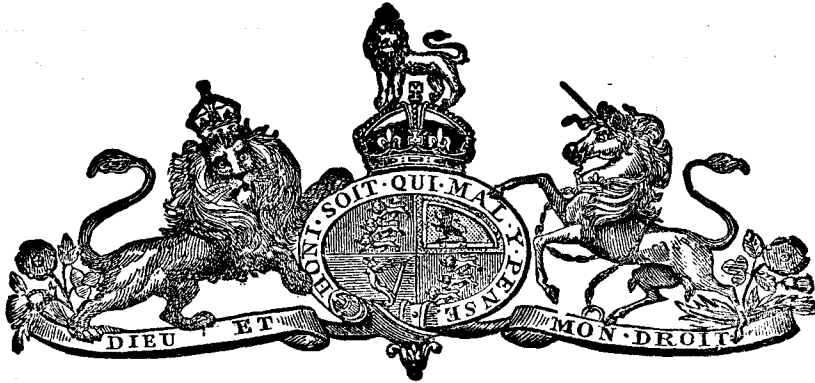


TASMANIA.



1927.

ANNO OCTAVO DECIMO

GEORGI V. REGIS.

No. 8.

ANALYSIS.

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AN ACT to provide for the Registration of ^{A.D.} 1927.
Trained Nurses and to regulate and control
the practice of their calling.

[8 September, 1927.]

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 Nurses' Registration Act, 1927." Short title.

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Repeal of 2 Geo.
V. No. 26 and
9 Geo. V. No.
10.

Constitution of
Nurses' Board.
Personnel of
Board.

2 The Midwives Act, 1911, and the Midwives Act, 1918, are hereby repealed.

3—(1) There shall be constituted for the purposes of this Act a Board to be known as "The Nurses' Registration Board" (hereinafter in this Act called "the Board").

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

- i. The Director of Public Health or, if his office is vacant, such medical officer attached to the Department of Public Health as the Governor may appoint, and such person shall be Chairman of the Board :
- ii. The Medical Superintendent for the time being of the Hobart Public Hospital :
- iii. The Medical Superintendent for the time being of the Launceston Public Hospital :
- iv. A legally-qualified medical practitioner nominated as hereinafter provided :
- v. Two certificated general nurses, of whom one shall be on the staff of a public hospital, and one on the staff of an institution approved by the Board as a training institution for general nurses, and who shall be nominated as hereinafter provided : and
- vi. A certificated midwifery nurse on the staff of a midwifery hospital who shall be nominated as hereinafter provided.

Nomination and
appointment of
certain members.

(3) The persons specified in Paragraphs iv., v., and vi. of Subsection (2) hereof shall be nominated as may be prescribed by the members in this State of the Australian Trained Nurses' Association, or of such other association of nurses in this State as the Governor, by regulation from time to time, may prescribe, and such persons shall be appointed by the Governor from time to time as hereinafter provided.

Tenure of office.

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

- i. Until the appointment of a Director of Public Health the Chairman of the Board shall be appointed from time to time by the Governor, and shall hold office during the Governor's pleasure :
- ii. The persons specified in Paragraphs ii. and iii. of Subsection (2) hereof and the Director of Public Health on his appointment to that office, shall hold office as members of the Board by virtue of their positions, specified in the said paragraphs and in this subsection respectively, without further appointment :
- iii. All other members of the Board shall hold office for two years, but any such member shall be eligible for reappointment as herein provided.

Failure to
nominate.

(5) In the event of any such association of nurses as aforesaid at any time failing to nominate in the prescribed manner, within one month after being lawfully required so to do, a person qualified as pre-

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scribed for appointment to any of the said offices, the Governor may appoint some person qualified as aforesaid to fill such office without any such nomination. A.D. 1927.

(6) Every member appointed as provided by Subsection (3) or Subsection (5) hereof shall receive such remuneration for his services as the Governor may determine or as may be prescribed.

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

Vacation of
office and
filling of
vacancies.

- i. Dies :
- ii. Becomes of unsound mind :
- iii. Becomes bankrupt or takes any proceeding under any law relating to bankruptcy for the liquidation of his affairs by arrangement or composition :
- iv. Is absent without leave of the Board from four consecutive meetings of the Board : or
- v. Tenders to the Governor in writing his resignation of his office, and such resignation is accepted.

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

(3) For the purposes of Paragraph iv. of Subsection (1) hereof, in computing the number of meetings from which the member of the Board residing in Launceston has been absent, no meeting of which less than seven days' notice has been given to such member shall be taken into account for any purpose.

(4) Where a vacancy occurs the same shall be filled in the manner hereinbefore provided, and the person appointed shall hold office for the balance of the term for which his predecessor was appointed if such appointment was for a limited period.

5 The Board shall have power and authority to—

Powers and
duties of Board.

