

NURSES REGISTRATION ACT.

Act No. 10, 1953.

An Act to make provision for the registration of nurses and the enrolment of assistants in nursing; to regulate the qualifications for and the effect of such registration and enrolment; to constitute a Nurses Registration Board; and to define its powers, authorities, duties and functions; to repeal certain enactments relating to the registration of nurses; to amend the Private Hospitals Act, 1908; and for purposes connected therewith. Elizabeth II,
No. 10, 1953.
[Assented to, 25th September, 1953.]

BE

Nurses Registration Act.**No. 10, 1953.**

BE it enacted by the Queen'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:—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Nurses Registration Act, 1953."

(2) (a) This Act, section twenty-two excepted, shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(b) Section twenty-two of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Such day shall be a day not earlier than the day appointed pursuant to paragraph (a) of this subsection.

Repeals
and
savings.
Act No. 37,
1924, ss.
2-22 and
Schedule.

2. (1) (a) The Nurses' Registration Act, 1924-1946, is amended by omitting sections two to twenty-two inclusive and the Schedule.

Act No.
19, 1932.

(b) The Nurses' Registration (Amendment) Act, 1932, is hereby repealed.

Act No.
54, 1946,
s. 21.

(c) The Economic Stability and War-time Provisions Continuance Act, 1946, is amended by omitting section twenty-one.

Amendment
of Act No.
14, 1908,
s. 2.

(d) The Private Hospitals Act, 1908, as amended by subsequent Acts, is amended by omitting from the definition of "Registered" in section two the words and figures "Nurses' Registration Act, 1924" and by inserting in lieu thereof the words and figures "Nurses Registration Act, 1953".

(2) All persons who, immediately before the commencement of this Act, were registered as nurses under the enactments hereby repealed shall be deemed to be registered under this Act.

The

The register of nurses kept under the enactments hereby repealed shall, subject to the provisions of this Act, be deemed to be the Register of Nurses for the purposes of this Act. No. 10, 1953.

(3) All regulations made under the authority of the enactments hereby repealed, and in force immediately before the commencement of this Act, shall, to the extent to which they are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in force and may be amended or repealed by regulations made under this Act.

3. In this Act, unless the context or subject matter otherwise indicates or requires— Interpre-
tation.

“Board” means the Nurses Registration Board constituted under the provisions of this Act.

“Commencement of this Act” means the day appointed by the Governor pursuant to paragraph (a) of subsection two of section one of this Act.

“Mental hospital” includes a psychiatric clinic or ward and a hospital for the insane.

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

“Register” means the Register of Nurses to be kept under this Act.

“Registrar” means Registrar appointed under the provisions of this Act.

“Regulations” means regulations made under this Act.

“Roll” means the Roll of Assistants in Nursing enrolled under this Act.

Words importing the female gender shall include the male.

4. There shall be constituted a Board, to be called the Nurses Registration Board, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by or under this Act. Nurses
Registration
Board.

5.

Nurses Registration Act.**No. 10, 1953.**Members of
the Board.

5. (1) The Board shall consist of thirteen members who shall be appointed by the Governor. Of the members so appointed—

- (a) one shall be the person for the time being holding the office of Director-General of Public Health, who shall be Chairman of the Board;
- (b) one shall be the person for the time being holding the office of Inspector-General of Mental Hospitals;
- (c) one shall be a teaching professor in the School of Medicine in the University of Sydney, nominated by the Senate of the said University;
- (d) one shall be a legally qualified medical practitioner nominated by the Post-Graduate Committee in Medicine;
- (e) five shall be registered general nurses—
 - (i) in the case of the Board first constituted under this Act, nominated by the Minister from a panel of names submitted to him by organisations or associations which, in his opinion, are representative of registered general nurses or infants' nurses or any group of registered general nurses or infants' nurses; and
 - (ii) in the case of each subsequent Board, elected by registered general nurses and infants' nurses in the prescribed manner;
- (f) one shall be a registered midwifery nurse—
 - (i) in the case of the Board first constituted under this Act, nominated by the Minister from a panel of names submitted to him by organisations or associations which, in his opinion, are representative of registered midwifery nurses or any group of registered midwifery nurses; and
 - (ii)

