

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1943.

A BILL

To amend the Nurses' Registration Act, 1924-1932, in certain respects; and for purposes connected therewith.

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
5 the same, as follows :—

1. (1) This Act may be cited as the "Nurses' Registration (Amendment) Act, 1943." Short title and citation.

(2) The Nurses' Registration Act, 1924-1932, is in this Act referred to as the Principal Act.

10 (3) The Nurses' Registration Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Nurses' Registration Act, 1924-1943.

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2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") the Nurses' Registration Board shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section three of the Principal Act as amended by this section.
- (2) Upon the appointed day the members of the Nurses' Registration Board holding office immediately before the appointed day shall cease to hold office as such members but shall be eligible for reappointment under the Principal Act as amended by this Act.
- (3) (a) For the purposes only of the appointment of persons to be members of the Nurses' Registration Board as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.
- (b) The persons so appointed shall assume their offices as members of the Nurses' Registration Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.
- (4) The Principal Act is amended—
- (a) (i) by inserting at the end of paragraph (b) of subsection one of section three the following proviso:—
- Provided that where the offices of Director-General of Public Health and Inspector-General of Mental Hospitals are held by the same person, the Deputy Inspector-General of Mental Hospitals shall, ex officio, be a member of the board.
- (ii) by omitting from paragraph (d) of the same subsection all words following the word "practitioner";
- (iii)

Reconsti-
tution of
Nurses'
Registration
Board.

Amendment
of Act No. 37,
1924.
Sec. 3.
(Appoint-
ment of
board.)

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- (iii) by omitting paragraph (e) of the same subsection and by inserting in lieu thereof the following new paragraphs:—
- 5 (e) one registered general nurse who shall be nominated in manner prescribed by regulations by registered general nurses and registered infants' nurses;
- 10 (f) one registered midwifery nurse who shall be nominated in manner prescribed by regulations by registered midwifery nurses;
- 15 (g) one registered mental nurse who shall be nominated in manner prescribed by regulations by registered mental nurses;
- (iv) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—
- 20 (2) In case of the illness or absence of any of the ex officio members of the board, the Governor may appoint some person to act as the deputy of such member during such illness or absence and every person
- 25 so appointed shall, while so acting, have all the powers and perform all the duties of such member.
- (b) (i) by omitting from subsection one of section four the words "Director-General of Public Health, the Inspector-General of Mental Hospitals, and the principal teacher of obstetrics in the University of Sydney" and by inserting in lieu thereof the words "ex officio members";
- 30 Sec. 4.
(Tenure of office,
vacancies,
etc.)
- 35 (ii) by inserting in subsection two of the same section after the word "member" the words "not being an ex officio member";
- (iii) by omitting from subsection three of the same section the words "or in case of the failure

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failure of the New South Wales Council of the Australasian Trained Nurses Association within one month to nominate a member”;

5 (c) by inserting at the end of the same section the following new subsection:—

10 (7) Each member of the board appointed in pursuance of paragraphs (c), (d), (e), (f) and (g) of subsection one of section three or in pursuance of subsection three of this section to fill an extraordinary vacancy in the board, shall be paid a fee of two guineas for each meeting of the board attended:

15 Provided that the fees paid to any member during any year shall not exceed one hundred pounds.

3. The Principal Act is further amended—

Further amendment of Act No. 37, 1924. Sec. 6. (Power to remove, etc.)

20 (a) (i) by inserting in paragraph (a) of subsection one of section six immediately before the word “suspend” wherever occurring the words “caution or reprimand any nurse or”;

25 (ii) by inserting next after the same subsection the following new subsection:—

30 (1A) (a) If the board is satisfied that any person registered under this Act on the grounds mentioned in subsection two or subsection three of section nine of this Act has since been removed for misconduct from any register of nurses in the part of His Majesty's Dominions or other country in which she was registered or trained as the case may be, the board may remove her name from the register:

35 Provided that the board shall not remove the name of such person from the register pursuant to this subsection unless the reason for the previous removal from a register was an act or omission which, if done

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5 done in New South Wales, would have justified the removal of the name of such person from the register pursuant to paragraph (a) of subsection one of this section.

10 (b) Notice of intention to remove the name of any person from the register pursuant to this subsection shall be given by the board to the person concerned either
15 personally or, if her whereabouts are unknown to the board, by advertisement in such manner as the board thinks sufficient, and her name shall not be removed from the register before the expiration of two months from the date of service of such notice or from the date of such advertisement.

