

<i>Magistracy—</i>	£
Southern Division and Court of Requests	5,080
Central Division	905
Northern and North-Eastern Division and Court of Requests	3,455
North Western Division	915
Police Department	151,680
Gaol, Hobart	17,085
Gaol, Launceston	90
Gaols, General Service	370
Miscellaneous (Attorney-General)	2,590
 MINISTER FOR EDUCATION—	
Education Department	623,910
Tasmanian University	31,085
 MINISTER FOR LANDS AND WORKS—	
Department of Public Works	78,710
Mines, Magazines, and Explosives	24,995
Miscellaneous (Minister for Works)	46,595
Lands and Surveys Department	29,415
Miscellaneous (Minister for Lands)	11,580
 MINISTER FOR AGRICULTURE—	
Department of Agriculture	111,930
Forestry Department	5,770
Miscellaneous (Minister for Agriculture)	31,445
PENSIONS	800
INTEREST	20,835
SINKING FUNDS, &C.	5,420
	£2,186,950

NURSES' REGISTRATION.

No. 10 of 1952.

AN ACT to consolidate and amend the Law relating to the Registration and Practice of Trained Nurses.
[15 May, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title. **1** This Act may be cited as the *Nurses' Registration Act* 1952.

Repeal. **2**—(1) The enactments specified in the schedule are repealed to the extent specified therein.

(2) Every application, registration, certificate, record, register, approval, training direction, and other act or thing done, made, or given, and all training and examinations undergone by any person, under the repealed Act shall be deemed to have been done, made, given, or undergone under this Act as if this Act had been in force at the time when it was done, made, given, or undergone.

3 In this Act, unless the contrary intention appears—

Interpre-
tation.

“approved training institution” means a hospital or institution approved by the Board as a training institution under section six;

“Board” means the Nurses' Registration Board constituted under this Act;

“registered” means registered under this Act;

“Registrar” means the Registrar of Nurses;

“repealed Act” means the *Nurses' Registration Act 1927*,

and words importing the feminine gender include males.

4—(1) For the purposes of this Act there shall be a Board, to be known as the Nurses' Registration Board.

Constitution
of Nurses'
Registration
Board.
18 Geo. VI.
No. 8, s. 3.

(2) The Board shall consist of nine persons, namely—

- (a) the Director General of Medical Services, who shall be the chairman of the Board;
- (b) the general superintendent of the Royal Hobart Hospital;
- (c) the general superintendent of the Launceston General Hospital;
- (d) the matron of the Royal Hobart Hospital;
- (e) the matron of the Launceston General Hospital;
- (f) a legally qualified medical practitioner appointed by the Governor;
- (g) a matron of a public maternity hospital appointed by the Governor;
- (h) a registered nurse appointed by the Governor who is employed on the staff of an approved training institution which is situated elsewhere than in either of the cities of Hobart and Launceston; and
- (i) a registered nurse appointed by the Governor who is employed on the staff of an approved training institution which is not a public hospital within the meaning of Part II. of the *Hospitals Act 1918*.

(3) The several members of the Board respectively shall hold office as follows:—

- (a) The persons specified in paragraphs (a) to (e) of subsection (2) of this section shall hold office as members of the Board by virtue of their offices specified in those paragraphs without further appointment;
- (b) All other members of the Board shall hold office for the term of two years.

(4) The member appointed under paragraph (f) of subsection (2) of this section shall be paid such remuneration as may be prescribed.

(5) The Board existing under the repealed Act at the commencement of this Act shall continue as the Board under this Act, and the members thereof shall continue in office as if this Act had been in force at the commencement of their current period of office and they had been appointed under this Act.

Vacation of office and filling of vacancies.
Ibid., s. 4.

5—(1) The office of a member of the Board shall become vacant if the holder thereof—

- (a) dies;
- (b) becomes of unsound mind;
- (c) becomes bankrupt or takes any proceeding under the law relating to bankruptcy for a composition or scheme of arrangement with his creditors or a deed of arrangement or assignment;
- (d) ceases to hold the office or qualification by virtue of which he is appointed; or
- (e) tenders to the Governor in writing his resignation of his office, and it is accepted.

(2) The resignation of a person who is a member of the Board by virtue of any office held by him shall not be accepted unless he also resigns from that office.

(3) The Governor may remove from office any member of the Board appointed by him who has been absent without the leave of the Board from four consecutive meetings of the Board.