- i. Receive, consider, and determine applications for the registration of persons as nurses under this Act :
- ii. Cause certificates of registration to be issued to such persons as the Board may determine to be fit and proper persons to hold the same :
- iii. Cancel any such certificate, as provided by this Act, and cause any name to be removed from the register :
- iv. Approve as training institutions for nurses such hospitals whether public or private, as the Board thinks fit, and to revoke any such approval :
- v. Cause examinations to be held for the purposes of this Act ; to appoint examiners therefor ; to determine the subjects, scope and conduct thereof ; and to appoint times and places for the holding thereof : and
- vi. 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.

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A.D 1927.
 Proceedings of
 Board.

6—(1) The first meeting of the Board shall be held at such time and place as the Chairman shall direct, and thereafter the meetings of the Board shall be held as the Board may determine

(2) The Board may regulate its own procedure save as may be otherwise prescribed.

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

(4) In the absence of the Chairman at any meeting, the members present shall elect one of their number to be Chairman for such meeting, and the member so elected shall preside thereat.

(5) In the event of an equality of votes upon any question arising at any meeting, the question shall be postponed till a subsequent meeting.

(6) 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.

Officers.

7—(1) The person for the time being holding the office of Secretary to the Department of Public Health shall perform the duties of Secretary to the Board and Registrar of Nurses, and the terms "Secretary" and "Registrar" respectively used in this Act shall denote such person.

(2) Where circumstances so require the Secretary, with the concurrence of the Chairman, may instruct an officer of his Department to attend and act as Secretary at any meeting of the Board in place of the Secretary.

Records.

8—(1) The Secretary 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.

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

(3) A copy of such register, corrected up to the thirty-first day of December, one thousand nine hundred and twenty-seven, shall be published in the Gazette in the month of January next after that date.

(4) In the month of January in each year after the date aforesaid, there shall be published in the Gazette either a supplementary list showing all alterations in such register, 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.

(5) A copy or copies, as the case may be, of the Gazette containing the register so published, shall be evidence that any person named therein as registered under this Act is so registered and that any person not so named therein is not so registered.

Nurses' Registration

(6) A certificate, purporting to be signed by the Registrar, that any person therein specified is or is not registered under this Act shall be evidence of the fact so certified. A.D. 1927.

9—(1) Any person qualified as provided by this Act may be registered as hereinafter provided as— Registration of nurses.

i. A general nurse :

ii. A midwifery nurse : or

iii. A mental nurse,

and where such person possesses the necessary qualifications therefor respectively any such registration may be in respect of all or any two of such 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 under this Act, and no male person shall be registered as a midwifery nurse.

(4) The Registrar shall submit every such application 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 such 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 such certificate shall expire on the thirty-first day of December next after the date of its issue, but the same may be renewed as hereinafter provided.

10—(1) Except as otherwise expressly provided, no person shall be registered under this Act unless the Board is satisfied that such person— Qualifications for registration.

i.—

(a) In the case of general nursing : has attended the practice, lectures, and training of a medical and surgical hospital approved by the Board for a period of not less than three years; or, if registered as a mental nurse, for a period of not less than two years after such registration ;

(b) In the case of midwifery nursing : has attended the practice, lectures, and training of a maternity hospital approved by the Board for a period of not less than one year; or, if registered as a general nurse, for a period of not less than six months after such registration ; or

(c) In the case of mental nursing : has attended the practice, lectures, and training of a mental diseases hospital approved by the Board for a period of not less than three years; or, if registered as a general nurse, for a period of not less than two years :

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II. Has passed the examinations prescribed in respect of the particular class of nursing in respect of which such person applies for registration: and

III. Is of sound health and good character.

(2) The attendance prescribed by Subsection (1) hereof may be at one, or more than one, approved hospital but the period thereof must be continuous unless the Board is satisfied that any interruption therein has not been such as seriously to interfere with the training required.

(3) Where provision is made by law in any part of His 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 such law may be registered under this Act in respect of the class of nursing for which such person was so registered if the Board is satisfied that the standards of training and examination required by such law are satisfactory.

(4) If the Board is satisfied that any person has received, in this State or elsewhere, adequate training and tuition in any class of nursing the Board may permit such person to sit for the examination prescribed for that class, and such person upon passing the same may be registered under this Act.

(5) Any person whose name was, at the commencement of this Act, on the register of midwives, in accordance with the provisions of the Midwives Act, 1911, shall be entitled, upon payment of the prescribed fee, to be registered as a midwifery nurse under this Act.

2 Geo. V. No. 26.

Renewal.

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

Effect of registration.

12 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 such certificate, and to take and use the title of a registered nurse.

Cancellation of registration.

