

## Map 1 – the Legislation, the Regulatory Authority & Professional Standards

Review of provisions in the principle Act(s) and subordinate regulation and attendant policy & supporting guidelines that specifically state or clearly go to the protection of the community's health & safety

KEY:

- Entries in black in the tables are general commentary & contain questions & statements that require checking as to their veracity or information to be provided by Board
- Entries in blue are where there is specific reference to the issues in the statute or subordinate legislation
- Entries in violet are where there is legislation that has been assented but has not commenced at the time of writing
- Entries in green indicate where the statute & other regulatory instruments may be silent but the regulatory authority has a policy regarding the issue
- Entries in red indicate information provided during interview with the various nursing & midwifery regulatory authorities, nursing & midwifery leaders & chief nursing officers in each state & territory.
- ✓ Feed back has been received from jurisdiction

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
1.1	Health Professional Regulatory Regime Specific to Nursing & Midwifery	1. * <i>Health Professionals Act 2004</i> 2. <i>Health Professionals Regulation 2004</i> 3. <i>Health Act 1993</i>	1. * <i>Nurses and Midwives Act 1991</i> 2. <i>Health Care Complaints Act 1993</i> 3. <i>Nurses and Midwives Regulation 2003</i> 4. <i>Nurses and Midwives Amendment (Performance Assessment) Act 2004</i>	1. * <i>Health Practitioners Act 2004</i>	1. * <i>Nursing Act 1992</i> 2. <i>Health Practitioner Registration Boards (Administration) Act 1999</i> 3. <i>Health Practitioners (Professional Standards) Regulation 2000</i> 4. <i>Nursing Regulation 2005</i>	1. * <i>Nurses Act 1999</i> 2. <i>Nurses Regulations 1999</i> 3. <i>Nurses (Electoral) Regulations 1999</i>	1. * <i>Nursing Act 1995</i> 2. <i>Nursing (Fees) Regulations 1998</i> 3. <i>Nursing Regulations 2005</i>	1. * <i>Nurses Act 1993</i> 2. <i>Nurses Regulations 2004</i>  <i>Health Professions Registration Act 2005 (HPRAct) (uncommenced)</i>	1. * <i>Nurses Act 1992</i> 2. <i>Nurses Rules 1993</i> 3. <i>Nurses Code of Practice 2000</i> 4. <i>Nurse Practitioners Code of Practice 2004</i>  <i>Nurses &amp; Midwives Bill 2005</i>
1.2	Legislated Purpose or Objects of Act					No statement of purpose or objects			
1.2.1	Protect the health & safety of the	Yes ss 13(1) & (2)(a)-(c)	Yes s 2A(1)(a)	Yes s 3(a)	Yes s 3	No	Yes s 9	Yes s 1(a)	Yes s 3(a)

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	community by having a registration system for nurses & midwives that enables the following:							Yes s1(a)	No statement of purpose or objects in new Bill.
1.2.2	Developing, promoting, applying & reviewing standards of professional practice & conduct	Yes ss 13(2)(b)	Not specifically	Yes ss 3(b) & (c)	Not specifically  Outlined in philosophy of Professional Standards Policy [1].	s 16(1)(f)	s 11 Nursing Code	Not specifically	Yes ss 3(a) & (b)
1.2.3	Ensuring nurse & midwives who provide health services are fit & competent to practice	Yes s 13(1)	Yes s 2A(1)(a)	Yes s 3(b)	Yes s 3	s 16(1)(e)	Yes s 9(b)	Yes s 1(a)  Yes s1(a)	Yes s 3(a)
1.2.4	Ensuring nurses & midwives who provide health services maintain the required levels of competence & fitness to practice	Yes ss 13(1) & (2)(d)	Not specifically  Though the Board has the power to impose conditions or refuse to renew registration or endorsement – s 29A(1).	Yes s 3(d)	Not specifically  Registration Policy [2].	s 23(1)(c)	Not specifically	Not specifically  Though the Board has the power to refuse to renew registration or endorsement – s 14(a)(b).  Renewal of registration – s 18(4)	Yes ss 3(a) & (b)
1.2.5	Provide a standard system of reporting, investigating & dealing with issues of professional conduct, professional performance & the ability to practice of nurses & midwives	Yes – ss 13(2)(f), (g), (h) & (i)	Not specifically  Though there is a strong complaints system within Part 5 of the Act.	Not specifically	Not specifically  Professional Standards Policy [1].	Part 5	Yes s 9(c)	Yes s 1(a)  Yes s1(a)	Not specifically
1.2.6	Provide mechanisms to enable the public & employers to readily identify nurses & midwives who are registered or enrolled	Not specifically	Yes – s 2A(1)(b)	Not specifically	Not specifically  Website Advisory Service	No  Online Register & Roll	Not specifically	Not specifically  The register - s 17 & Certificates – s 18  Register of health practitioners – s 30 & Certificates – s 31	Not specifically
1.2.7	Establish a RA responsible for the	Yes – ss 13(2)(e)	Not specifically	Not specifically	Not specifically	s 16	Yes s 7(a)	Yes s 1(b)	Not specifically

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	regulation of nurses & midwives & administering the registration system				Registration Policy [2].			Section (1)(d)	
	Protect the health & safety of the community by having a registration system for students of nursing & midwifery & enables the investigation into the suitability of students to undertake clinical training	No	No  <b>This is an identified area of deficit &amp; consideration should be given to how best to address the issue.</b>	No  Section 113 obliges an educational institution to notify the Board if a person undertaking an accredited course has a mental or physical incapacity that may seriously impair the person's ability to practice.	No	No	No	Not under current Act  Yes s1(b)	Not specifically
	Others		The exercise of the Board's functions must be consistent with the Objects - s 2A(2).	To promote the health & safety of the people of NT- s 3(a)				Regulate the advertising of nursing services – ss 64A & 64B.  Protect the public by providing for the registration of students of the health professions & investigations into the suitability of those students to undertake clinical training – s 1(b).  Regulate the advertising of regulated health services– s 1(c).	

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1.3	Regulatory Authority Responsible	ACT Nursing and Midwifery Board Scheds 3 & 4 paras 3.1 & 4.1	Nurse and Midwives Board s 8	Nursing & Midwifery Board of the Northern Territory s 7	Queensland Nursing Council s 7	Nurses Board of South Australia s 4	Nursing Board of Tasmania s 5	Nurse Board of Victoria s 65  Nurse Board of Victoria s 117	Nurse Board of Western Australia s 5(1)  Nurses & Midwives Board of Western Australia CI 5(1)
1.4	Number on RA Board or Council	9 Sched 3,s 3.9 & Sched 4, s 4.	16 - s 9. appointed by the Governor	7	13 appointed by the Governor in Council	11 appointed by the Governor – s 5(11).	7 appointed by the Governor	12 appointed by the Governor in Council  9 – 12 appointed by the Governor in Council	12  13
1.5	Regulatory Authority Membership & method of appointment	Part 2.2	Section 9	Schedule 1, s 5	Section 11	Section 5	Section 6	Section 67 All nominated by the Minister  Section 120 All nominated by the Minister	Section 6 All appointed by the Minister  Clause 6 All appointed by the Minister
1.5.1	Community members	2 x community representatives (not entitled to be registered or enrolled) appointed by the Minister from the Community representative list – Sched 3 para 3.9	3 x community representatives nominated by the Minister	2 x must be persons who are <b>not</b> RNs, ENs or registered in the category of registration of midwifery & who demonstrate that they are able to represent the interest of persons who use the services provided by persons registered or enrolled in those categories.	1 x person representing persons who use the services provided by the nursing profession.	3 x persons who are not RNs or ENs, medical practitioners or legal practitioners.	2 x persons who are not nurses, nominated by the Minister to represent the interests of persons who use the services provided by nurses.	2 x persons who are not nurses  3 x persons who are not nurses or midwives	1 x shall be nominated by the Minister to whom the administration of the <i>Consumer Affairs Act 1971</i> is for the time being committed, and shall be a person who has knowledge of and experience in representing the interests of consumers.  1 x is a person who has knowledge of & experience in representing the interests of consumers.
1.5.2	RNs	1 x RN appointed by Minister	<ul style="list-style-type: none"> <li>3 x RNs elected by RNs</li> <li>1 x RN nominated by Minister who is an officer of NSW Health</li> </ul>	2 x RNs holding current practising certificates & who demonstrate an ability to assist the Board in performing its functions.			See 1.5.6	<ul style="list-style-type: none"> <li>1 x registered in Division 1 or the Register</li> <li>1 x must, at the time of nomination, be employed as a grade 2 clinical nurse</li> </ul>	2 x shall be persons nominated by the Australian Nursing Federation, Industrial Union of Workers, Perth, who have knowledge of and experience in

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								specialist.	clinical nursing practice and are registered in division 1 of the register  5 x RNs
1.5.3	Midwives	<ul style="list-style-type: none"> <li>1 x midwife elected by midwives</li> <li>1 x midwife appointed by Minister</li> </ul>	1 x RM elected by RMs	1 x must be a person who is registered in the category of registration of midwifery who holds a current practising certificate & who demonstrates an ability to assist the Board in performing its functions.			See 1.5.6		1 x shall be a person nominated by the Australian College of Midwives (Western Australian Division) who has knowledge of and experience in midwifery and is registered in division 1 of the register  2 x midwives
1.5.4	ENs	1 x EN appointed by Minister	<ul style="list-style-type: none"> <li>1 x EN or EN(mothercraft) elected by ENs &amp; ENs(mothercraft)</li> <li>1 x EN nominated by Minister</li> </ul>		(at least 1 EN from group in 1.5.6)		See 1.5.6	2 x registered in Division 2 of the Register & at least 1 of those persons is employed in aged care at the time of nomination.	2 x shall be enrolled nurses nominated by the body known as the Australian Liquor, Hospitality and Miscellaneous Workers' Union  2 x ENs
1.5.5	Mental health nurse		1 x RN practicing in mental health nominated by Minister					1 x must be registered in Division 3 of the Register or be a registered nurse with qualifications in psychiatric nursing.	1 x shall be a person nominated by the Psychiatric Nurses Association who has knowledge of and experience in psychiatric nursing  1 x RN who practises in the area of mental health nursing
1.5.6	Nurses - classification mixed or unspecified	3 x nurses elected by nurses  The term nurses include registered, enrolled or nurse practitioner.	<ul style="list-style-type: none"> <li>1 x RN or RM nominated by NSWNA</li> <li>1 x RM or RM nominated by the College of Nursing</li> </ul>	2 x RNs or ENs holding current practising certificates & who demonstrate an ability to assist the Board in performing its functions.	<ul style="list-style-type: none"> <li>5 x nurses</li> <li>5 x nurses (1 of whom is an EN) chosen from a panel of names submitted by an association or associations accepted by the Minister as representative of nurses.</li> </ul>	<ul style="list-style-type: none"> <li>1 x person with nursing qualifications nominated by the Minister to be the presiding member of the Board</li> <li>5 x currently registered or enrolled RNs or ENs elected by proportional</li> </ul>	5 x nurses nominated by the Minister, who hold practising certificates & have demonstrated an ability to assist in the fulfillment of the Board's objectives.	At least half of the members must be registered nurses & midwives.	

