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12th January, 1933.]

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 1 of 1933.

AN ORDINANCE

**To provide for the Registration of Persons engaged
in the Practice of Nursing.**

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1931*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Nurses Registration Ordinance 1933*. Short title.
2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.
3. This Ordinance is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—Registration and Qualifications.
 - Part IV.—The Conduct of the practice of nursing.
 - Part V.—Legal Procedure.
 - Part VI.—Miscellaneous.
- 4.—(1.) In this Ordinance, unless the contrary intention appears— Definitions.
 - “Member” means a member of the Nurses Registration Board, constituted in accordance with this Ordinance;
 - “Register” means the register of nurses who are registered under this Ordinance;
 - “Registered nurse” means a person registered under this Ordinance;
 - “the Board” means the Nurses Registration Board constituted under this Ordinance;
 - “the Chairman” means the Chairman of the Board appointed under this Ordinance;

3333.—PRICE 8D.

“the Director-General” means the Director-General of the Department of Health;

“the Minister” means the Minister of State for Health.

(2.) Words importing the female gender shall include the male except in respect of Midwifery and Infant Nurses.

PART II.—ADMINISTRATION.

Establishment
of the Board.

5.—(1.) For the purposes of this Ordinance, there shall be a Nurses Registration Board, which shall be charged with the general administration of this Ordinance.

(2.) The Board shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall deem that it was duly affixed.

Members of the
Board.

6.—(1.) The Board shall consist of the Director-General of Health and not less than two, nor more than five members, who shall be appointed by the Governor-General.

(2.) A person, other than the Chairman, shall not be eligible for appointment as a member of the Board unless he has been registered as a medical practitioner or as a nurse in any State or Territory of the Commonwealth for not less than five years.

(3.) The Director-General of Health shall be *ex officio* Chairman of the Board.

(4.) In the case of the illness or absence from the Commonwealth of the Director-General of Health, the officer acting in that office shall be *ex officio* Chairman of the Board.

(5.) At the first meeting in each year, the members of the Board may elect one of their number to be Deputy Chairman until the first meeting of the Board in the next calendar year.

(6.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(7.) A quorum of the Board shall consist of the Chairman or Deputy Chairman and one member.

(8.) At any meeting of the Board at which the Chairman is present, he shall have a deliberative vote, and, in the event of equality of voting, a second or casting vote.

(9.) If at any meeting of the Board at which the Chairman is not present, the members present differ in opinion upon any matter, the determination of that matter shall be postponed till the next meeting of the Board.

Meetings of
the Board.

7.—(1.) Subject to this section, all meetings of the Board shall be convened by the Chairman by notice in writing to the other members.

(2.) The Minister may, by notice in writing to each member, direct that a meeting be held at the time and place specified in the notice.

8. Each member shall be appointed for a term of three years, and shall be eligible for re-appointment. Period of office of members of the Board.

9. The Governor-General may remove any member from office for misbehaviour or incapacity. Removal of member from office.

10.—(1.) In addition to retirement of members by expiration of their term of office, or removal from office in accordance with the last preceding section, the seat of a member shall become vacant on— Office of member, how vacated.

- (a) the death, lunacy or bankruptcy of the member, or the conviction of the member of an indictable offence;
- (b) the member ceasing to be registered under this Ordinance or the *Medical Practitioners Registration Ordinance 1930-1931*;
- (c) the resignation of the member; or
- (d) the absence of the member, without leave of the Board, from two consecutive meetings of the Board.

(2.) Any member appointed to fill any vacancy on the Board shall hold office for the unexpired portion of the term for which his predecessor was appointed.

11.—(1.) For the purposes of this Ordinance, the Board may, by writing under the hand of the Chairman, summon any person to attend the Board at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce. Power to send for witnesses and documents.

(2.) The Board may, in its discretion, on the application of any party to any proceedings before the Board, by writing under the hand of the Chairman, summon any person to appear as a witness before the Board.

12. Any member may administer an oath to any person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath. Power to examine upon oath.

13.—(1.) Where any witness to be examined before the Board conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him. Affirmation in lieu of oath.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities as an oath.

