

**AUSTRALIAN CAPITAL TERRITORY  
NURSES ACT 1988**

**NO. 5 OF 1996**

**EXPLANATORY STATEMENT**

The *Nurses Act 1988*, (the Act) provides for the registration and enrolment of nurses, the supervision of nursing education and standards, and for related purposes. In October 1994, the Act was amended by the passing of the *Nurses (Amendment) Act 1994*, (the Amendment Act) by the Legislative Assembly. The new provisions of the Act came into effect on 6 October 1994.

The passing of the Amendment Act resulted in the repeal of some sections and insertion of new sections; and the renumbering of provisions.

The Act empowers the Minister, by notice published in the Gazette, to determine fees for the purpose of the Act. This provision was previously provided by section 60 of the Act. As a result of the renumbering provisions in the Amendment Act this power is now provided under section 86 of the Act.

This instrument revokes all existing fees and determinations under the Act which relate to:

1. Section 9, fee to undertake an examination;
2. Subsection 14(b), application fee for registration;
3. Subsection 18(7), fee for a duplicate certificate;
4. Subsection 19(2), fee for provisional registration;
5. Subsections 20(2) and 20(3), temporary registration and renewal of temporary registration;
6. Subsection 21(2) and paragraph 21(3)(b), special registration and renewal of special registration;
7. Subsection 24(1), annual registration fee;
8. Subsection 24(5), entitlement to re-registration;
9. Subsection 26(4), alteration of register;
10. Subsection 29(b), application fee for enrolment;
11. Subsection 31(6), fee for duplicate enrolment certificate;
12. Subsection 32(2), fee for provisional enrolment;
13. Subsection 35(1), annual enrolment fee;
14. Subsection 35(5), entitlement to re-enrolment;
15. Subsection 37(4), alteration of roll;
16. Paragraph 58(1)(a), inspect an entry in register or roll;
17. Paragraph 58(1)(b), obtain a certified copy of an entry in register or roll; and

sets fees for equivalent provisions or new provisions under the amended Act as per the attached comparative table. The explanatory statements which follow relate to the numbering in the foregoing paragraph.

1. Section 9 of the Act providing for the determined fee to be paid before undertaking an examination held by, or on behalf of the Board was repealed by the Amendment Act.

It can not be ascertained if the fee for this provision has ever been determined. Prior to 1989 examinations were held by the NSW Nurses Registration Board on behalf of the ACT Board. Nurses in the ACT who had completed a hospital based program of education and training in nursing were required to successfully pass this examination before being granted registration or enrolment (as the case may be) with the ACT Nurses Board. In 1989 nurse education was transferred to tertiary institutions and, as a consequence, these examinations are no longer held. This provision has become redundant and the fee is no longer applicable. The first determined fees for the purposes of the Act were published in the Commonwealth of Australia Gazette No.S372, Monday 5 December 1988. The fee for the purpose of section 9 was not determined on that occasion nor does it appear to have been determined on any subsequent occasion. Section 9 was repealed by the amendment Act.

2. Section 14 of the Act which includes subsection 14(b) providing for the determined fee to be paid together with an application for registration is repealed by the Amendment Act.

The determined fee for registration is \$32.00. This determination was published in the Australian Capital Territory Gazette No. S174, Monday 30 August 1993 Determination No. 112 of 1993.

The repealed provision is replaced by new section 21 in the amended Act which provides for lodgement of applications for registration other than applications by persons entitled to registration under the mutual recognition provisions.

Paragraph 21(2)(b) of the amended Act provides for a determined fee to be lodged with such an application.

The fee for this purpose is set at \$80.00. This fee reflects a move toward full cost recovery for services provided by the Board

3. Subsection 18(7) of the Act provided for a duplicate certificate to be issued to a registered nurse where the original has been lost or destroyed, subject to the payment of the determined fee. This is now provided under subsection 28(7) in the amended Act.

The determined fee for this purpose was set at \$30.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991. It is appropriate that the fee for this provision remain unaltered as it is consistent with the fee for the same provision in other health professions registration legislation.

4. Section 19 of the Act provided for the granting of provisional registration for a period not exceeding three months to a person who has lodged an application for full registration until such time as the Board is able to consider the persons application for

registration. This section has been repealed by the Amendment Act. Subsection 19(2) provided for the payment of the determined fee with such an application. The determined fee for provisional registration is currently \$15.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991.

This provision is now replaced by section 15 of the amended Act and provides for the granting of interim registration to a person who is entitled to full registration but where it is not practical to wait until the Board can consider the application. Subsection 15(2) provides for the payment of a determined fee. The fee is set at \$20.00 in the interest of aligning administrative fees for similar provisions with those of other Boards.

5. Section 20 providing for 'temporary' registration was also repealed. Subsections 20(2) and 20(3) required a fee to be paid for temporary registration and the renewal of temporary registration. Temporary registration is now covered by the provisions of section 14 which provides for, registration at the discretion of the Board and subject to the payment of the determined fee under paragraph 21(2)(b).

