

**NURSES REGISTRATION (AMENDMENT) BILL, 1985**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to amend the Nurses Registration Act, 1953 (“the Act”), so as—
  - (i) to reduce the present 7 categories of registered nurses (comprising general nurses, mental retardation nurses, psychiatric nurses, geriatric nurses, infants’ nurses, midwifery nurses and mothercraft nurses) to 2 categories, the effect being that in future registered nurses will (with the exception mentioned in subparagraph (v) below) be able to practise generally and will not be restricted to the areas in which they are now specifically registered (Schedule 2 (3)—proposed section 15);
  - (ii) to provide for the reconstitution of the Register of Nurses (now divided into Register of General Nurses, Mental Retardation Nurses, Psychiatric Nurses, Geriatric Nurses, Infants’ Nurses, Midwifery Nurses and Mothercraft Nurses) into just 2 divisions (List “A” and List “B”), with the names of currently registered general nurses, mental retardation nurses and psychiatric nurses entered in List “A” and the names of all other currently registered nurses being entered in List “B” (Schedule 2 (3)—proposed section 16);
  - (iii) to extend the functions of the Nurses Registration Board (“the Board”) by enabling it to grant recognition to courses of nurse training at institutions of advanced education so that the successful completion of such courses will become the principal qualification for nurse registration in New South Wales (Schedule 2 (2)—proposed section 14);
  - (iv) to provide for persons who successfully complete a course of the kind referred to in subparagraph (iii) to be registered in List “A” of the Register of Nurses (Schedule 2 (3));
  - (v) to prevent registered nurses and others from practising midwifery unless they have obtained appropriate midwifery qualifications and are, by virtue of those qualifications, authorised by the Board to practise midwifery (Schedules 2 (3), 3 (1)—proposed section 24);

- (vi) to alter the membership of the Board in consequence of the restructuring of the Register of Nurses (Schedule 1 (2));
  - (vii) to confer on the Board a power to delegate the exercise of its functions (other than the power of delegation) (Schedule 1 (5)—proposed section 13A);
  - (viii) to relax the requirements for obtaining temporary registration as a nurse (Schedule 2 (4)—proposed section 16A); and
  - (ix) to increase the maximum penalties which may be imposed for offences under the Act and regulations under the Act (Schedule 3);
- (b) to amend the Act by way of statute law revision (Schedule 4);
- (c) to provide for the saving of certain existing provisions and for matters of a transitional nature (Schedule 5); and
- (d) to make other amendments to the Act of a minor, consequential or ancillary nature.

Bill to amend the Nurses Registration Act, 1953, for the purposes of making fresh provision with respect to the registration of nurses and the qualifications of persons seeking registration as nurses and of reconstituting the Nurses Registration Board, and for other purposes.

**NURSES REGISTRATION (AMENDMENT) BILL, 1985**

No. . . . , 1985.

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**A BILL FOR**

An Act to amend the Nurses Registration Act, 1953, for the purposes of making fresh provision with respect to the registration of nurses and the qualifications of persons seeking registration as nurses and of reconstituting the Nurses Registration Board, and for other purposes.

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**BE** it enacted by the Queen'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:—

**5 Short title.**

1. This Act may be cited as the "Nurses Registration (Amendment) Act, 1985".

**Commencement.**

2. (1) Sections 1 and 2, Schedule 4, section 5, in its application to that  
10 Schedule, clauses 1, 3 and 5 of Schedule 5 and section 6, in its application to those clauses, shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**15 Principal Act.**

3. The Nurses Registration Act, 1953, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

20 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES REGISTRATION BOARD.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION AND REGISTRATION OF NURSES.

25 SCHEDULE 3.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 5.—SAVINGS AND TRANSITIONAL PROVISIONS.

**Amendment of Act No. 10, 1953.**

30 5. The Nurses Registration Act, 1953, is amended in the manner set forth in Schedules 1-4.



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**Savings and transitional provisions.**

6. Schedule 5 has effect.

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**SCHEDULE 1.**

(Sec. 5.)

5 **AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD.**

(1) (a) Section 3—

Omit “Words importing the female gender shall include the male.”.

