



New South Wales

## Nurses (General) Regulation 1997

under the  
Nurses Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Nurses Act 1991*.

Andrew Refshauge  
Minister for Health

### Explanatory note

The object of this Regulation is to repeal and remake the provisions of the *Nurses Regulation 1992*. The new Regulation deals with the following matters:

- (a) administrative matters relating to the registration of nurses (Part 2),
- (b) infection control procedures to be observed by nurses (Part 3 and Schedule 1),
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4 and Schedule 2).

This Regulation is made under the *Nurses Act 1991*, including section 78 (the general regulation-making power) and various other sections referred to in the Regulation.

This Regulation is made in connection with the staged *repeal of subordinate legislation under the Subordinate Legislation Act 1989*.

**1997 No 455**

Nurses (General) Regulation 1997

Contents

---

**Contents**

---

	Page
<b>Part 1 Preliminary</b>	
1 Name of Regulation	4
2 Commencement	4
3 Definition	4
4 Notes	4
<b>Part 2 Registration</b>	
5 Qualifications for registration in List 'B': section 19	5
6 Functions not requiring registration: section 25	5
7 Roll of nurses: section 26	5
8 Enrolment in List "A": section 27	5
9 Enrolment in List "B": section 28	6
10 Duplicate certificates	6
11 Alterations of Register or Roll	6
<b>Part 3 Infection control standards</b>	
12 Infection control standards	7
<b>Part 4 Miscellaneous</b>	
13 Fees	8
14 Forms	9
15 Recognition of institutions and qualifications: section 10	9
16 Notice of incapacity: section 35	10
17 Badges: sections 5 and 37	10
18 Letters after name	10
19 Payment of members of Committee: section 51	10
20 Appeals against decisions of Committee: section 57	11
21 Appeals against decisions of Committee: section 58	11

Nurses (General) Regulation 1997

Contents

---

	Page
22 Payment of ordinary members of Tribunal: section 59	11
23 Payment of Chairperson and Deputy Chairperson of Tribunal: section 60	11
24 Appeals against decisions of Tribunal: section 67	12
25 Repeal	12

---

**Schedules**

1 Infection control standards	13
2 Forms of certificates	19

**1997 No 455**

Clause 1            Nurses (General) Regulation 1997

Part 1             Preliminary

---

## **Nurses (General) Regulation 1997**

### **Part 1     Preliminary**

#### **1   Name of Regulation**

This Regulation is *the Nurses (General) Regulation 1997*.

#### **2   Commencement**

This Regulation commences on 1 September 1997.

#### **3   Definition**

In this Regulation:

*the Act* means *the Nurses Act 1991*.

#### **4   Notes**

The explanatory note and table of provisions do not form part of this Regulation.

## **Part 2 Registration**

### **5 Qualifications for registration in List “B”: section 19**

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 minimum period of 2 years.

### **6 Functions not requiring registration: section 25**

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

- (a) functions exercised to meet the needs of organ transplant patients and patients donating organs,
- (b) functions exercised as a member of a retrieval team that enters New South Wales to pick up a patient,
- (c) functions exercised while a nurse is on escort duty accompanying a patient on a journey that begins or ends outside New South Wales.

### **7 Roll of nurses: section 26**

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.

### **8 Enrolment in List “A”: section 27**

- (1) For the purposes of section 27 of the Act, the prescribed age is 18 years.
- (2) For the purposes of section 27 (a) (i) 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 subparagraph, 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).

## **1997 No 455**

Clause 8            Nurses (General) Regulation 1997

Part 2             Registration

---

- (3) For the purposes of section 27 (a) (ii) of the Act:
  - (a) the prescribed tuition is the training in nursing given by the hospital or institution which the person attended, and
  - (b) the prescribed examination is that conducted by the Department of Training and Education Co-ordination for the purposes of that subparagraph.

### **9 Enrolment in List "B": section 28**

- (1) For the purposes of section 28 of the Act, the prescribed age is 18 years.
- (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).

### **10 Duplicate certificates**

- (1) The Registrar may, on application by a nurse and on payment of the relevant fee set out in clause 13, 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.

### **11 Alterations of Register or Roll**

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

## **Part 3      Infection control standards**

### **12 Infection control standards**

- (1) An accredited nurse must not, without reasonable excuse, fail to comply with the infection control standards set out in Schedule 1 to the extent that they apply to the nurse in the practice of nursing.
- (2) In determining whether or not an accredited nurse has a reasonable excuse for failing to comply with a standard, particular consideration is to be given to the following:
  - (a) whether the circumstances involved the provision of emergency treatment,
  - (b) whether the nurse's employer failed to provide the necessary equipment, including providing access to it and training in its use, that would have enabled the nurse to comply with the standard (and whether the failure to provide such equipment was reported by the nurse to the Director-General of the Department of Health).