(ii) in the case of each subsequent Board, **No. 10, 1953.**
elected by registered midwifery nurses
in the prescribed manner;

(g) one shall be a registered mental nurse—

(i) in the case of the Board first constituted
under this Act, nominated by the
Minister from a panel of names sub-
mitted to him by organisations or
associations which, in his opinion, are
representative of registered mental
nurses or any group of registered
mental nurses; and

(ii) in the case of each subsequent Board,
elected by registered mental nurses in
the prescribed manner;

(h) one shall be a representative of the Hospitals
Commission of New South Wales;

(i) one shall be a person nominated by the Minister.

(2) (a) The members of the Board first constituted
under this Act shall hold office until such day as the
Governor may by notification published in the Gazette
appoint as the day on which such members are to cease
to hold office. Such members shall be eligible for
re-appointment.

(b) The members of each subsequent Board
(other than the persons referred to in paragraphs (a)
and (b) of subsection one of this section) shall hold office
for three years and be eligible for re-appointment.

(3) The provisions of the Public Service Act, 1902,
or of any Act amending that Act, shall not apply to any
appointment of members of the Board, and such members
shall not in their capacity as members of the Board be
subject to the provisions of any such Act.

(4) Each member of the Board (other than the
persons referred to in paragraphs (a) (b) and (h)
of subsection one of this section) shall be paid such fees
as the Governor may direct.

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No. 10, 1953.
Chairman.

6. The Chairman when present shall preside at all meetings of the Board.

In the absence of the Chairman from any meeting, another member, chosen for the purpose by the majority of members present and voting, shall preside.

Vacation
of office.

7. A member shall be deemed to have vacated his office if---

- (a) he dies; or
- (b) he resigns his office by writing under his hand addressed to the Governor; or
- (c) he becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952; or
- (d) he is convicted in New South Wales of a felony or of a misdemeanour or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or a misdemeanour; or
- (e) he is absent without leave of the Board from three consecutive meetings of the Board; or
- (f) he is removed from office by the Governor; or
- (g) he ceases to hold the qualification by virtue of which he was appointed, nominated, or elected as a member.

A member shall be deemed to have vacated his office upon the day upon which he attains the age of sixty-five years.

Governor
may remove
member.

8. The Governor may, for any cause which appears to him sufficient, remove any member from office.

Appoint-
ments to
casual
vacancies.

9. (1) Where a casual vacancy occurs in the office of a member, a member shall be appointed by the Governor to fill the vacant office.

(2) (a) Where the casual vacancy occurs in the office of a member appointed on the nomination of the Minister, or the Senate of the University of Sydney, or the Post-Graduate Committee in Medicine, or the Hospitals Commission of New South Wales, the member appointed to the vacant office shall be appointed on the nomination of the Minister, or of the said Senate, or of the Post-Graduate Committee in Medicine, or the Hospitals Commission of New South Wales, as the case may require.

(b) Where the casual vacancy occurs in the office of a member appointed pursuant to paragraph (e) (f) or (g) of subsection one of section five of this Act, the member appointed to the vacant office shall be a person for the time being registered as a general nurse, midwifery nurse or mental nurse, as the case may require.

(3) A member appointed under the authority of this section shall hold office for the balance of his predecessor's term of office, but shall be eligible for re-appointment.

10. (1) At any meeting of the Board eight members shall form a quorum. Board meetings.

(2) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to any regulations in relation thereto and to this Act, be as determined by the Board.

11. (1) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced vacancies existed in the offices of any members. Validity of acts and proceedings.

(2) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified to act, be as valid as if such member had been duly appointed and was qualified to act and had acted as a member of the Board, and as if the Board had been properly and fully constituted.

12.

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Members
and persons
acting bona
fide not
personally
liable.

12. No matter or thing done or suffered by the Board, or by any member, or by 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, authorities, duties or functions 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.

Registrar
and
officers
of Board.

13. (1) The person for the time being holding the position of Secretary to the Board of Health shall ex-officio be the Registrar of the Board.