The new provision enables the Board to register a person on a temporary basis for the purposes of enabling the person to undertake a course of education or training or to gain experience in the practise of nursing or if the Board is satisfied that it is the public interest to do so. The determined fee for 'temporary' registration under subsection 20(2) and renewal of 'temporary' registration under subsection 20(3) were set at \$30.00. These determinations were published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991.

The fee for registration at the discretion of the Board is increased to \$80.00 which is equivalent to the application fee payable for initial registration.

The administrative costs associated with granting temporary registration in the past have been equal to if not more costly than the granting of initial registration. Therefore it is appropriate that the fee be set at similar level to that of initial registration.

6. Section 21 of the Act provided for the Board to grant special registration for certain purposes. The determined fees for 'special' registration under subsection 21(2) and for renewal of 'special' registration under paragraph 21(3)(b) were set at \$30.00. These determinations were published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991.

Section 21 providing for 'special' registration in the Act was also repealed and now is covered by the provisions of section 14, registration at the discretion of the Board.

As the same section relates to 'temporary' registration it is appropriate that the fee be set at \$80.00.

7. Subsection 24(1) of the Act requiring a registered nurse to pay the determined annual fee was repealed by the Amendment Act and has been replaced by subsection 34(1) in the amended Act.

The existing annual fee of \$32.00 was determined by Determination 112 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993. The amended fee for this purpose has been set at \$80.00. This fee reflects a move toward full cost recovery for services provided by the Board.

8. The entitlement of a nurse to re-registration where registration was cancelled for failure to pay the annual fee, subject to the payment of the determined fee was provided by subsection 24(5).

The repeal of section 24 by the Amendment Act has necessitated a similar provision being included in the amended Act and the requirement to pay the fee is provided by paragraph 36(1)(b).

The existing re-registration fee of \$50.00 was determined by Determination 112 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993. The fee for this purpose is now set at \$80.00 which is consistent with both the annual renewal registration fee and the fee for registration under the mutual recognition provisions..

9. Subsection 26(4) of the Act provided for the payment of a determined fee in respect to any alterations made to particulars in the register which may be made from time to time at the request of the person. This provision is now required under subsection 30(4) of the amended Act.

The determined fee for alteration to an entry in the register is \$10.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991. It is appropriate that the fee for this provision remain unaltered as it is consistent with the same provision in other health professions registration legislation and appears at this time to be at full cost recovery level.

10. Section 29 of the Act which includes subsection 29(b) providing for the determined fee to be paid together with an application for enrolment was repealed by the amendments.

The determined fee for enrolment is \$32.00. This determination was published in the Australian Capital Territory Gazette No. S174, Monday 30 August 1993 Determination No. 112 of 1993.

The repealed provision is replaced by new section 45 in the Act which provides for lodgement of applications for enrolment other than applications by persons entitled to enrolment under the mutual recognition provisions.

Paragraph 45(2)(b) of the amended Act provides for the determined fee to be lodged with such an application. The fee for this purpose is set at \$80.00. This fee reflects a move toward full cost recovery for services provided by the Board..

11. Subsection 31(6) of the Act provided for a duplicate certificate to be issued to an enrolled nurse where the original has been lost or destroyed, subject to the payment of the determined fee. This is now provided under subsection 52(6) in the amended Act.

The determined fee for this purpose was set at \$20.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991. It is appropriate that the fee be set at \$30.00 to align it with the fee determined for the same provision in other health professions registration legislation and consistent with the same provisions in respect of registered nurses under subsection 28(7) of the Act.

12. Section 32 provided for the granting of provisional enrolment for a period not exceeding three months to a person who has lodged an application for initial enrolment until such time as the Board is able to consider the persons application for enrolment. Subsection 32(2) provided for payment of the determined fee with such an application. This section has been repealed by the Amendment Act. The determined fee for provisional enrolment is \$10.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991.

This provision is now replaced by section 39 of the amended Act and provides for the granting of interim enrolment to a person who is entitled to initial enrolment but where it is not practical to wait until the Board can consider the application. Subsection 39(2) provides for the payment of a determined fee. The fee is set at \$20.00 in the interest of aligning administrative fees for similar provisions with those of other Boards.

13. Subsection 35(1) of the Act requiring an enrolled nurse to pay the determined annual fee was repealed and has been replaced by subsection 58(1) in the amended Act.

The existing annual fee of \$32.00 was determined by Determination 112 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993. The amended fee for this purpose has been set at \$80.00. This fee reflects a move towards full cost recovery for services provided by the Board.

14. The entitlement of a nurse to re-enrolment where enrolment was cancelled for failure to pay the annual fee was provided by subsection 35(5).

The repeal of section 35 by the Amendment Act has necessitated a similar provision being included in the amended Act and the requirement to pay the fee is provided by paragraph 60(1)(b).

The existing re-registration fee of \$40.00 was determined by Determination 112 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993. The fee for this purpose is now set at \$80.00 which is consistent with both the annual renewal registration fee and the fee for registration under the mutual recognition provisions.

