

**NURSES ACT 1991—REGULATION**

(Nurses Regulation 1992)

NEW SOUTH WALES



*[Published in Gazette No. 36 of 13 March 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Nurses Act 1991, has been pleased to make the Regulation set forth hereunder.

RON PHILLIPS

for Minister for Health and Community Services.

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**Citation**

1. This Regulation may be cited as the Nurses Regulation 1992.

**Commencement**

2. This Regulation commences on 13 March 1992.

**Recognition of institutions and qualifications**

3. (1) A hospital, a nursing home or an educational or other institution may be recognised by the Board under section 10 (1) (h) (together with the curriculum for its course and the diploma, certificate or other qualification awarded by it) only if

- (a) curriculum details of the course which it offers or to which it contributes instruction, clinical experience or other training have been forwarded to the Board; and
- (b) the objective of the course is the achievement by students of levels of educational and clinical competence approved by the Board; and
- (c) the course itself is approved by the Board.

(2) The Board is to notify its recognition in writing directly to the hospital, home or institution. Likewise, the hospital, home or institution is to notify the Board of any change of curriculum that occurs after details have been forwarded under this clause.

(3) The Board may by writing to the hospital, home or institution revoke or vary its recognition if satisfied that the course is not being conducted in accordance with any conditions to which the recognition is subject or is not being conducted in accordance with the details received by the Board under this clause immediately before the Board granted recognition to the hospital, home or institution.

### **Register and certificates**

4. (1) For the purposes of section 16 (7) of the Act, the prescribed fee for the inspection of the Register is \$10.

(2) For the purposes of section 17 (a) of the Act, the prescribed form of certificate of registration as a nurse is Form 1 in Schedule 1.

(3) For the purposes of section 17 (b) of the Act, the prescribed form of certificate of authorisation to practise midwifery is Form 2 in Schedule 1.

(4) For the purposes of section 24 of the Act, the prescribed form of certificate of temporary registration is Form 3 in Schedule 1.

### **Registration fees**

5. (1) For registration under section 18 (a) or (b), section 19 (a) or (b) or section 24 of the Act, the prescribed fee is \$42.

(2) For registration under section 18 (c) or (d) or section 19 (c) or (d) of the Act, if the place referred to in that paragraph is within Australia, the prescribed fee is \$42.

(3) For registration under section 18 (c) or (d) or section 19 (c) or (d) of the Act, if the place referred to in that paragraph is outside Australia, the prescribed fee is \$50.

### **Qualifications for registration in List “B”**

6. For registration under section 19 of the Act:

- (a) the prescribed qualification is a certificate issued by a recognised hospital or other institution; and
- (b) the prescribed period of attendance is a period of at least 2 years.

**Application fee to practise midwifery**

7. For entitlement to be authorised under section 20 of the Act to practise midwifery, the prescribed fee is \$15.

**Application fee to enter further qualifications on Register**

8. The fee for a direction under section 22 (1) (b) of the Act to the Registrar to enter further or additional qualifications is \$12.

**Functions not requiring registration**

9. For the purposes of section 25 of the Act, the prescribed functions are:

- (a) functions exercised to meet the needs of organ transplant patients and patients donating organs; and
- (b) functions exercised as a member of a retrieval team which enters New South Wales to pick up a patient; and
- (c) functions exercised during the period a nurse is on escort duty accompanying a patient on a journey within New South Wales if the origin or destination of the journey is outside New South Wales.

**Roll of nurses**

10. (1) For the purposes of section 26 (3) of the Act, the prescribed manner of entry on the Roll is inclusion on an electronic database or such other manner as the Board determines.

(2) For the purposes of section 26 (6) of the Act, the prescribed fee for inspection of the Roll is \$10.

**Enrolment in List “A”**

11. (1) For the purposes of section 27 of the Act:

- (a) the prescribed age is 18 years; and
- (b) the prescribed fee for enrolment in List “A” of the Roll is \$42.

(2) For the purposes of section 27 (a) of the Act:

- (a) the prescribed certificate is the certificate of attendance issued by each hospital and institution where the person received the training referred to in that paragraph; and
- (b) the prescribed period is a minimum period of 12 months (not including any period by which the person’s total leave of absence (if any) exceeded 5 weeks); and

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- (c) the prescribed tuition is the training in nursing given by the hospital or institution which the person attended; and
- (d) the prescribed examination is that conducted by the Department of Technical and Further Education for the purposes of that paragraph.

**Enrolment in List “B”**

- 12. (1)** For the purposes of section 28 of the Act:
- (a) the prescribed age is 18 years; and
  - (b) the prescribed fee for enrolment in List “B” of the Roll is \$42.
- (2)** For the purposes of section 28 (a) of the Act:
- (a) the prescribed certificate is the certificate of attendance issued by each hospital, home for children, or similar institution whose practice the person attended as referred to in that paragraph; and
  - (b) the prescribed period is a minimum period of 12 months (not including any period by which the person’s total leave of absence (if any) exceeded 5 weeks).

**Certificate of enrolment**

**13.** For the purposes of section 29 of the Act, the prescribed form is Form 4 in Schedule 1.

**Annual practising fee**

**14.** For the purposes of section 33 (2) of the Act, the prescribed practising fee is \$32.

**Fee for restoration to Register or Roll**

**15.** For the purposes of section 33 (4) of the Act, the prescribed fee for restoring a person’s registration or enrolment is \$42.