(4) While the office of Director General of Medical Services is vacant the Governor may appoint a legally qualified medical practitioner employed in the Department of Public Health to be a member of the Board and the chairman thereof.

(5) Where a vacancy occurs among the appointed members of the Board, it shall be filled as provided in section four, and the person appointed shall hold office for the balance of the term for which his predecessor was appointed.

Powers and duties of Board.
Ibid., s. 5.

6 The Board may, subject to this Act—

- (a) receive, consider, and determine applications for the registration of persons as nurses under this Act;
- (b) cause certificates of registration to be issued to the persons entitled to them;
- (c) cancel any certificate of registration and cause any name to be removed from the register;
- (d) approve as training institutions for nurses such hospitals and institutions as the Board thinks fit, and revoke any such approval;
- (e) issue to approved training institutions training directions, supplementary to the regulations, prescribing courses of training;

- (f) cause examinations to be held for the purposes of this Act, appoint examiners therefor, determine the subjects, scope, and conduct thereof, and appoint times and places for the holding thereof; and
- (g) exercise and perform such duties, powers, and functions as are assigned to it by this Act or as may be necessary for giving effect to the provisions of this Act.

7—(1) The meetings of the Board shall be held as the Board may determine.

Proceedings of Board.
Ibid., s. 6.

(2) At any meeting of the Board four members shall form a quorum.

(3) In the absence of the chairman of the Board from any meeting, the members present shall elect one of their number to be chairman for that meeting, and the member so elected shall preside thereat.

(4) If the votes upon any question arising at any meeting are equal, that question shall be postponed till a subsequent meeting.

(5) All acts and proceedings of the Board shall be valid and effectual, notwithstanding any vacancy in the office of any member, provided a quorum is present.

(6) All the proceedings of the Board current at the commencement of this Act may be continued at the point then reached as if this Act had not been enacted.

(7) Except as otherwise prescribed, the Board may regulate its own procedure.

8—(1) For the purposes of this Act, there shall be a Registrar of Nurses who shall, subject to this section, be a registered nurse appointed by the Governor.

Registrar of Nurses.
No. 42 of 1949, s. 2.

(2) A registered nurse who is an officer of the Public Service may, subject to this section, be appointed as the Registrar and may hold the office of Registrar in conjunction with her office as an officer of the Public Service.

(3) The Registrar shall, in addition to the other duties imposed upon her by or under this Act, be the secretary of the Board.

9—(1) The Registrar shall keep a record of all proceedings of the Board and of all registrations, approvals, cancellations, revocations, suspensions, and orders authorised, issued, imposed, or made by the Board under this Act.

Register and records.
18 Geo. V. No. 8, s. 8.

(2) The Registrar shall keep in the prescribed form and manner a register containing the names of all persons who are registered.

(3) In the month of January in each year there shall be published in the *Gazette* either a supplementary list showing alterations in the register since it was last published in the *Gazette*, or a copy of the register corrected up to the thirty-first day of December preceding the publication, as the Board may determine, and every supplementary list so published shall be deemed to be incorporated with the copy of the register last published.

(4) A copy of the *Gazette* containing the register so published shall be evidence that any person named therein as registered is so registered and that any person not so named therein is not so registered.

(5) A certificate, purporting to be signed by the Registrar, that any person therein specified is or is not registered, shall be evidence of the fact so certified.

Registration
of nurses.
Ibid., s. 9.

10—(1) Any person qualified as provided by this Act may be registered in accordance with this section as a—

- (a) general nurse;
- (b) midwifery nurse;
- (c) psychiatric nurse;
- (d) child welfare nurse; or
- (e) tuberculosis nurse,

and, if that person possesses the necessary qualifications therefor, respectively, any such registration may be in respect of all or any of those classes of nursing:

(2) Application for registration shall be made to the Registrar in the prescribed form, and shall contain the prescribed particulars.

(3) No person under the age of twenty-one years shall be registered, and no male person shall be registered as a midwifery nurse.

(4) The Registrar shall submit every application for registration to the Board for its determination.

(5) Where the Board is satisfied that an applicant fulfils the requirements, and has complied with the conditions, of this Act, the Board may authorise the Registrar to register the applicant upon payment of the prescribed fee.

(6) The Registrar shall issue to every person so registered a certificate of registration in the prescribed form.

(7) Every certificate of registration shall expire on the thirty-first day of December next after the date of its issue, but may be renewed as provided in section twelve.