**1997 No 455**

Clause 13        Nurses (General) Regulation 1997

Part 4            Miscellaneous

---

**Part 4        Miscellaneous**

**13 Fees**

The fees set out below are prescribed for the purposes of the following provisions of the Act and this Regulation:

**Fees under the Act**

Section 16 (7) .....	\$10
Section 18 (a) or (b) .....	\$45
Section 18 (c) or (d), if the place referred to in the relevant paragraph is within Australia .....	\$45
Section 18 (c) or (d), if the place referred to in the relevant paragraph is outside Australia .....	\$50
Section 19 (a) or (b) .....	\$45
Section 19 (c) or (d), if the place referred to in the relevant paragraph is within Australia .....	\$45
Section 19 (c) or (d), if the place referred to in the relevant paragraph is outside Australia .....	\$50
Section 20 .....	\$15
Section 22 (2) .....	\$12
Section 23 (1) (d) .....	\$12
Section 24 (1) .....	\$45
Section 26 (3) .....	\$12
Section 26 (6) .....	\$10
Section 27 .....	\$45
Section 28 .....	\$45
Section 33 (2) .....	\$35
Section 33 (4) .....	\$45

**Fees under this Regulation**

Clause 10 .....	\$20
-----------------	------



**14 Forms**

The forms set out in Schedule 2 are prescribed for the purposes of the following provisions of the Act:

Section 17 (a) .....	Form 1
Section 19 (b) .....	Form 2
Section 24 .....	Form 3
Section 29 .....	Form 4

**15 Recognition of institutions and qualifications: section 10**

- (1) A hospital, a nursing home or an educational or other institution (together with the curriculum for its course and the diploma, certificate or other qualification awarded by it) may be recognised by the Board under section 10 (1) (h) of the Act if and only if
  - (a) curriculum details of the course that 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.
- (3) 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.
- (4) The Board may, by writing to the hospital, home or institution, revoke or vary its recognition if it is satisfied:
  - (a) that the course is not being conducted in accordance with any conditions to which the recognition is subject, or
  - (b) that the course 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.

## **1997 No 455**

Clause 16          Nurses (General) Regulation 1997

Part 4              Miscellaneous

---

### **16 Notice of incapacity: section 35**

- (1) For the purposes of section 35 of the Act, the person required to cause notice of mental incapacity of an accredited nurse to be forwarded to the Board is:
  - (a) if the nurse is a patient at an institution because of that incapacity, the director of the institution, or
  - (b) if the nurse 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 one day, and posted within 7 days, after the nurse starts attending the institution or becomes a protected person.

### **17 Badges: sections 5 and 37**

For the purposes of sections 5 (2) and 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.

### **18 Letters after name**

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.” (standing for “certified midwife”) as well as, or instead of, the letters “R.N.”.

### **19 Payment of members of Committee: section 51**

For the purposes of section 51 (5) of the Act, a member of a Committee is entitled to be paid such remuneration as the Minister may from time to time determine.

**20 Appeals against decisions of Committee: section 57**

For the purposes of section 57 (1) of the Act, the prescribed time within which an appeal may be made to the Tribunal against any finding or exercise of power referred to in that subsection is the time ending 21 days after notice of the reasons for the finding or exercise of power is given to the appellant.

**21 Appeals against decisions of Committee: section 58**

- (1) An appeal referred to in section 58 (2) of the Act is to be made:
  - (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under that subsection in that regard, to the Deputy Chairperson so nominated), and
  - (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.
- (2) For the purposes of section 58 (2) of the Act, the prescribed time within which an appeal on a point of law may be made to the Chairperson (or, if a Deputy Chairperson is nominated under that subsection in that regard, to the Deputy Chairperson so nominated) is the time between the referral of the complaint and the commencement of the inquiry.

**22 Payment of ordinary members of Tribunal: section 59**

For the purposes of section 59 (8) of the Act, a member of the Tribunal (other than the Chairperson or Deputy Chairperson) is entitled to be paid such remuneration as the Minister may from time to time determine.

**23 Payment of Chairperson and Deputy Chairperson of Tribunal: section 60**

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

## 1997 No 455

Clause 24 Nurses (General) Regulation 1997

Part 4 Miscellaneous

---

### 24 Appeals against decisions of Tribunal: section 67

For the purposes of section 67 (1) and (5) of the Act, the prescribed time within which an appeal may be made to the Supreme Court against a decision or exercise of power referred to in that subsection is the time ending:

- (a) on the date occurring 21 days after the date on which notice of the Tribunal's reasons for the finding or exercise of power is given to the appellant, or
- (b) on such later date as the Supreme Court may allow in a particular case.

