



Australian Capital Territory

# Health Regulations 2004

## Subordinate Law SL2004-14

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The Australian Capital Territory Executive makes the following regulations under the *Health Act 1993*.

Dated 5 May 2004.

BILL WOOD  
Minister

SIMON CORBELL  
Minister

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made under the  
*Health Act 1993*

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Health Regulations 2004*.

### 2 Commencement

These regulations commence on a day fixed by the Minister by written notice.

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

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

### 3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2 Nurse practitioners

### 4 Definitions for pt 2

In this part:

*nurse practitioner position*—see the *Health Act 1993*, section 37B (2) (Regulations about nurse practitioners).

*scope of practice*—see the *Health Act 1993*, section 37B (2).

### 5 Criteria for approval of nurse practitioner positions

- (1) The Minister must, in writing, determine criteria for the approval of nurse practitioner positions under regulation 8 (Approval of nurse practitioner positions).
- (2) A determination is a disallowable instrument.

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

### 6 Application for approval of nurse practitioner positions

A person may apply to the chief executive for approval of a nurse practitioner position.

*Note 1* A fee may be determined under the Act, s 36 for this regulation.

*Note 2* If a form is approved under the Act, s 37A for an application, the form must be used.

### 7 Request for further information

- (1) The chief executive may, by written notice given to an applicant for approval of a nurse practitioner position, require the applicant to give the chief executive additional stated information or documents that the chief executive reasonably needs to decide the application.

- (2) The chief executive need not consider the application further unless the applicant complies with the requirement.

## **8 Approval of nurse practitioner positions**

- (1) The chief executive may, in writing, approve a position as a nurse practitioner position if the criteria for approval of the position under regulation 5 (Criteria for approval of nurse practitioner positions) are satisfied.

*Note* Power to make a statutory instrument includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

- (2) An approval under subregulation (1) is a notifiable instrument.

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

## **9 Notice of decisions**

- (1) The chief executive must give written notice of the decision on an application for approval of a nurse practitioner position to the applicant.
- (2) A notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **10 Review by administrative appeals tribunal of certain decisions**

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the chief executive under regulation 8 (Approval of nurse practitioner position).
- (2) Without limiting subregulation (1), the occupant of a nurse practitioner position may apply to the administrative appeals tribunal for review of a decision of the chief executive to amend or repeal the approval for the position, if the amendment or repeal was otherwise than on application.

**11 Scope of practice for nurse practitioner position**

- (1) If the chief executive approves a position as a nurse practitioner position, the chief executive must, in writing, approve a scope of practice for the position.
- (2) An approved scope of practice is a notifiable instrument.  
*Note* A notifiable instrument must be notified under the Legislation Act.
- (3) In approving a scope of practice under subregulation (1), the chief executive must comply with the guidelines (if any) approved by the Minister under regulation 12.
- (4) To remove any doubt, anything required or authorised by a scope of practice for a nurse practitioner position is taken to be within the scope of practice for the position.

**12 Guidelines for approving scope of practice**

- (1) The Minister may, in writing, approve guidelines for approving a scope of practice under regulation 11.
- (2) Guidelines are a notifiable instrument.

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

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**Endnote**

**1 Notification**

Notified under the Legislation Act on 13 May 2004.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).