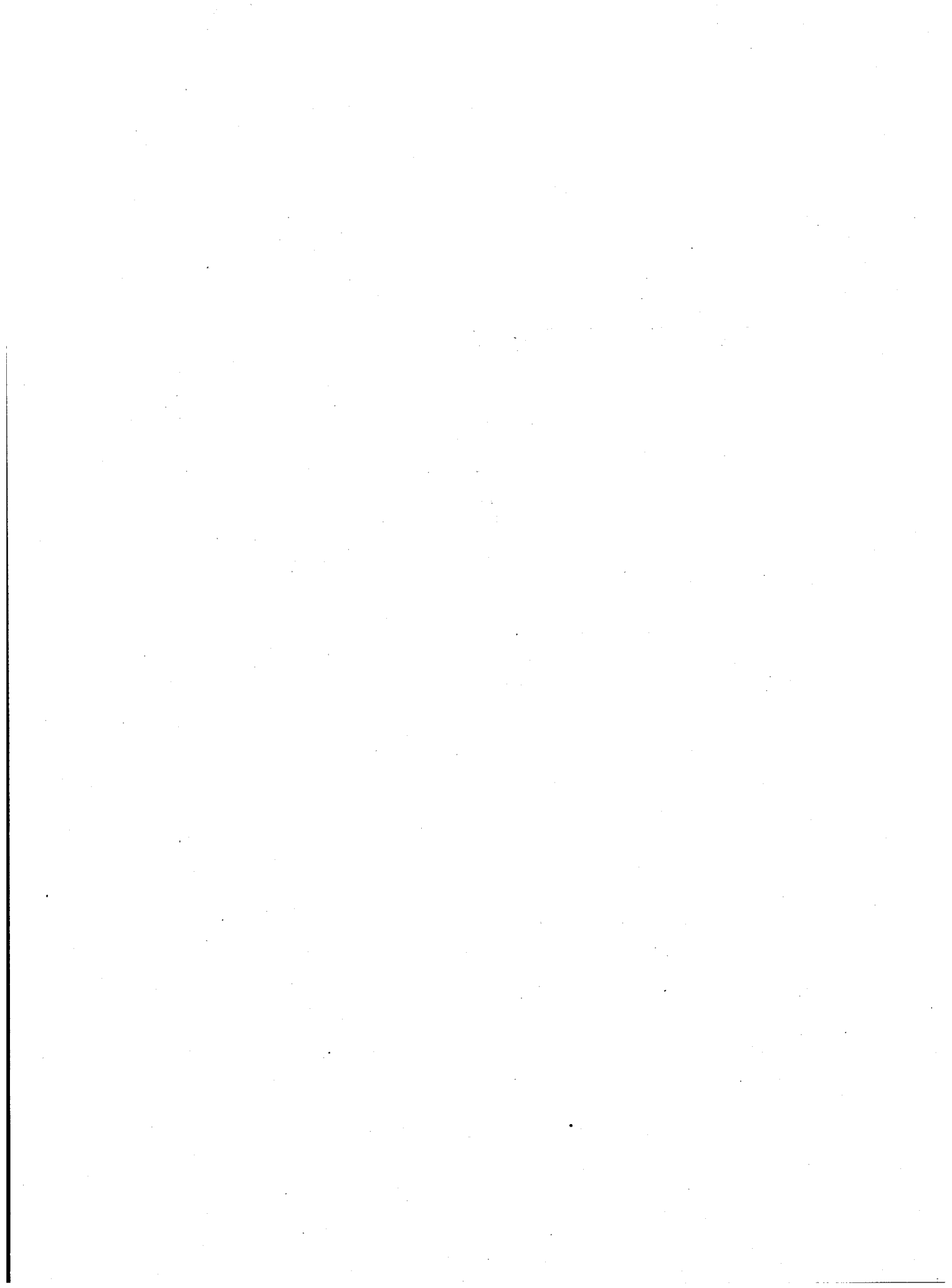


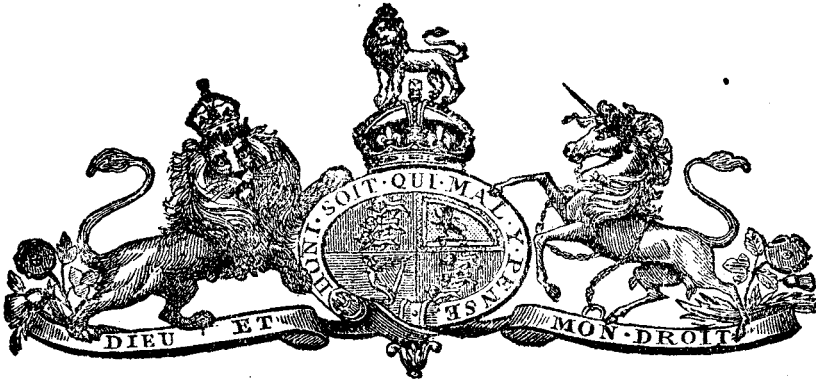
THE MIDWIVES ACT, 1911.