10 (b) Section 3 (2), (3)—

At the end of section 3, insert:—

(2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

15 (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) The Chairman may be referred to as the Chairperson or the Chairwoman as appropriate.

20 (2) (a) Section 5 (1)—

Omit the subsection, insert instead:—

(1) The Board shall consist of 18 members of whom—

(a) one shall be an officer of the Department of Health nominated by the Minister;

25 (b) one shall be a psychiatrist who is an officer of the Department of Health nominated by the Minister;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

- 5 (c) one shall be a teaching professor in the School of  
Medicine in the University of Sydney nominated by the  
Senate of that University;
- (d) one shall be a teaching professor in the School of  
Medicine in the University of New South Wales  
nominated by the Council of that University;
- 10 (e) one shall be a medical practitioner nominated by the  
Post-Graduate Committee in Medicine;
- (f) seven shall be registered nurses elected in the prescribed  
manner by registered nurses who are eligible to vote at  
elections held for the purpose of this paragraph;
- 15 (g) one shall be a person nominated by the Minister who,  
in the opinion of the Minister, has expertise in matters  
pertaining to advanced education;
- (h) two shall be persons nominated by the Minister;
- 20 (i) one shall be a person nominated by the Health and  
Research Employees Association of New South Wales;
- (j) one shall be a person nominated by the New South  
Wales Nurses' Association; and
- (k) one shall be a person nominated by the Hospitals  
Association of New South Wales.
- 25 (b) Section 5 (1A)–(1D)—  
After section 5 (1), insert:—
- (1A) The members of the Board shall be appointed by the  
Governor.
- 30 (1B) The officer of the Department of Health referred to in  
subsection (1) (a) shall, by virtue of being appointed as a  
member of the Board, be Chairman of the Board.
- (1C) A person who holds office as Chairman shall be deemed  
to have vacated that office if the person ceases to be a member  
of the Board.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

5 (1D) The person holding office as Chairman may from time to time nominate another person to act in that office in his or her place as both a member of the Board and Chairman, and any person so nominated shall, while so acting, be deemed to be a member of the Board and be Chairman at any meetings of the Board at which that person is present.

10 (c) Section 5 (2)—

Omit the subsection, insert instead:—

15 (2) Subject to this Act, a member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of appointment or re-appointment and is, if otherwise qualified, eligible for re-appointment at the conclusion of term of his or her appointment or re-appointment.

(3) Section 5A—

After section 5, insert:—

20 **Provisions relating to the election of certain members of the Board.**

25 5A. (1) The election of the members of the Board referred to in section 5 (1) (f) shall be so organised and held as to ensure, as far as practicable, that at least one of the registered nurses referred to in section 5 (1) (f) is a person whose name appears in List "A" of the Register and who has psychiatric nursing or mental retardation nursing qualifications and that another of those nurses is authorised to practise midwifery.

30 (2) To the extent that there is a failure to nominate a sufficient number of persons who are qualified to be candidates for an election referred to in section 5 (1) (f) or to the extent that such an election fails for any other reason, the Minister may nominate for appointment to the Board a person who is, or, if the case so requires, persons who are, qualified for election under section 5 (1) (f), and the person or persons so nominated by the Minister shall, on being  
35 appointed by the Governor, be deemed to be a person or persons elected in the prescribed manner as referred to in section 5 (1) (f).



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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

(4) Section 9 (2), (2A)—

5 Omit section 9 (2), insert instead:—

10 (2) Where the casual vacancy occurs in the office of a member of the Board appointed on the nomination of a person or body referred to in section 5 (1) (section 5 (1) (f) excepted), the member to be appointed to the vacant office shall be appointed on the nomination of that person or body.

15 (2A) Where the casual vacancy occurs in the office of a member of the Board elected as referred to in section 5 (1) (f), the member appointed to fill the vacant office shall be a registered nurse or, where the person who held that office immediately before the vacancy occurred held that office by virtue of being a registered nurse of a description referred to in section 5A (1), shall be a registered nurse of that description.