**Notice of incapacity**

- 16. (1)** For the purposes of section 35 of the Act, the person required to cause notice of mental incapacity to be forwarded to the Board is:
- (a) in the case of a mentally incapacitated nurse who is a patient at an institution because of that incapacity—the director of the institution; or
  - (b) in the case of a mentally incapacitated nurse who has become a protected person—the Protective Commissioner.

(2) Notice for the purposes of section 35 of the Act is to be given by telephone within 1 day, or posted within 7 days, after the nurse starts attending the institution or becomes a protected person.

### **Badges**

17. For the purposes of section 37 of the Act, the prescribed design for a badge is one having on it the words “Nurses Registration Board”, a representation of the state arms of New South Wales, and appropriate letters or symbols to convey information as to the wearer’s registration, enrolment or authorisation.

### **Letters after name**

18. Accredited nurses may indicate their accreditation by placing after their names the following letters:

- (a) in the case of a registered nurse—“R.N.”;
- (b) in the case of a nurse enrolled in List A of the Roll—“E.N.”;
- (c) in the case of a nurse enrolled in List B of the Roll—“E.N. (M’craft) ”;
- (d) in the case of a registered nurse authorised to practise midwifery—“C.M.” (which stands for “certified midwife”) as well as, or instead of, the letters “R.N.”.

### **Payment of Committee members**

19. For the purposes of section 51 (5) of the Act, a member of a Committee is entitled to be paid at the rate determined from time to time by the Minister.

### **Time for appeals**

20. (1) For the purposes of section 57 (1) of the Act, the prescribed time is the 21-day period that starts on the day when the appellant nurse receives notice of the finding or exercise of power against which the nurse is appealing.

(2) For the purposes of section 58 (2) of the Act, the prescribed time is the 21-day period that starts on the day when the Committee does anything concerning which the appellant appeals with respect to a point of law.

**Payment of Tribunal members**

21. (1) For the purposes of section 59 (8) of the Act, a member of the Tribunal is entitled to be paid at the rate determined from time to time by the Minister.

(2) For the purposes of section 60 (5) of the Act, the Chairperson or a Deputy Chairperson is entitled to be paid at the same rate as a witness who gives expert evidence in the Supreme Court.

**Time for appeal to the Supreme Court**

22. For the purposes of section 67 (1) and (5) of the Act, the prescribed time is the 21-day period which starts on the day when the appellant receives notice of the decision or exercise of power against which the appeal is made.

**Duplicate certificates**

23. (1) The Registrar may, on application by a nurse and on payment of a fee of \$20, issue a duplicate certificate if satisfied that a certificate issued to the nurse under the Act has been lost or destroyed or the information that it certifies is no longer correct.

(2) The Registrar may require an application under this clause for a duplicate of a lost or destroyed certificate to be verified by a statutory declaration as to the circumstances in which the certificate was lost or destroyed.

**Alterations of the Register or Roll**

24. The Registrar may require such evidence as the Registrar thinks necessary before altering an entry in the Register or Roll.

**SCHEDULE 1—FORMS OF CERTIFICATES**

**Form 1**

(Cl. 4)

**NEW SOUTH WALES NURSES REGISTRATION BOARD  
CERTIFICATE OF REGISTRATION**

This is to certify that the name of .....  
who has satisfied the Board under section ..... of the Nurses Act  
1991 was entered on List ..... of the Register of Nurses under

that Act on .....

This certificate was issued at Sydney on .....

President of the Board

Registrar

**Form 2**

(Cl. 4)

NEW SOUTH WALES NURSES REGISTRATION BOARD  
CERTIFICATE OF AUTHORISATION TO PRACTISE MIDWIFERY

This is to certify that .....

.....  
who has satisfied the Board under section 20 ..... of the Nurses Act 1991  
has been authorised under that Act to practise midwifery in New South  
Wales from .....

This certificate was issued at Sydney on .....

President of the Board

Registrar

**Form 3**

(Cl. 4)

**NEW SOUTH WALES NURSES REGISTRATION BOARD  
CERTIFICATE OF TEMPORARY REGISTRATION**

This is to certify that .....

has been registered temporarily under the Nurses Act 1991 as a nurse on  
List ..... of the Register\* subject to the following conditions: .....

.....  
.....

from .....

to .....

This certificate was issued at Sydney on .....

President of the Board

Registrar

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\* Insert if applicable “and is authorised to practise midwifery”,

**Form 4**

(Cl. 13)

**NEW SOUTH WALES NURSES REGISTRATION BOARD  
CERTIFICATE OF ENROLMENT\***

This is to certify that the name of .....

who has satisfied the Board under section ..... of the Nurses Act 1991  
was entered on List ..... of the Roll of Nurses under that Act



on .....

This certificate was issued at Sydney on .....

President of the Board

Registrar

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\* Insert “(MOTHERCRAFT)” if appropriate

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**SCHEDULE 1—FORMS OF CERTIFICATES**

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**EXPLANATORY NOTE**

This Regulation is a supplement to the Nurses Act 1991 on matters of detail. It follows largely the order of sections in the Act, providing for procedures, fees, qualifications, exemptions, remuneration, and other matters. It also prescribes forms for certificates of registration and enrolment.

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