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No. , 1919.

A BILL

To provide for the registration and regulation of nurses ; to amend the Private Hospitals Act, 1908 ; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. (1) This Act may be cited as the "Nurses' Registration Act, 1919."

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(2)

Repeal.

(2) Sections three, four, and five of the Private Hospitals Act, 1908, are repealed.

Interpretation.

2. In the construction of this Act, unless the context otherwise indicates—

“Mental hospital” includes a hospital for the insane.

“Prescribed” means prescribed by this Act, or by any regulation made thereunder.

“Register” means the register of nurses to be kept under this Act.

“Registered” means registered under the provisions of this Act.

“Registrar” means registrar appointed under the provisions of this Act.

“Regulations” means regulations made under this Act.

“The board” means the Nurses' Registration Board of New South Wales appointed under the provisions of this Act.

Constitution of board.

Appointment of board.

3. (1) The Governor shall appoint a board, to be called the Nurses' Registration Board of New South Wales, consisting of ten persons, namely:—

(a) The President of the Board of Health, who shall ex officio be chairman of the board;

(b) two legally qualified medical practitioners, each of whom shall be upon the active staff of a metropolitan general hospital:

Provided that if such two legally qualified medical practitioners or either of them are not available, the Governor may appoint any legally qualified medical practitioners or practitioner to fill such vacancies or vacancy;

(c) two past or present matrons of a general hospital, one past or present matron of a mental hospital, one past or present matron of a midwifery hospital, and one representative nominated by the Council of the Australasian Trained Nurses Association; and

(d) two lay male representatives.

The registrar.

(2) The secretary to the Board of Health shall **ex officio** be the registrar of the board.

4.

4. (1) The members of the board (other than the President of the Board of Health) shall hold office for three years, but they shall be eligible for reappointment.

Tenure of office, vacancies, &c.

(2) If any member of the board is absent without the permission of the board from four consecutive meetings of the board, or becomes bankrupt, or is convicted of any indictable offence, or becomes insane, or resigns his seat, or dies, his seat shall thereby become vacant; and every such vacancy shall be deemed to be an extraordinary vacancy.

(3) On the occurrence of any extraordinary vacancy in the board, or in case of the failure of the council of the Australasian Trained Nurses' Association to nominate a member, the Governor may appoint another person to fill the vacancy. Any person appointed to fill an extraordinary vacancy shall hold office only for the remainder of the term for which his predecessor was appointed.

(4) During any vacancy in the board the remaining members, subject to there being a quorum, may act as if no vacancy existed.

(5) A quorum of the board shall consist of not less than four members.

(6) At any meeting of the board the chairman, or in his absence any member elected by the members present to act as chairman at such meeting, shall preside.

Powers and duties of board.

5. The powers and duties of the board shall be as follows:—

Duties of the board.

- (a) To appoint examiners.
- (b) To appoint the places where, and the times when, examinations shall be held.
- (c) To cause the names of qualified nurses to be entered in the prescribed manner in the register.
- (d) To appoint, subject to the approval of the Minister, such officers as may be necessary for the purposes of this Act.
- (e) To issue and cancel certificates of registration; and
- (f) generally to do any act or perform any duty which may be necessary for the due and proper carrying out of the provisions of this Act.

6.

Power of board to remove and suspend.

- 6.** (1) The board may—
- (a) for misconduct suspend any nurse from practice as a registered nurse for such time as it deems just, or remove from the register the name of any nurse, and shall notify the nurse accordingly ;
 - (b) restore to the register the name of any nurse so removed ;
 - (c) suspend any registered nurse temporarily from such practice if such suspension appears to it necessary to prevent the spread of infection :

Provided that the board shall not under paragraph (a) suspend any nurse from practice or remove any nurse's name from the register without sending to such nurse by registered letter a statement in writing of the conduct imputed to her, and without affording her an opportunity of giving an explanation in writing or in person.

Surrender of certificate.

(2) Any person whose name is ordered under the provisions of the preceding subsection to be removed from the register shall within fourteen days from the notification to her of the order surrender her certificate of registration to the board.

If she fails to do so she shall be liable to a penalty not exceeding *two* pounds for every day during which the offence is continued.

Appeal from decision of the board.

7. (1) Any nurse who is aggrieved by any decision of the board under paragraph (a) of the last preceding section suspending her from practice as a registered nurse or removing her name from the register may within three months after the notification of such decision to her appeal therefrom to a District Court judge.