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						representation by all persons registered or enrolled.			
1.5.7	Nurse &/or midwives from education sector		2 x nurses or midwives from nursing & midwifery education sector		Representatives on subcommittees of Council, eg Education Committee			1 x must, at the time of nomination, be employed as or have experience as a nursing academic or educator.	<ul style="list-style-type: none"> <li>▪ 1 x shall be nominated by the Executive Director of the Office of Technical and Further Education and shall be a person who has knowledge of and experience in teaching nursing to persons who are studying to be registered in division 2 of the register</li> <li>▪ 1x shall be nominated by the Chancellor of the Curtin University of Technology referred to in the Curtin University of Technology Act 1966 and shall be a person who teaches nursing at that university</li> <li>▪ 1 x shall be nominated by the Council of the Edith Cowan University referred to in the Edith Cowan University Act 1984 and shall be a person who teaches nursing at that college</li> </ul> <p>1 x an RN who teaches nursing in a higher education institution</p>
1.5.8	Nurse administrators or managers							<ul style="list-style-type: none"> <li>▪ 1 x must, at the time of nomination, be employed as a director of nursing in a rural or regional hospital.</li> <li>▪ 1 x must, at the time of nomination, be employed as a</li> </ul>	1 x shall be a person nominated by the Royal College of Nursing Western Australian Chapter who has knowledge of and experience in nursing administration

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								director of nursing in a metropolitan hospital. <ul style="list-style-type: none"> <li>1 x must, at the time of nomination, be employed as a charge nurse.</li> </ul>	
1.5.9	Executive officer of the RA	Executive Officer of Board may be a member of the Board – CI 20(2).  Though this is unlikely to happen.	Legislation is silent  Director of Health Professionals Registration Boards, NSW Health Department, is de facto executive officer & manager for all boards managed by the Health Professionals Registration Boards Branch but does not usually attend meetings. Executive Director & Registrar of Nurses & Midwives Board attend each meeting as invitees & are invited to speak to the Board on relevant matters. Relationship based on trust & cooperation.	Legislation is silent	Yes	Legislation is silent	The Executive Officer is to act as secretary to the Board – s 13(2).	Legislation is silent	The Registrar is the secretary of the Board – s 21(2).
1.5.10	Other specific classes of professional or occupation	Nil	1 x legal practitioner nominated by the Minister		1 x lawyer	1 x legal practitioner 1x medical practitioner		1 x lawyer  1 x lawyer	1 x legal practitioner
1.6	Term of RA Appointment	No longer than 4 years – CI 10(3)  Reappointment possible – s208 <i>Legislation Act 2001</i> (ACT)	No longer than 4 years – term specified in instrument of appointment.  Reappointment possible for a maximum of 3 consecutive terms – Sched 1, s2	No longer than 3 years, as is specified by the Minister.  A member may serve any number of terms.  May not serve more than 2 terms in succession unless approved by the Minister – Sched 2, s1.	The appointment of a member is for the term (not longer than 3 years) specified in the member's instrument of appointment - s 22.	A member of the Board will be appointed on conditions determined by the Governor for a term, not exceeding 3 years, specified in the instrument of appointment &, at the expiration of a term of appointment, is eligible for reappointment s 6(1).	A member is appointed for such term, not exceeding 3 years, as is specified in the member's instrument of appointment. A member may serve any number of terms but may not serve more than 2 terms in succession - Sched 1, s 1.	A member of the Board holds office for the period specified in their instrument of appointment, which must not be more than 3 years.  A member of the Board is eligible for reappointment –s 68.	A member shall hold office for such term, not being more than 3 years, as is specified in the member's instrument of appointment, but may from time to time be reappointed.  A member may not hold office for more than 2 consecutive terms –

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								Same under HPRAct – s 121.	Sched 1, Cl 1.  A member shall hold office for such term, not being more than 3 years, as is specified in the member's instrument of appointment.  A member may not hold office for more than 9 years, consecutively or otherwise.  Minister may appoint someone for > 9 years if there are special reasons for doing so – Sched 1, Cl 1.
1.7	Chairperson of the RA	<ul style="list-style-type: none"> <li>Executive or Ministerial appointment - CI 5(1)</li> <li>Minister required to consult board &amp; may consult others CI 11</li> <li>Must be a nurse or midwife CI 5(2)(a)</li> <li>Has to have been registered for 3 years continuously prior to appointment - CI 5(2)(b)</li> <li>Up to 4 year appointment – CI 5(3)</li> </ul>	President must be a nurse or midwife & appointed by an instrument executed by the Governor – Sched 1, Cl 1(1) , on the recommendation of the Minister.	The Board must elect one of its members to be the Chairperson – this person must be a RN – Sched 2, s 3.	The Governor in Council is to appoint a nurse member who is not an officer of the public service to be chairperson of the council – s 12.	A person with nursing qualifications nominated by the Minister to be the presiding member of the Board – s 5(1)(a).	The Governor may appoint a nurse member as chairperson – s 6(3).	The Governor in Council may appoint a member of the Board who is a registered nurse to be President of the Board & holds office for the term specified in their instrument of appointment & is eligible for reappointment – s 70.  The Governor in Council may, on the recommendation of the Minister, appoint a member of the Board who is a registered nurse to be President of the Board & holds office for the term specified in their instrument of appointment & is eligible for reappointment – s 123.	The Minister shall, after consultation with the Board, appoint from among the members a person to be the presiding member of the Board – s 7.  The presiding member are to be elected by the Board from amongst its members – CI 7.
1.8	Appointment of Executive Officer		Director-General of NSW Health Department is the head of the Health Professionals						

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			Registration Boards Division of the Government Service which employs staff - Sect 4C & Schedule 1 to the Public Sector Employment & Management Act 2002.						
1.8.1	Selected & appointed by	A health professional board must, in writing, appoint an executive officer – CI 20.	The Board cannot employ any staff. Note: Staff may be employed under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> in the Government Service to enable the Board to exercise its functions - Sched 4, CI 4.43 <i>Public Sector Employment Legislation Amendment Act 2006 No 2</i> – commenced 17.3.06.	The Minister must appoint a person to be the Registrar of a Board – s 14(1).	The executive officer is to be appointed by the Governor in Council – s 27.	There will be a Registrar of the Board appointed by the Board on terms & conditions determined by the Board & must be a person who is registered, or who is eligible for registration, as a nurse – ss 11(1) – (3).	The Board must appoint a registered nurse as Executive Officer & may appoint such other employees as may be necessary – s13(1A).	The Board may employ a person to be responsible for maintaining the Register & any other officers that are necessary – s 77.  Same under HPRAct – s 132.	The Board shall appoint a Registrar and such other staff as it considers necessary – s 21  The Board is to engage or employ a person to be the registrar – CI 12(1).
1.8.2	Role	The executive officer of a health profession board: <ul style="list-style-type: none"> <li>▪ is responsible for the management of the board's affairs, subject to any direction given by the board</li> <li>▪ must advise the board</li> <li>▪ has any other function given to the executive officer under a territory law – s 21</li> </ul>	Not applicable	A Registrar has the powers and functions conferred by or under this Act – s 14(2).	The executive officer is, under the council, to manage the council's affairs.  Anything done in the name of, or on behalf of, the council by the executive officer is taken to have been done by the council – s 26.	The Registrar is the chief executive of the Board & in particular is, subject to the control & direction of the Board, responsible for: <ul style="list-style-type: none"> <li>▪ managing the staff &amp; resources of the Board</li> <li>▪ giving effect to the policies &amp; decisions of the Board – s 11(4).</li> </ul>	For the performance of the Board's functions & the exercise of its powers – s13(1A).	For the purposes of administering this Act – s 77.  Same under HPRAct – s 132.	To enable the Board to perform its functions – s 21  The registrar has the functions that are conferred under the Act, or that the Board directs the registrar to perform – CI 17(2).
1.8.3	Duration of appointment	Legislation is silent	Not applicable	Legislation is silent	The appointment of the executive officer is for the term (not longer than 5 years) specified in the executive officer's instrument of appointment – s 28.	Legislation is silent	Legislation is silent	Legislation is silent	Legislation is silent

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1.8.4	Removal	Legislation is silent	Not applicable	Legislation is silent	The Governor in Council may remove the executive officer from office if the executive officer: <ul style="list-style-type: none"> <li>▪ is convicted of an indictable offence; or</li> <li>▪ is guilty of misconduct or neglect of duty; or</li> <li>▪ contravenes a provision of this Act without reasonable excuse; or</li> <li>▪ is unable because of physical or mental incapacity to satisfactorily perform the functions of the office – s 36.</li> </ul>	Legislation is silent	Legislation is silent	Legislation is silent	Legislation is silent
1.8.5	Other provisions of note	Delegation provision – Cl 22.			The executive officer must not engage in paid employment outside the duties of the office without the approval of the council – s 34.  The executive officer must give written notice to the chairperson of all direct or indirect pecuniary interests that the executive officer has or acquires in any business or in any corporation carrying on any business – s 35.				
1.9	Legislated Functions powers & obligations of the authority:								
1.9.1	Provision of information	Yes Giving advice to the	Yes Publish & distribute	Yes The Board has power to	Not specifically identified Established Advisory	Not specifically identified	Yes Publishing & distributing	Not specifically identified	Yes Carrying out &

