

NURSES' REGISTRATION ACT.

Act No. 37, 1924.

An Act to provide for the registration and regulation of nurses ; to amend the Private Hospitals Act, 1908 ; and for purposes consequent thereon or incidental thereto. [Assented to, 17th December, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. (1) This Act may be cited as the "Nurses' Registration Act, 1924." Short title and commencement.

(2) This Act shall come into operation on a day to be appointed by the Governor and notified in the Gazette.

2. In the construction of this Act, unless the context otherwise indicates,— Interpretation.

"Mental hospital" includes a hospital for the insane.

"Minister" means the Minister for Public Health or other Minister to whom the administration of this Act is for the time being committed by the Governor.

"Prescribed" means prescribed by this Act, or by any regulation made thereunder.

"Register" means the register of nurses to be kept under this Act.

"Registered"

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"Registered" means registered under the provisions of this Act.

"Registrar" means registrar appointed under the provisions of this Act.

"Regulations" means regulations made under this Act.

"The board" means the Nurses' Registration Board of New South Wales appointed under the provisions of this Act.

Words importing the female gender shall include the male excepting in respect of midwifery nurses.

Constitution of board.

Appointment
of board.

3. (1) The Governor shall appoint a board, to be called the Nurses' Registration Board of New South Wales, consisting of seven persons, namely:—

- (a) The Director-General of Public Health, who shall ex officio be chairman of the board;
- (b) the Inspector-General of Mental Hospitals, who shall ex officio be a member of the board;
- (c) the principal teacher of obstetrics in the University of Sydney, who shall ex officio be a member of the board;
- (d) one legally qualified medical practitioner, who shall be nominated by the New South Wales Council of the Australasian Trained Nurses Association;
- (e) three nurses, two of whom shall be nominated by the New South Wales Council of the Australasian Trained Nurses Association. One of such nurses shall be a past or present nurse of a general hospital, one a past or present nurse of a midwifery hospital. The third nurse shall be a past or present nurse of a mental hospital who shall be nominated in manner prescribed by regulation by certificated mental nurses. In the case of the nomination to the first board, the regulations shall be made by the Governor and notified in the Gazette: Provided that registered nurses of the respective classes

classes mentioned shall be appointed as ^{George V,}
 members of the second or any subsequent ^{No. 37.} board under this paragraph.

(2) The secretary to the Board of Health shall ^{The registrar.}
 ex officio be the registrar of the board.

4. (1) The members of the board (other than the <sup>Tenure of
 office,
 vacancies, &c.</sup> Director-General of Public Health, the Inspector-General of Mental Hospitals, and the principal teacher of obstetrics in the University of Sydney) shall hold office for three years, but they shall be eligible for reappointment.

(2) If any member of the board is absent without the permission of the board from four consecutive meetings of the board, or becomes bankrupt, or is convicted of any indictable offence, or becomes insane, or resigns his seat, or dies, his seat shall thereby become vacant; and every such vacancy shall be deemed to be an extraordinary vacancy.

(3) On the occurrence of any extraordinary vacancy in the board, or in case of the failure of the New South Wales Council of the Australasian Trained Nurses Association within one month to nominate a member, the Governor may appoint another person to fill the vacancy. Any person appointed to fill an extraordinary vacancy shall hold office only for the remainder of the term for which his predecessor was appointed, but shall be eligible for reappointment.

(4) During any vacancy in the board the remaining members, subject to there being a quorum, may act as if no vacancy existed.

(5) A quorum of the board shall consist of not less than four members.

(6) At any meeting of the board the chairman, or in his absence any member elected by the members present to act as chairman at such meeting, shall preside, and shall have a casting as well as a deliberative vote.

Powers and duties of board.

5. The powers and duties of the board shall be as <sup>Duties of
 the board.</sup> follows:—

- (a) To appoint examiners.
- (b) To determine the character, subjects, and conduct of examinations.

(c)

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- (c) To appoint the places where, and the times when, examinations shall be held.
- (d) To cause the names of qualified nurses to be entered in the prescribed manner in the register.
- (e) To appoint, subject to the approval of the Minister, such officers as may be necessary for the purposes of this Act.
- (f) To issue and cancel certificates of registration; and
- (g) generally to do any act or perform any duty which may be necessary for the due and proper carrying out of the provisions of this Act.