14. If any person served with a summons to attend the Board, when the summons is served personally, fails without reasonable excuse to attend the Board, or to produce any documents, books Penalty for failing to attend or produce documents.

or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Fifty pounds.

Penalty for refusing to be sworn or to give evidence.

15. If any person appearing as a witness before the Board refuses to be sworn or to make an affirmation or to answer any question relevant to the proceedings before the Board put to him by any member, he shall be guilty of an offence.

Penalty: Fifty pounds.

Giving false testimony.

16. Any witness before the Board who knowingly gives false testimony touching any matter, material to any inquiry, shall be guilty of an offence.

Penalty: Imprisonment for one year.

Protection of members of the Board.

17. A member shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in administering this Ordinance.

Collection of fees.

18.—(1.) The Board may demand and, in advance, collect such fees as are prescribed.

(2.) Such fees and all penalties and other moneys recovered or realized under this Ordinance shall be paid into the Consolidated Revenue Fund.

PART III.—REGISTRATION AND QUALIFICATIONS.

The Board may hold examinations for Nurses.

19.—(1.) The Board may hold examinations and issue certificates of qualification as general nurses, midwifery nurses, infants' nurses or mental nurses to persons who pass such examinations as are determined by the Board after the prescribed periods of training.

(2.) The Board may make a reciprocal arrangement for the conduct of examinations with the Nurses' Registration Board of the State of New South Wales, appointed under the Nurses' Registration Act 1924, or any amendment thereof, or with any Board empowered by any law for the time being in force relating to the registration of nurses in any State or Territory of the Commonwealth.

Register.

20. The Board shall keep a Register to be called "The Register of Nurses".

Mode of registration.

21.—(1.) A person shall be registered by the entering in the Register of her name, and such other particulars relating to her as are prescribed; but in any event the entry in the Register shall include a complete statement of the prescribed qualifications of the registered person.

(2.) A person shall not be registered in any branch of the nursing profession other than that to which she is by her qualifications entitled.

(3.) Every such entry in the Register shall be signed by the Chairman or Deputy Chairman of the Board.

22.—(1.) Any natural born or naturalized British subject who has attained the age of twenty-one years and is of good fame and character and— Persons entitled to registration.

(a) has attended for the prescribed period the practice of a hospital approved by the Board, has undergone the prescribed course of training and has passed such examinations as are determined by the Board; or

(b) is at the commencement of this Ordinance registered in any State or Territory of the Commonwealth by any authority empowered by any law for the time being in force in that State or Territory providing for the registration of nurses after having undergone a course of training and passed examinations accepted by the Board as equivalent in standard to the required training and examinations under this Ordinance,

shall be entitled to apply to the Board for registration as a nurse.

(2.) The Board may accept any period of training at a hospital in any State of the Commonwealth approved by the Nurses' Registration Board or other similar authority of that State empowered by any law for the time being in force to register nurses or a successful result at any examination conducted by any such authority as portion of the course of training or of the examination required under this Ordinance.

(3.) When any person has applied to be registered and has proved to the satisfaction of the Board that she is entitled to apply for registration by virtue of compliance with the requirements specified in this section the Board may cause the person to be registered by entering in the Register her name and such other particulars as are prescribed; and issue to her, upon payment of the prescribed fee, a certificate in the prescribed form.

(4.) Any person entitled to apply to be registered may be registered as a general nurse, midwifery nurse, infants' nurse, mental nurse, according to her qualifications, but the Board shall not register any person as a general nurse, midwifery nurse, infants' nurse, or mental nurse respectively, unless her qualifications, in the opinion of the Board, entitle her to such registration.

(5.) (i) A person shall not be registered—

(a) as a general nurse, unless she has attended the practice of one or more medical or surgical hospitals approved by the Board for not less than three years;

(b) as a midwifery nurse, unless she has attended the practice of one or more maternity hospitals approved by the Board for not less than one year or, if registered as a general nurse, for not less than six months;

- (c) as an infants' nurse, unless she has attended the practice of one or more hospitals for children or similar institutions approved by the Board for not less than two years; or
- (d) as a mental nurse, unless she has attended the practice of one or more mental hospitals approved by the Board for not less than three years, or if registered as a general nurse for not less than two years.

