



Australian Capital Territory

Health Regulation 2004

SL2004-14

made under the

Health Act 1993

Republication No 5

Effective: 4 December 2015 – 22 November 2018

Republication date: 4 December 2015

Last amendment made by [SL2015-41](#)

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 4 December 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 4 December 2015.

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):

- 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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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R5
04/12/15

Health Regulation 2004
Effective: 04/12/15-22/11/18

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Health Regulation 2004

made under the

[Health Act 1993](#)

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 [Act](#), section 195 (2).

scope of practice—see the [Act](#), 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 notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

6 Application for approval of nurse practitioner positions

A person may apply to the director-general 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 director-general may, by written notice given to an applicant for approval of a nurse practitioner position, require the applicant to give the director-general additional stated information or documents that the director-general reasonably needs to decide the application.
- (2) The director-general need not consider the application further unless the applicant complies with the requirement.

8 Approval of nurse practitioner positions

The director-general 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)).

9 Reviewable decision notices

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

Note 1 The director-general 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 director-general 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 director-general 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 director-general approves a position as a nurse practitioner position, the director-general must, in writing, approve a scope of practice for the position.
- (2) In approving a scope of practice under subsection (1), the director-general must comply with the guidelines (if any) approved by the Minister under section 12.
- (3) 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

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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](#))

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.78

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.78 commenced 1 July 2011 (s 2 (1))

Health Amendment Regulation 2015 (No 1) SL2015-41

notified LR 3 December 2015

s 1, s 2 commenced 3 December 2015 (LA s 75 (1))

remainder commenced 4 December 2015 (s 2)

Endnotes

4 Amendment history

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

Criteria for approval of nurse practitioner positions

s 5 am [SL2015-41](#) s 4

Application for approval of nurse practitioner positions

s 6 am [A2006-27](#) amdt 2.3; [A2011-22](#) amdt 1.243

Request for further information

s 7 am [A2011-22](#) amdt 1.243

Approval of nurse practitioner positions

s 8 am [A2011-22](#) amdt 1.243; [SL2015-41](#) s 5

Reviewable decision notices

s 9 sub [A2008-37](#) amdt 1.236
am [A2011-22](#) amdt 1.243

Applications for review

s 10 sub [A2008-37](#) amdt 1.236
am [A2011-22](#) amdt 1.243

Scope of practice for nurse practitioner position

s 11 am [A2011-22](#) amdt 1.243; [SL2015-41](#) s 6; ss renum R5 LA

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.

Republication No and date	Effective	Last amendment made by	Republication for
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
R3 2 Feb 2009	2 Feb 2009– 30 June 2011	A2008-37	amendments by A2008-37
R4 1 July 2011	1 July 2011– 3 Dec 2015	A2011-22	amendments by A2011-22

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