(2) All other officers or employees as may be necessary for the administration of this Act shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

(3) (a) The Assistant Registrar appointed under the Nurses' Registration Act, 1924-1946, and holding office immediately before the commencement of this Act, shall as on and from such commencement be deemed to have been appointed under this section, and shall be an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

(b) All officers, other than the Assistant Registrar, appointed under the Nurses' Registration Act, 1924-1946, and holding office immediately before the commencement of this Act, shall as on and from such commencement be deemed to have been appointed under this section and shall be employees within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

(c) Service of the Assistant Registrar before the commencement of this Act as an officer of the Nurses' Registration Board of New South Wales and after such commencement as an officer of the Board shall be deemed to be service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919.

14.

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14. Subject to this Act the powers, authorities, duties and functions of the Board shall be—

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Powers,
authorities,
duties and
functions
of Board.

- (a) to determine the character, subjects and conduct of examinations under this Act;
- (b) to appoint examiners in respect of such examinations;
- (c) to appoint the places where, and the times when, such examinations shall be held;
- (d) to cause the names of qualified nurses to be entered in the prescribed manner in the Register and the names of assistants in nursing to be entered in the prescribed manner in the Roll;
- (e) to issue and cancel certificates of registration;
- (f) to suspend the registration of any person under this Act and to annul such suspension;
- (g) to remove the name of any person from the Register or Roll and to restore such name thereto; and
- (h) generally, to do any other act or exercise or perform any other powers, authorities, duties or functions necessary for carrying the provisions of this Act into effect.

cf. Act
No. 37,
1924, s. 5.

In the exercise and discharge of its powers, authorities, duties and functions the Board shall be subject in all respects to the control and direction of the Minister.

15. (1) The Board shall keep a register, to be called the Register of Nurses.

**Register
of nurses.**

(2) The Register shall be subdivided as follows:—

- (a) the Register of General Nurses;
- (b) the Register of Midwifery Nurses;
- (c) the Register of Mental Nurses;
- (d) the Register of Infants' Nurses.

(3)

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(3) The Registrar shall enter in the appropriate subdivision of the Register in the prescribed manner and on payment of the prescribed fee—

- (a) the full name and address of every registered nurse;
- (b) the date of her registration;
- (c) particulars of the qualification or qualifications in respect of which her registration is granted;
- (d) particulars of such further or additional qualifications possessed by her as the Board may direct to be entered in the Register;
- (e) particulars of any certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, document or description which she is authorised by the Board to use in relation to herself as a nurse;
- (f) such other particulars and matters as are directed by this Act or the regulations to be entered therein.

(4) The Register shall at all reasonable times be open to inspection at the office of the Board by any person on payment of the prescribed fee.

(5) The Registrar shall, in the month of January in each year, transmit a certified copy of the Register to the Minister and if the Minister so directs, such copy shall be published in the Gazette as soon as possible.

Qualifications for registration.

16. (1) Any person who has attained the age of twenty-one years and who satisfies the Board as to good character shall be entitled to 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 less than four years;
- or**

(ii)

- (ii) being a person who is registered under this Act as a mental nurse, midwifery nurse or infants' nurse, she holds a certificate as prescribed stating that she, subsequent to being registered as such, has attended the practice of one or more of such hospitals for not less than the period prescribed; and
- (iii) she has passed such examinations as the Board prescribes;

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(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
- (ii) being a person who is registered under this Act as a general nurse, she holds a certificate as prescribed stating that she, subsequent to being registered as such, has attended the practice of one or more of such hospitals for not less than the period prescribed; and
- (iii) she has passed such examinations as the Board prescribes;

(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 two years; or
- (ii) being a person who is registered under this Act as a general nurse or mental nurse, she holds a certificate as prescribed stating that she, subsequent to being registered as such, has attended the practice of one or more of such hospitals for not less than the period prescribed; and
- (iii)

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(iii) 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; or

(ii) being a person who is registered under this Act as a general nurse, mental nurse or midwifery nurse she holds a certificate as prescribed stating that she, subsequent to being registered as such, has attended the practice of one or more of such hospitals or similar institutions for not less than the period prescribed; and

(iii) she has passed such examinations as the Board prescribes.