Qualifications
for
registration.
Ibid., s. 9.

11—(1) Except as otherwise expressly provided, no person shall be registered under this Act unless the Board is satisfied that she—

(a) in the case of—

- (i) general nursing, has attended the practice, lectures, and training of a medical and surgical hospital which is an approved

- training institution for a period of not less than four years; or, if registered as a psychiatric nurse, for a period of not less than two years and eight months after being so registered;
- (ii) midwifery nursing, has attended the practice, lectures, and training of a maternity hospital which is an approved training institution for a period of not less than two years; or, if registered as a general nurse, for a period of not less than twelve months after being so registered;
 - (iii) psychiatric nursing, has attended the practice, lectures, and training of a mental hospital which is an approved training institution for a period of not less than three years; or, if registered as a general nurse, for a period of not less than twelve months;
 - (iv) child welfare nursing, being a person who is registered as a general nurse or a midwifery nurse, has attended the practice, lectures, and training of a child welfare institution which is an approved training institution for a period of not less than four months, if registered as a general nurse; or, not less than six months, if registered only as a midwifery nurse; or
 - (v) tuberculosis nursing, has attended the practice, lectures, and training of a tuberculosis hospital which is an approved training institution for a period of not less than two years; or, if registered as a general nurse or midwifery nurse, for a period of not less than six months;
- (b) has passed the examination for the particular class of nursing in respect of which she applies for registration; and
- (c) is of sound health and good character.

(2) The Board may exempt from examination in any subject for examination under this Act any person who, having completed a preliminary course of training at any institution approved by the Board as a preliminary training institution, has, during that course of training, passed an examination in that subject of such standard as is approved by the Board.

(3) The attendance prescribed by subsection (1) of this section may be at one, or more than one, approved training institution, but the period thereof shall be continuous unless the Board is satisfied that any interruption therein has not been such as seriously to interfere with the training required.

(4) Where provision is made by law in any part of Her Majesty's dominions for registration of nurses and for reciprocal registration therein of nurses registered under this Act, any person who has been registered under that law may be registered under this Act in respect of the class of nursing for which that person was so registered if the Board is satisfied that the standards of training and examination required by that law are satisfactory.

(5) Any person who produces to the Board's satisfaction evidence of having been fully or partly trained as a nurse in any part of the world other than this State and who undergoes such supplementary training (if any), and passes such examinations (if any), as the Board directs, may be registered, but only if the Board is satisfied that she has, in the aggregate, undergone training and passed examinations substantially equivalent to the training and examinations prescribed by or under this Act for the class of nursing in respect of which she seeks to be registered.

(6) Where the Board is satisfied that any person has been trained in accordance with the rules of the Australian Trained Nurses' Association, or of the Royal Victorian Trained Nurses' Association, and after examination has been registered as a trained nurse by either of those bodies in any State of the Commonwealth prior to any provision by the law of that State for registration of nurses, the Board, on payment of the prescribed fee and subject to this Act, may register that person under this Act according to the qualification held by her.

(7) Any person who was, on the eleventh day of November, 1947, the holder of a certificate in child welfare nursing, issued, after examination, by the body known as the Child Welfare Association of Tasmania, shall be entitled, upon payment of the prescribed fee, to be registered as a child welfare nurse under this Act without undergoing the prescribed course of training for child welfare nurses.

(8) Any person who was, on the eleventh day of November, 1947, the holder of a certificate in tuberculosis nursing, issued, after examination, by the committee of the Tasmanian Sanatorium, shall be entitled, upon payment of the prescribed fee, to be registered as a tuberculosis nurse under this Act, without undergoing the prescribed course of training for tuberculosis nurses.

Renewal.
Ibid., s. 11.

12—(1) The Registrar may renew any certificate of registration from year to year upon payment of the prescribed fee for each renewal.

(2) Where application for renewal is made within the prescribed time, and in accordance with the prescribed conditions, the renewal shall have effect as from the first day of January of the year in which it is issued, but in every other case the renewal shall take effect from the date of issue.

13 A certificate of registration and every renewal thereof, while in force, shall entitle the holder thereof to practise the calling of a nurse in the class of nursing specified in the certificate, and to take and use the title of a registered nurse.

Effect of
registration.
Ibid., s. 12.

14—(1) Where any person registered, whether under this Act or the repealed Act—

Cancellation
of registra-
tion.

Ibid., s. 13.

