

## Fact sheet

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### The use of health practitioner protected titles

The Nursing and Midwifery Board of Australia (NMBA) undertakes functions as set by the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law). The NMBA regulates the practice of nursing and midwifery in Australia, and one of its key roles is to protect the public. The NMBA does this by developing registration standards, professional codes, guidelines and standards for practice which together establish the requirements for the professional and safe practice of nurses and midwives in Australia.

#### Title protections

The National Law has clear restrictions on the use of protected titles. These are addressed in sections 113, 116, 117, 119 and 120 of the National Law. Only people who have met the requirements of the National Law can use a protected title.

The protected titles that apply to nurses and midwives are:

- Nurse
- Registered nurse
- Enrolled nurse
- Nurse practitioner
- Midwife
- Midwife practitioner

It is an offence for anyone either knowingly or recklessly to use any of the protected titles to make another person believe that you are registered under the National Law unless you are registered in the profession.

To use these protected titles in contravention of this legislation is called 'holding out'.

A contravention of these provisions this may be an offence under the National Law and they may be prosecuted in a court for the offence of holding out. Their actions may also constitute behaviours for which health, conduct or performance actions may be taken.

Likewise, any nurse or midwife who is registered with conditions must not knowingly or recklessly claim, or hold him or herself out to be registered without the conditions or any conditions. Employers cannot knowingly or recklessly use any of the protected titles to make another person believe their employees are registered under the National Law unless the employee is actually registered in the profession.

These requirements apply whether the title is used with or without any other words and whether in English or any other language.

Penalties apply to any contravention of this section of the National Law.

#### Registered nurses and midwives

Nurses and midwives who are registered under the National Law must not knowingly or recklessly claim to be registered in any division or other part of the register than they are.

A nurse or midwife is also not able to knowingly or recklessly claim to have completed qualifications leading to a change in their registration status unless they have actually done so.

The Australian Health Practitioner Regulation Agency (AHPRA), on behalf of the NMBA, assesses the validity and approval status of all qualifications when processing an application for registration. Over time, the qualification needed to gain registration has changed. The qualification published on the national register is commonly the qualification that led to eligibility for registration at the time of initial registration.

### Penalties for contravening the National Law on protected titles

Individuals can face fines of \$30,000 and employers (or a body corporate) \$60,000 if found guilty of an offence by the court.

If a registered health practitioner contravenes these provisions, their actions may also constitute behaviours for which health, conduct or performance actions may result.

### How to check if someone is registered as a nurse and/or midwife

A [national register](#) for nurses and midwives is published on the Australian Health Practitioner Regulation Agency (AHPRA) website.

Under the National Scheme, there is a register of nurses, and a separate register of midwives. On the register of nurses there are two divisions – registered nurses and enrolled nurses. You can search the register to find out someone’s registration status and details.

AHPRA issues a certificate of registration to all registered health practitioners after they renew their registration each year. The certificate includes all the registration details reflecting the health practitioner’s registration status at the time the certificate was issued. However, a search of the national register of practitioners ensures the most up to date verification of a health practitioner’s registration status.

### An application for registration has been lodged, when can I start calling myself a nurse or midwife?

You must wait for this application to be finalised and receive advice that you are registered before using any of the protected titles.

### I am not currently practicing as a nurse or midwife. Can I maintain my registration?

You can apply for non-practising registration. This registration type only allows you to use the title ‘nurse’ or ‘midwife’ however does not allow you to practise as a nurse or midwife.

Find out more information about [non-practising registration](#) for nurses and midwives on the NMBA website.

### Definitions

**Practice** is any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of the Board’s standards, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

### For more information

- Visit [www.nursingmidwiferyboard.gov.au](http://www.nursingmidwiferyboard.gov.au) under *Contact us* to lodge an online enquiry form
- For registration enquiries: 1300 419 495 (in Australia) +61 3 8708 9001 (overseas callers)

## Document control

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