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	about & promotion of nursing & midwifery	profession & the public in matters relevant to nursing & midwifery – s 26(2)(c).	information concerning Act & Regs & to nurses, midwives & other interested persons – s 10(1)(d)	publish & distribute information concerning this Act to the public, health practitioners & other interested persons – s 11(2)(b).	Service Website		information concerning this Act & its administration to nurses & other interested persons – s 8(1)(b).		promoting public education and research in relation to nursing – s 8(1)(c)
1.9.2	Developing, promoting, maintaining & reviewing professional practice standards & professional development standards of nursing & midwifery practice	Yes See 1.10	Yes See 1.10	Yes See 1.10	Yes See 1.10	Yes See 1.10	Yes See 1.10	Yes See 1.10  Yes See 1.10	Not specifically identified
1.9.3	Reviewing & monitoring the entry, re-entry & continuing competence, professional development conduct & health or registered or enrolled nurses & midwives	Yes  Promoting & monitoring continuing competence of registered nurses & midwives, & their professional development – s26(2)(g).	Yes  The Board can review and monitor entry and re-entry of nurses and midwives under sections 18, 19, 27, 28, 29A & 33. 29A enables Board to refuse entry or re-entry to Registers and Roll or grant registration/enrolment with conditions.  The Board may have the professional performance of a nurse or midwife assessed under this Part if any matter comes to its attention that indicates that the professional	Yes  To monitor the competence of nurses & midwives – s 10(1)(c).  The Board has power to conduct evaluations of persons applying to be registered or enrolled – s 11(2)(d).	Yes  Determining examinations, qualifications, experience & other requirements to be fulfilled by persons applying for & maintaining registration, enrolment or authority to practise under this Act, & monitoring standards of student assessment in schools of nursing – s 7(h).	Yes  Determining the requirements necessary for registration or enrolment under this Act – s 16(1)(d).  Authorising areas of specialist nursing practice for inclusion on the register or roll under this Act – s 16(1)(h).  Determining & recognising special practice areas – s 16(1)(i).	Not specifically identified as a function but implied s 50(2)	Yes See 1.9.7  Yes See 1.9.7	Not specifically identified

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			performance of the nurse or midwife, or any aspect of the nurse's or midwife's professional performance, is unsatisfactory. This is not limited to matters that are the subject of a complaint or notification to the Board – s 42G.						
1.9.4	<p><b>Education of nurses &amp; midwives &amp; educational programs relating to nursing &amp; midwifery</b></p> <p>See Table 9</p>	<p>Yes</p> <p>Approving educational &amp; training courses related to professional qualifications – s26(2)(f).</p>	<p>Yes</p> <p>Promoting education of nurses &amp; midwives – s 10(b).</p> <p>Holding examinations (&amp; appointing examiners) under Act &amp; determining character, subjects &amp; conduct of those – ss 10(e) &amp; (f).</p> <p>Recognition of institutions offering educational courses to train RNs, RMs, NPs, MPs, ENs, ENs(mothercraft); course curricula; &amp; diplomas, certificates &amp; other qualifications awarded – s 10(g).</p>	<p>Yes</p> <p>Accrediting courses for entry into nursing and midwifery – s 10(1)(g).</p> <p>Accrediting educational institutions to conduct courses for entry into nursing &amp; midwifery – s 10(1)(h).</p> <p>The Board has power to:</p> <ul style="list-style-type: none"> <li>▪ co-operate with any university, hospital or other institution or body (whether in the Territory or elsewhere) to provide education &amp; evaluation of health practitioners.</li> <li>▪ participate in any programs (including Territory &amp; national programs) relating to the education or practice of health practitioners.</li> <li>▪ support education &amp; research in health care practice – ss 10(2)(c), (e) &amp; (f).</li> </ul>	<p>Yes</p> <p>Determining standards for accreditation of nursing courses – s 7(c).</p> <p>Accrediting nursing courses – s 7(d).</p> <p>Determining minimum requirements for entry to accredited nursing courses conducted by health services – s 7(e).</p> <p>Establishing &amp; maintaining other records in relation to nurse education &amp; nursing practice - s 7(j).</p> <p>Cooperating with any university, college, other educational institution, hospital or other person or body in another State, a Territory or a foreign country in making provision for the education &amp; examination of persons practising, or intending to practise, as nurses &amp; midwives – s 8(e).</p> <p>Participating in:</p>	<p>Yes</p> <p>Approving courses of education or training that provide qualifications for registration or enrolment as a nurse under the Act – s 16(1)(c).</p>	<p>Yes</p> <p>Monitoring standards of nursing education – s 7(f).</p> <p>Determining standards for the accreditation of nursing schools &amp; courses in nursing– s 7(g).</p> <p>Accrediting nursing schools &amp; courses in nursing– s 7(h).</p> <p>Supporting nursing education &amp; research – s 8(1)(c).</p> <p>Conducting examinations &amp; assessments– s 8(1)(d).</p> <p>Co-operating with any university, hospital or other institution or body, whether located in this State or elsewhere, in making provision for the education &amp; assessment of nurses– s 8(1)(e)</p> <p>Participating in any State, national or other program relating to nursing education – s</p>	<p>Yes</p> <p>Approving registered funded agencies or courses conducted by registered funded agencies which provide qualifications for registration purposes and which provide qualifications in addition to those required for registration – s 66(1)(c).</p> <p>Setting &amp; conducting examinations and to establishing standards for the conduct of examinations in registered funded agencies – s 66(1)(d).</p> <p>Accrediting courses which provide qualifications for registration purposes and which provide qualifications in addition to those required for registration – s 66(1)(e).</p> <p>Accrediting courses of study or recognising clinical experience that provides competence for each category of nurse practitioner for which</p>	<p>Yes</p> <p>Monitoring nursing education, &amp; provide advice on nursing education to the Minister &amp; to any other person or body involved in nursing education – s 8(1)(d).</p> <p>- Cl 10(d)</p> <p>To promote &amp; encourage the continuing education of nurses &amp; midwives in the practice of their professions – Cl 10(e)(i)</p>

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					<ul style="list-style-type: none"> <li>▪ any nationally coordinated program relating to nurse education .</li> <li>▪ any program with the Commonwealth, another State, a Territory or a foreign country in relation to nurse education – s 8(f).</li> </ul> <p>Developing or assisting in the development of curricula for nurse education – s 8(h).</p> <p>Entering into, &amp; carry out, agreements or arrangements with any university, college, other educational institution, hospital or other person or body for furthering the council's functions – s 8(i).</p>		<p>8(1)(f).</p> <p>Being a member of any national or other body or program concerned with nurses or specific groups of nurses or with general nursing education or a specific area of nursing education – s 8(1)(g).</p> <p>Participating in the formation of any body or program of the kind referred to above – s 8(1)(h).</p> <p>Assisting any person or body in the development of curricula for nursing education– s 8(1)(h).</p>	<p>registration may be endorsed – s 66(1)(eb).</p> <p>Approving courses of study that provide competence for which registration may be endorsed &amp; to determining the manner in which competencies for such endorsement may be maintained– s 66(1)(ec).</p> <p>Approving courses of study that provide qualifications for registration as health practitioners in the health profession regulated by the board – s 118(1)(b).</p> <p>Approving positions with a registered health practitioner or any other person or body providing regulated health services for supervised practice required for registration – s 118(1)(c).</p>	
1.9.5	Advising the Minister	<p>Yes</p> <p>Assisting Minister with the Administration of the Act –ss 26(1) &amp; 28.</p> <p>Giving advice to the Minister about matters relevant to nursing &amp; midwifery – s 26(2)(c).</p>	<p>Yes</p> <p>Advises on matters relating to registration &amp; enrolment of nurses &amp; midwives – s 10(c).</p>	<p>Yes</p> <p>To advise the Minister on other matters relating to the Act – s 10(1)(i).</p>	<p>Yes</p> <p>Advise on, &amp; report to the Minister on:</p> <ul style="list-style-type: none"> <li>▪ developments in nurse education &amp; nursing practice.</li> <li>▪ the needs of the State in relation to nurse education &amp; nursing practice – s 7(a).</li> </ul>	<p>Yes</p> <p>Providing advice to the Minister as may be appropriate– s 16(1)(k).</p>	<p>Yes</p> <p>Advising the Minister on developments in nursing education, practice &amp; regulation &amp; on the needs of the State in relation to those matters – s 7(i).</p> <p>Advising the Minister on other matters relating to this Act – s 7(j).</p>	<p>Yes</p> <p>Advising the Minister on any matters relating to its functions – s 66(1)(m).</p> <p>Yes</p> <p>Advising the Minister on any matters relating to its functions – s 118(1)(l).</p>	<p>Yes</p> <p>Advising the Minister on matters to which the Act applies – s 8(1)(a).</p> <p>Yes</p> <p>Advising the Minister on matters to which the Act applies – Cl 10(a).</p>
1.9.6	Providing information	<p>Yes</p> <p>Providing information to</p>	<p>Not specifically listed as a function or power of the Board, however</p>	<p>Yes</p> <p>The Board has power</p>	<p>Not specifically listed as a function or power of the Board, however</p>	<p>Yes</p> <p>Exchanging information</p>	<p>Yes</p> <p>Sharing information with</p>	<p>Yes</p> <p>Exchanging information</p>	<p>Not specifically listed as a function or power of the Board ? provisions</p>

