



Regulation and registration of assistants in nursing position statement

1. Purpose

The position statement sets out the Australian Nursing and Midwifery Federation (ANMF) position on the need to regulate and register assistants in nursing under the *Health Practitioner Regulation National Law Act 2009* (National Law). It should be read with the ANMF position statement: *Role of assistants in nursing*.¹

2. Definitions

Assistants in nursing refers to people employed to provide direct care and aspects of nursing care to people who are aged or frail and people living with disability or illness. These workers currently have various titles including assistants in nursing; health assistants in nursing; personal care assistants or workers; and personal carers. They usually work in community and residential settings but they can also be employed in acute, sub-acute and primary healthcare settings.

3. Context

Assistants in nursing now play an important role in the delivery of nursing care, particularly in aged and disability care, but they remain unregulated and unregistered.

While all assistants in nursing must always work under the direction and supervision of a registered nurse and only provide aspects of nursing care at the delegation of the registered nurse, assistants of nursing are currently held to different, or no, workplace standards.

Under the National Law, it is the responsibility of the Nursing and Midwifery Board of Australia (NMBA) to protect the public in relation to the practice of nurses and midwives through the registration regime. Because this regime does not extend to assistants in nursing, the public do not have the same level of protection in relation to their practice.

4. Position

Regulation

It is the position of the ANMF that:

1. The National Law should be amended to require assistants in nursing to be registered and work under a professional practice framework that includes a scope of practice and national codes, guidelines and standards (including an English language skills standard).
2. The National Law should be amended to include *assistants in nursing* as a protected title and to require all workers performing assistant in nursing duties to be referred to by this title.
3. All assistants in nursing must always work under the direction and supervision of a registered nurse to provide aspects of nursing care according to the nursing care plan and at the delegation of the registered nurse.

¹ For the *Health Practitioner Regulation National Law Act 2009* (National Law) as it applies in each state see: <https://www.ahpra.gov.au/about-ahpra/what-we-do/legislation.aspx>.



4. Enrolled nurses may provide support to assistants in nursing to ensure the care they are providing is as outlined in the nursing care plan.²
5. Until assistants in nursing are regulated and registered, they must be required to adhere to the *National code of conduct for unregistered healthcare practitioners* in their state or territory.³

Registration

It is the position of the ANMF that registration under the National Law must be underpinned by:

6. a scope of practice for assistants in nursing
7. nationally consistent professional standards for practice for assistants in nursing including:
 - codes of ethics and conduct
 - a fair and transparent assessment process for workers applying for registration as an assistant in nursing
 - a fair and transparent accountability process for ensuring assistants in nursing continue to meet their professional standards, with appropriate sanctions when they fail to do so (for example conditions applied to registration; suspension or cancellation of registration; or removal from the register to practice)
 - a clear and efficient mechanism to inform people receiving nursing care from an assistant in nursing that the worker is competent to provide that care
8. representation of assistants in nursing on the Board of the NMBA to ensure specific needs can be addressed by the national body
9. nationally accredited and mandated education and training for assistants in nursing at Certificate III level, with articulation pathways into enrolled nurse and registered nurse education programs.

Education, training and support

It is the position of the ANMF that:

10. Assistants in nursing must undertake nationally accredited education and training to ensure:
 - they are educationally prepared to protect the safety and dignity of people in their care
 - they are educationally prepared to practice safely and competently
 - they can access, and are encouraged to access, articulation pathways into enrolled nurse and registered nurse education programs.
11. All education for assistants in nursing should recognise prior learning and experience and be provided within the vocational education and training (VET) sector by a registered training organisation or a technical and further education (TAFE) institute with the required qualification on their scope of registration.

² Nursing and Midwifery Board of Australia. 2016. Enrolled nurse standards for practice. Available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards/enrolled-nurse-standards-for-practice.aspx>

³ This national code sets out the minimum standards for healthcare practitioners not currently registered under the national registration and accreditation scheme. See COAG Health Council. April 2015. *A national code of conduct for unregistered healthcare practitioners*. Available at https://nhaa.org.au/wp-content/uploads/NHAA-2021-Guide-to-the-Code-of-Conduct-for-Unregistered-Healthcare-Practitioners_Final_.pdf.



12. All clinical placements for assistants in nursing during their education and training should take place in settings that are:
 - commensurate with their level of skill and knowledge
 - can provide a safe working environment that promotes best practice.
13. Formal articulation and recognition of prior learning arrangements should be developed and implemented between VET Certificate III and Certificate IV courses for assistants in nursing and the Diploma of Nursing qualification that leads to registration as an enrolled nurse.
14. Assistants in nursing should have equitable access to continuing educational opportunities and study leave provisions.

5. Position statement management

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