(2) Any person who has attained the age of twenty-one years, 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 as such in any country, other than New South Wales, 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 prescribed fee, be registered under this Act, provided that the Board is satisfied that the standard of training and examination in such other country is equivalent to the standard prescribed by or under this Act.

(3) Any person, not otherwise provided for under subsection two of this section, who has attained the age of twenty-one years, and who 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 in respect of such training a certificate approved by the Board from any institution or person or body of persons in any country, other than New South
Wales,

Wales, may upon payment of the prescribed fee be registered under this Act, provided that she has passed such examinations as the Board may in any particular case require, and the Board is satisfied that her qualifications are adequate. No. 10, 1953.

(4) (a) Where before the commencement of this Act any person has attended the practice of any medical, surgical, mental or maternity hospital or hospital for children or similar institution for the time being approved by the Nurses' Registration Board of New South Wales, the period of such attendance shall be taken into account in determining whether such person has attended the practice of a medical, surgical, mental or maternity hospital or hospital for children or similar institution, as the case may be, for the relevant period prescribed by or under subsection one of this section.

(b) Regulations made for the purposes of subparagraph (ii) of paragraph (a), subparagraph (ii) of paragraph (c) and subparagraph (ii) of paragraph (d) of subsection one of this section may prescribe different periods for attending the practice of any medical, surgical or maternity hospitals or hospitals for children or similar institutions according as to whether the applicant for registration pursuant to—

- (i) the said subparagraph (ii) of paragraph (a) is a mental nurse, midwifery nurse or infants' nurse;
- (ii) the said subparagraph (ii) of paragraph (c) is a general nurse or mental nurse;
- (iii) the said subparagraph (ii) of paragraph (d) is a general nurse, mental nurse or midwifery nurse.

17. (1) (a) Every registered nurse shall on or before the prescribed date in each year pay to the Registrar a retention fee of such amount as may be prescribed for the following year commencing on the first day of January. Annual retention fees.

Together

Nurses Registration Act.

No. 10, 1953. Together with the retention fee the registered nurse shall furnish particulars of her address for entry in the Register.

(b) If a registered nurse does not pay the retention fee on or before the date so prescribed, the Board shall forthwith notify her by registered letter addressed to her at the address appearing on the Register that if such retention fee is not paid on or before the thirty-first day of December next following her name will be removed from the Register:

Provided that the provisions of this paragraph shall not require the Board to notify any registered nurse in accordance with such provisions during the year one thousand nine hundred and fifty-four.

(c) If any registered nurse—

- (i) fails in the year one thousand nine hundred and fifty-four to pay any such retention fee on or before the thirty-first day of December in that year;
- (ii) fails in any subsequent year, after being so notified, to pay any such retention fee on or before the thirty-first day of December in that year;

the Board shall remove her name from the Register.

(2) If the name of any registered nurse is removed from the Register under this section the Board shall, upon application, restore her name to the Register upon payment of such fees as are prescribed. The regulations may provide for the waiver of such part of the fees as the Board may in any particular case deem proper.

(3) Where the name of a registered nurse has been removed from the Register and until the name has been restored thereto, the nurse shall be deemed to be a person not registered under this Act.

Removal of
names of
certain
persons
from
Register.

18. (1) The Board shall remove from the Register the names of—

- (a) every deceased registered nurse,

(b)

- (b) every registered nurse who has ceased to possess or does not possess the qualifications in respect of which she was registered, No. 10, 1953.
- (c) every registered nurse who has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar General in respect of deaths registered in the district of Sydney) upon registering the death of any registered nurse, shall transmit notice of such death to the Registrar and the Board shall, upon receipt of such notice, cause the name of such registered nurse to be removed from the Register.

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

19. (1) Where a registered nurse—

- (a) has been convicted, in New South Wales of a felony or misdemeanour, or elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour; or
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
- (c) has been adjudged by the Board, after an inquiry as hereinafter provided, to have been guilty of misconduct in a professional respect,

Removal of
name on
account of
misconduct,
etc.
cf. Act No.
9, 1945,
s. 24.

the Board may remove her name from the Register, or suspend her registration for such period as the Board may think fit, or caution or reprimand her.