(ii) A male person shall not be registered as a midwifery or infants' nurse.

(6.) Any person who has attained the age of twenty-one years and is of good fame and character and who produces evidence satisfactory to the Board of having been trained as a nurse or midwife and registered in any other part of His Majesty's Dominions in which an Act providing for the registration of nurses or midwives is in force, and which admits to its register nurses registered under this Ordinance on reciprocal terms, may, upon payment of the fee payable on the registration of other persons, be registered under this Ordinance, provided that the Board is satisfied that the person has undergone a course of training and passed an examination of a standard equivalent to the standard required under this Ordinance and that she has not at any time been removed from the register of nurses or midwives in any part of His Majesty's Dominions for any cause which in the opinion of the Board renders her unfit to practise in the Territory.

Appeal in case of refusal by the Board to register any person.

23.—(1.) If the Board refuses to register any person under this Ordinance, the Board shall, if required by such person, state in writing the reason for such refusal.

(2.) Such person may thereupon appeal to the High Court of Australia.

(3.) An appeal under this section shall be in the nature of a re-hearing, and shall be heard by the High Court constituted by a single Justice.

Copy of Register to be published.

24.—(1.) The Board shall cause to be published in the *Gazette* in every year a true copy of the Register.

(2.) A copy of the Register so published shall be *prima facie* evidence of the registration of the persons named therein.

Fraudulent registration.

25. Any person who procures herself to be registered under this Ordinance by means of any false or fraudulent representation or by the production of any false certificate or testimonial shall be guilty of an offence.

Penalty: One hundred pounds.

26.—(1.) Any registered nurse who obtains or already possesses any higher degree or any qualification other than the qualification in respect of which she is registered may have such higher degree or additional qualification inserted in the Register without payment of any additional fee. Register may be altered.

(2.) There shall be inserted in the Register the particulars of any honour conferred on any registered nurse by His Majesty the King.

27.—(1.) Any registered nurse who changes her professional address shall forthwith give notice of the fact by post to the Chairman of the Board. Change of address to be notified.

(2.) Every District Registrar of Births, Deaths and Marriages, who registers the death of any nurse shall forthwith transmit notice thereof by post to the Chairman of the Board.

(3.) Any medical practitioner who certifies any registered nurse as insane shall forthwith transmit notice thereof by post to the Chairman of the Board.

28.—(1.) The Board shall remove the names of all registered nurses who have died and may make such alterations and amendments in the Register as it thinks fit. Alteration of register.

(2.) The Board may, by notice to any registered nurse addressed to her by registered post according to her address in the Register, inquire whether she has changed her address or residence, and if an answer is not returned to such notice within six months after the date of posting thereof, the Board may remove the name of such person from the Register.

(3.) Any name removed from the Register under this Part may be restored by the Board.

(4.) In the event of a registered nurse changing her name by marriage, the Board may alter the name of such nurse in the register and may issue a new certificate of registration in accordance with such alteration.

PART IV.—THE CONDUCT OF THE PRACTICE OF NURSING.

29.—(1.) The Board may suspend any registered nurse from the practice of her profession for such period as it thinks fit if the suspension appears to the Board necessary to prevent the spread of infection. Suspension of nurse from practice.

(2.) The Chairman or an officer authorized in writing by the Chairman may at any time by order in writing—

- (a) suspend, during the period specified in the order of suspension, any registered midwifery nurse from attendance upon any parturient woman; and
- (b) order any person, whether assisting or attending any person, with or without fee or reward, to refrain or to cease from acting as a midwife for such period as is specified in the order.

(3.) Any person who continues to act as a midwife after receipt of an order of suspension under this section shall be guilty of an offence.

(4.) The Board may for misconduct caution, censure or suspend any nurse from practice as a registered nurse for such time as it deems just, and shall notify the nurse accordingly.

(5.) Where a registered nurse has been suspended under subsection (2.) of this section, she shall not be entitled to any compensation for such suspension, but the Director-General may, if he thinks fit, pay such compensation to the nurse during the period of suspension as he deems just.

Cancellation of registration for fraud and on other grounds.

