

AUSTRALIAN CAPITAL TERRITORY

No. 49 of 1981

AN ORDINANCE

To amend the *Nurses Registration Ordinance 1933*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this third day of December 1981.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR
Minister of State for Health

NURSES REGISTRATION (AMENDMENT) ORDINANCE 1981

- Short title** 1. This Ordinance may be cited as the *Nurses Registration (Amendment) Ordinance 1981*.*
- Commencement** 2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.
- Principal Ordinance** 3. In this Ordinance, "Principal Ordinance" means the *Nurses Registration Ordinance 1933*.†
- Interpretation** 4. Section 4 of the Principal Ordinance is amended by omitting from sub-section (1) the definitions of "the Election Ordinance" and "the Court of Petty Sessions".
- Establishment of the Board** 5. Section 5 of the Principal Ordinance is amended by omitting sub-sections (2) and (3).

* Notified in the *Commonwealth of Australia Gazette* on 9 December 1981

† Ordinance No. 1, 1933 as amended by No. 13, 1933; No. 5, 1936; No. 27, 1937; No. 17, 1941; No. 2, 1949; No. 1, 1957; Nos. 6 and 21, 1959; No. 8, 1960; No. 19, 1966; No. 20, 1967; No. 35, 1970; Nos. 20 and 40, 1971; Nos. 10 and 59, 1973; No. 47, 1974; No. 17, 1975; Nos. 10 and 65, 1977; Nos. 42 and 46, 1978; No. 26, 1979; and No. 48, 1980.

6. Section 6 of the Principal Ordinance is amended— Constitution
of Board
- (a) by omitting sub-section (1) and substituting the following sub-section:
- “ (1) The Board shall consist of—
- (a) a Chairman, and 4 other members, appointed in accordance with the *Health Professions Boards (Procedures) Ordinance* 1981; and
- (b) 4 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Ordinance* 1980.”;
- (b) by omitting sub-sections (3) and (4) and substituting the following sub-section:
- “ (3) The Chairman shall be the executive officer of the Board.”; and
- (c) by omitting sub-section (8).
7. Sections 6A, 7, 8, 8A, 9, 10, 11, 12, 13, 14, 15 and 17 of the Principal Ordinance are repealed. Repeal
8. Section 23 of the Principal Ordinance is repealed. Repeal
9. Section 28G of the Principal Ordinance is amended by omitting sub-section (4). Enrolment
10. Section 28H of the Principal Ordinance is amended by omitting sub-section (2). Removal
from Roll
11. Section 28J of the Principal Ordinance is amended by omitting sub-section (2). Inquiry
before
removal
from Roll
12. Section 28K of the Principal Ordinance is repealed. Repeal
13. Section 30 of the Principal Ordinance is amended by omitting sub-sections (2) and (3). Cancellation
of registra-
tion for
fraud and
on other
grounds
14. Section 31 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:
- “ (1) Before removing the name of a person from the Register, the Board shall hold an inquiry.”. Removal

15. After Part IV of the Principal Ordinance the following Part is inserted:

“ PART IVA—APPEALS

Appeal

“ 42A. (1) Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to register, or to re-register, a person;
- (b) refusing to enrol a person as a nursing aide;
- (c) removing the name of a person from the Register in pursuance of Part IV;
- (d) removing the name of a person from the Roll in pursuance of Part IIIA;
- (e) cautioning or censuring a person;
- (f) suspending, otherwise than under sub-section 31 (2), the registration of a person; or
- (g) refusing to issue, or to renew, a temporary permit under section 35.

“ (2) Application may be made to the Tribunal for a review of an order of the Chairman, or an officer authorized in writing by the Chairman, under sub-section 29 (2).

“ (3) In this section, ‘ Tribunal ’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.”.

Repeal

16. Sections 43, 44, 45 and 47 of the Principal Ordinance are repealed.

Regulations

17. Section 48 of the Principal Ordinance is amended by omitting paragraph (a).

Transitional

18. (1) The person who was, immediately before the commencement of this Ordinance, the Chairman of the Board continues to be the Chairman of the Board as if he had been appointed as the Chairman under the Principal Ordinance as amended by this Ordinance and holds office subject to the *Health Professions Boards (Procedures) Ordinance 1981*.

(2) The person who was, immediately before the commencement of this Ordinance, the Deputy Chairman of the Board continues to be the Deputy Chairman of the Board as if he had been elected as the Deputy Chairman under the *Health Professions Boards (Procedures) Ordinance 1981* and holds office subject to that Ordinance.

(3) A person who was, immediately before the commencement of this Ordinance, a member of the Board continues to be a member of the Board as if he had been appointed or elected as a member under the Principal Ordinance as amended by this Ordinance and holds office subject to the *Health Professions Boards (Procedures) Ordinance 1981*.

(4) An expression in this section that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance as so amended.