(2) In the case of any conviction as aforesaid, no person shall have her name removed from the Register or have her registration suspended on account thereof if the offence in respect of which she has been so convicted
does

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does not, either from its trivial nature or from the circumstances under which it was committed, render such person unfit in the public interest to practise as a nurse.

(3) (a) The Board may by resolution delegate to any member of the Board or to an officer of the Public Service (which member or officer is in this section referred to as the "delegate") power to make an inquiry under this section.

A document purporting to be a copy of a resolution of the Board and to be signed by the Chairman or member presiding at the meeting at which the resolution was passed shall be sufficient evidence of any delegation under this subsection, and of the terms of the delegation.

(b) The delegate shall forward to the Board a copy certified under his hand of any evidence taken, and shall furnish to the Board a report of any such inquiry made by him together with a recommendation.

(c) The decision of the Board shall be given after consideration of the copy of any evidence taken and of the report and recommendation of the delegate.

(4) In the case of a charge of misconduct in a professional respect the Board or the delegate in making due inquiry shall sit as in open court, and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) For the purpose of any inquiry under this section, the Board and the Chairman or other member of the Board presiding at the meeting at which such inquiry is made and the delegate shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Acts, 1923-1934, on commissioners and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, *mutatis mutandis*, apply to any witness summoned by or appearing before the Board or the delegate.

(6)

(6) Every person, other than a member of the police force or a member of the Public Service, who makes a complaint to the Board alleging misconduct in a professional respect against any person, shall deposit with the Board the sum of five pounds at the time of lodging the complaint. No. 10, 1953.

If after considering the complaint the Board is of opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(7) Whenever the registration of a nurse is suspended under the provisions of this section the Registrar shall enter in the Register a memorandum of that fact and of the date and cause thereof.

(8) (a) Any person aggrieved by the removal of her name from the Register or by the suspension of her registration or by any refusal or failure to register her name in the Register may, within three months after the date on which notice is given to her by the Registrar that her name has been so removed or her registration suspended, or within six months after the date on which she applied to be registered, as the case may be, appeal against the removal or suspension or the refusal or failure, as the case may be, to the District Court having jurisdiction in the district within which such person resides.

(b) Any such appeal shall be in the nature of a rehearing and shall be made in accordance with rules of court.

(c) The District Court may make such order as it deems fit and such order shall be final, and without appeal, and the Board shall give effect thereto.

20. Any person whose name is removed from the Register pursuant to section nineteen of this Act shall within fourteen days from the notification to her of such removal surrender to the Board any certificate of registration or badge issued to her by the Board and held by her Surrender of certificates and badges.
Any

Nurses Registration Act.

No. 10, 1953. Any person who fails to do so shall be guilty of an offence against this Act and be liable to a penalty not exceeding two pounds for every week during which such offence continues.

Restoration
of name to
Register.
Act No. 10,
1934, s. 9.

21. Where the Board removes from the Register the name of any person, the name of that person shall not be again entered on the Register except by direction of the Board or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, restore to the Register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee as the Board may from time to time direct.

Roll of
Assistants
in Nursing.

22. (1) (a) The Board shall keep a roll, to be called the Roll of Assistants in Nursing.

(b) The Registrar shall enter in the Roll in the prescribed manner and on payment of the prescribed fee—

- (i) the full name and address of every assistant in nursing entitled to enrolment;
- (ii) the date of her enrolment; and
- (iii) particulars of the qualification or qualifications in respect of which she is enrolled.

(c) The Roll shall at all reasonable times be open to inspection at the office of the Board by any person on payment of the prescribed fee.

Qualifica-
tions for
enrolment
as Assistant
in Nursing.

(2) Any person who has attained the age of nineteen years, and who satisfies the Board as to good character shall be entitled to be enrolled as an assistant in nursing if—

- (a) she proves to the satisfaction of the Board that she has for a period of not less than two years before the date of commencement of this section been engaged bona fide as an assistant in nursing; or

(b)

- (b) (i) she holds a certificate as prescribed, stating that she has been employed in one or more hospitals approved by the Board for the period prescribed, and
- (ii) she has received such tuition and has passed such examinations as may be prescribed.
- (3) The provisions of sections seventeen and eighteen of this Act shall apply, *mutatis mutandis*, to and in respect of every person enrolled in the Roll.