20 (iii) by omitting from subsection two of the same section the words "the preceding subsection" and by inserting in lieu thereof the words "subsection one or subsection (1A) of this section";

(b) by inserting next after section six the following new section:—

25 6A. (1) Where in the opinion of the board the circumstances warrant such a course it may hold an inquiry in respect of any matter arising under paragraph (a) of subsection one or under
30 paragraph (a) of subsection (1A) of section six of this Act. New sec.
6A.
Inquiries.

35 (2) (a) The board may by resolution delegate to any member of the board or to an officer of the Public Service (which member or officer is in this section hereinafter referred to as the "delegate") power to conduct a hearing for the purpose of taking any evidence or to make or conduct any investigation in relation to any act, matter or thing specified or referred to in the resolution.

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5 A document purporting to be a copy of a resolution of the board and to be signed by the chairman or member presiding at the meeting at which the resolution was passed shall be sufficient evidence of any delegation under this subsection, and of the terms of the delegation.

10 (b) The delegate shall forward to the board a copy certified under his hand of any evidence taken, and shall furnish to the board a report of any such investigation made or conducted by him together with a recommendation.

15 (c) The decision of the board shall be given after consideration of the copy of any evidence taken and of the report and recommendation of the delegate.

20 (3) The board or the delegate shall in holding, making or conducting any inquiry, hearing or investigation under this section which relates to the misconduct of any registered nurse shall afford such registered nurse an opportunity to appear before the board or delegate either in person or by counsel or solicitor.

25 (4) The board or the delegate shall for the purpose of holding, making or conducting any inquiry, hearing or investigation under this section have the powers, authorities, protections and immunities conferred on a Commissioner by Division 1 of Part II of the Royal Commissions Acts, 1923-1934.

30 The provisions of the Royal Commissions Acts, 1923-1934, with the exception of section thirteen and Division 2 of Part II shall, mutatis mutandis, apply to any such inquiry, hearing or investigation and to any witness or person summoned by or appearing before the board or the delegate.

35 (c) by omitting from subsection one of section Sec. 7.
40 seven the words "of the last preceding section" (Appeal.)
and by inserting in lieu thereof the words "or
under

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under paragraph (a) of subsection (1A) of section six of this Act."

4. The Principal Act is further amended—

Further amendment of Act No. 37, 1924. Sec. 9. (Registration.)

- 5 (a) (i) by inserting in subparagraph (i) of paragraph (a) of subsection one of section nine after the words "three years, or" the words "being a person who was registered as a mental nurse pursuant to paragraph (b) of this subsection or upon qualifications which, in the opinion of the board, are substantially equivalent to the qualifications referred to in that paragraph, she holds a certificate as prescribed stating";
- 10
- 15 (ii) by inserting in the same subparagraph after the words "two years" the words "or being a person who was registered as a midwifery nurse pursuant to paragraph (c) of this subsection or upon qualifications which, in the opinion of the board, are substantially equivalent to the qualifications referred to in that paragraph, she holds a certificate as prescribed stating that she, subsequently to being registered as a midwifery nurse, has attended the practice of such hospitals for not less than such period as may be prescribed";
- 20
- 25 (iii) by inserting in subparagraph (i) of paragraph (b) of the same subsection after the words "three years, or" the words "being a person who was registered as a general nurse pursuant to paragraph (a) of this subsection or upon qualifications which, in the opinion of the board, are substantially equivalent to the qualifications referred to in that paragraph, she holds a certificate as prescribed stating";
- 30
- 35 (iv) by inserting in subparagraph (i) of paragraph (c) of the same subsection after the words "one year, or" the words "being

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- 5 a person who was registered as a general nurse pursuant to paragraph (a) of this subsection or upon qualifications which, in the opinion of the board, are substantially equivalent to the qualifications referred to in that paragraph, she holds a certificate as prescribed stating”;
- 10 (v) by inserting in the same subparagraph after the words “six months” the words “or being a person who was registered as a mental nurse pursuant to paragraph (b) of this subsection or upon qualifications which, in the opinion of the board, are substantially equivalent to the qualifications referred to in that paragraph, she holds a certificate as prescribed stating that she, subsequently to being registered as a mental nurse, has attended the practice of such hospitals for not less than the period prescribed”;
- 15 (vi) by omitting from subsection three of the same section the words “in any part of His Majesty’s dominions”;
- 20 (b) by inserting at the end of section ten the following new subsection:—
- 25 (2) No application to be registered on the grounds mentioned in paragraph two of subsection one of this section shall be entertained when such application is made after the commencement of the Nurses’ Registration (Amendment) Act, 1943. Sec. 10.
(Existing nurses.)
- 30 (c) by omitting subsections two and three of section eleven and by inserting in lieu thereof the following subsection:—
- 35 (2) A certificate purporting to be signed by the registrar and to certify that—
- (a) on a specified day or days or during the whole of a specified period, a particular person was duly registered in the register