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	concerning nurses & midwives for lawful purposes	allow the laying of charges against people who commit offences under the Act – s 26(2)(i).  Providing information to confirm whether or not someone is a registered nurse and/or midwife – s 26(2)(n).	power is clearly evident in other provisions of the Act – s 70.	to share information with other health practitioner registration authorities & with other persons & bodies (whether within Australia or elsewhere) – s 11(2)(a).	power is clearly evident in other provisions of the Act – ss139 & 139A.	with other registering authorities for nurses– s 16(1)(j).	nursing registration authorities, the Australian Nursing Council & other relevant bodies – s 8(1)(a).	with registration boards in other jurisdictions about registered persons or persons who have sought to become registered in Victoria – s 66(1)(i).  Providing information to ANMC about registered persons or persons who have sought to become registered in Victoria – s 66(1)(j).	available?
1.9.7	Administering the scheme of registration, enrolment, authorisation/ endorsement of qualified nurses & midwives, & exercising discretions granted under Act in relation to the registration or enrolment of nurses & midwives	Yes  Administering a scheme of registration for nurses & midwives, including setting the fees - s s26(2)(a)&(b)  Required to giving a person a certificate upon registration – CI 121.	Yes  Directing the entry of the relevant particulars, particulars of the qualifications and experience of qualified nurses or midwives, RNs or RMs who are authorised by the Board to practise as NPs or MPs to be entered in the appropriate Register – ss 10(1)(k) & (l).  Determine applications for registration as a nurse or midwife, for authorisation to practise as a NP or MP, & for enrolment as an EN or EN (mothercraft) – ss 10(1)(m).  Issue certificates of registration to RNs & RMs, certificates of authorisation to NPs & MPs & certificates of enrolment to ENs & ENs (mothercraft) – s10(1)(n).  Issue authorities to	Yes  To administer the scheme of registration & enrolment – s10(1)(a)	Yes  Establishing & maintaining a register & a roll of nurses – s 7(i).	Yes  Regulating the practice of nursing in the public interest – s16(1)(a).	Yes  Administering the scheme of registration and enrolment – s 7(a).	Yes  Registering persons who comply with the requirements of this Act as to registration so that they may practise nursing in Victoria - s 66(1)(b).  Endorsing the registration of nurses who comply with the requirements of this Act as to endorsement of registration– s 66(1)(ca).  Registering persons who comply with the requirements of this Act for registration so that they may practise as health practitioners in the health profession regulated by the board or, in the case of students, undertake clinical training in that health profession in Victoria – s 118(1)(a).	Yes  Administering the scheme of registration – s 8(1)(b).  Yes  Administering the scheme of registration – CI 10(b).

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
			<p>practise as a nurse or midwife- s 10(1)(o).</p> <p>Impose requirements or conditions for or relating to registration as a nurse or midwife, authorisation to practise as a NP or MP, or enrolment as an EN or EN(mothercraft) – s10(1)(i).</p> <p>Grant exemptions in prescribed circumstances or cases from requirement or condition for or relating to registration as a nurse or midwife, authorisation to practice as a NP or MP, or enrolment as an EN or EN (mothercraft) – s10(1)(j).</p>						
1.9.8	Refusing or imposing conditions on registration or enrolment; terminating or varying registration, enrolment, authorisation or endorsement; withdrawing or varying conditions of, any recognition or exemption in	<p>Cancellation &amp; suspension not specifically listed see clause 26(3).</p> <p>Everything else is covered see section 26(2)(a) &amp; Clauses 113 – 115.</p> <p>Conditional registration – Clauses 116 &amp; 117</p>	<p>Yes</p> <p>Board empowered to terminate or vary, as it considers appropriate, any appointment made as part of its registration &amp; enrolment functions – s10(2)(a).</p> <p>Board empowered to withdraw, or vary the conditions of, any recognition or exemption granted as part of its registration &amp; enrolment functions – s10(2)(a).</p>	<p>Not specifically listed as a function or power of the Board</p> <p>However power is clearly evident in - ss 22, 24, 27, 28, 30 &amp; 37.</p>	<p>Not specifically listed as a function or power of the Board.</p> <p>However power is clearly evident in - ss 55 – 66.</p> <p>Professional Standards Policy [1].</p>	<p>Not specifically listed as a function or power of the Board.</p> <p>However power is clearly evident in – ss 23 – 32.</p>	<p>Not specifically listed as a function or power of the Board.</p> <p>However power is clearly evident in – ss 20 - 37</p>	<p>Not specifically listed as a function or power of the Board.</p> <p>However power is clearly evident in – ss 5 -16</p> <p>Delegation – s 78.</p>	<p>Not specifically listed as a function or power of the Board.</p> <p>However power is clearly evident in – ss 33- 44</p> <p>– ss 26.</p>

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
	relation to registration, enrolment, authorisation/ endorsement								
1.9.9	<b>Cancelling or suspending any registration, authorisation or enrolment in accordance with requirements outlined the Act</b>	<p><b>Yes</b></p> <p>Board can apply to the ACT Health Professions Tribunal to suspend or cancel the registration of a nurse or midwife – s 26(3).</p> <p>If a nurse or midwife's registration is cancelled or suspended, or had conditions placed upon it, or the details are no longer accurate, the Board can request the return the practising certificate to the Board CI 123.</p>	<p><b>Yes</b></p> <p>Board empowered to cancel or suspend any registration as a nurse or midwife, authorisation to practise as a NP or MP, or enrolment as an EN or EN (mothercraft) or, where appropriate, to restore any such registration, authorisation or enrolment – in accordance with the requirements of the Act – s 10(2)(c).</p> <p>Board empowered to cancel certificates or registration, authorisation &amp; enrolment – in accordance with the requirements of the Act; &amp; – s 10(2)(d).</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act. - ss 24, 30, 37 &amp; 50.</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act - s 67.</p> <p>Professional Standards Policy [1].</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act - ss 41 - 44.</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act - ss 64 &amp; 67.</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act - s 25</p> <p>Delegation – s 78.</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act - s 69</p> <p>Section 83</p>
1.9.10	<b>Taking action in relation to breaches of standards, reports or complaints about nurses &amp; midwives</b>  See Table 10.	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act ie Part 6.2, Part 9 &amp; Part 10.</p> <p>Dealing with registered nurses &amp; midwives who contravene the required standards of practice, or who do not satisfy the suitability to practice requirements – ss 26(2)(h) &amp; (i).</p>	<p>Not specifically listed as a function or power of the Board other than the power to terminate, vary any conditions, recognition or exemption, or to cancel or suspend any registration, enrolment or authorisation of a nurse or midwife – s 10(2)</p> <p>Complaints scheme (a co-regulatory scheme with Health Care Complaints Commission</p>	<p><b>Yes</b></p> <p>To initiate investigations of complaints made against nurses &amp; midwives &amp; to initiate investigations into other matters that are prescribed – s 10(1)(e).</p> <p>To prosecute offences against this Act that relate to nurses &amp; midwives – s 10(1)(f).</p>	<p><b>Yes</b></p> <p>Undertaking investigations into matters &amp; complaints as prescribed by this Act – s 7(g).</p> <p>Professional Standards Policy [1]. Procedures Manual for Inspectors</p>	<p><b>Yes</b></p> <p>Investigating the fitness of persons to practise as nurses in this State, &amp; investigating the professional conduct of nurses who are registered or enrolled under this Act; – s 16(1)(e).</p>	<p><b>Yes</b></p> <p>Examining complaints &amp;, as necessary, referring them to the Tribunal for inquiry – s 7(d). Prosecuting offences against this Act – s 7(e).</p>	<p><b>Yes</b></p> <p>Investigating the professional conduct or fitness to practise of persons registered under the Act and impose sanctions where necessary – s 66(1)(f).</p> <p>Investigating the professional conduct, professional performance or ability to practise of registered health practitioners</p>	<p>Not specifically listed as a function or power of the Board, however power is clearly evident in other provisions of the Act. – ss 59 – 76.</p> <p>- 49 - 84</p>

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
			(HCCC) is a discrete part of the Act outlining Board's role in dealing with complaints & reports concerning professional conduct – ss 43 - 49, health impairment – ss 70A – 70O, & the professional performance of nurses & midwives – ss 42E – 42ZB.					regulated by the board & impose sanctions where necessary – s 118(1)(e).  Investigating the suitability of students regulated by the board to undertake clinical training & impose sanctions where necessary – s 118(1)(f).	
1.9.11	Consulting with & developing relationships with other organisations & participating in activities relevant to RA's functions & powers	<p>Yes</p> <p>Developing supportive relationships with individuals or entities that have a shared interest in public protection &amp; health professional regulation – s26(2)(m).</p> <p>See also Division 5.2 banking &amp; borrowing powers &amp; keeping community representatives list.</p> <p>Clauses 17,18, 19, 20 &amp; 22 dealing with employment</p>	Not specifically identified in the Act	<p>Yes</p> <p>The Board has power to:</p> <ul style="list-style-type: none"> <li>co-operate with any university, hospital or other institution or body (whether in the Territory or elsewhere) to provide education &amp; evaluation of health practitioners.</li> <li>participate in any programs (including Territory &amp; national programs) relating to the education or practice of health practitioners.</li> <li>participate in the formation of, &amp; be a member of, any body or program concerned with health practitioners</li> <li>support education &amp; research in health care practice – ss10(2)(c), (e), (f) &amp; (g).</li> </ul>	<p>Yes</p> <p>Consulting &amp; cooperating with foreign regulatory authorities &amp; other relevant entities about the Following:</p> <ul style="list-style-type: none"> <li>nurse education.</li> <li>nursing practice.</li> <li>the regulation of nursing &amp; midwifery – s 7(m).</li> </ul> <p>Participating in:</p> <ul style="list-style-type: none"> <li>any nationally coordinated program relating to nurse education or nursing practice.</li> <li>any program with the Commonwealth, another State, a Territory or a foreign country in relation to nurse education or nursing practice – s 8(f).</li> </ul> <p>Participating in the formation of, &amp; becoming a member of, any national authority established in Australia to promote consistent</p>	Not specifically identified in the Act	<p>Yes</p> <p>Participating in any State, national or other program relating to nursing education or practice– s 8(1)(f). Being a member of any national or other body or program concerned with nurses or specific groups of nurses or with general nursing education or practice or a specific area of nursing education or practice– s 8(1)(g). Participating in the formation of any body or program of the kind referred to above – s 8(1)(h).</p> <p>Assisting any person or body in the development of curricula for nursing education – s 8(1)(i).</p>	<p>Not specifically identified in current Act</p> <p>Yes</p> <p>Initiating, promoting, supporting, funding or participating in programs that the responsible board considers will improve health practitioners' ability to practise &amp; students' ability to undertake clinical training – s 118(1)(k).</p>	Not specifically identified in current Act