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Retention
fee, etc.

- 23.** Any person who takes or uses any name, initials, word, title, addition, symbol or description which having regard to the circumstances in which it is taken or used, indicates or is capable of being understood to indicate, or is calculated to lead persons to infer that she is—
- (a) a registered nurse unless she is registered under this Act; or
- (b) a general nurse unless she is registered under this Act as a general nurse; or
- (c) a mental nurse unless she is registered under this Act as a mental nurse; or
- (d) a midwife, midwifery nurse, or obstetric nurse, unless she is registered under this Act as a midwifery nurse; or
- (e) an infants' nurse unless she is registered under this Act as an infants' nurse; or
- (f) an assistant in nursing unless she is enrolled in the Roll,

Unregis-
tered or un-
enrolled
persons not
to hold
themselves
out as
registered
nurses or
enrolled
assistants.

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.

- 24.** (1) No registered general, mental, midwifery or infants' nurse shall practise as a nurse in any capacity other than that in respect of which she is registered.

Unautho-
rised
nursing.
Act No. 37,
1924, s. 13.

- (2) (a) No person who is not registered as a midwifery nurse shall attend as a midwife any lying-in woman.

(b)

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(b) The provisions of this subsection shall not apply to—

- (i) any legally qualified medical practitioner;
- (ii) 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;
- (iii) any person rendering assistance in a case of emergency; or
- (iv) any medical student or any nurse undergoing midwifery training.

(3) Any person contravening the provisions of this section shall be guilty of an offence against this Act.

Directions
to nurses
in order
to prevent
spread of
infection.

25. (1) Where it appears to the Board that to prevent the spread of infection it is necessary for any registered nurse to abstain from practising as such, the Board may from time to time direct such nurse to abstain from practising as such for such period as the Board may determine.

The powers conferred on the Board under the foregoing provisions of this subsection may also be exercised by the Director-General of Public Health or a legally qualified medical practitioner authorised by him in that behalf.

(2) Any registered nurse who fails to comply with any direction given under subsection one of this section shall be guilty of an offence against this Act.

Badges.
Act No. 37,
1924, s. 15.

26. 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 guilty of an offence against this Act.

Nurses'
caps.

27. Any person not being a person registered under this Act who wears a nurse's cap shall be guilty of an offence against this Act.

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The provisions of this section shall not apply to—

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- (a) a member of a religious order wearing a habit conforming with the requirements or customs of that order, or any person taking part in a religious rite wearing any raiment customary or necessary therefor;
- (b) any person taking part in any theatrical performance wearing a nurse's cap; or
- (c) any person under the age of sixteen years being a junior member of the Australian Red Cross Society (New South Wales Division).

For the purposes of this section "nurse's cap" means a cap of the design commonly worn by registered nurses consisting of a piece of material so folded that when worn portion thereof hangs to or below the shoulder.

28. Any Registrar or other person who wilfully makes or causes to be made any false entry in or falsification of the Register or Roll and any person who wilfully procures or attempts to procure herself or any other person to be registered or enrolled under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds.

False entries
in Register
or Roll,
misrepresentation,
etc.
cf. Act No.
10, 1934,
s. 14.

29. The Board may examine any person upon oath or take a solemn declaration from any person for the purposes of this Act, and 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, letters, testimonial or other document or writing such person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds.

Board may
examine
witness
on oath.
cf. *Ibid.*
s. 15.

30. (1) Any person who is guilty of an offence against this Act for which a penalty is not expressly provided shall be liable to a penalty not exceeding twenty pounds.

Penalties.

(2)

Nurses Registration Act.

No. 10, 1953.

(2) All informations for offences against this Act and regulations shall be laid by the Registrar or by some other person appointed by the Board for that purpose, or a member of the police force, and all penalties when recovered shall be paid to the Registrar, who shall cause the same to be paid into an account in the Special Deposits Account in the Treasury, to be called the "Nurses Registration Board Education and Research Account."

(3) All proceedings in respect of offences against this Act and the regulations shall be disposed of in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

Document
under hand
of Registrar
to be prima
facie
evidence.