(5) Section 13A—

After section 13, insert:—

20 **Delegation.**

13A. (1) Subject to subsection (2), the Board may, by instrument in writing, delegate to—

- (a) the Chairman;
- 25 (b) a committee comprised of 2 or more members of the Board;  
or
- (c) an officer or employee referred to in section 13,

the exercise of such of the functions of the Board (other than this power of delegation and the function referred to in section 33 (2)) as are specified in the instrument.

30 (2) The function of the Board under section 19 may not be delegated to a person referred to in subsection (1) (a) or (c).



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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

5 (3) A function the exercise of which has been delegated under this section may, while the delegation remains unrevoked, be exercised from time to time by the delegate in accordance with the terms of the delegation.

10 (4) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation under this section, the Board may continue to exercise any function delegated.

15 (6) Any act or thing done or suffered by a delegate acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Board and shall be deemed to have been done or suffered by the Board.

(7) The Board may, by instrument in writing, revoke wholly or in part any delegation under this section.

20 (8) An instrument purporting to have been signed by a person in his or her capacity as a delegate of the Board shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument duly executed by the Board and shall, until the contrary is proved, be deemed to be an instrument signed by a delegate of the Board.

25 (9) In subsection (8), a reference to a delegate includes a reference to the chairman of a committee to which the exercise of a function has been delegated under subsection (1).

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
QUALIFICATION AND REGISTRATION OF NURSES.

30 (1) (a) Section 3, definition of “Authorised”—

Before the definition of “Board”, insert:—

35 “Authorised” means authorised by the Board under this Act.

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(b) Section 3, definition of “Enrolled”—

5           After the definition of “Commencement of this Act”, insert:—  
              “Enrolled” means enrolled under this Act in the Roll.

(c) Section 3, definition of “Proclaimed subdivision”—

Omit the definition.

(d) Section 3, definition of “Recognised”—

10           Before the definition of “Register”, insert:—  
              “Recognised” means recognised by the Board.

(e) Section 3, definition of “Registered”—

After the definition of “Register”, insert:—

“Registered” means registered under this Act in the Register.

15 (2) Section 14—

Omit the section, insert instead:—

**Functions of the Board.**

14. (1) Subject to this Act, the functions of the Board are—

- 20           (a) to hold examinations for the purposes of this Act and to  
              determine the character, subjects and conduct of those  
              examinations;
- (b) to appoint examiners and supervisors in respect of  
              examinations referred to in paragraph (a);
- 25           (c) to appoint places and times at which examinations referred  
              to in paragraph (a) shall be held;

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- 5 (d) for the purposes of facilitating under this Act the registration  
of nurses, the authorisation of registered nurses to practise  
midwifery and the enrolment of nursing aides, to grant  
recognition to—
- 10 (i) hospitals, nursing homes and educational and other  
institutions offering courses for the training of nurses,  
midwives and nursing aides;
- (ii) the curricula for such courses; and
- (iii) diplomas, certificates and other qualifications  
awarded to those persons who successfully complete  
those courses;
- 15 (e) to grant to persons in prescribed circumstances or cases  
exemptions from a requirement or condition for or relating  
to registration as a nurse, an authorisation to practise  
midwifery or enrolment as a nursing aide;
- 20 (f) to cause the relevant particulars of qualified nurses to be  
entered in the Register, and the relevant particulars of  
nursing aides to be entered in the Roll, in such manner as  
the Board may direct;
- 25 (g) to cause particulars of the midwifery qualifications of  
registered nurses who are authorised to practise midwifery to  
be entered in the Register;
- (h) to determine in accordance with this Act applications for  
registration as a nurse, for authorisation to practise  
midwifery and for enrolment as a nursing aide;
- 30 (i) to issue certificates of registration to registered nurses,  
certificates of authorisation to practise midwifery to  
registered nurses authorised to practise midwifery and  
certificates of enrolment to enrolled nursing aides;
- (j) to issue authorities to practise as a nurse or nursing aide as  
provided by sections 17 and 22; and



*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- 5 (k) generally, to do any other act or to exercise any other functions necessary for carrying the provisions of this Act into effect.
- (2) The Board is empowered—
- 10 (a) to terminate or vary, as it considers appropriate, any appointment made under subsection (1);
- (b) to withdraw, or vary the conditions of, any recognition or exemption granted under that subsection;
- 15 (c) in accordance with this Act, to cancel or suspend any registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide or, where appropriate, to restore any such registration, authorisation or enrolment; and
- (d) in accordance with this Act, to cancel certificates of the kinds referred to in subsection (1) (i).
- (3) In the exercise of its functions, the Board is in all respects subject to the control and direction of the Minister.

