register or roll**

s 84 (prev s 58) renum 1994 No 47 s 44  
am 2001 No 44 amdt 1.2990

### **Publication of names of registered or enrolled nurses**

s 85 (prev s 59) am 1994 No 47 s 31  
renum 1994 No 47 s 44  
am 2001 No 44 amdts 1.2991-1.2993

### **Determination of fees**

s 86 (prev s 60) renum 1994 No 47 s 44  
sub 2001 No 44 amdt 1.2994

### **Approved forms**

s 86A ins 2001 No 44 amdt 1.2994

**Regulation-making power**

s 87 (prev s 61) am 1989 No 38 sch 1; 1994 No 47 sch  
renum 1994 No 47 s 44  
am 1998 No 54 sch  
sub 2001 No 44 amdt 1.2994

**Repeal**

s 88 (prev s 62) renum 1994 No 47 s 44  
om 2001 No 44 amdt 1.2995

**Transitional**

pt 9 hdg exp 24 June 2004 (s 91)

**Continuation of certain registration**

s 89 (prev s 64) am 1994 No 47 s 33  
renum 1994 No 47 s 44  
sub A2003-24 s 14  
exp 24 June 2004 (s 91)

**Continuation of certain enrolment**

s 90 ins A2003-24 s 14  
exp 24 June 2004 (s 91)

**Expiry of pt 9**

s 91 ins A2003-24 s 14  
exp 24 June 2004 (s 91)

**Ordinances repealed**

sch om 2001 No 44 amdt 1.2996

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	31 August 1991
2	Act 1994 No 81	28 February 1995
3	Act 1995 No 46	30 April 1997
4	Act 1998 No 54	31 January 2000

## Endnotes

### 6 Renumbered provisions

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Republication No	Amendments to	Republication date
5	A2001-44	13 June 2002
6	A2003-24	24 June 2003
7	A2004-15	9 April 2004
8	A2004-15	25 June 2004
9	A2004-60	10 January 2005

### 6 Renumbered provisions

This Act was renumbered by the *Nurses Amendment Act 1994* No 47 s 44. Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R5.

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