- (a) has procured registration by means of fraud or mis-representation;
- (b) has been convicted, in this State or elsewhere, of any offence punishable upon indictment, either before or after registration;
- (c) has been, in the opinion of the Board, guilty of any malpractice or misconduct of a serious nature; or
- (d) has committed any breach of any of the provisions of this Act or of the repealed Act which entails cancellation of registration,

the Board may cancel the certificate of registration issued to that person, and cause her name to be removed from the register, or may suspend the certificate for such period as the Board may think fit.

(2) Before exercising any power conferred by this section, the Board shall cause a notice to be served on, or sent by registered post to, the person in respect of whom the power is proposed to be exercised.

(3) A notice under subsection (2) of this section shall specify the charge made against the person to whom it relates, and shall appoint a time and place at which she may appear before the Board to show cause why the power specified in the notice should not be exercised.

(4) The Board shall inquire fully into the charge, and may proceed therewith in the absence of the person charged, if she does not attend before it as and when required.

(5) For the purposes of any inquiry under this section, the Board shall have, and may exercise, the powers conferred by Division II. of Part II. of the *Evidence Act 1910*, upon a board of inquiry appointed by the Governor.

(6) The Board at any time may cause the name of any person removed under this section to be restored to the register, and thereupon that person shall be entitled to obtain a certificate of registration upon such conditions as may be prescribed.

15—(1) The Board may, at any time, by order under the hand of the chairman, suspend any certificate of registration, wholly or in respect of one or more classes of nursing, if more than one class of nursing is specified therein, for such period as the Board may think fit, if in the opinion of the Board it is necessary in the interests of public health so to do.

Suspension of
certificate.
Ibid., s. 14.

(2) A person whose certificate of registration has, to her knowledge, been—

- (a) wholly suspended, shall not carry on the practice of nursing; or
- (b) suspended in respect of a class of nursing, shall not carry on the practice of nursing of that class,

while the suspension is in force.

(3) The Board may, at any time, remove any suspension imposed under this Act.

Surrender of certificate.
Ibid., s. 15.

16 The holder of any certificate of registration which has been cancelled shall deliver or forward it to the Registrar within fourteen days after receiving notice of its cancellation.

Power of Board to rectify register.
Ibid., s. 17.

17 The Board may, at any time, cause the register to be revised and may direct the removal therefrom of the name of any person who has died or has left the State permanently, or has ceased to be entitled to registration from any cause.

Offences.
Ibid., s. 18.

18—(1) No person who is not registered shall—

- (a) take or use any name, title, designation, or initials proclaiming, indicating, or suggesting that she is the holder of any authority under this Act, or is registered;
- (b) attend for gain any woman in child-birth, or act for gain as a midwifery nurse unless she is a legally-qualified medical practitioner;
- (c) wear or use any badge or distinctive head-dress prescribed for the use of registered nurses; or
- (d) publish, issue, or exhibit any advertisement stating or indicating to the public that she is a registered nurse.

Penalty: Twenty pounds.

(2) No registered nurse shall—

- (a) attend for gain any woman in child-birth, or act for gain as a midwifery nurse, unless she is registered under this Act as a midwifery nurse;
- (b) refuse or neglect to deliver up any certificate when lawfully required so to do by or under this Act;
- (c) refuse or neglect to obey any lawful order made by the Board under this Act and brought to her knowledge; or
- (d) commit any breach of any of the provisions of this Act.

Penalty: Twenty pounds.

(3) The provisions of paragraph (b) of subsection (1) of this section and of paragraph (a) of subsection (2) of this section shall not apply to any person rendering assistance in case of emergency, unless that person fails to comply with any condition or requirement which may be prescribed in respect of those cases.

(4) The provisions of this section shall apply, to such extent and with such limitations as may be prescribed, to a registered nurse whose certificate is suspended, as if that nurse were not registered.

(5) No person registered as a midwifery nurse shall employ as a substitute any person not so registered.

Penalty: Twenty pounds.

19—(1) The Board shall not approve of any hospital or institution as a training institution under section six unless the Board is satisfied that, at that hospital or institution, the prescribed course of training is or will be provided and the training directions of the Board are or will be complied with.

Approval of
training
institution.
Ibid., s. 19.

(2) Every approval of a hospital or institution as a training institution for the purposes of this Act shall be subject to that condition that, except in case of emergency (of which the Board shall be the judge), no person other than a registered nurse shall hold any appointment in the approved training institution as matron, sister, or nurse in charge of the nursing of patients therein.