## 20 (3) Sections 15, 15A, 16—

Omit the sections, insert instead:—

**Qualifications for registration.**

15. (1) Any person who—
- 25 (a) has attained the prescribed age (if any); and
- (b) satisfies the Board that he or she is of good character,
- is, on making an application in writing to the Board for the purpose and on paying to the Board the prescribed fee, entitled to be registered as a nurse in List “A” of the Register and to be issued with a certificate of that registration if—
- 30 (c) the person satisfies the Board that he or she has completed a course of training as a nurse at a recognised institution in New South Wales and is the holder of a recognised diploma, certificate or other award to the effect that the person has successfully completed that course;



*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
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- 5 (d) the person satisfies the Board that he or she would, but for the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, have been entitled to be registered under this Act as a general nurse, a mental retardation nurse or a psychiatric nurse;
- 10 (e) the person satisfied the Board that he or she—
- 15 (i) has undergone a course of training as a nurse in any place, other than New South Wales, in which a law providing for the registration of nurses is in force;
- (ii) is the holder of a diploma, certificate or other qualification to the effect that the person has successfully completed the course of training; and
- (iii) is registered as a nurse under that law,
- 20 and the Board is of the opinion that the standards of that training and of the examinations leading to that diploma, certificate or other qualification are not lower than the standards provided for by or under this Act for the registration of nurses in List "A" of the Register; or
- (f) the person satisfies the Board that he or she—
- 25 (i) has undergone a course of training as a nurse; and
- (ii) is the holder of a diploma, certificate or other qualification approved by the Board from an institution, person or body in any place, other than New South Wales, to the effect that the person has successfully completed the course of training,
- 30 the person has passed such examinations, and has successfully completed such additional training, as the Board may in the particular case require, and the Board is satisfied that the qualifications of the person are adequate for the purposes of registration as a nurse in List "A" of the Register.
- (2) Any person who—
- 35 (a) has attained the prescribed age (if any); and
- (b) satisfies the Board that he or she is of good character,

*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
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5 is, on making an application in writing to the Board for the purpose  
and on paying to the Board the prescribed fee, entitled to be  
registered as a nurse in List "B" of the Register and to be issued  
with a certificate of that registration if—

10 (c) the person satisfies the Board that he or she holds a diploma,  
certificate or other qualification as prescribed stating that the  
person has, for the period prescribed, attended the practice  
of one or more recognised hospitals or other institutions at  
which medical care or treatment is provided and has  
successfully completed a course of training in connection with  
that attendance;

15 (d) the person satisfies the Board that he or she would, but for  
the commencement of Schedule 2 (3) to the Nurses  
Registration (Amendment) Act, 1985, have been entitled to  
be registered as a geriatric nurse, an infants' nurse, a  
midwifery nurse or a mothercraft nurse and the Board is of  
20 the opinion that the person would not, if Schedule 2 (3) to  
that Act had not commenced, have been entitled to be  
registered under this Act as a general nurse, a mental  
retardation nurse or a psychiatric nurse;

(e) the person satisfies the Board that he or she—

25 (i) has undergone a course of training in any place, other  
than New South Wales, in which a law providing for  
the registration of nurses is in force;

30 (ii) is the holder of a diploma, certificate or other  
qualification to the effect that the person has  
successfully completed the course of training; and

(iii) is registered as a nurse under that law,

35 and the Board is of the opinion that the standards of that  
training and of any examinations leading to that diploma,  
certificate or qualification are not lower than the standards  
provided for by or under this Act for the registration of  
nurses in List "B" of the Register; or



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AND REGISTRATION OF NURSES—*continued.*

(f) the person satisfies the Board that he or she—

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(i) has undergone a course of training as a nurse; and

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(ii) is the holder of a diploma, certificate or other qualification approved by the Board from an institution, person or body in any place, other than New South Wales, to the effect that the person has successfully completed the course of training,

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the person has passed such examinations, and has successfully completed such additional training, as the Board may in the particular case require, and the Board is satisfied that the qualifications of the person are adequate for the purposes of registration as a nurse in List "B" of the Register.