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					<p>policies &amp; practices among Australian authorities responsible for the regulation of nursing &amp; midwifery – s 8(g).</p> <p>The council:</p> <ul style="list-style-type: none"> <li>may become &amp; be a member of any body (whether incorporated or unincorporated) that has among its objects nurse education, training or research or any matter relating directly to the council's functions, is engaged in the advancement of nurse education, training or research or any function of the council.</li> <li>may enter into agreements or arrangements with the body – s 9.</li> </ul> <p>Entering into, &amp; carry out, agreements or arrangements with any university, college, other educational institution, hospital or other person or body for furthering the council's functions – s 8(i).</p>				
1.9.12	Other functions, exercising powers & obligations of the RA		Generally, to do any other act or to exercise any other functions necessary for carrying the provisions of the Act into effect s10(1)(p).	<p>The Board has those functions that are imposed on it by this or any other Act or that are prescribed – s 10(2).</p> <p>The Board has power to do all things necessary</p>	<p>Establishing &amp; maintaining other records in relation to nurse education &amp; nursing practice – s 7(j).</p> <p>Conducting research into matters relevant to the</p>	<p>Carrying out other functions assigned to the Board by or under this Act, or by the Minister – s 16(1)(l).</p> <p>The Board has the powers necessary or</p>	<p>Undertaking such other functions as may be imposed on the Board by this or any other Act or as may be prescribed – s 7(k).</p> <p>The Board has power to</p>	<p>Issuing &amp; publishing guidelines about the minimum terms and conditions of professional indemnity insurance for registered nurses – s 66(1)(ha).</p>	<p>Performing the other functions that are vested in the Board by this Act – s 8(1)(e).</p> <p>The Board may do all things that are necessary or convenient</p>

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				<p>or convenient to be done in connection with the performance of its functions – s 11(1).</p>	<p>council's functions – s 7(k).</p> <p>Giving the Minister a report of the Board's work &amp; activities &amp; those of its committees during each financial year – s 7(l).</p> <p>Carrying out other functions conferred on it by this or another Act – s 7(n).</p> <p>The council has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions – s 8.</p> <p>The council has, for or in connection with the performance of its functions, all the powers of an individual &amp; may eg</p> <ul style="list-style-type: none"> <li>▪ enter into contracts.</li> <li>▪ acquire, hold, dispose of &amp; deal with property.</li> <li>▪ appoint committees to assist it to perform its functions.</li> <li>▪ exploit commercially any resources of the council, including any study, research or knowledge, or the practical application of any study, research or knowledge, developed by or within the council or belonging to the</li> </ul>	<p>expedient for, or incidental to, the performance of its functions eg:</p> <ul style="list-style-type: none"> <li>▪ engage experts or consultants, appoint agents, or engage contractors.</li> <li>▪ enter into any form of contract or arrangement.</li> <li>▪ acquire, hold, deal with and dispose of real &amp; personal property.</li> <li>▪ acquire or incur other rights or liabilities – s 17.</li> </ul>	<p>do all things necessary or convenient to be done in connection with the performance of its functions – s 8(1).</p> <p>Doing anything incidental to any of its powers – s 8(1)(j).</p>	<p>When so requested by the Minister, giving to the Minister any information reasonably required by the Minister– s 66(1)(k).</p> <p>Undertaking any other functions conferred on the Board by this Act – s 66(1)(n).</p> <p>The Board has all the powers necessary to enable it to perform its functions – s 66(2).</p> <p>The Board must consult with the Minister and have regard to the Minister's advice in carrying out its functions and exercising its powers – s 66(3).</p> <p>Issuing &amp; publishing guidelines about the minimum terms &amp; conditions of professional indemnity insurance for registered health practitioners regulated by the board – s 118(1)(h).</p> <p>When so requested by the Minister, giving to the Minister any information reasonably required by the Minister – s 118(1)(m).</p> <p>Undertaking any other functions conferred on the responsible board by this or any other Act – s 118(1)(n).</p>	<p>to be done for, or in connection with, its functions – s 8(2).</p> <p>To perform other functions that are conferred on the Board under this Act or any other Act – Cl 10(f).</p>

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					council (whether alone or jointly with another person or body) – ss 8(a) – (d).			A responsible board has all the powers necessary to enable it to perform its functions – s 118 (4).	
1.10	<b>RA role in professional &amp; practice standards of nursing &amp; midwifery practice</b>	<p>Taking part in any entity responsible for the development of policies for the promotion &amp; maintenance of standards of practice within nursing &amp; midwifery &amp; within regulated health professions generally – s 26(2)(e).</p> <p>Assisting in development of &amp; promoting the required standard of practice – ss 26(2)(j)&amp;(k).</p> <p>Developing &amp; promoting best practice standards to which registered health professionals should aspire – s 26(2)(k).</p> <p>Setting the required standard of practice for nursing &amp; midwifery – s 7(3)(b).</p> <p>The Board must, in writing, approve standards developed by the Board or another entity – CI 134(3)</p>	<p>Promoting &amp; maintaining professional standards of nursing practice &amp; midwifery practice in NSW – s 10(a).</p> <p>The Board may establish one or more codes of professional conduct setting out guidelines that should be observed by nurses and midwives in their professional practice. The Board may from time to time amend or replace a code of professional conduct.</p> <p>The Minister may require the Board to develop guidelines relating to any conduct of nurses or midwives that the Minister considers should be the subject of a code of professional conduct – s 43.</p> <p>Recognise, if Board considers it appropriate, areas of practice as NP or MP – s 10(h).</p>	<p>Monitoring the standard &amp; provision of health care services in nursing &amp; midwifery – s 10(1)(b).</p> <p>To provide guidance on clinical conduct &amp; ethical matters to nurses &amp; midwives – s 10(1)(d).</p> <p>The Board may adopt policies &amp; guidelines for the purpose of providing practical guidance to nurses &amp; midwives – s 12(1).</p>	<p>Determine the scope of nursing practice, including the activities that constitute, or are included in, nursing practice – s 7(b).</p> <p>Developing or adopting codes of practice for nurses, midwives &amp; other persons authorised to practise nursing – s 7(f).</p> <p>Scope of Practice Framework for Nurses and Midwives 2005 [3].</p>	<p>The Board should exercise its functions with a view to:</p> <ul style="list-style-type: none"> <li>Ensuring that the community is adequately provided with nursing care of the highest standard.</li> <li>Achieving &amp; maintaining the highest professional standards both of competence and conduct in nursing.– s 16(2).</li> </ul> <p>Determining the scope of nursing practice – s 16(1)(b).</p> <p>Endorsing codes of conduct for nurses – s 16(1)(f).</p> <p>If the Board endorses a code of conduct or professional standard under subsection (1), the Board must:</p> <ul style="list-style-type: none"> <li>take reasonable steps to send a copy of the code or standard to each person who is registered or enrolled as a nurse under this Act.</li> <li>ensure that a copy of the code or standard is kept available for public inspection, without charge and during normal office</li> </ul>	<p>Monitoring the standard &amp; provision of nursing services in this State – s 7(b).</p> <p>Determining the activities that constitute or are included in the scope of nursing practice – s 7(c).</p> <p>The Board may make by-laws for the purpose of providing practical guidance to nurses in general practice and in restricted practice areas. By-laws made may be referred to, collectively, as the Nursing Code.</p> <p>The Board must:</p> <ul style="list-style-type: none"> <li>make a copy of the Nursing Code available at its office to be inspected by any person on request free of charge</li> <li>ensure that any person who wishes to do so may obtain a copy of the Nursing Code from the Board.</li> </ul> <p>The Board may charge a fee to recover the cost of providing a person with a copy of the Nursing Code – s 11.</p>	<p>Regulating the standards of practice of nursing in the public interest – s 66(1)(a).</p> <p>Identifying &amp; distinguishing between the principal functions that may be carried out by nurses registered in each division of the register– s 66(1)(g).</p> <p>Issuing &amp; publishing codes for the guidance of registered nurses about standards recommended by the Board relating to the practise of nursing – s 66(1)(h).</p> <p>The Board must notify registered nurses about any codes proposed to be made &amp; call for &amp; consider any submissions from registered nurses about the proposed codes before issuing &amp; publishing those codes– s 66(4).</p> <p>Determining the categories of nurse practitioner for the purposes of endorsement – s 66(1)(ea).</p> <p>In exercising its functions in relation to</p>	<p>The Board may, with the approval of the Governor, by publication in the Gazette issue codes of practice with respect to:</p> <ul style="list-style-type: none"> <li>the practice of nursing &amp; the conduct of nurses</li> <li>the practice of any nursing speciality &amp; the conduct of nurses practising that speciality</li> <li>nurse practitioners.</li> </ul> <p>The Board may, with the approval of the Governor, by publication in the Gazette:</p> <ul style="list-style-type: none"> <li>amend;</li> <li>revoke; or</li> <li>revoke &amp; replace, a code of practice.</li> </ul> <p>A code of practice is to contain only information recommended by the Commissioner of Health with respect to the functions of nurse practitioners, including:</p> <ul style="list-style-type: none"> <li>the possession, use, supply or prescription of poisons, as defined in the <i>Poisons Act 1964</i>, by a nurse practitioner</li> <li>the requesting, or undertaking, of diagnostic testing or therapies</li> <li>the undertaking of</li> </ul>

