

Western Australia

Nurses and Midwives Regulations 2007

As at 01 Oct 2010

Version 00-c0-01

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Nurses and Midwives Regulations 2007

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***Mutual Recognition (Western
Australia) Act 2001***

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Nurses and Midwives Regulations 2007

1. Citation

These regulations are the *Nurses and Midwives Regulations 2007*¹.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Nurses and Midwives Act 2006* section 3 comes into operation.

3. Criminal record screening

The Board may require a person who applies to the Board for registration under the Act section 27, 28, 29 or 30 to give the Board authority to obtain details of any record of criminal convictions of that person.

4. Prescribed qualifications for registration under section 28(2)(b)

For the purposes of section 28(2)(b) of the Act, the qualifications specified in column 1 of the Table to this regulation opposite the institution specified in column 2 of that Table are prescribed as a qualification for registration as a nurse practitioner.

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Table

Column 1 Qualification	Column 2 Institution
Postgraduate Diploma in Clinical Specialisation (Nurse Practitioner)	Curtin University of Technology
Master of Nursing (Nurse Practitioner)	Curtin University of Technology
Master of Nursing (Nurse Practitioner)	Edith Cowan University
Master of Nursing (Nurse Practitioner)	Flinders University of South Australia
Master of Nursing Science (Nurse Practitioner)	University of South Australia

5. Specialty prescribed

For the purposes of section 31(1) of the Act, mental health nursing is prescribed as a specialty.

6. Qualification for specialty

For the purposes of section 31(2)(b) of the Act, the qualifications specified in column 1 of the Table to this regulation opposite the institution specified in column 2 of that Table are prescribed as a qualification for the specialty of mental health nursing.

Table

Column 1 Qualification	Column 2 Institution
Postgraduate Diploma (Mental Health Nursing)	Curtin University of Technology
Postgraduate Diploma in Mental Health	Edith Cowan University
Postgraduate Diploma (Mental Health Nursing)	Murdoch University

7. Titles under which a specialty may be practised

For the purposes of section 31(6) of the Act, the title specified in the Table column 2 to this regulation opposite the specialty specified in that Table column 1 is prescribed as the title under which that specialty may be practised.

Table

Column 1 Specialty	Column 2 Title
mental health nursing	mental health nurse

8. Prescribed period for registration and renewal of registration under section 35

- (1) For the purposes of section 35(a) of the Act, the prescribed period for which registration has effect is a period equal to the period commencing on the day on which registration is granted and ending on the next succeeding 31 December.
- (2) For the purposes of section 35(b) of the Act, the prescribed period for which registration may be renewed is for a period of one year or 3 years.
- (3) The Board may grant a renewal of registration for one year if—
 - (a) an application is made for registration to be renewed for 3 years; and
 - (b) the Board considers that the granting of the renewal for 3 years is not appropriate in the particular circumstances.

9. Day on which fee falls due under section 36(1)

For the purposes of section 36(1) of the Act, the day in each year on which the prescribed fee for the renewal of registration falls due is 31 December.

10. Prescribed information under section 38(h)

For the purposes of section 38(h) of the Act, the following information is prescribed —

- (a) any offence under the Act for which the nurse or midwife has been convicted;
- (b) the date on which the nurse or midwife was first registered as a nurse or midwife;
- (c) the nurse's or midwife's date of birth, country of birth and nationality.

11. Amendment of particulars

A nurse or midwife may at any time apply to the Board for the amendment of the particulars recorded in the register relating to that nurse or midwife, and if the Board is satisfied that the amendment may properly be made, the Board, on payment of the prescribed fee, is to cause those particulars to be amended.

12. Notification of change of name

- (1) A nurse or midwife must give the registrar written advice of any change of name that is recorded in the register in relation to the nurse or midwife.
Penalty: a fine of \$1 000.
- (2) The advice referred to in subregulation (1) must be given no later than 30 days after the change of name.

13. Complaints to the complaints assessment committee

- (1) A complaint to the complaints assessment committee is to be in writing.
- (2) A person who complains to the complaints assessment committee must give to the committee —
 - (a) his or her name; and

- (b) such other information relating to the person's identity as the Board or registrar may require.

14. Qualifications of investigator

For the purposes of section 73(2) of the Act, the qualifications prescribed for a person to be appointed under section 73(1) of the Act are —

- (a) registration as a nurse for at least 5 years; or
- (b) experience in investigating complaints; or
- (c) being a certificated practitioner as defined in the *Legal Practice Act 2003* section 3.

15. Appointment of a conciliator

- (1) After consulting a person with knowledge of and experience in the conciliation of complaints, the complaints assessment committee may appoint a person with knowledge of and experience in the conciliation of complaints to be a conciliator to preside over a conference under the Act section 79(2).
- (2) The Board may pay a conciliator appointed under this regulation a fee for, and such reasonable expenses as may be incurred by the conciliator in, presiding over conferences under the Act section 79(2).