30.—(1.) The Board shall remove from the Register the name of any person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose qualification has been withdrawn or cancelled by the body by which it was conferred;
- (c) who has been convicted in any part of His Majesty's Dominions or elsewhere of an indictable offence or of any other offence which, in the opinion of the Board, renders her unfit to practise;
- (d) who has been certified insane;
- (e) who, while under suspension in accordance with the last preceding section professionally attends any person; or
- (f) who is deemed by the Board guilty of—
 - (i) habitual drunkenness or habitual addiction to any drug;
 - (ii) the administration of drugs or the use of instruments or appliances with the intention of terminating pregnancy;
 - (iii) the practice of canvassing, or of employing an agent or canvasser, for the purpose of procuring patients or practice, or of sanctioning, or of being associated with, or being employed by any person who engages in any such practice; or
 - (iv) such improper conduct as, in the opinion of the Board, renders her unfit to be allowed to continue to practise as a nurse.

(2.) If the Board removes the name of any person from the Register, it shall, if so required by her, state in writing the reason for the removal.

(3.) Any person whose name has been removed from the Register in pursuance of this section may appeal to the High Court of Australia to have her name restored to the Register and the Board shall, if the High Court so orders, restore her name accordingly.

(4.) Any appeal under this section shall be heard by the High Court constituted by a single Justice.

31.—(1.) Before removing from the Register the name of any person, the Board shall make due inquiry and the person may be represented by counsel, attorney or agent, who may examine witnesses and address the Board on her behalf.

Removal of names from Register.

(2.) Pending the hearing of a charge against any person, the Board may suspend the registration of that person who shall thereupon cease to practise.

32. Any person whose name is removed from the Register in pursuance of this Part shall, within fourteen days after the date of posting of a notice demanding the return of her certificate of registration, surrender her certificate to the Board for cancellation.

Surrender of certificate on removal of name from Register.

Penalty: Five pounds for every day after the period of fourteen days during which the certificate is not surrendered.

33. A person shall not practise the profession of nursing in all or any one or more of its branches except in her own name.

Person not to practise except in her own name.

34.—(1.) A person, other than a registered nurse, shall not—

No person other than a registered nurse to practise nursing.

(a) give or perform, for fee or reward, any nursing service, attendance, operation or advice;

(b) advertise or hold herself out as being, or in any manner pretend to be, or take or use the name or title (alone or in conjunction with any other title, word or letter) of a nurse, accoucheur, monthly nurse or any other name or title indicating or suggesting that she is qualified or entitled to practise nursing in any of its branches; or

(c) advertise or hold herself out, directly or indirectly by any name, word, letter, title or designation, whether expressed in words, or by letters, or partly in one and partly in the other (either alone or in conjunction with any other word or words), or by any other means whatsoever as being entitled or qualified, able or willing to practise nursing in any one or more or all of its branches, or to give or perform any nursing service, attendance, operation or advice.

(2.) Any person, who for herself or as assistant, servant, agent or manager, does or permits any act, matter or thing contrary to this section or any part thereof, shall be guilty of an offence.

Penalty: One hundred pounds.

35. The Board may, upon the application of any registered nurse, issue a temporary permit to a nurse registered in any State or Territory of the Commonwealth to act as *locum tenens* for such registered nurse for a period of three calendar months from the

Temporary registration.

date of issue of the permit. The Board may renew any such permit for one further period of three calendar months but not for any longer period.

Registered nurse to act professionally in branch for which she is registered.

36.—(1.) A registered nurse shall not—

- (a) professionally attend any person in any of those branches of nursing for which she is not registered; or
- (b) take or use any name or title implying that she is registered in any of those branches of nursing for which she is not registered.

(2.) A person other than a registered nurse registered as a midwifery nurse shall not, for fee or reward, attend any parturient woman.

Person advertising herself liable to penalty.

37. Any person who exhibits or publishes, or causes, permits or suffers to be exhibited or published any letter, circular, placard, handbill, card or advertisement of any kind whereby that person advertises or holds herself out contrary to the last preceding section shall be guilty of an offence.

Penalty: Ten, pounds.

No unregistered person may sue for fees, &c.

38. An unregistered person shall not sue or counterclaim for, set off or recover any charge or remuneration for any advice, attention, service or operation, or for any medicine which she has advised or supplied.

