



Australian Capital Territory

# **Health Regulation 2004**

**SL2004-14**

made under the

**Health Act 1993**

**Republication No 3**

**Effective: 2 February 2009 – 30 June 2011**

Republication date: 2 February 2009

Last amendment made by A2008-37

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Health Regulation 2004*, made under the *Health Act 1993* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 February 2009. It also includes any amendment, repeal or expiry affecting the republished law to 2 February 2009.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Health Regulation 2004

made under the

**Health Act 1993**

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Australian Capital Territory

# Health Regulation 2004

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**Health Act 1993**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Health Regulation 2004*.

### 3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

## Part 2 Nurse practitioners

### 4 Definitions—pt 2

In this part:

*nurse practitioner position*—see the *Health Act 1993*, section 195 (2).

*scope of practice*—see the *Health Act 1993*, section 195 (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 section 8.
- (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 192 for this provision.

*Note 2* If a form is approved under the Act, s 194 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 section 5 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 subsection (1) is a notifiable instrument.

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

## 9 Reviewable decision notices

If the chief executive makes a decision under section 8 (Approval of nurse practitioner positions), the chief executive must give a reviewable decision notice to the applicant.

*Note 1* The chief executive must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

## 10 Applications for review

- (1) The following may apply to the ACAT for review of a decision of the chief executive under section 8:

- (a) the applicant;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (2) Without limiting subsection (1), the occupant of a nurse practitioner position may apply to the ACAT 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 subsection (1), the chief executive must comply with the guidelines (if any) approved by the Minister under section 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 section 11.
- (2) Guidelines are a notifiable instrument.  
*Note* A notifiable instrument must be notified under the Legislation Act.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Health Regulations 2004*. It was renamed under the *Legislation Act 2001*.

#### Health Regulation 2004 SL2004-14

notified LR 13 May 2004

s 1, s 2 commenced 13 May 2004 (LA s 75 (1))

remainder commenced 13 November 2004 (s 2 and LA s 79)

as amended by

#### Health Legislation Amendment Act 2006 A2006-27 sch 2 pt 2.2

notified LR 14 June 2006

s 1, s 2 commenced 14 June 2006 (LA s 75 (1))

sch 2 pt 2.2 commenced 14 December 2006 (s 2 and LA s 79)

#### ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.54

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.54 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

### 4 Amendment history

#### Name of regulation

s 1 am R1 LA

#### Commencement

s 2 om LA s 89 (4)

#### Definitions—pt 2

s 4 sub A2006-27 amdt 2.2

def **nurse practitioner position** sub A2006-27 amdt 2.2

def **scope of practice** sub A2006-27 amdt 2.2

#### Application for approval of nurse practitioner positions

s 6 am A2006-27 amdt 2.3

#### Reviewable decision notices

s 9 sub A2008-37 amdt 1.236

#### Applications for review

s 10 sub A2008-37 amdt 1.236

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 13 Nov 2004	13 Nov 2004– 13 Dec 2006	not amended	new regulation
R2 14 Dec 2006	14 Dec 2006– 1 Feb 2009	A2006-27	amendments by A2006-27

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