(2) Such judge shall inquire into and decide upon the appeal, and for that purpose may do all such matters and things relating thereto in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction as a District Court judge, and his decision shall be final and without appeal.

Power to examine witnesses.

8. The board may examine any person upon oath, or take a solemn declaration from any person, for the purposes

purposes of this Act. If any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter or put off as true before the board any false, forged, or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he or she shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Registration of nurses.

9. (1) Any person who has attained the age of twenty-one years, is of sound health, and has passed the prescribed examinations held from time to time by the examiners appointed under this Act, and who satisfies the board as to good character, may be registered—

Who may be registered.

- (a) as a general hospital nurse if she holds a certificate as prescribed, stating that she has attended the practice of one or more medical and surgical hospitals approved by the board for the period prescribed, being not less than three years, and has shown proficiency in medical and surgical nursing;
- (b) as a mental nurse if she holds a certificate as prescribed, stating that she has attended the practice of one or more mental hospitals approved by the board for the period prescribed, being not less than three years, or that she subsequently to being registered as a general hospital nurse has attended the practice of such hospitals for not less than one year, and in either case has shown proficiency in mental nursing.
- (c) as a midwifery nurse if she holds a certificate as prescribed, stating that she has attended the practice of one or more maternity hospitals approved by the board for the period prescribed, being not less than one year, or that she, subsequently to being registered as a general hospital nurse, has attended the practice of such

such hospitals for not less than the period of six months, and in either case has shown proficiency in midwifery nursing and obstetrics.

(2) Any person who produces evidence satisfactory to the board of having been trained as a nurse and registered in any other part of His Majesty's Dominions in which an Act providing for the registration of nurses is in force, and which admits to its register nurses registered under this Act on reciprocal terms, may, upon payment of the fee payable on the registration of other persons, be registered under this Act, provided that the board is satisfied that the standard of training and examination in such other part of His Majesty's Dominions is equivalent to the standard prescribed in pursuance of this Act.

Provision for existing nurses.

10. Any person who has attained the age of twenty-one years, is of sound health, and satisfies the board as to good character, and who, within one year from the commencement of this Act, applies to be registered may be registered according to her qualifications as a general hospital, mental, or midwifery nurse if such person—

- (1) holds a certificate as prescribed, stating—
 - (a) in the case of a person applying to be registered as a general hospital nurse, that she has attended the practice of one or more medical and surgical hospitals approved by the board for at least three years, and has shown proficiency in medical and surgical nursing ;
 - (b) in the case of a person applying to be registered as a mental nurse, that she has attended the practice of one or more mental hospitals approved by the board for at least three years, and has shown proficiency in mental nursing ; or
 - (c) in the case of a person applying to be registered as a midwifery nurse that she has attended the practice of one or more maternity hospitals approved by the board for at least twelve months, and has shown proficiency in midwifery nursing and obstetrics ; or

(2)

- (2) produces to the board certificates of competency from two legally qualified medical practitioners, and other evidence that she possesses a satisfactory knowledge of nursing in the particular branch in which she applies to be registered, and that, at the commencement of this Act, she had been for at least three years in bona fide practice of nursing; or
- (3) was at the commencement of this Act registered as a hospital nurse or midwifery nurse under the Private Hospitals Act, 1908; or
- (4) is a member of any nursing association approved by the board.

11. (1) The registrar shall enter in a register, in the prescribed manner and on being paid the prescribed fee, the full name and address, date of registration, and description of qualifications for which registration is granted, and all other prescribed particulars of every general hospital, mental, or midwifery nurse, whom the board declares qualified to be so registered. The registrar shall transmit to the Minister in the month of January in each year separate lists of the general hospital, mental, and midwifery nurses whose names and addresses are then on the register. The Minister shall cause such lists to be published in the Gazette.

A copy of such Gazette, or a copy of the register signed by the chairman of the board, shall be prima facie evidence, in all legal proceedings, that the persons mentioned therein are registered as therein stated, and the omission of any name therefrom shall be prima facie evidence that such person is not registered.

(2) In the case of a person whose name does not appear in any such copy, a certificate under the hand of the registrar of the entry of her name in the register shall be prima facie evidence that she is so registered as a hospital, mental, or midwifery nurse.

(3) A certificate purporting to be signed by the registrar that the name of a person whose name appears in the register has been removed from the register, and of the date of such removal shall be prima facie evidence that such person is not registered, and of the date as from which she ceased to be so registered.

