

Explanatory note and FAQ on title protection

July 2013

Explanatory note on title protection

With the implementation of the National Registration and Accreditation Scheme ([National Scheme](#)) on 1 July 2010 (18 October 2010 in WA), all nurses and midwives are registered under the Health Practitioner Regulation National Law, as in force in each state and territory (the [National Law](#)).

The key objective of the National Law is to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practice in a competent and ethical manner are registered.

Title protections

The National Law has clear restrictions on the use of protected titles and 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 Act unless you are registered in the profession.

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.

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

If a registered health practitioner contravenes 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 himself or herself out to be registered without the conditions or any conditions.

National register

A [national register](#) for nursing and midwifery 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
- Enrolled nurses.

You can search this facility to find out someone's registration status and details.

FAQ on title protection

How do I know if someone is registered as a nurse or midwife?

The registration status and details for all registered health practitioners is published on the [national register](#).

AHPRA gives a certificate of registration to all registered health practitioners after they renew their registration each year. This includes all the registration details.

What do I do if I am concerned about someone's use of a protected title?

Contact AHPRA on the following telephone numbers to discuss the matter:

1300 419 495 (within Australia)

+61 3 8708 9001 (overseas callers)

AHPRA will investigate the matter and take further action if required.

How do I know if someone has completed the right qualifications to use a protected title?

AHPRA, on behalf of the National Board, assesses the validity and approval status of all qualifications when processing a registration application before a person's registration status and details appear on the national register.

Are there any penalties for contravening the National Law on protected titles?

Yes. 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.

What do I do if I am concerned about someone's registration status?

Contact AHPRA on the following telephone numbers to discuss the matter:

1300 419 495 (within Australia)

+61 3 8708 9001 (overseas callers)

AHPRA will investigate the matter and take further action if required.

[I have lodged an application for registration; can I start calling myself a nurse or midwife?](#)

No. You must wait for this application to be finalised and for you to be registered before using any of the protected titles.

[Can I call or refer to myself as an enrolled nurse \(division 2\)?](#)

This is not necessary. The protected title under the National Law is enrolled nurse. This is the term used nationally.

The reference to the division only communicates the part of the register you are listed on.

[I have been called division 2 registered nurse in Victoria. Can I continue to use this title?](#)

No. As of 1 July 2010 you cannot use the term registered nurse. You are registered in division 2 of the register as an enrolled nurse.

Employers of enrolled nurses must do the same.