

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Nurses Amendment Bill 2003

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(As presented)

(Minister for Health)

Nurses Amendment Bill 2003

A Bill for

An Act to amend the *Nurses Act 1988*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Nurses Amendment Act 2003*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Act amended**

8 This Act amends the *Nurses Act 1988*.

9 **4 Interpretation for Act**
10 **Section 3 (1), definition of *enrolled nurse***

11 *substitute*

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

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

16 **5 Section 3 (1), definition of *registered nurse***

17 *substitute*

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

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

6 Section 12 heading

substitute

12 Registration as mental health nurse, midwife or nurse practitioner

7 Section 12 (3)

substitute

(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

- 1 (c) the person—
- 2 (i) is registered, or entitled to be registered, under this Act as
- 3 a general nurse; and
- 4 (ii) graduated from a course mentioned in paragraph (a) (ii)
- 5 more than 5 years before the date of application; and
- 6 (iii) has not practised as a general nurse or nurse practitioner
- 7 within 5 years immediately before the date of application;
- 8 and
- 9 (iv) has undertaken the further education or training and
- 10 passed the examinations that the board requires.
- 11 (4) For this section, a person is taken to have practised as a general
- 12 nurse, mental health nurse, midwife or nurse practitioner within
- 13 5 years immediately before the date of application if the person has,
- 14 within the 5 years, attended and satisfactorily completed a refresher
- 15 course of education or training in general nursing, mental health
- 16 nursing, midwifery, or nurse practitioner nursing, as the case may
- 17 be, that is accredited by the board or approved by a registration
- 18 authority of a State.

19 **8 Section 13 heading**

20 *substitute*

21 **13 Registration as mental health nurse, midwife or nurse**

22 **practitioner under mutual recognition principle**

23 **9 Section 14**

24 *substitute*

25 **14 Registration at discretion of board**

- 26 (1) If a person is a graduate of a course of education or training in
- 27 general nursing, mental health nursing, midwifery or nurse
- 28 practitioner nursing that is not accredited by the board or approved
- 29 by a registration authority of a State, the board may register the

- 1 person as a general nurse, mental health nurse, midwife or nurse
2 practitioner on a temporary basis to allow the person to—
- 3 (a) undertake a course of education or training approved by the
4 board; or
- 5 (b) gain experience in practising nursing.
- 6 (2) The board may register a person as a general nurse, mental health
7 nurse, midwife or nurse practitioner on a temporary basis to allow
8 the person to undertake a course of education or training approved
9 by the board if the person—
- 10 (a) graduated from a course of education or training in general
11 nursing, mental health nursing, midwifery or nurse practitioner
12 nursing more than 5 years before the date of application for
13 registration; and
- 14 (b) has not practised as a nurse of that kind within 5 years
15 immediately before the date of application.
- 16 (3) The board may register a person as a general nurse, mental health
17 nurse, midwife or nurse practitioner to allow the person to fill a
18 teaching or research position if—
- 19 (a) the person has qualifications that the board considers
20 appropriate for the position; and
- 21 (b) the application is supported in writing by the hospital,
22 professional association, university or other institution by
23 which it is proposed that the person be engaged.
- 24 (4) The board may register a person as a general nurse, mental health
25 nurse, midwife or nurse practitioner on a temporary basis if satisfied
26 that it is in the public interest to do so.
- 27 (5) The board may impose any conditions on the registration of a person
28 under this section it considers appropriate.

10 Cessation of registration
Section 33 (1) (a)

insert

written

before

notice

11 Section 33 (2)

substitute

(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.

12 Application of pt 7
Section 78 (c)

substitute

(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.

13 Section 89*substitute***89 Continuation of certain registration**

A nurse whose registration as a general nurse, mental health nurse, midwife or infants' nurse was continued under the *Nurses (Amendment) Act 1994*, section 36 (a) is taken to be a registered nurse for this Act.

90 Continuation of certain enrolment

A nurse whose enrolment as a nurse or mothercraft nurse was continued under the *Nurses (Amendment) Act 1994*, section 36 (b) is taken to be an enrolled nurse for this Act.

91 Expiry of pt 9

This part expires 1 year after the day this section commences.

14 Further amendments, mentions of *mental health nurse or midwife**omit*

mental health nurse or midwife

substitute

mental health nurse, midwife or nurse practitioner

in

- section 13 (1)
- section 15 (1)
- section 19 (2) and (4)
- section 21 (1)
- section 23
- section 25
- section 27

Endnotes

Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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