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5 register as a general, mental, infants' or midwifery nurse or was the holder of a certificate of provisional registration as a general, mental, infants' or midwifery nurse; or

10 (b) on a specified day or days or during the whole of a specified period a particular person was not registered in the register as a general, mental, infants' or midwifery nurse or was not the holder of a certificate of provisional registration as a general, mental, infants' or midwifery nurse; or

15 (c) on a specified day the name of a particular person was removed from the register or the certificate of provisional registration of a particular person was cancelled; or

20 (d) as from a specified day a particular person was suspended from practice for a specified period,

25 shall, without proof of the signature of the person purporting to sign such certificate or that he was the registrar, and notwithstanding any discrepancy between such certificate and the register, be conclusive evidence of the matters certified in and by such certificate.

30 (d) (i) by omitting from paragraph (b) of subsection one of section thirteen the words "for gain attend" and by inserting in lieu thereof the words "attend as a midwife"; Sec. 13. (Unauthorised nursing.)

35 (ii) by inserting after paragraph (c) of subsection two of the same section the following word and new paragraph:—

or

(d) any medical student or any nurse undergoing midwifery training.

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5. The Principal Act is further amended—

Further amendment of Act No. 37, 1924.
New sec. 15A.

- (a) by inserting next after section fifteen the following new section:—

5 15A (1) Any person other than a person registered under this Act who wears a nurse's cap shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding two pounds: Provided that it shall not be an offence—

Prohibition of use of nurse's cap by unregistered persons.

cf. Act No. 7, 1922 (W.A.), s. 11A.

10 (a) if a member of a religious order wears a habit to conform to the requirements or custom of that order, or if any person taking part in a religious rite wears any raiment customary or necessary therefor;

15 (b) if any person taking part in any theatrical performance wears a nurse's cap.

20 (2) For the purpose of this section "nurse's cap" means the cap commonly worn by trained nurses consisting of a piece of material so folded that when worn portion thereof hangs to or below the shoulder.

25 (b) (i) by omitting from subsection one of section seventeen all words after the words "this Act" where firstly occurring;

(ii) by omitting subsection two of the same section;

30 (c) by inserting next after section seventeen the following new sections:—

New secs. 17A, 17B, 17C.

35 17A. (1) (a) Every registered nurse shall pay to the registrar on or before a date to be prescribed a roll fee of two shillings and sixpence for the year which commenced on the first day of January, one thousand nine hundred and forty-three.

Annual roll fee.

Together

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Together with the roll fee the registered nurse shall furnish particulars of her address for entry in the register.

5 Different dates may be prescribed with respect to general nurses, mental nurses and infants nurses.

10 (b) If a registered nurse does not pay the roll fee on or before the date so prescribed with respect to the class of nurse to which such registered nurse belongs, the board shall forthwith notify her by registered letter addressed to her at the address appearing on the register that if the roll fee be not paid before the date specified in the notice her name will be removed from the register.

15 (c) If any registered nurse who has been so notified fails to pay the roll fee before the date specified in the notice the board shall remove her name from the register.

20 (d) This subsection shall not apply to and in respect of midwifery nurses.

25 (2) (a) Every registered nurse shall pay to the registrar on or before such date in the year one thousand nine hundred and forty-three and in each succeeding year, as may be prescribed (which date is in this subsection referred to as the "prescribed day") a roll fee of two shillings and sixpence for the year commencing on the first day of January next following.

30 Together with the roll fee the registered nurse shall furnish particulars of her address for entry in the register.

35 Different dates may be prescribed with respect to general nurses, mental nurses, infants nurses and midwifery nurses.

40 A reference in this section to the prescribed day shall, in its application to a registered nurse of any of such classes, be construed as a reference to the date so prescribed with respect to the class to which such registered nurse belongs.