12.

Offences.

Unregistered persons not to assume a name of registered nurse, &c.

12. After the expiration of a period of twelve months from the commencement of this Act a person shall not take or use the name or title of—

- (a) a registered nurse, or use any initials, or description, or any name, title, addition, or designation implying that she is registered under this or the Private Hospitals Act, 1908, unless she is registered under this Act; or
- (b) a general hospital nurse, unless she is registered as a general hospital nurse; or
- (c) a mental nurse, unless she is registered as a mental nurse; or
- (d) a midwife, midwifery nurse, or obstetric nurse, unless she is registered as a midwifery nurse.

Any person who, after the expiration of the said period, not being so registered, takes or uses any such name, initials, title, addition, designation, or description as aforesaid shall be liable on conviction to a penalty not exceeding *twenty* pounds.

Unauthorised nursing.

13. After the expiration of a period of twelve months from the commencement of this Act—

- (a) no registered mental or midwifery nurse shall act as a general hospital nurse;
- (b) no person who is not registered shall for gain attend any sick person or lying-in woman otherwise than under the direction of a registered medical practitioner.

Any person contravening the provisions of this section shall be liable upon summary conviction to a fine not exceeding *twenty* pounds:

Provided that the provisions of this section shall not apply to—

- (a) any registered medical practitioner;
- (b) any person attending a sick person or lying-in woman who does not reside within five miles of a registered medical practitioner or nurse registered as a general hospital nurse, mental nurse, or midwifery nurse, according to the nature of the case, or in whose case no such practitioner or nurse is able or willing to attend;
- or (c)

(c) any person rendering assistance in a case of emergency.

14. A registered nurse shall not employ an unregistered person as her substitute. Registered nurses not to employ unregistered persons as substitutes.

Any nurse offending against this section shall be liable to a penalty not exceeding *twenty* pounds.

15. A registered nurse shall be entitled to wear a distinctive badge approved by the board, and any person not a registered nurse who wears such or a similar badge shall be liable, on summary conviction, to a penalty not exceeding *ten* pounds. Badges.

16. Save as otherwise expressly provided, any registered nurse who fails, neglects, or refuses to comply with any lawful order or direction of the board, made pursuant to this Act shall be liable to a penalty not exceeding *twenty* pounds. Penalties.

Miscellaneous.

17. (1) There shall be payable by every person who comes up for examination or is registered the fees mentioned in the Schedule to this Act. Such fees shall be paid to the board. The board shall apply such fees to the payment of expenses connected with examinations and registration under this Act, and to the payment of salaries of the officers of the board and to the general expenses of the board. Fees and expenses.

(2) The board shall, as soon as practicable after the thirty-first day of December in each year, publish a financial statement made up to that date, showing the receipts and expenditure of the board during the year, and its liabilities at the close of the year, which statement shall be certified as correct by a public accountant. Publication of financial statements.

18. Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the register shall be guilty of a misdemeanour, and shall, on conviction, be liable to a penalty not exceeding *fifty* pounds or to be imprisoned, with or without hard labour, for any time not exceeding *twelve* months. Penalty for wilful falsification of the registers.

19. The board may make regulations— Regulations.

(a) governing their proceedings, and defining the duties of their officers;

- (b) regulating the issue and surrender of certificates of registration to nurses ;
- (c) prescribing the period of attendance at hospitals prior to registration, regulating and supervising courses of training, and prescribing the form of certificates as to such attendance, and the persons by whom they may be granted ;
- (d) regulating the conduct of examinations for registration ;
- (e) prescribing, in so far as it may be necessary to prevent the spread of infection, the duties of nurses ;
- (f) providing for the removal from the register of the names of nurses who have died or of nurses who have left the State, and the restoration thereto of the names of such last mentioned nurses on their return ;
- (g) generally to carry out the provisions of this Act ;
- (h) imposing a penalty of not more than *twenty* pounds for any breach of such regulations.

Regulations
to be
published.

20. All regulations so made, if approved by the Governor, shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Offences and
penalties.

21. All informations for offences against this Act or the regulations shall be laid by the registrar, or some other officer appointed by the board for that purpose, and all penalties, when recovered, shall be paid to the board for the purposes of this Act.

All

All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.

SCHEDULE.

	£	s.	d.
Fee payable for examination of candidates for registration	...	1	1 0
Fee payable for registration, including certificate of registration	...	1	1 0
