

Explanatory Statement

Health Professionals (ACT Nursing and Midwifery Board) Appointment 2009 (No 1)

Disallowable Instrument DI2009-18

made under the

Health Professionals Regulation 2004, Section 5 and Schedule 3 clause 3.9 and Schedule 4 clause 4.7

The *Health Professionals Act 2004* aims to protect the public from risk of harm by ensuring that all health professionals are competent to provide health services.

The ACT Nursing and Midwifery Board is constituted under Clause 3.9 of Schedule 3 and Clause 4.7 of Schedule 4 to the Health Professionals Regulation 2004.

Section 5 of the Health Professionals Regulation 2004 provides that the Minister must appoint the president of the Board. The position of the president of ACT Nursing and Midwifery Board became temporarily vacant following the approval of leave for the president, Ms Robyn Staniforth.

Section 10 of the Health Professionals Regulation 2004 provides that the Minister appoints Board members in accordance with the *Legislation Act 2001*. Accordingly, the instrument is a disallowable instrument.

Schedule 3 Clause 3.9 (4) requires that the president must be a registered nurse; or a midwife; or an enrolled nurse.

Ms Donna Mowbray, a registered nurse, is to be appointed as the acting president of ACT Nursing and Midwifery Board until the return of Ms Staniforth or until 17 October 2009.

Ms Mowbray is currently an appointed member of the Board.

Ms Mowbray is not an ACT public servant.