Appointments not to be held by unregistered persons.

39. An unregistered person shall not hold any appointment as a nurse—

- (a) in any hospital, infirmary, dispensary, lying-in hospital, or in any hospital for the insane, gaol, penitentiary, house of correction, or other public institution for affording medical relief in sickness, infirmity or old-age;
- (b) to any health centre, or welfare, natal or industrial clinic or other centre or clinic for the promotion of the public health by the prevention or early diagnosis or the treatment of disease; or
- (c) to any friendly society.

Signing of certificates.

40. An unregistered person shall not sign any certificate required by any law of the Commonwealth or of the Territory from a nurse.

Application of Part IV.

41. Nothing in this Part shall prejudice or affect—

- (a) the giving or performance of any medical or surgical service, attendance, operation or advice by a registered medical practitioner; or
- (b) the giving or performance in any case of emergency of any nursing service by a nurse registered under the law in force in any State or Territory of the Commonwealth; or

- (c) the giving or performance of any nursing service by any pupil nurse in training at any public hospital recognized for the purposes of this section by the Board.

42. A registered nurse shall not employ an unregistered person as her substitute. Unregistered person not to act as substitute.

PART V.—LEGAL PROCEDURE.

43. Proceedings for offences against this Ordinance may be instituted in any Court of competent jurisdiction by the Chairman or by any person thereto authorized in writing by the Chairman. Institution of proceedings.

44.—(1.) If any person is charged with a contravention of this Ordinance, the Minister may, with the written consent of such person, inquire into and determine the charge and shall have power, by order, a copy of which shall be published in the *Gazette*, to impose, enforce, mitigate or remit any pecuniary penalty which he shall determine shall have been incurred. Power of Minister to determine charges.

(2.) Every such order shall be final and without appeal and shall not be liable to be quashed on any account and a copy thereof shall be delivered to such person and may be enforced in the same manner as an order of a Court of summary jurisdiction.

(3.) The Minister in holding any inquiry under this Part of this Ordinance shall hold such inquiry in public and may—

- (a) summon the parties and any witnesses before him;
- (b) take evidence on oath; and
- (c) require the production of documents.

45. Any person summoned as a witness at any inquiry under this Part of this Ordinance who— Summoning of witnesses.

- (a) disobeys such summons;
- (b) refuses to be sworn as such witness;
- (c) refuses or fails to produce any document he may be required to produce; or
- (d) being sworn as a witness refuses or fails to answer any question lawfully put to him,

shall be guilty of an offence.

Penalty: Twenty pounds.

46. Any person who commits any breach of the provisions of this Ordinance, for which a penalty is not specially provided, shall be liable on conviction to a penalty not exceeding Fifty pounds. Penalty for offences where no special penalty provided.

47.—(1.) The Minister may, by writing under his hand, delegate all or any of his powers under this Part (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to a particular inquiry defined and specified in the instrument of delegation. Delegation by Minister.

(2.) Any delegation by the Minister under this section shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Minister.

PART VI.—MISCELLANEOUS.

Regulations.

48. The Minister may make regulations not inconsistent with this Ordinance prescribing all matters which are required or permitted to be prescribed, or which by this Ordinance are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) the meetings and proceedings of the Board and the conduct of the business thereof, and the duties of its officers;
- (b) the forms to be used for the purposes of this Ordinance;
- (c) prescribing the standards of qualification for persons before commencing the course of training for nurses;
- (d) prescribing the conditions in respect of the training and examination of persons being trained as nurses;
- (e) prescribing the conditions to be complied with by any institution to be entitled to be approved by the Board for any purpose under this Ordinance;
- (f) the manner of keeping the Register and the particulars entered thereon;
- (g) the scale of fees to be charged and paid in respect of any application, examination, registration, certificate or other proceeding, act or thing provided or required under this Ordinance;
- (h) the control of the professional conduct of registered nurses and the practice of the profession;
- (i) the precautions against infection to be taken by nurses in their practice; and
- (j) the imposition of penalties not exceeding Twenty pounds which may be imposed for breaches of the Regulations.

Dated this eleventh day of January, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

C. W. C. MARR

for Minister of State for the Interior.