### 25 Repeal

- (1) The *Nurses Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Nurses Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

---

## Schedule 1 Infection control standards

(Clause 12)

### Part 1 Preliminary

#### 1 Definitions

- (1) In this Schedule:

*body substance* includes any human bodily secretion or substance other than blood.

*invasive procedure* means any one or more of the following:

- (a) surgical entry into body tissue, cavities or organs,
- (b) surgical repair of injuries,
- (c) cardiac catheterisation and angiographic procedures,
- (d) vaginal or caesarean delivery or any other obstetric procedure during which bleeding may occur,
- (e) the manipulation, cutting, or removal of any oral or pen-oral tissue, including tooth structure, during which bleeding may occur.

*patient* includes (but is not limited to) a person who is accessing medical or health services or who is undergoing any medical or health procedure.

*sharps* means any objects capable of inflicting penetrating injury, and includes hollow bore needles, suture needles, scalpel blades, wires, trocars, auto lancets, stitch cutters and broken glassware.

- (2) The requirements set out in this Schedule apply to a nurse who is assisting in performing a procedure in the same way as they apply to a nurse who is actually performing the procedure.

## **Part 2 General standards applying to nurses**

### **2 General precautions and aseptic techniques**

- (1) Precautions must be taken to avoid direct exposure to a patient's blood or other body substance. This requirement applies regardless of whether there is any perceived risk of infection.
- (2) Aseptic techniques must be used in the course of complying with the requirements of this Schedule.

### **3 Hand and skin washing**

- (1) Hands must be washed and dried immediately before and after any direct patient care. This requirement does not apply in circumstances where medical treatment is required to be performed urgently and washing facilities are not readily available.
- (2) Hands or other skin surfaces that are contaminated with a patient's blood or other body substance must be washed as soon as it is practicable to wash them.
- (3) The requirement to wash and dry hands applies regardless of whether gloves are also required to be worn.

### **4 Protective gowns and aprons**

A gown or apron made of impervious material must be worn while performing any procedure where there is a likelihood of clothing being splashed or contaminated with blood or other body substances.

### **5 Gloves**

- (1) Gloves must be worn while handling blood or other body substances.
- (2) In particular, gloves must be worn:
  - (a) while performing any procedure where direct contact is anticipated with a patient's blood or other body substance, mucous membranes or non-intact skin, and

- (b) while suctioning a patient, and
  - (c) while handling items or surfaces that have come into contact with blood or other body substances, and
  - (d) while performing an invasive procedure, venipuncture or a finger or heel stick, and
  - (e) while performing any procedure where skin penetration is anticipated.
- (3) Sterile gloves must be worn if the procedure involves contact with tissue that would be sterile under normal circumstances.
  - (4) Gloves must be changed and discarded:
    - (a) as soon as they are torn or punctured, and
    - (b) after contact with each patient.
  - (5) Gloves must also be changed if separate procedures are being performed on the same patient and there is a risk of infection from one part of the body to another.

## **6 Masks and protective eye wear**

- (1) A mask and protective eye wear must be worn while performing any procedure where there is a likelihood of splashing or splattering of blood or other body substances.
- (2) In cases where a mask is required to be worn, it must be worn and fitted in accordance with the manufacturer's instructions.
- (3) A mask must be discarded once it has been worn and it must not be used again.

## **7 Sharps**

- (1) Sharps must not be passed by hand between a nurse and any other person. However, this requirement does not apply if, in any case involving an invasive procedure, the proper conduct of the procedure would be adversely affected.
- (2) A puncture-resistant tray must be used to transfer sharps.
- (3) A needle must not be removed from a disposable syringe for disposal, or be purposely broken or otherwise manipulated by hand, unless:
  - (a) it is necessary to remove the needle for technical reasons, or

## 1997 No 455

Nurses (General) Regulation 1997

Schedule 1 Infection control standards

---

- (b) the nurse is performing a procedure in which the needle is required to be bent.
- (4) A needle must not be bent after it is contaminated with blood or other body substances.
- (5) In any case where resheathing of a needle is required:
  - (a) the needle must be properly recapped, and
  - (b) the sheath must not be held in the fingers, and
  - (c) either a single-handed technique or forceps, or a suitable protective guard designed for the purpose, must be used.
- (6) Reusable sharps must, immediately after being used, be placed in a puncture-resistant container specially kept for that purpose and labelled as such.
- (7) Non-reusable sharps must, immediately after being used, be disposed of in a puncture-resistant container.

### 8 Management of waste

- (1) Contaminated waste must be segregated, placed in a suitable leak-proof bag or container and contained at the place at which it is generated before being disposed of in an appropriate manner. *Contaminated waste* includes microbiological waste or pathological waste, or any material or item (for example, sharps, dressings or disposable linen) that is soiled or contaminated with blood or other body substances and that is likely to cause infection or injury to any person.
- (2) Splashing or contamination of skin while disposing of blood or other body substances must be avoided as far as practicable.