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						<p>hours, at the principal office of the Board</p> <ul style="list-style-type: none"> <li>cause a copy of the code or standard to be published in the Gazette – s 16(3).</li> </ul> <p>Endorsing professional standards, including definitions &amp; titles – s 16(1)(g).</p>		<p>categories of nurse practitioner for which a nurse's registration can be endorsed the Board must have regard to the advice of the nurse practitioner advisory committee – s 66(5).</p> <p>Regulating the standards of practice in the health profession regulated by the board in the public interest – s 118(1)(d). Issuing &amp; publishing codes for the guidance of registered health practitioners regulated by the board &amp; registered students regulated by the board about standards recommended by the responsible board relating to the provision of regulated health services &amp; about professional performance – s 118(1)(g).</p> <p>Issuing &amp; publishing guidelines about the obtaining, possession, use, sale or supply of Schedule 1, 2, 3, 4 &amp; 8 poisons within the meaning of the <i>Drugs, Poisons &amp; Controlled Substances Act 1981</i> by health practitioners registered under this Act – s 118(1)(f).</p> <p>Issuing &amp; publishing guidelines about qualifications for</p>	<p>treatments by a nurse practitioner</p> <ul style="list-style-type: none"> <li>such other functions as are necessary or convenient with respect to the practice of nursing as a nurse practitioner &amp; the conduct of nurse practitioners, &amp; anything incidental or conducive to those functions.</li> </ul> <p>A code of practice may adopt wholly or partly any standards, rules, code, or other provisions published by some other body &amp; may adopt them:</p> <ul style="list-style-type: none"> <li>with or without any amendment or modification</li> <li>as in force at the time of adoption or as amended from time to time – s 9.</li> </ul> <p>The Board may, with the approval of the Minister, issue codes of practice for:</p> <ul style="list-style-type: none"> <li>the practice of nursing &amp; the conduct of an EN or RN</li> <li>the practice of nursing and the conduct of a NP</li> <li>the practice of midwifery and the conduct of a midwife.</li> </ul> <p>A code of practice is to contain only information recommended by the Commissioner with respect to the functions</p>

Map 1 – the Legislation, the Regulatory Authority & Professional Standards									
No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
								registration or endorsement of registration as a health practitioner including supervised practice & examinations – s 118(1)(j).	of nurse practitioners, including: <ul style="list-style-type: none"> <li>▪ the possession, use, supply or prescription of poisons by a NP</li> <li>▪ the requesting, or undertaking, of diagnostic testing or therapies</li> <li>▪ the undertaking of treatments by a NP</li> <li>▪ such other functions as are necessary or convenient with respect to the practice of nursing as a NP</li> <li>▪ the conduct of a nurse practitioner, &amp; anything incidental or conducive to those functions.</li> </ul> The code of practice may adopt the provisions of other publications, whether with or without modification or addition and whether in force at a particular time or from time to time – CI 100.  To promote & encourage the continuing levels of skills, knowledge & competence in the practice of nursing & midwifery – CI 10(e)(ii).
1.11	RA's codes of conduct & ethics to guide their work & decision making	Board Code of Conduct [4].  Refer to decision making framework policy development.	Board Code of Conduct [5].	?	Code of Conduct for Members of Council & its Committees & Staff [6]  Conflict of Interest Policy [7].	A member of the Board who has a direct or indirect pecuniary or personal interest in a matter under consideration by the Board: <ul style="list-style-type: none"> <li>▪ must, as soon as he</li> </ul>	Conflict of Interest Policy	A member who has a pecuniary interest in any matter in which the Board is concerned must: <ul style="list-style-type: none"> <li>▪ if the member is present at a meeting of the Board at which</li> </ul>	A member of the Board or of a committee who has a direct or indirect interest, other than as a member, in a matter before the Board or committee: <ul style="list-style-type: none"> <li>▪ shall, as soon as the</li> </ul>

Map 1 – the Legislation, the Regulatory Authority & Professional Standards

No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
						<p>or she becomes aware of the interest, disclose the nature &amp; extent of the interest to the Board; &amp;</p> <ul style="list-style-type: none"> <li>▪ must not take part in any deliberations or decision of the Board on the matter – s 9.</li> </ul>		<p>the matter is to be considered, disclose the nature of the interest immediately before the consideration of that matter; or</p> <ul style="list-style-type: none"> <li>▪ if the member is aware that the matter is to be considered at a meeting of the Board at which the member does not intend to be present, disclose the nature of the interest to the President or Deputy President of the Board before the meeting is held.</li> </ul> <p>The member:</p> <ul style="list-style-type: none"> <li>▪ may take part in the discussion at the meeting; &amp;</li> <li>▪ must leave the meeting while any vote is taken on a question relating to the matter – s 75.</li> </ul> <p>- s 128.</p>	<p>person is aware of the matter, disclose the nature of the interest to the Board or the committee &amp;</p> <ul style="list-style-type: none"> <li>▪ shall not without the approval of the Board or the committee take part in any deliberation or decision of the Board or committee with respect to the matter.</li> </ul> <p>A disclosure made by a person under this section shall be recorded in the minutes of the Board or the committee – s 13.</p>
1.12	Key codes of conduct, ethics & statements of standards & guidelines developed by RA	<p>NOTE: most of the policies below are not currently available on the website as they are being reviewed.</p> <ul style="list-style-type: none"> <li>▪ Scope of Nursing Practice</li> <li>▪ Professional Midwifery Services</li> <li>▪ Medication Administration by Enrolled Nurses</li> <li>▪ Recency of Practice</li> <li>▪ Accreditation of</li> </ul>	<ul style="list-style-type: none"> <li>▪ Competencies of the Midwife – 2004 [9].</li> <li>▪ Complementary Therapies in Nursing Practice</li> <li>▪ Guidelines for the Development of Programs Leading to Registration</li> <li>▪ Guidelines for the Development of Courses Leading to Registration as a Midwife</li> <li>▪ Guidelines for</li> </ul>	<ul style="list-style-type: none"> <li>▪ Information for the Administration of Medications by the Enrolled Nurse</li> <li>▪ Position Statement Nurses and Midwives Infected with Blood Borne Viruses</li> <li>▪ The use of Alternative Healers and Carers in Nursing and Midwifery Practice Policy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Scope of practice framework for nurses and midwives 2005</li> <li>▪ Guidelines for RNs &amp; ENs regarding the Boundaries of professional practice</li> <li>▪ Code of Practice for Midwives</li> <li>▪ Nursing and midwifery education policy an accreditation framework 2005</li> <li>▪ Policy on medication</li> </ul>	<ul style="list-style-type: none"> <li>▪ Standard for delegation by a registered nurse or midwife to an unlicensed healthcare worker</li> <li>▪ Standard for Medication Management</li> <li>▪ Standard for the Use of Restraint</li> <li>▪ Standard for Therapeutic Relationships and Professional</li> </ul>	<ul style="list-style-type: none"> <li>▪ Scope of Nursing Practice Decision Making Framework 2006</li> <li>▪ Code of Practice for Midwives in Tasmania 2003</li> <li>▪ Standards for the Use of Complementary Therapies as a Nursing Intervention 2005</li> <li>▪ Standards for the use of Restraint as a Nursing Intervention</li> <li>▪ Standards for the</li> </ul>	<ul style="list-style-type: none"> <li>▪ FAQ booklet - Medication Administration - Division 2 endorsement</li> <li>▪ Guidelines Delegation and Supervision for registered nurses and extended scope of practice for the division 2 registered nurse</li> <li>▪ Guidelines Extended scope of practice for</li> </ul>	<ul style="list-style-type: none"> <li>▪ Nurses Code of Practice 2000</li> <li>▪ Code of Practice for Nurse Practitioners, 2004</li> <li>▪ Scope of Nursing Practice Decision-Making Framework</li> <li>▪ Professional Standards for nurses registered as Nurse Practitioners in WA</li> <li>▪ Guidelines for nurses regarding advertising services</li> </ul>

Map 1 – the Legislation, the Regulatory Authority & Professional Standards

No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
		<p>Courses</p> <ul style="list-style-type: none"> <li>Competence to Practice &amp; Continuing Professional Development [8].</li> </ul> <p>There needs to be a more comprehensive professional standards code for nurses &amp; midwives across Australia incorporating areas such as professional boundaries etc. The present code of conduct &amp; code of ethics in current use are not adequate.</p> <p>It would be more appropriate to invest in this from a trans-Australian perspective rather than jurisdiction by jurisdiction.</p>	<p>Institutions Wishing to Submit Courses for Approval in Regard to Authorisation of Nurse Practitioners</p> <ul style="list-style-type: none"> <li>Course Requirements for Enrolled Nurse Education</li> <li>Administration of medications in residential facilities [10].</li> </ul>	<ul style="list-style-type: none"> <li>Use of Complementary Therapies in Nursing and Midwifery practice</li> <li>TeleNursing practice Standards</li> <li>Standards for Accreditation of Courses and Educational Institutions [11].</li> </ul>	<p>administration by enrolled nurses 2005</p> <ul style="list-style-type: none"> <li>Policy on the regulation of nurse practitioners in Queensland, 2005</li> <li>Professional standards policy</li> <li>Statement on sexual relationships between health practitioners &amp; their patients 2005</li> <li>Guidelines on standards of practice for RNs with drug therapy protocol endorsement</li> <li>Nurses infected with blood borne viruses [12, 13].</li> </ul>	<p>Boundaries</p> <ul style="list-style-type: none"> <li>Standard for Education Providers and Education Courses [14].</li> </ul>	<p>Scope of Nursing Practice</p> <ul style="list-style-type: none"> <li>Standards for the Supervision of Students in Practice Setting</li> <li>Standards for Nursing Documentation 2003</li> <li>Medication Management Standards for Nurses 2004</li> <li>Standards for Accreditation Conduct and Monitoring of Nursing Programs</li> <li>Professional Boundaries Standards for Nurses in Tasmania 2005 [15].</li> </ul>	<p>division 2 registered nurses to administer medication</p> <ul style="list-style-type: none"> <li>Guidelines for Registered Nurses, Student Nurses and Pharmacists regarding the Use of Dose Administration Aids (DAA) for Clients in Care in Victoria - DOCUMENT UNDER REVIEW</li> <li>Guidelines for medication administration - division 2 registered nurses</li> <li>Guidelines for the Use of Complementary Therapies in Nursing Practice</li> <li>Statement for Nurses Undertaking Clinical Practice/Procedures</li> <li>Role of Nurses Registered in Divisions 1, 3 or 4 and Division 2</li> <li>Standards for Course Accreditation</li> <li>Standards for Supervised Practice</li> <li>Professional Boundaries - Guidelines for Registered Nurses in Victoria [16]</li> </ul>	<ul style="list-style-type: none"> <li>Boundaries for Therapeutic Relationships.</li> <li>Management of Patient Information and Documentation Guidelines</li> <li>Ethical Dilemmas A Framework for Decision making</li> <li>Guidelines for the Use of Restraint in Western Australia</li> <li>Medication Administration Guidelines</li> <li>Guidelines for Complementary Therapies in Nursing Practice</li> <li>Accreditation Process</li> <li>Position Paper on Comprehensive Nursing Education</li> <li>Guidelines for Demonstration of Continuing Professional Competence [17-19].</li> </ul>
1.13	RA adoption of national standards	[20]		[21]	[22]	[23, 24]	[15]	[16]	[17]
1.13.1	Code of Ethics for Nurses in	Yes	No While it has been considered appropriate	Yes	Yes	Yes	Yes	?	Yes