6. (1) The board may—

- (a) for misconduct suspend any nurse from practice as a registered nurse for such time as it deems just, or remove from the register the name of any nurse, and shall notify the nurse accordingly :

Provided that the board shall not under this paragraph suspend any nurse from practice or remove any nurse's name from the register without sending to such nurse by registered letter a statement in writing of the conduct imputed to her, and without affording her an opportunity of giving an explanation in writing or in person ;

- (b) restore to the register the name of any nurse so removed ; and
- (c) suspend any registered nurse temporarily from such practice if such suspension appears to it necessary to prevent the spread of infection :

Provided that the Director-General of Public Health or a medical practitioner authorised by him shall have power to suspend a midwifery nurse under this paragraph pending consideration by the board.

**Surrender of
certificate.**

- (2) Any person whose name is ordered under the provisions of the preceding subsection to be removed from the register shall within fourteen days from the notification to her of the order surrender her certificate of registration and badge to the board.

If

If she fails to do so she shall be liable to a penalty George V,
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(3) The board may pay such compensation to any midwifery nurse suspended under the provisions of paragraph (c) of subsection one of this section as it thinks fit.

7. (1) Any nurse who is aggrieved by any decision of the board under paragraph (a) of subsection one of the last preceding section may, within three months after she has been notified of such decision, appeal therefrom to a District Court judge. Appeal from decision of the board.

(2) Such judge shall inquire into and decide upon the appeal, and for that purpose may do all such matters and things relating thereto in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction as a District Court judge, and his decision shall be final and without appeal.

8. The board may examine any person upon oath, or take a solemn declaration from any person, for the purposes of this Act. If any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter or put off as true before the board any false, forged, or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he or she shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months. Power to examine witnesses.

Registration of nurses.

9. (1) Any person who has attained the age of Who may be registered. twenty-one years, is of sound health, and who satisfies the board as to good character, may be registered—

(a) as a general nurse if—

(i) she holds a certificate as prescribed, stating that she has attended the practice of one or more medical and surgical hospitals approved by the board for the period prescribed, being not

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not less than three years, or that she, subsequently to being registered as a mental nurse, has attended the practice of such hospitals for not less than two years; and

(ii) she has passed such examinations as the board prescribes; or

(b) as a mental nurse if—

(i) she holds a certificate as prescribed, stating that she has attended the practice of one or more mental hospitals approved by the board for the period prescribed, being not less than three years, or that she, subsequently to being registered as a general nurse, has attended the practice of such hospitals for not less than two years; and

(ii) she has passed such examinations as the board prescribes; or

(c) as a midwifery nurse if—

(i) she holds a certificate as prescribed, stating that she has attended the practice of one or more maternity hospitals approved by the board for the period prescribed, being not less than one year, or that she, subsequently to being registered as a general nurse, has attended the practice of such hospitals for not less than the period of six months; and

(ii) she has passed such examinations as the board prescribes; or

(d) as an infants' nurse if—

(i) she holds a certificate as prescribed, stating that she has attended the practice of one or more hospitals for children or such similar institutions approved by the board for the period prescribed;

(ii) she has passed such examinations as the board prescribes.

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(2) Any person who has attained the age of twenty-one years, is of sound health, who satisfies the board as to good character, and who produces evidence satisfactory to the board of having been trained as a nurse and registered in any other part of His Majesty's dominions in which an Act providing for the registration of nurses is in force, and which admits to its register nurses registered under this Act on reciprocal terms, may, upon payment of the fee payable on the registration of other persons, be registered under this Act, provided that the board is satisfied that the standard of training and examination in such other part of His Majesty's dominions is equivalent to the standard prescribed in pursuance of this Act.

(3) Any person, not otherwise provided for under subsection two of this section, who has attained the age of twenty-one years, is of sound health, and satisfies the board as to good character, and who produces evidence satisfactory to the board of having been trained as a nurse, and of having obtained a certificate approved by the board from any institution or person or body of persons in any part of His Majesty's dominions outside New South Wales, may, upon payment of the fee payable on the registration of other persons, be registered under this Act, provided that she has passed such examinations as the board prescribes, and the board is satisfied that her qualifications are adequate.