31. A certificate purporting to be signed by the Registrar and to certify that—

- (a) on a specified day or days or during the whole of a specified period, a particular person was duly registered in the Register as a general, mental, midwifery or infants' nurse or enrolled in the Roll,
- (b) on a specified day or days or during the whole of a specified period a particular person was not registered in the Register as a general, mental, midwifery or infants' nurse or was not enrolled in the Roll,
- (c) on a specified day the name of a particular person was removed from the Register or Roll, or
- (d) as from a specified day the registration of a particular person was suspended for a specified period,

shall, in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.

Financial
provisions.

32. (1) The fees payable under this Act and the regulations shall be paid to the Registrar.

(2) The amount of such fees shall be paid by the Registrar to the Colonial Treasurer and shall be carried to the Consolidated Revenue Fund:

Provided

Provided that, where in any year the prescribed retention fee payable by registered nurses or enrolled assistants in nursing exceeds the sum of five shillings, only the amount of five shillings in respect of each retention fee shall be carried to the Consolidated Revenue Fund, and the balance of the retention fees shall be paid into the Nurses Registration Board Education and Research Account. No. 10, 1953.

(3) The expenses of the Board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament.

33. (1) All moneys and securities which immediately before the commencement of this Act were held by the Nurses' Registration Board of New South Wales shall vest in and belong to the Board.

Such moneys and the proceeds from the realisation of such securities shall, after payment therefrom of any amount which would have been payable therefrom but for the repeal of section seventeen of the Nurses' Registration Act, 1924-1946, be transferred to the Nurses Registration Board Education and Research Account.

(2) The Board may at any time and from time to time appropriate any portion or portions of the said Account for or towards education (including post graduate education) and research in nursing or any public purpose connected with the profession or calling of nursing: Provided that no such appropriation shall be made unless the same is authorised by a resolution passed by a majority consisting of not less than seven members of the Board at a meeting specially convened for the purpose of considering such resolution.

34. (1) If the Board is of opinion that a trial should be made of a scheme of training or types of examination different from but in the opinion of the Board not less efficient than the scheme of training or types of examination prescribed by or under this Act as a qualification for registration under section sixteen of this Act, the Board may, with the approval of the Minister, by resolution Board may adopt alternate schemes of training and examinations in certain cases.
adopt

Nurses Registration Act.

No. 10, 1953. adopt such firstmentioned scheme of training or types of examination for such periods and for such institutions as may be specified in the resolution.

(2) Any person who has attained the age of twenty-one years and who satisfies the Board that she is of good character and that she has satisfactorily undertaken and passed any scheme of training and examinations adopted by the Board pursuant to subsection one of this section shall notwithstanding the provisions of section sixteen of this Act, be entitled to be registered under this Act in the subdivision of the Register appropriate to the qualifications of such person.

Regulations. **35.** (1) The Governor may, on the recommendation of the Board, make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, regulations may be made for or with respect to—

- (a) the proceedings of the Board;
- (b) the issue and surrender of badges and of certificates of registration and the fees payable for such badges and certificates;
- (c) the circumstances in which and the conditions upon which and the persons to whom provisional certificates of registration may be issued and the effect of the same;
- (d) the manner in which a complaint alleging misconduct in a professional respect may be preferred to the Board;
- (e) the period of attendance at hospitals prior to registration or enrolment, the conditions under which a hospital shall be recognised as a training school for nurses, the qualifications to be possessed by persons preparatory to undergoing courses

courses of training, the regulation and supervision of courses of training, and the form of certificates as to such attendance, and the persons by whom they may be granted; No. 10, 1953.

- (f) the character, subjects, and conduct of examinations for registration or enrolment;
- (g) the fees payable for examinations, registration, enrolment, restoration to the Register or Roll and inspection of the Register or Roll;
- (h) retention fees payable by registered nurses and enrolled assistants in nursing;
- (i) the duties of nurses insofar as it may be necessary to prevent the spread of infection;
- (j) the regulation and supervision of the practice of midwifery nurses and the notification of diseases either in the mother or the new-born child by such nurses;
- (k) the imposition of a penalty of not more than twenty pounds for any breach of the regulations.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.