Map 1 – the Legislation, the Regulatory Authority & Professional Standards									
No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
	Australia (ANMC 2002)		for a regulatory authority to establish a code of professional conduct and to expect that nurses and midwives adhere to that code, it has not previously been considered appropriate to impose a particular set of values in circumstances where a nurse or midwife may be able to demonstrate safe and competent practice based on different values. It is possible the Board may consider adopting the new code of ethics when developed but it would need to obtain Ministerial approval as provided by section 43.						
1.13.2	Code of Professional Conduct for Nurses in Australia (ANMC 2003)	Yes	No The Board had established the Code as provided by s 43 of the Act prior to amendments to that section in 2004. The Minister has approved a request from the Board that the existing Code remain in place pending development of new code(s) which will be required to satisfy the additional scrutiny and obtain Ministerial approval as now prescribed by section 43.	Yes	Yes	Yes	Yes	?	Yes
1.13.3	National Competency Standards for	Yes	Yes Adoption of 2006 version is under consideration, may be able to advise in	Yes	Yes	Yes	Yes	?	Yes

Map 1 – the Legislation, the Regulatory Authority & Professional Standards									
No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
	the Registered Nurse (ANMC 2000)		near future.						
1.13.4	National Competency Standards for the Enrolled Nurse (ANMC 2002)	Yes	Yes  Adoption of 2006 version is under consideration, may be able to advise in near future.	Yes	Yes	Yes	Yes	?	Yes
1.13.5	National Competency Standards for the Midwife (ANMC 2006)	Yes	No  Adoption of 2006 version is under consideration, may be able to advise in near future.	Yes	?	Yes	Yes	Yes	Yes
1.13.6	National Competency Standards for the Nurse Practitioner (ANMC 2005)	Yes	No  Adoption of 2006 version is under consideration, may be able to advise in near future.	Yes	?	?	Yes	?	Yes
1.14	Accountability of RA	The Board is responsible to the Minister for the administration of the Act – s26(1).  Any Standards Statement approved by the Board, the approval must be in writing & is a notifiable instrument!  In assessing Board's performance Minister may consider:	Subject to the control & direction of the Minister in the exercise of its functions – s11.  Annual Reports tabled in Parliament.	The Board: <ul style="list-style-type: none"> <li>▪ is a body corporate with perpetual succession.</li> <li>▪ has a common seal.</li> <li>▪ is capable, in its corporate name, of acquiring, holding &amp; disposing of real (including leasehold) &amp; personal property &amp; of suing and being sued – s 8.</li> </ul>	The council: <ul style="list-style-type: none"> <li>▪ is a body corporate with perpetual succession</li> <li>▪ has a common seal</li> <li>▪ may sue &amp; be sued in its corporate name – s 6.</li> </ul> Advises & reports to the Minister on the functions of the council – s 7(a).	The Board: <ul style="list-style-type: none"> <li>▪ is a body corporate</li> <li>▪ has perpetual succession &amp; a common seal</li> <li>▪ is capable of suing &amp; being sued in its corporate name</li> <li>▪ has the functions &amp; powers assigned or conferred by or under this Act – s 4.</li> </ul> The Board must keep	The Board may: <ul style="list-style-type: none"> <li>▪ acquire, hold, dispose of &amp; otherwise deal with property</li> <li>▪ sue &amp; be sued in its corporate name - s 5.</li> </ul> The accounts of the Board are subject to the <i>Financial Management &amp; Audit Act 1990</i> – s 17.  The Board must keep	The Board: <ul style="list-style-type: none"> <li>▪ is a body corporate with perpetual succession</li> <li>▪ has a common seal</li> <li>▪ may sue and be sued in its corporate name</li> <li>▪ may acquire, hold and dispose of real and personal property</li> <li>▪ may do and suffer all acts and things that a body corporate may, by law, do and suffer</li> </ul>	The Board: <ul style="list-style-type: none"> <li>▪ is a body corporate with perpetual succession</li> <li>▪ is to have a common seal</li> <li>▪ may sue and be sued in its corporate name – s 5.</li> </ul> Section 5(2)  The Minister may, after consulting with the

Map 1 – the Legislation, the Regulatory Authority & Professional Standards

No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓	
		<ul style="list-style-type: none"> <li>whether the standards approved by the Board benefit or are likely to benefit the public</li> <li>whether the Board deals with applications, reports &amp; referral to panels promptly while allowing for proper consideration</li> <li>whether Board has sent renewal notices – Cls 109, 110 &amp; 111.</li> </ul> <p>The Board is a corporation with perpetual succession, may have a common seal &amp; may sue &amp; be sued, &amp; hold property in its corporate name – s 32.</p> <p>See also powers vested in Minister to seek a report from the Board on discharge of functions s 28, the positive obligation imposed on Boards to exercise their functions diligently s 27 and the power vested in the Minister to discharge Boards under s 30.</p>		<p>The Board must, not later than 31 December of each year, give to the Minister a report on its operations for the preceding financial year – s 17.</p>			<p>proper accounting records in relation to its financial affairs, &amp; must have annual statements of account prepared in respect of each financial year.</p> <p>The accounts must be audited at least once in every year by an auditor approved by the Auditor-General &amp; appointed by the Board.</p> <p>The Auditor-General may at any time audit the accounts of the Board – s 14.</p> <p>The Board must, on or before 30 September in each year, deliver to the Minister a report on the administration of this Act &amp; the work of the Board during the financial year ending on the preceding 30 June. The report must incorporate the audited accounts of the Board for the relevant financial year. The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament – s 15.</p> <p>If the Board:</p> <ul style="list-style-type: none"> <li>refuses to approve a course of education or training for the purposes of this Act; or</li> </ul>	<p>proper accounts &amp; records of its financial affairs &amp;, not later than 15 August after the end of each financial year, prepare a statement of accounts in a form approved by the Auditor-General exhibiting a true &amp; correct view of the financial position &amp; transactions of the Board for that financial year – s 18.</p> <p>The Board must, not later than 31 August after the end of each financial year, give the Minister a report on its operations for that financial year. The report is to incorporate the audited statement of accounts prepared for that financial year.</p> <p>The Minister may, in writing, direct the Board to prepare the report in a particular way or to include particular information in the report.</p> <p>The report may be appended to the annual report of the Department. If the Board's report is not appended to the annual report of the Department, the Minister must cause the Board's report to be laid before each House of Parliament by not later than 31 October after</p>	<p>– s 65.</p> <p>Same provision under HPRAct – s 117.</p> <p>When so requested by the Minister, giving to the Minister any information reasonably required by the Minister– s 66(1)(k).</p> <p>Same provision under HPRAct – s 118(1)(m).</p>	<p>Board, give directions in writing to the Board with respect to the performance of its functions either generally or in relation to a particular matter, and the Board shall give effect to any such direction, except in relation to directing the Board with respect to the performance of its functions in regard to:</p> <ul style="list-style-type: none"> <li>a particular person; or</li> <li>a particular application, complaint or proceeding – s10.</li> </ul> <p>The Board is to cause to be kept proper accounts &amp; records of the transactions &amp; affairs of the Board &amp; is to prepare financial statements in accordance with Australian Accounting Standards on an accrual basis unless the Board determines otherwise – s 55.</p> <p>The accounts &amp; financial statements of the Board are to be audited at least once a year, at the expense of the Board, by a registered company auditor appointed by the Board with the prior approval of the Minister – s 56.</p> <p>The Board, not later than 31 December in each</p>

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
						<ul style="list-style-type: none"> <li>revoke the approval of a course of education or training under this Act, the provider of the course may apply to the Minister for a review of that decision.</li> </ul> <p>The Minister may determine the application as the Minister thinks fit and, if the Minister finds in favour of the applicant, grant or preserve the approval (as appropriate) - 62.</p>	the end of the financial year to which it relates – s 19.		<p>year, is to make &amp; submit to the Minister an annual report of its proceedings for the preceding year ending on 30 June together with a copy of its financial statements for that year &amp; the auditor's report on those statements.</p> <p>The Board's annual report must include details of:</p> <ul style="list-style-type: none"> <li>the number, nature, &amp; outcome, of investigations &amp; inquiries undertaken under this Act during the year to which the report relates; &amp; matters that have been brought before the State Administrative Tribunal by the Board during the year to which the report relates;</li> <li>the number &amp; nature of matters that are outstanding; any trends or special problems that may have emerged; forecasts of the workload of the Board in the year after the year to which the report relates; &amp; any proposals for improving the operation of the Board.</li> </ul> <p>The Minister is to cause</p>