10. Any person who has attained the age of twenty-one years, is of sound health, and satisfies the board as to good character, and who, within one year from the commencement of this Act or within such further time as the board may in any particular case allow, applies to be registered may be registered according to her qualifications as a general, mental, infants', or midwifery nurse if such person —

- (1) holds an appropriate certificate as required by section nine and satisfies the board that she has shown proficiency in the particular branch in which she applies to be registered; or
- (2) produces to the board certificates of competency from two legally qualified medical practitioners, and other sufficient evidence that she possesses a satisfactory knowledge of nursing in the

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the particular branch in which she applies to be registered, and that, at the commencement of this Act, she had been for at least three years bona fide engaged in the practice of nursing in New South Wales ; or

(3) is a member of any nursing association approved by the board.

Register.

11. (1) The registrar shall enter in a register, in the prescribed manner and on being paid the prescribed fee, the full name and address, date of registration, and description of qualifications for which registration is granted, and all other prescribed particulars of every general, mental, infants', or midwifery nurse, whom the board declares qualified to be so registered. The registrar shall transmit to the Minister in the month of January in each year separate lists of the general, mental, infants', and midwifery nurses whose names and addresses are then on the register. The Minister shall cause such lists to be published in the Gazette.

A copy of such Gazette, or a copy of the register signed by the chairman of the board, shall be *prima facie* evidence, in all legal proceedings, that the persons mentioned therein are registered as therein stated, and the omission of any name therefrom shall be *prima facie* evidence that such person is not registered.

(2) In the case of a person whose name does not appear in any such copy, a certificate under the hand of the registrar of the entry of her name in the register shall be *prima facie* evidence that she is so registered as a general, mental, infants', or midwifery nurse.

(3) A certificate purporting to be signed by the registrar that the name of a person whose name appears in the register has been removed from the register, and of the date of such removal, shall be *prima facie* evidence that such person is not registered, and of the date as from which she ceased to be so registered.

Offences.

Unregistered
persons not to
assume a
name of
registered
nurse, &c.

12. After the expiration of a period of twelve months from the commencement of this Act a person shall not take or use the name or title of—

(a) a registered nurse, or use any initials, or description, or any name, title, addition, or designation implying

implying that she is registered under this or **George V, No. 37.**
the Private Hospitals Act, 1908, unless she is registered under this Act; or

- (b) a general nurse, unless she is registered as a general nurse; or
- (c) a mental nurse, unless she is registered as a mental nurse; or
- (d) an infants' nurse, unless she is registered as an infants' nurse; or
- (e) a midwife, midwifery nurse, or obstetric nurse, unless she is registered as a midwifery nurse.

Any person who, after the expiration of the said period, not being so registered, takes or uses any such name, initials, title, addition, designation, or description as aforesaid shall be liable on conviction to a penalty not exceeding twenty pounds.

13. (1) After the expiration of a period of twelve months from the commencement of this Act— Unauthorised nursing.

- (a) no registered mental, infants', or midwifery nurse shall act in a capacity in which she is not registered;
- (b) no person who is not registered as a midwifery nurse shall for gain attend any lying-in woman.

Any person contravening the provisions of this section shall be liable upon summary conviction to a fine not exceeding twenty pounds.

(2) The provisions of this section shall not apply to—

- (a) any legally qualified medical practitioner;
- (b) any person attending a lying-in woman who does not reside within five miles of a legally qualified medical practitioner or midwifery nurse, or in whose case no such practitioner or nurse is known after due inquiry to be able or willing to attend; or
- (c) any person rendering assistance in a case of emergency.

14. A registered nurse shall not employ an unregistered person as her substitute. Registered nurses not to employ unregistered persons as substitutes.

Any nurse offending against this section shall be liable to a penalty not exceeding twenty pounds.

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Badges.

Penalties.

Fees and expenses.

Publication of financial statements.

Penalty for wilful falsification of the registers.

Regulations.

15. A registered nurse shall be entitled to wear a badge of prescribed design issued by the board, and any person not a registered nurse who wears such or a similar badge shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

16. Save as otherwise expressly provided, any registered nurse who fails, neglects, or refuses to comply with any lawful order or direction of the board, made pursuant to this Act, shall be liable to a penalty not exceeding ten pounds.

Miscellaneous.