15. Subsection 37(4) of the Act provided for the payment of a determined fee in respect to any alterations made to particulars in the roll which may be made from time

to time at the request of the person. This provision is now provided under subsection 54(4) of the amended Act.

The determined fee for alteration to an entry in the roll is \$10.00. This determination was published in the ACT Gazette No. S114, Monday 14 October 1991, Determination No. 93 of 1991. It is appropriate that this provision remain unaltered as it is consistent with the fee for the same provision in other health professions registration legislation.

16. Paragraph 58(1)(a) of the Act provided for a person upon the payment of a determined fee to inspect an entry in the register or roll. This provision is now provided under paragraph 84(1)(a) of the amended Act.

The determined fee for inspection of an entry in the register or roll is \$5.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991, Determination No. 93 of 1991. It is appropriate that this provision remain unaltered as it is consistent with the fee for the same provision in other health professions registration legislation.

17. Paragraph 58(1)(b) of the Act provided for a person upon payment of the determined fee to obtain a certified copy of an entry in the register or roll. This provision is now provided under paragraph 84(1)(b) of the amended Act.

The determined fee was set at \$10.00. This determination was published in the Australian Capital Territory Gazette No. S114, Monday 14 October 1991 Determination No. 93 of 1991. It is appropriate that this provision remain unaltered as it is consistent with the fee for the same provision in other health professions registration legislation.

18. A new category of registration and enrolment has been introduced pursuant to the *Mutual Recognition Act 1992*. These new provisions are mirrored in sections 11, 13 and 38 of the amended Act and provisions for the payment of a determined fee for applications associated with those provisions are provided by sections 24 and 48 of the Act. The fee for the purpose of registration or enrolment under the mutual recognition provisions is set at \$80.00 which is equivalent the determined fee for the annual fee.

**Comparative Table  
Nurses Act 1988**

<b>Nurses Act 1988 (Old Act)</b>	<b>Old Fee</b>	<b>Nurses Act 1988 (New Act)</b>	<b>New Fee</b>
Section 9 fee for to undertake an examination held by, or on behalf of, the Board		Not Applicable	
Subsection 14(b) fee for application for registration	\$32 00	Paragraph 21(2)(b) registration fee for the purposes of sections 10, 12 & 14	\$80.00
Subsection 18(7) fee for a duplicate certificate	\$30 00	Subsection 28(7) fee for a duplicate certificate	\$30.00
Subsection 19 (2) fee for provisional registration	\$15 00	Subsection 15(2) entitlement to interim registration subject to payment of fee	\$20 00
Subsection 20(2) temporary registration & subsection 20(3) renewal of temporary registration	\$30 00	Paragraph 21(2)(b) pursuant to section 14 registration at the discretion of the Board	\$80.00
Subsection 21(2) special registration & paragraph 21(3)(b) renewal of special registration	\$30 00	Paragraph 21(2)(b) pursuant to section 14 registration at the discretion of the Board	\$80.00
Subsection 24(1) annual registration fee	\$32.00	Subsection 34(1) annual registration fee	\$80.00
Subsection 24(5) entitlement to re-registration subject to payment of fee	\$50.00	Paragraph 36(1)(b) entitlement to re-registration subject to payment of fee	\$80 00
Subsection 26 (4) alteration of register	\$10 00	Subsection 30(4) alteration of register	\$10 00
Not Applicable	N/A	Section 24 fee for registration under mutual recognition provisions for the purposes of sections 11 and 13	\$80.00
Subsection 29(b) fee for application for enrolment	\$32 00	Paragraph 45(2)(b) fee for enrolment pursuant to section 37.	\$80 00
Subsection 31(6) fee for a duplicate certificate	\$20 00	Subsection 52(6) fee for a duplicate certificate	\$30 00
Subsection 32 (2) fee for provisional enrolment	\$10 00	Subsection 39(2) entitlement to interim enrolment subject to payment of fee	\$20.00
Subsection 35(1) annual enrolment fee	\$32 00	Subsection 58(1) annual enrolment fee	\$80.00
Subsection 35(5) entitlement to re-enrolment subject to payment of fee	\$40 00	paragraph 60(1)(b) entitlement to re-registration subject to payment of fee	\$80.00
Subsection 37 (4) alteration of particulars on the Roll	\$10.00	Subsection 54(4) alteration of particulars on the Roll	\$10.00
Not Applicable	N/A	Section 48 fee for enrolment under mutual recognition provisions for the purposes of section 38	\$80 00
Paragraph 58(1)(a) inspect an entry in the register or Roll	\$5 00	Paragraph 84(1)(a) inspect an entry in the register or Roll	\$5 00
Paragraph 58(1)(b) obtain a certified copy of an entry in the register in the register or Roll	\$10.00 per entry	Paragraph 84(1)(b) obtain a certified copy of an entry in the register or Roll	\$10 00 per entry