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TASMANIA.



1911.

ANNO SECUNDO

GEORGII V. REGIS,

No. 26.

AN ACT to secure the Better Training of Midwives and to Regulate their Practice, and for other purposes. [30 *December*, 1911.]

A.D.
1911.

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 This Act may be cited as “The Midwives Act, 1911,” and it shall commence on the First day of January, One thousand nine hundred and twelve.

Short title and
commencement.

2 In this Act, unless the context otherwise requires—

Interpretation.

“Act” includes regulations thereunder:

“Certified midwife” means a midwife who is the holder of a certificate to practise in force under Section Eleven of this Act:

“Medical Council” means the Medical Council of Tasmania for the time being appointed under “The Medical Act, 8 Ed. VII. No. 32, 1908”:

“Midwife” means a woman registered under this Act:

“Register” means the register of midwives kept in pursuance of this Act;

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“Registrar” means the person who for the time being holds the office of Registrar by appointment under this Act, and includes any acting-registrar appointed under this Act.

Repeal of 1 Ed. VII. No. 24 and 6 Ed. VII. No. 27.

Appointment of registrar, acting-registrar, and deputy-registrar.

3 “The Midwifery Nurses Act, 1901,” and “The Midwifery Nurses Amendment Act, 1906,” are hereby repealed.

4 The Governor may, subject to the provisions of any Act for the time being in force regulating the Public Service of this State, from time to time—

- i. Appoint a registrar and also an acting-registrar whenever necessary :
- ii. On the recommendation of the registrar appoint a deputy-registrar to perform such duties, and having such powers under and for the purposes of this Act as the Registrar may recommend.

Name of midwife, &c., not to be taken or used by woman who is not a certified midwife.

5—(1) From and after the commencement of this Act no woman who is not a certified midwife shall take or use the name or title of midwife or midwifery nurse, either alone or in combination with any other word or words, or any name, title, addition, or description implying that she is a certified midwife, or registered under this Act, or is a person qualified to practice midwifery, or is recognised by law as a midwife or midwifery nurse.

Penalty.

Penalty : Five Pounds.

Woman who is not certified midwife not to attend cases for gain, except in certain cases.

(2) From and after the commencement of this Act no woman who is not a certified midwife shall, for gain, or in expectation of gain, attend or engage to attend any woman in childbirth otherwise than under the direction of a qualified medical practitioner: Provided this section shall not apply to legally qualified medical practitioners, or to anyone rendering assistance in a case of emergency.

Penalty : Ten Pounds.

Uncertified person not to be employed as substitute.

(3) No midwife shall employ any person who is not a certified midwife as her substitute.

Penalty : Ten Pounds.

Registration not to carry right to medical practice. 8 Ed. VII. No. 32.

6 Registration under this Act shall not confer upon any woman any right or title to be registered under “The Medical Act, 1908,” or to assume any name, title, or designation implying that she is by law recognised as a medical practitioner, or that she is authorised to grant any medical certificate, or any certificate of death, or to undertake the sole charge of cases of abnormality or disease in connection with parturition when a medical practitioner is available.

Register of midwives.

7—(1) The Registrar shall from time to time cause the names of all duly qualified midwives, together with their qualifications and places of residence, to be registered in a book to be kept by him at his office, called “The Register of Midwives.”

Women registered under 1 Ed. VII. No. 24

(2) Every woman who at the commencement of this Act is registered as a midwifery nurse under “The Midwifery Nurses Act, 1901,” shall

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be deemed to be registered as a midwife under this Act, and the Registrar shall, without payment of any fee therefor, register her name in the "Register of Midwives."

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to be deemed registered under this Act.

Every such woman shall be deemed to be the holder of a certificate under Section Eleven of this Act entitling her to practise, subject to the provisions of this Act, until the Thirty-first day of December, One thousand nine hundred and twelve.

8 Every person who to the satisfaction of the Medical Council has, prior to the passing of this Act, partly complied with the conditions set forth in the schedule to "The Midwifery Nurses Act, 1901," for the purpose of qualifying for examination under that Act, shall, upon compliance with the provisions of that Act with regard to the certificate mentioned in the said schedule and with regard to examination, be entitled to be registered as a midwife under this Act on payment of the fees prescribed by this Act; and for the purposes of enabling any such person to so comply with the provisions of "The Midwifery Nurses Act, 1901," such Act shall be deemed unrepealed.

Women who have partly complied with provisions of 1 Ed. VII. No. 24.

9 Every woman of or above the age of Twenty-three years is entitled to be registered as a midwife, on payment of the prescribed fees, who—

Who entitled to be registered.