(b)

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5 (b) If a registered nurse does not pay the roll fee on or before the prescribed day the board shall notify her by registered letter addressed to her at the address appearing in the register that if the fee be not paid before the thirty-first day of December next following the prescribed day her name will be removed from the register.

10 If any registered nurse who has been so notified fails to pay such fee before the thirty-first day of December, the board shall remove her name from the register.

15 (3) If the name of any registered nurse is removed from the register under this section the board shall upon application restore her name to the register upon payment of such fees as are prescribed. The regulations may provide for the waiver of such part of the fees as the board may in any particular case deem proper.

20 17B. (1) All fees and penalties payable under this Act shall be paid by the registrar to the Colonial Treasurer and shall be carried to the Consolidated Revenue Fund. Fees and penalties.

25 (2) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament. Administration expenses.

30 17C. (1) All moneys and securities which immediately before the commencement of the Nurses' Registration (Amendment) Act, 1943, were held by the board shall constitute a fund to be called the Nurses' Registration Board Education and Research Fund. Accumulated funds of board.

35 (2) The board may in its discretion invest such fund and any income arising from investments in any of the securities authorised by or under the Trustee Act, 1925, as amended by subsequent Acts, for the investment of trust funds.

(3)

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(3) The expenses and liabilities of the board incurred before the commencement of the Nurses' Registration (Amendment) Act, 1943, shall be paid out of such fund.

5 (4) The board may at any time and from time to time appropriate any portion or portions of the fund for or towards education and research in nursing or any public purpose connected with the occupation or calling of nursing: 10 Provided that no such appropriation shall be made unless the same is authorised by a resolution passed by a majority consisting of not less than five members of the board at a meeting specially convened for the purpose of considering such resolution. 15

(5) The accounts of the fund shall be subject to inspection, examination and audit under the Trustees Audit Act, 1912.

20 (6) The board shall, as soon as practicable after the first day of January in each year, publish in such manner as may be prescribed, a statement of the accounts of the fund for the next preceding year.

6. (1) The Principal Act is further amended—

25 (a) by inserting next after section eighteen the following new section:—

18A. The registrar and such other officers and employees as may be necessary for the due administration of this Act shall be appointed under and shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

30 (b) by omitting paragraph (e) of section five.

35 (2) (a) The assistant registrar appointed under the Principal Act and holding office immediately before the commencement of this Act, shall continue to hold such office in all respects as if she had been appointed under section 18A of the Nurses' Registration Act, 1924-1943,

as

Further amendment of Act No. 37, 1924.

New sec. 18A.

Officers and employees.

Sec. 5. (Duties of board.)

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as inserted by paragraph (a) of subsection one of this section and shall be an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

5 (b) All officers, other than the assistant registrar appointed under the Principal Act, and holding office immediately before the commencement of this Act, shall, at such commencement, be deemed to have been appointed under section 18A of the Nurses' Registration Act, 1924-10 1943, as inserted by paragraph (a) of subsection one of this section and shall be employees within the meaning of the Public Service Act, 1902, as amended by subsequent Acts.

(c) Service of the assistant registrar as an 15 officer of the Nurses' Registration Board shall count as service for the purposes of section thirteen of the Public Service (Amendment) Act, 1919.

(d) No such officer or employee shall be entitled 20 to claim benefits under the Public Service Act, 1902, as well as benefits granted by the Nurses' Registration Board before the commencement of this Act or benefits under any other Act, in respect of the same period of service.

7. The Principal Act is further amended—

25 (a) by inserting at the end of paragraph (b) of section nineteen the words "and prescribing the circumstances in which and the conditions upon which and the persons by whom provisional certificates of registration may be issued and 30 the effect of the same";

Further amendment of Act No. 37, 1924. Sec. 19. (Regulations.)

(b) (i) by omitting from section twenty-one the word "officer" and by inserting in lieu thereof the word "person";

Sec. 21. (Offences and penalties.)

35 (ii) by omitting from the same section the words "and all penalties, when recovered, shall be paid to the board for the purposes of this Act";

(c)

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(c) by omitting the Schedule and by inserting in Schedule. lieu thereof the following Schedule:—

SCHEDULE.

		£	s.	d.
5	Fee payable for examination of candidates for registration	1	1	0
	Fee payable for deferred examination of candidates for registration	10	6	
10	Fee payable for registration including certificate of registration	10	6	