Map 1 – the Legislation, the Regulatory Authority & Professional Standards									
No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
									<p>a copy of the Board's annual report &amp; financial statements &amp; of the auditor's report to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by the Minister- s 57.</p> <p>- Cls 23 – 25.</p> <p>The Minister may, after consulting with the Board, give directions in writing to the Board with respect to the performance of its functions either generally or in relation to a particular matter, &amp; the Board is to give effect to any such direction.</p> <p>The Minister must not direct the Board with respect to the performance of its functions in respect of:</p> <ul style="list-style-type: none"> <li>▪ a particular person</li> <li>▪ a particular qualification</li> <li>▪ a particular application, complaint or proceeding.</li> </ul> <p>The text of a direction given must be:</p> <ul style="list-style-type: none"> <li>▪ laid before each House of Parliament within 14 sitting days of that House after the direction is given</li> <li>▪ included in the annual report submitted by the</li> </ul>

Map 1 – the Legislation, the Regulatory Authority & Professional Standards									
No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
									<p>Board – CI 13.</p> <p>The Minister is entitled:</p> <ul style="list-style-type: none"> <li>to have information in the possession of the Board</li> <li>if the information is in or on a document, to have, &amp; make &amp; retain copies of, that document.</li> </ul> <p>The Minister may:</p> <ul style="list-style-type: none"> <li>request the Board to furnish information to the Minister</li> <li>request the Board to give the Minister access to information</li> <li>make use of the staff of the Board to obtain the information &amp; furnish it to the Minister – s 58.</li> </ul> <p>– CI 14.</p>
1.15	Delegation by RA	<p>Board may delegate a function to:</p> <ul style="list-style-type: none"> <li>A Board member</li> <li>Board Executive Officer</li> <li>Board committee</li> <li>Anyone else the Board considers appropriate – CI 22</li> </ul>	<p>Board may delegate a function to:</p> <ul style="list-style-type: none"> <li>Board President</li> <li>Deputy President</li> <li>Committee comprising 2 or more members of the Board</li> <li>The Registrar or any other member of staff of the Board</li> </ul> <p>Except - Board must not delegate:</p> <ul style="list-style-type: none"> <li>Its delegation function</li> <li>A function in relation to the Board's Education &amp; Research Account</li> </ul>	<p>The Board may delegate to a person, member, committee or the Registrar of the Board any of its powers &amp; functions under this Act, other than this power of delegation.</p> <p>A power or function delegated under this section, when exercised or performed by the delegate, is taken to have been exercised or performed by the Board.</p> <p>A delegation under this section:</p> <ul style="list-style-type: none"> <li>must be in writing.</li> <li>does not prevent the</li> </ul>	<p>The council may delegate its powers to a member of the council, a committee of the council or an employee of the council, except its powers to:</p> <ul style="list-style-type: none"> <li>grant provisional registration or enrolment</li> <li>grant limited registration or enrolment</li> <li>immediately suspend registration or enrolment</li> <li>review suspension for health reasons</li> <li>refer a charge to the tribunal – s 43.</li> </ul>	<p>The Board or the Registrar may delegate a function or power conferred or vested under this Act. A delegation:</p> <ul style="list-style-type: none"> <li>may be made to a particular person or body; or to the person for the time being occupying a particular office or position; &amp;</li> <li>may be made subject to conditions and limitations specified in the instrument of delegation; &amp;</li> <li>is revocable at will and does not derogate from the</li> </ul>	<p>The Board may delegate any of its functions or powers, other than this power of delegation, to a member of the Board, the Executive Officer or a committee – s 10.</p>	<p>The Board may, in writing, delegate to a member of the Board; or the person responsible for maintaining the register or any other member of the staff of the Board its powers and functions under this Act, other than:</p> <ul style="list-style-type: none"> <li>the power to refuse to grant or refuse to renew registration</li> <li>the power to impose or to amend, vary or revoke conditions, limitations or restrictions on registration</li> <li>the power to suspend registration</li> </ul>	<p>The Board may, by resolution, delegate any function specified in the resolution, other than this power to delegate, to a member or any committee – Sched1, CI 5.</p> <p>The Board may delegate any power or duty of the Board under another provision of this Act to:</p> <ul style="list-style-type: none"> <li>a member of the Board</li> <li>a committee or a member of a committee</li> <li>the registrar.</li> </ul> <p>The delegation must be</p>

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
			<p>(s76(5))</p> <ul style="list-style-type: none"> <li>Its functions in relation to complaints &amp; disciplinary proceedings – s14</li> </ul>	<p>exercise of a power or the performance of a function by the Board - s 13.</p>	<p>The executive officer may delegate the executive officer's powers to an employee of the council – s 44.</p>	<p>power of the delegator to act in a matter – s 52.</p>		<ul style="list-style-type: none"> <li>the power to conduct any hearing or make any determination</li> <li>this power to delegate – s 78.</li> </ul> <p>A responsible board may, in writing, delegate to a member of the responsible board; or the person responsible for maintaining the register or any other member of the staff of the responsible board its powers and functions under this Act, other than:</p> <ul style="list-style-type: none"> <li>the power to refuse to grant or refuse to renew registration or endorsement of registration</li> <li>the power to impose or to amend, vary or revoke conditions on registration or endorsement of registration</li> <li>the power to refuse to approve an application or revoke an approval under</li> <li>the power to impose conditions on an approval</li> <li>the power to conduct any hearing or to make any determination</li> <li>this power to delegate.</li> </ul> <p>A responsible board may, in writing; delegate to the members of an investigations committee</p>	<p>in writing executed by the Board.</p> <p>A person to whom a power or duty is delegated under this section cannot delegate that power or duty.</p> <p>A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.</p> <p>Nothing in this section limits the ability of the Board to perform a function through the registrar or any other member of staff or an agent CI 12.</p>

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No	Key Elements	ACT ✓	NSW ✓	NT ✓	QLD ✓	SA ✓	TAS ✓	VIC ✓	WA ✓
								established by the board any of its powers and functions under relating to investigations of health practitioners or registered students – s 133.	

**References**

1. Queensland Nursing Council, *Information Sheet for Applicants Seeking Restoration to the Register or Roll in Queensland*. 2003.
2. Queensland Nursing Council, *Registration Policy*. 2004.
3. Queensland Nursing Council, *Scope of Practice Framework for Nurses and Midwives*. 2005.
4. ACT Nurses and Midwives Board. *Code of Conduct - Governance Policy 5*. 2004 October 2004 [cited].
5. Nurses & Midwives Board (NSW), *Code of Conduct for members of the Board and Committees of the Board*. 2004.
6. Queensland Nursing Council, *Code of Conduct for Members of Council and its Committees and Staff*. 2000.
7. Queensland Nursing Council, *Conflict of Interest Policy*. 2002.
8. ACT Nurses and Midwives Board. *Policies & Standards*. undated [cited; From webpage]. Available from: [http://www.nursesboard.act.gov.au/policy\\_scope.htm](http://www.nursesboard.act.gov.au/policy_scope.htm).
9. Nurses & Midwives Board (NSW), *Competencies of the Midwife*. 2004.
10. Nurses & Midwives Board (NSW). *Index of Information on Website*. 2003 [cited; Available from: [http://www.nursesreg.nsw.gov.au/site\\_ndx.htm](http://www.nursesreg.nsw.gov.au/site_ndx.htm)].
11. Health Professions Licensing Authority - Northern Territory. *Health Professions Licensing Authority - Nursing & Midwifery Board of the Northern Territory*. 2006 7 March 2006 [cited 29 March 2006]; March 2005: [Website]. Available from: [http://www.nt.gov.au/health/org\\_supp/prof\\_boards/nurse\\_midwifery/board.shtml#ACMI](http://www.nt.gov.au/health/org_supp/prof_boards/nurse_midwifery/board.shtml#ACMI).
12. Queensland Nursing Council. *QNC Policies*. [Website] 2006 [cited].
13. Queensland Nursing Council. *Practice Standards*. [Website] 2006 [cited; Available from: <http://www.qnc.qld.gov.au/publications/publications.aspx?P=ps>].
14. Nurses Board of South Australia. *Standards*. 2001 [cited; Board website]. Available from: [http://www.nursesboard.sa.gov.au/standards\\_board.html](http://www.nursesboard.sa.gov.au/standards_board.html).
15. Nursing Board of Tasmania. *Publications*. Undated [cited 7 April 2006]; Available from: [http://www.nursingboardtas.org.au/nbtonline.nsf/\\$LookupDocName/publications](http://www.nursingboardtas.org.au/nbtonline.nsf/$LookupDocName/publications).

16. Nurses Board of Victoria, *Practice Standards and Guidelines*. undated.
17. Nurses Board of Western Australia. *Standards*. Undated [cited; Available from: <http://www.nbwa.org.au/2/22/50/Standards.pm>].
18. Nurses Board of Western Australia. *Guidelines*. Undated [cited; Available from: <http://www.nbwa.org.au/2/23/50/Guidelines.pm>].
19. Nurses Board of Western Australia. *Policies*. Undated [cited; Available from: <http://www.nbwa.org.au/2/25/50/Policies.pm>].
20. ACT Nurses and Midwives Board. *Professional Codes & Standards*. undated [cited; From webpage]. Available from: [http://www.nursesboard.act.gov.au/ANMC\\_codes\\_standards.htm](http://www.nursesboard.act.gov.au/ANMC_codes_standards.htm).
21. Health Professions Licensing Authority - Northern Territory. *Health Professions Licensing Authority - Nursing and Midwifery Board*. 2006 [cited].
22. Queensland Nursing Council. *Practice Standards*. [Website] 2006 [cited 2006 April 2006]; Available from: [http://www.qnc.qld.gov.au/home/content.aspx?content=Nursing\\_&Midwifery\\_Practice/Practice\\_Standards](http://www.qnc.qld.gov.au/home/content.aspx?content=Nursing_&Midwifery_Practice/Practice_Standards).
23. Nurses Board of South Australia. *Board Endorsed Standards*. 2001 [cited 4 April 2006]; Board website]. Available from: [http://www.nursesboard.sa.gov.au/standards\\_boarde.html](http://www.nursesboard.sa.gov.au/standards_boarde.html).
24. Nurses Board of South Australia. *National Standards*. 2001 [cited 4 April 2006]; Board website]. Available from: <http://www.nursesboard.sa.gov.au/standards.html>.

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