- i. Makes a statutory declaration to the satisfaction of the Registrar that she is the *bonâ fide* holder of and produces to him a certificate in midwifery from the Obstetrical Society of London, or the Australian Trained Nurses' Association, or such other certificate as may be approved of by the Medical Council, and also produces evidence satisfactory to the Registrar that she bears a good character: or
- ii. Having complied with this Act and with the regulations as to examination and otherwise, has received from the examiners a certificate of competency as a midwife, and produces the same, together with evidence satisfactory to the Registrar that she bears a good character.

10 From and after the commencement of this Act the Chief Health Officer for the time being of the State shall have power—

Power to temporarily suspend in certain cases, also to investigate charges.

- i. To temporarily suspend any midwife from practice, in any case where such suspension appears necessary in order to prevent the spread of infection:
- ii. To investigate charges of malpractice, negligence, or misconduct on the part of any midwife, and to report the same to the Medical Council

11 On application made to him for the purpose by any midwife, and upon payment of the prescribed annual fee therefor, the Registrar shall issue a certificate to her under his hand, which shall state that her name is on the register, and that she is entitled to practise as a midwife during the currency of the certificate.

Registrar on application to issue certificate.

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Any such certificate shall be in force from the date thereof until the Thirty-first day of December then next ensuing.

Omission to take out annual certificate for more than Two years.

12 Every midwife who for a period exceeding Two years ceases to hold an annual certificate in force under the immediately preceding section of this Act, and afterwards applies for such certificate, shall not be entitled to receive one unless she first satisfied the Medical Council as to the circumstances under which she omitted or ceased to take out her certificate, or to practise as a midwife, and as to her conduct and employment in the meantime.

List of certified midwives to be gazetted annually.

13—(1) The Registrar shall in the month of February in each year cause to be published in the "Gazette" a list of midwives who have taken out certificates under Section Eleven for the then current year.

(2) A copy of the "Gazette" purporting to contain any such list, or a document purporting to be signed by the Registrar, and to be a copy of any such list, shall be evidence that the women named in such copy of the "Gazette" or in such document are certified midwives for the year therein referred to, and the absence of the name of any woman from such copy or document, as the case may be, shall be *prima facie* evidence that she is not a certified midwife.

Offences relating to registration and certificates.

14 Any person who—

- i. Procures or attempts to procure registration, or a certificate of registration, or any other certificate, under this Act by making or producing, or causing to be made or produced, any false and fraudulent declaration, certificate, or representation, either in writing or otherwise: or
 - ii. Wilfully makes or causes to be made any falsification in any matter relating to the registration of midwives—
- is guilty of an offence.

Penalty: One hundred Pounds or Twelve months' imprisonment.

Regulations.

15 The Medical Council, with the approval of the Governor, may from time to time make regulations—

- i. In respect of the registration of midwives and the conditions of admission to the register, and as to the granting and issuing of certificates to them:
- ii. Prescribing and regulating the course of training, practical experience, and lectures, and the subjects and scope of qualifying examinations for the purposes of this Act:
- iii. Regulating, supervising, and restricting within due limits the practice of midwives:
- iv. Regulating or prohibiting the use of any instrument or drug by midwives, and defining what shall be deemed to be malpractice by midwives:
- v. Prescribing and regulating the method and conduct of examinations and the remuneration of examiners;

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- vi. Prescribing the fees payable and the forms required under or for the purposes of this Act : A.D. 1911.
- vii. Prescribing penalties not exceeding Five Pounds or a continuing penalty not exceeding Ten Shillings per diem for a contravention of any regulation : and
- viii. Generally providing for anything which by this Act is expressed to be prescribed, or which the Governor considers necessary in order to carry out the purposes of this Act.

16 The Medical Council may from time to time—Powers of
Medical Council.

- i. Appoint examiners :
- ii. Decide upon the places where, and the times when, examinations shall be held :
- iii. Remove from the register the name of any midwife and cancel her annual certificate for disobedience of the regulations, or for malpractice, negligence, or misconduct, and may restore to the register the name of any midwife so removed.

17—(1) Any woman who thinks herself aggrieved by any decision of the Registrar in refusing to enter her name in the register, or to grant her an annual certificate, or of the Medical Council in removing her name from the register, may appeal by summons to a judge of the Supreme Court ; but no such appeal shall be entertained unless it is made within Two months next after the notification of the decision to her, nor unless Ten days' notice in writing of such appeal, stating the nature and grounds thereof, is given to the party whose decision is appealed against. Right of appeal.

(2) The Court may make such order as it thinks just, and such order shall have effect accordingly.

18 All fees and other moneys received under or by virtue of this Act shall be paid into the Treasury, and form part of the Consolidated Revenue. Appropriation
of fees.

19 Any expenses incurred in the administration of this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose. Expenses of
administration.

20 All informations for offences against the provisions of this Act, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply. Procedure.
19 Vict No. 8.

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