13—(1) In any case in which any person registered under this Act—

- I. Has procured such registration by means of fraud or misrepresentation :
- II. Has been convicted in the State or elsewhere of any crime as defined by the Criminal Code, either before or after such registration :
- III. Has been, in the opinion of the Board, guilty of any malpractice or misconduct of a serious nature : or

Nurses' Registration.

iv. Commits any breach of any of the provisions of this Act which, under the regulations, entails cancellation of registration—

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

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

(3) Such notice as aforesaid shall specify the charge made against such person, and shall appoint a time and place at which such person may appear before the Board to show cause why such power should not be exercised.

(4) The Board shall enquire fully into every such matter, and may proceed therewith in the absence of any such party who does not attend before it as and when required.

(5) For the purposes of any such enquiry the Board shall have, and may exercise, the powers conferred by Division II. of Part II. of the Evidence Act, 1910, upon a Commission appointed by the Governor.

1 Geo. V. No. 20.

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

14—(1) The Board at any time, by order under the hand of the Chairman, may suspend any certificate of registration, wholly or partially, 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.

(2) Any such order may be made to apply to any one or more than one class of nursing if the certificate thereby affected authorises more than one such class.

(3) No person whose certificate is so suspended, and to whose knowledge such order has been brought, shall carry on the practice of nursing of any class specified in such order during the period of such suspension.

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

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

Surrender of certificate.

16—(1) In the case of any person who, prior to the commencement of this Act, was carrying on the calling of a nurse in this State, and to whom the provisions of Subsection (4) of Section Ten of this Act apply, the Board may cause to be issued to such person a provisional certificate of registration in the prescribed form.

Provisional certificates.

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(2) Every such certificate shall be conditional upon the passing of a prescribed examination by the holder thereof within such time as may be prescribed, and unless sooner cancelled shall authorise such holder to carry on the practice of nursing of the class specified therein until the expiration of such time, but not further or otherwise.

Rectification of register.

17 The Board at any time and from time to time may 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.

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

- i. Take or use any name, title, designation, or initial proclaiming, indicating, or suggesting that such person is the holder of any authority under this Act :
- ii. Attend for gain any woman in child-birth or act for gain as a midwifery nurse unless such person is a legally-qualified medical practitioner :
- iii. Wear or use any badge or distinctive head-dress prescribed for the use of registered nurses : or
- iv. Publish, issue, or exhibit any advertisement stating or indicating to the public that such person is a nurse registered under this Act.

Penalty : Twenty Pounds.

(2) No person registered under this Act shall—

- i. Attend for gain any woman in child-birth or act for gain as a midwifery nurse unless such person is registered under this Act as a midwifery nurse :
- ii. Refuse or neglect to deliver up any certificate when lawfully required so to do by or under this Act :
- iii. Refuse or neglect to obey any lawful order made by the Board under this Act and brought to the knowledge of such person : or
- iv. Commit any breach of any of the provisions of this Act or of any regulation made thereunder.

Penalty : Twenty Pounds.

(3) The provisions of Paragraph ii. of Subsection (1) and Paragraph i. of Subsection (2) hereof shall not apply to any person rendering assistance in case of emergency, unless such person fails to comply with any condition or requirement which may be prescribed in respect of such 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 such nurse were unregistered.

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

Penalty : Twenty Pounds.

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19—(1) No hospital or institution shall be approved by the Board as a training institution for nurses unless the Board is satisfied that the prescribed course and period of training are provided thereat. A.D. 1927.

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

(3) The Board at any time may revoke any such approval for any cause which in the opinion of the Board is sufficient.

—
Approved
institutions.

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

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

(2) The provisions of the Justices' Procedure Act, 1919, in respect of appeals under that Act shall apply, so far as the same are applicable and save as herein modified, 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 any such appeal is made. 10 Geo. V. No.
55.

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

22—(1) All proceedings in respect of offences against this Act shall be taken, heard, and determined, and all penalties enforced and recovered, in accordance with the provisions of the Justices' Procedure Act, 1919. Procedure in
respect of
offences.
10 Geo. V. No.
55.

(2) In any such proceedings 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 such person so attended or acted for gain. Evidence.

23—(1) All fees and other moneys received in pursuance of this Act shall be paid into and form part of the Consolidated Revenue. Application
of moneys.

(2) All expenses incurred in the execution of this Act shall be paid out of moneys to be provided from time to time by Parliament for that purpose. Provision for
expenses.

24 The Governor from time to time, upon the recommendation of the Board, may make regulations for the purposes of this Act prescribing— Regulations.

- i. The forms of certificates and other documents to be used under this Act :

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- ii. 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 nurses and the conditions under which the same may be issued, worn, or used :
- iii. 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 :
- iv. The cases in which, and the causes for which, certificates shall be cancelled :
- v. The nature or character of the matters or things which shall be deemed to be malpractice for the purposes of this Act :
and
- vi. All other matters and things required by this Act to be prescribed or which may be found necessary or desirable for giving effect to its provisions.