20 No action or other proceeding shall be taken against the Board or any member thereof for or in respect of anything done in good faith by the Board or that member under the authority of this Act in, or in relation to, the execution of this Act.

Protection of
Board.
Ibid., s. 20.

21—(1) Any person who is aggrieved by any decision of the Board as to her registration, or the removal of her name from the register, may appeal therefrom as provided in this section at any time within thirty days after the decision is given.

Appeal from
decision of
Board.
Ibid., s. 21.

(2) The provisions of the *Justices Procedure Act 1919*, in respect of appeals under that Act shall apply, so far as they are applicable and except as modified by this section, to appeals under this section, and for the purposes thereof the Board shall be deemed to be the person interested in upholding the decision against which the appeal is made.

(3) Any order or other document required to be served for the purposes of any appeal may be served on the Registrar or on the chairman of the Board.

22 In any proceedings in respect of offences against this Act, proof that any unregistered person has attended a woman in child-birth or acted as a midwifery nurse in any case shall be evidence, until the contrary is shown, that that person so attended or acted for gain.

Evidence of
attendance or
acting for
gain.
Ibid., s. 22.

23 All fees and other moneys received in pursuance of this Act shall be paid into the Consolidated Revenue.

Application
of fees., &c.
Ibid., s. 23(1).

24 All expenses incurred in the execution of this Act shall be paid out of moneys to be provided by Parliament for that purpose.

Provision for
expenses.
Ibid., s. 23(2)

Reference to
mental nurses
changed.

No. 19 of
1948, s. 4.

25 Any reference to a mental nurse in any Act, regulation, rule, by-law, proclamation, or order-in-council, or in any instrument or document whatsoever, whether passed, made, or executed before or after the commencement of this Act, shall, by virtue of this section and without further authority, be construed and taken as a reference to a psychiatric nurse.

Regulations.
18 Geo. V.
No. 8, s. 24.

26 The Governor may, upon the recommendation of the Board, make regulations for the purposes of 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, and, in particular and without limiting the foregoing provisions of this section, prescribing and regulating—

- (a) the form, design, and character of any badge or distinctive head-dress which may be issued to or worn by any registered nurses or class of registered nurses, and the conditions under which those badges or that head-dress may be issued, worn, or used;
- (b) the conditions (including educational standard and physique) to be fulfilled by persons wishing to begin a course of training;
- (c) the courses of training to be completed, before sitting for examinations conducted by the Board, and before applying for registration, by persons wishing to qualify for registration;
- (d) certificates of completion of training (wholly or in part) and of attendance at an approved training institution, and the persons by whom those certificates shall be given;
- (e) the supervision of training at approved training institutions;
- (f) the character, scope, standard, and subjects for examinations of the several kinds required by the Board, the fees payable in respect thereof, and the conditions and requirements to be fulfilled by candidates therefor respectively;
- (g) the conditions to be observed by persons practising the calling of midwifery nurses; the practice of midwifery nurses; and the notification by midwifery nurses, as prescribed, of diseases of the mothers or infants attended by them;
- (h) the cases in which, and the causes for which, certificates of registration shall be cancelled; and
- (i) the nature or character of the matters or things which shall be deemed to be malpractice for the purposes of this Act.

THE SCHEDULE.

(Section 2.)

ENACTMENTS REPEALED.

Year and Number.	Short Title.	Extent of Repeal.
18 Geo. V. No. 8	<i>Nurses' Registration Act 1927.</i>	The whole Act.
9 Geo. VI. No. 29	<i>Public Health (Administration) Act 1945.</i>	Section 11.
11 Geo. VI. No. 26	<i>Nurses' Registration Act 1947.</i>	The whole Act.
11 Geo. VI. No. 55	<i>Nurses' Registration Act (No. 2) 1947.</i>	The whole Act.
No. 19 of 1948	<i>Nurses' Registration Act 1948.</i>	The whole Act.
No. 8 of 1949	<i>Nurses' Registration Act 1949.</i>	The whole Act.
No. 42 of 1949	<i>Nurses' Registration Act (No. 2) 1949.</i>	The whole Act.
No. 39 of 1950	<i>Nurses' Registration Act 1950.</i>	The whole Act.

EDUCATION.

No. 11 of 1952.

AN ACT to amend the *Education Act 1932.*

[15 May, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Education Act* Short title and citation.
1952.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.