

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

NURSE PRACTITIONERS LEGISLATION AMENDMENT BILL 2025

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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MINISTER FOR HEALTH
FEBRUARY 2026**

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NURSE PRACTITIONERS LEGISLATION AMENDMENT BILL 2025

This Supplementary Explanatory Statement relates to amendments moved by the Health Minister (Amendment) to the Nurse Practitioners Legislation Amendment Bill 2025 (the Bill) as presented to the ACT Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

OVERVIEW OF THE AMENDMENT

The Amendment will amend the Bill to introduce a new obligation for the Health Minister to review the operation of section 35A of the *Births, Deaths and Marriages Registration Act 1997* (BDM Act) as soon as practicable after the end of 3 years from the date the section commences.

New section 35A of the BDM Act

New section 35A of the BDM Act, as proposed in the Bill, will empower nurse practitioners to issue cause of death certificates where they were responsible for the medical care of the individual immediately prior to death and additionally can form an opinion as to the probable cause of death of the deceased person.

Nature of the nurse practitioner clinical workforce

Currently, there are approximately 3,194 nurse practitioners endorsed to practice across Australian states and territories, with 78 listing their principal place of practice as the ACT.¹ The Nursing and Midwifery Board of Australia (the Board) regulates the registration, endorsement, education requirements, and practice standards for Australian nurses and midwives.² To hold the protected title of nurse practitioner, a person must meet strict qualification criteria; they must be a highly experienced registered nurse with at least 5,000 clinical hours, or the equivalent of three years full-time experience, working at an advanced level of practice, who has successfully completed a master's level program of study approved by the Board.

Nurse practitioners are regulated by the *Health Practitioner Regulation National Law (ACT)* (National Law), in the same way as medical practitioners and other regulated health professionals and are accountable to the Board. Nurse practitioners therefore operate within robust governance frameworks and are a highly experienced and qualified clinical workforce.

¹ Nursing and Midwifery Board of Australia. (2025). *Nursing and Midwifery Board of Australia registrant data*. Nursing-and-Midwifery-Board---Report---Registrant-Data---31-March-2025.PDF

² Nursing and Midwifery Board of Australia (2020). *Advance nursing practice and specialty areas within nursing*. Nursing-and-Midwifery-Board---Fact-sheet---Advanced-nursing-practice-and-specialty-areas-within-nursing---May-2020.PDF

Nature of the statutory review

The Amendment will introduce a new clause 11A in the Bill which will require the Health Minister to undertake a review of the effectiveness and operation of section 35A of the BDM Act. By ensuring a thorough, formal review of the operation and effectiveness of section 35A of the BDM Act, this clause provides an additional safeguard to monitor whether this key provision of the Bill is achieving its objects.

In light of the feedback received since presentation of the Bill – detailed further below the review will provide an opportunity to ensure that, amongst other relevant matters that may arise:

- any impact on the operations of the Coroner’s Court is reviewed and considered;
- the uptake by nurse practitioners is assessed; and
- any broader impacts on the health system are identified and considered.

A report of the review is required to be tabled in the Legislative Assembly within six months of the commencement of the review in order to ensure appropriate oversight of the Legislative Assembly.

CONSULTATION ON THE PROPOSED APPROACH

Significant consultation was undertaken for the Bill with key stakeholders external to and within ACT Government, as outlined in the explanatory statement as presented to the Legislative Assembly on 4 December 2025 for the Bill.

Since presentation of the Bill further feedback has been received in relation to the new section 35A from:

- The Australian Medical Association (AMA), which has continued to recommend a cautious approach to any changes to nurse practitioner practice authority under legislation, particularly in relation to issuing cause of death certificates.
- The ACT Coroner, who identified continuing concerns in relation to the impact of the reform on the process of reporting deaths to the Coroner under the *Coroners Act 1997*.

Considering further input by the AMA and Coroner on the issues outlined above, the proposed amendment obliging the Health Minister to conduct a statutory review of the operation of section 35A of the BDM Act is intended to ensure the impacts of this reform are assessed within a suitable timeframe.

CLIMATE IMPACT

The Bill is not anticipated to have any climate impacts.

CONSISTENCY WITH HUMAN RIGHTS

The proposed amendment outlined in this supplementary explanatory statement does not engage with human rights.

CLAUSE NOTES

Clause 1 Proposed new clause 11A

This clause creates an obligation for the Health Minister to review the operation of section 35A of the *Births, Deaths and Marriages Registration Act 1997*, as soon as practicable 3 years after the day section 35A commences.

A report of the review must be presented by the Health Minister to the Legislative Assembly within 6 months of the review starting.