17. (1) There shall be payable by every person who comes up for examination or is registered the fees mentioned in the Schedule to this Act. Every registered midwifery nurse shall also pay the annual fee mentioned in the said Schedule in respect of the retention of her name on the register. Such fees shall be paid to the board. The board shall apply such fees to the payment of expenses connected with examinations and registration under this Act, and to the payment of salaries of the officers of the board, to the compensation of midwifery nurses suspended under paragraph (c) of subsection one of section six of this Act, and to the general expenses of the board.

(2) The board shall, as soon as practicable after the thirty-first day of December in each year, publish a financial statement made up to that date, showing the receipts and expenditure of the board during the year, and its liabilities at the close of the year, which statement shall be certified as correct by a public accountant.

18. Any person who wilfully makes, or causes to be made, any false statement as to any particular required to be entered in the register shall be guilty of a misdemeanour, and shall, on conviction, be liable to a penalty not exceeding twenty-five pounds or to be imprisoned, with or without hard labour, for any time not exceeding twelve months.

19. The board may make regulations—

- (a) governing its proceedings, and defining the duties of its officers;
- (b) regulating the issue and surrender of badges and of certificates of registration to nurses;
- (c)

(c) prescribing the period of attendance at hospitals prior to registration, the conditions under which a hospital shall be recognised as a training school for nurses, regulating and supervising courses of training, and prescribing the form of certificates as to such attendance, and the persons by whom they may be granted ;

(d) regulating the character, subjects, and conduct of examinations for registration ;

(e) prescribing, in so far as it may be necessary to prevent the spread of infection, the duties of nurses ;

(f) providing for the removal from the register of the names of nurses who have died ;

(g) providing for the removal from the register of the names of nurses who have left the State or who have become insane persons or patients within the meaning of the Lunacy Act, 1898, and for the circumstances under which such names shall be restored to the register ;

(h) regulating and supervising the practice of midwifery nurses and providing for the notification of diseases either in the mother or the newborn child by such nurses ;

(i) generally for carrying out the provisions of this Act ; and

(j) imposing a penalty of not more than twenty pounds for any breach of such regulations.

20. All regulations so made, if approved by the Governor, shall—

(i) be published in the Gazette ;

(ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and

(iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. But if either House of the Parliament passes a resolution, of which notice has been given, at any time within fifteen

Regulations
to be
published.

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fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Offences and
penalties.

21. All informations for offences against this Act or the regulations shall be laid by the registrar, or some other officer appointed by the board for that purpose, and all penalties, when recovered, shall be paid to the board for the purposes of this Act.

All such penalties may be recovered in a summary manner before any stipendiary or police magistrate or two justices of the peace.

Officers, &c.,
not to be
personally
liable.

22. No matter or thing done or suffered by the board, or by any member, or the registrar, or any officer of the board, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, or the registrar, or the officer, or any other person, or the Crown, to any liability in respect thereof.

Amendment
of Act No. 14
of 1908.

23. The Private Hospitals Act, 1908, is amended as follows:—

Sec. 2.

(a) (i) By omitting from section two the definitions of "hospital nurse" and "midwifery nurse"; and
(ii) by inserting at the end of the same section the following definition: "'Registered' as applied to a nurse means registered under the provisions of the Nurses' Registration Act, 1924";

Secs. 3, 4, 5.

(b) by omitting sections three, four, and five;

Sec. 10 (1).

(c) (i) by omitting from subsection one of section ten the words "hospital nurse" wherever occurring and by inserting in lieu thereof the words "registered general nurse"; and

Ibid.

(ii) by inserting in paragraph (b) of the same subsection before the word "midwifery" the word "registered";

Ibid.

(iii) by omitting from paragraph (c) of the same subsection the word "and" and by inserting in lieu thereof the words "who is also registered as a";

(iv)

(iv) by inserting in paragraph (c) of the same **George V, No. 37.** subsection before the word "midwifery" where it secondly occurs the word "registered";
(d) by omitting from subsection two of section **Sec. 10(2).** ten the words "under paragraphs (b) and (c) aforesaid."

SCHEDULE.

£ s. d.

Fee payable for examination of candidates for registration ...	1	1	0
Fee payable for registration, including certificate of registration	0	10	6
Fee payable for the retention on the register of the name of any midwifery nurse in any year	0	5	0