16. Advertising

A nurse or midwife must not advertise, or cause to be advertised, any material relating to the nurse's or midwife's practice of nursing or midwifery that —

- (a) is false, misleading or deceptive; or
- (b) creates an unjustified expectation of beneficial treatment; or
- (c) promotes the unnecessary or inappropriate use of the nurse's or midwife's services; or

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- (d) is likely to affect adversely the reputation or standing of the nursing profession by reason of the advertisement's content, form or manner of presentation; or
- (e) claims or implies that the nurse or midwife is superior to another nurse or midwife or nurses or midwives; or
- (f) contains an endorsement or testimonial in relation to the nurse or midwife; or
- (g) directly or indirectly endorses any goods or services.

Penalty: a fine of \$1 000.

17. Fees

The fees in Schedule 1 are the prescribed fees payable in respect of the matters specified in that Schedule and the persons liable for payment of the fees are the persons specified in that Schedule.

18. Fees for registration under the *Mutual Recognition (Western Australia) Act 2001*

The fees in Schedule 2 are prescribed as the fees payable in respect of the registration of a person entitled under the *Mutual Recognition Act 1992* of the Commonwealth, as adopted by the *Mutual Recognition (Western Australia) Act 2001*, to be registered in this State as a nurse or midwife.

19. Reduction, waiver or refund of fees

The Board may authorise the reduction, waiver or refund of any fee provided for in these regulations if the Board considers it appropriate to do so.

Schedule 1 — Fees

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	Type of fee	Provision of Act	Fee \$
1.	Fee payable by a person who applies for a copy of the minutes of the Board available for inspection under the Act section 20(4).	s. 20(5)	\$5 plus \$1 per page up to a maximum fee of \$10
2.	Registration fee payable by a person if registration is effected under section 27 in the months of July, August, September, October, November or December.	s. 27(1)(b)	60
3.	Registration fee payable by a person if registration is effected under section 27 in the months of January, February, March, April, May or June.	s. 27(1)(b)	120
4.	Registration fee payable by a person if registration is effected under section 28 in the months of July, August, September, October, November or December.	s. 28(1)(b)	70
5.	Registration fee payable by a person if registration is effected under section 28 in the months of January, February, March, April, May or June.	s. 28(1)(b)	140
6.	Fee payable by a person who applies for registration under the Act section 27, 28, 29 or 30 for the conduct of criminal record screening.	s. 27, 28, 29, 30 and 102(2)(h)	50

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Schedule 1 Fees

	Type of fee	Provision of Act	Fee \$
7.	Registration fee payable by a person for provisional registration.	s. 29(1)(c)	120
8.	Registration fee payable by a person for conditional registration.	s. 30(1)(c) or (2)(b)	120
9.	Registration fee payable by a person for registration as a specialist.	s. 31(1)(b)	140
10.	Subject to item 11, fee payable by the applicant to accompany an application for registration under section 27.	s. 33(1)(c)	120
11.	Fee payable by the applicant to accompany an application for registration under section 27 if the applicant's qualification is not one approved under section 27(2)(f).	s. 33(1)(c)	220
12.	Fee payable by the applicant to accompany an application for registration under section 28.	s. 33(1)(c)	140
13.	Fee payable by the applicant to accompany an application for registration under section 29 or 30.	s. 33(1)(c)	220
14.	Fee payable by a nurse or midwife for renewal of registration of the nurse or midwife for —	s. 36(1)	
	(a) one year;		90
	(b) 3 years.		245
15.	Additional amount to be paid to the Board by an applicant to have name restored to the register.	s. 36(2)	120

	Type of fee	Provision of Act	Fee \$
16.	Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy.	s. 39(4)	23
17.	Fee payable by an applicant for amendment of particulars entered in the register.	r. 11 and s. 102(2)(h)	20

Schedule 2 — Fees relating to registration arising under the *Mutual Recognition (Western Australia) Act 2001*

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Type of fee		Fee
		\$
1.	Fee payable on lodgment of a written notice seeking registration in accordance with mutual recognition principle.	120
2.	Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of January, February, March, April, May or June.	120
3.	Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of July, August, September, October, November or December.	60

Notes

¹ This is a compilation of the *Nurses and Midwives Regulations 2007*. The following table contains information about those regulations ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Nurses and Midwives Regulations 2007</i>	11 Sep 2007 p. 4593-607	r. 1 and 2: 11 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Sep 2007 (see r. 2(b) and <i>Gazette</i> 18 Sep 2007 p. 4711)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Health Practitioner Regulation National Law (WA) Act 2010</i> s. 15(2)(g) ²	35 of 2010	30 Aug 2010	18 Oct 2010 (see s. 2(b) and <i>Gazette</i> 1 Oct 2010 p. 5075-6)

² On the date as at which this compilation was prepared, the *Health Practitioner Regulation National Law (WA) Act 2010* s. 15(2)(g) had not come into operation. It reads as follows:

15. Codes of practice, regulations and rules repealed

- (2) These regulations are repealed:
 - (g) the *Nurses and Midwives Regulations 2007*;