---

## Part 3 Specific standards applying to nurses

### 9 Sterile medications and solutions

- (1) A medication or solution may be taken from a multi-dose vial or ampoule (or other similar container) only if the medication or solution is not readily available in another form.
- (2) If any medication or solution is taken from a multi-dose vial or ampoule (or other similar container), a sterile needle and syringe must be used to withdraw the contents.
- (3) The needle and syringe must be discarded once they have been used.
- (4) Precautions must be taken to ensure that the injection of contaminated material or fluid into a multi-dose vial or ampoule (or other similar container) does not happen.

### 10 Anaesthetic breathing circuits

- (1) This clause applies in any case where an anaesthetic breathing circuit is used.
- (2) If the breathing circuit uses a filter:
  - (a) the filter must be discarded after each patient, and
  - (b) the part of the breathing circuit between the patient and the filter must be discarded, or cleaned and disinfected, after each patient, and
  - (c) the part of the breathing circuit between the carbon dioxide absorber and the filter must be discarded, or be cleaned and disinfected, at the end of each procedure list.
- (3) If the breathing circuit does not use a filter, the breathing circuit must be discarded, or be cleaned and disinfected, after each patient.

### 11 Invasive procedures

- (1) In cases where it is technically feasible, retractors must be used for exposure and access during invasive procedures.
- (2) Fingers must not be used for the purposes of an invasive procedure to expose or increase access for the passage of a suture.
- (3) Only one sharp at a time is to be placed in a sharps tray that is being used in connection with an invasive procedure.

## **Part 4 Processing of instruments and equipment**

### **12 Cleaning of instruments and equipment**

- (1) Any instrument or equipment that comes into contact with intact skin must be cleaned before it is used.
- (2) Any instrument or equipment that is required under this Part to be sterilised or disinfected must be cleaned before it is sterilised or disinfected.
- (3) The process of cleaning must involve water, mechanical or physical action (such as an ultrasonic cleaner) and a cleaning agent (such as detergent or a proteolytic enzyme).

### **13 Disinfection of instruments and equipment**

- (1) Any instrument or equipment that comes into contact with non-sterile tissue (other than intact skin) must be disinfected before it is used. They may also be sterilised if they are capable of withstanding that process.
- (2) The process of disinfection must involve either thermal or chemical methods. Chemical disinfection may only be used in cases where thermal methods are unsuitable.

### **14 Sterilisation of instruments and equipment**

- (1) Any instrument or equipment used to enter, or that is capable of entering, tissue that would be sterile under normal circumstances, or the vascular system of a patient, must be sterilised before it is used.
- (2) The method of sterilisation must be compatible with the particular type of instrument or equipment.
- (3) If the method of steam under pressure (that is, moist heat sterilisation) is used, the recommended temperature/pressure holding time must be attained and the relevant manufacturer's instructions must be followed.
- (4) If a dry air oven is used, the instrument or equipment must be held for at least 1 hour at 160 degrees Celsius and the relevant manufacturer's instructions must be followed.
- (5) Instruments and equipment may be sterilised chemically, by using low temperature hydrogen peroxide plasma in a 75 minute cycle, or by using ethylene oxide, or by using low temperature peracetic acid in a sealed chamber in a 30 minute cycle.

## Schedule 2 Forms

### Form 1 Certificate of registration

(Clause 14)

*Nurses Act 1991* (section 17 (a))

This is to certify that the name of .....  
who has satisfied the New South Wales Nurses Registration 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 Certificate of authorisation to practise midwifery

(Clause 44)

*Nurses Act 1991* (section 17 (b))

This is to certify that .....  
.....  
who has satisfied the New South Wales Nurses Registration 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

**1997 No 455**

Nurses (General) Regulation 1997

Schedule 2      Fams

---

**Form 3      Certificate of temporary registration**

(Clause 14)

*Nurses Act 1991* (section 24)

This is to certify that the New South Wales Nurses Registration Board has temporarily registered .....

.....

under the *Nurses Act 1991* a nurse on List ..... of the Register, and has authorised that person to practise midwifery,\* subject to the following conditions: .

.....

.....

from .....

to .....

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

President of the Board

Registrar

---

\* Delete the words "and has authorised that person to practise midwifery" if they are not appropriate.

Nurses (General) Regulation 1999

Forms

Schedule 2

---

**Form 4 Certificate of enrolment\***

(Clause 14)

*Nurses Act 1991* (section 29)

This is to certify that the name of .....  
who has satisfied the New South Wales Nurses Registration 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

---

\* Insert "(MOTHERCRAFT)" if appropriate.