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(3) Any person who is registered or entitled to be registered as a nurse is, on making an application in writing to the Board for the purpose and on paying to the Board the prescribed fee, entitled to be authorised to practise midwifery in New South Wales if that person satisfies the Board that he or she has a recognised diploma, certificate or other qualification to the effect that the person has successfully completed a course of training in midwifery.

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(4) As soon as practicable after receiving an application made under subsection (1), (2) or (3), the Board shall consider the application and, if satisfied as to the entitlement of an applicant, shall register the applicant or, as the case may be, authorise the applicant to practise midwifery and direct the Registrar to enter the relevant particulars of the applicant in the appropriate part of the Register, but if the Board is not so satisfied, it shall refuse the application.

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(5) The Board shall not refuse an application made under subsection (1), (2) or (3) unless it has afforded the applicant an opportunity to be heard in relation to the matter.

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(6) Where the Board holds a hearing for the purposes of subsection (5), it—

(a) may conduct the hearing in such manner as it considers appropriate;

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- 5 (b) is not bound to observe rules of law governing the admission of evidence but may inform itself of any matter in such manner as it considers appropriate;
- (c) may call and receive evidence as to any matter relevant to the hearing; and
- 10 (d) may, from time to time as it considers appropriate, adjourn the hearing.

(7) Where the Board refuses an application made under subsection (1), (2) or (3), it shall forthwith notify the applicant in writing of the refusal and of the reasons for the refusal.

15 (8) Any person who is registered or entitled to be registered as a nurse may, on making an application for the purpose, request the Board—

- 20 (a) for authorisation to use particulars of any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description in relation to himself or herself as a nurse; or
- (b) to direct the Registrar to enter in the Register further or additional qualifications relating to that person,

25 and, on receipt of any such application, the Board may, if it thinks fit, grant the authorisation or give the direction to which the request relates.

**Register of Nurses.**

16. (1) The Board shall keep a register, to be called the Register of Nurses.

(2) The Register shall be divided as follows:—

- 30 (a) List "A" in which shall be entered the relevant particulars of—
- 35 (i) those persons who are, after the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, registered as nurses by virtue of section 15 (1); and



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- 5 (ii) those persons who were, immediately before that commencement, registered under this Act as general nurses, psychiatric nurses or mental retardation nurses;
- (b) List "B" in which shall be entered the relevant particulars of—
- 10 (i) those persons who are, after the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, registered as nurses by virtue of section 15 (2); and
- 15 (ii) those persons who were, immediately before that commencement, registered under this Act as midwifery nurses, infants' nurses, mothercraft nurses or geriatric nurses (but not as general nurses, psychiatric nurses or mental retardation nurses).
- 20 (3) In relation to a registered nurse the relevant particulars for the purposes of subsection (2) are—
- (a) the full name and address of the nurse;
- (b) the date of the nurse's registration as a nurse;
- (c) particulars of the qualification or qualifications by virtue of which the nurse is registered;
- 25 (d) particulars of any authorisation authorising the nurse to practise midwifery and particulars of the qualification by virtue of which the authorisation was granted;
- (e) particulars of any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description which the nurse is authorised by the Board to use
- 30 in his or her capacity as a nurse;
- (f) particulars of such further or additional qualifications held by the nurse as the Board may direct to be entered in the Register; and

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5 (g) such other particulars as are directed by or under this Act or the regulations to be entered in the Register in relation to the nurse.

10 (4) Where, but for this subsection, a person would be entitled to have the particulars referred to in subsection (3) in both List "A" and List "B" of the Register, all such particulars shall be entered in List "A" of the Register only.

(5) The Register shall be kept at the office of the Board and shall, on payment of the prescribed fee (if any), be open to inspection by any member of the public who attends that office during its ordinary business hours and asks to inspect the Register.

15 (6) The Registrar shall—

(a) on entering in the Register the particulars pertaining to the registration of a person as a nurse, issue to the person a certificate of registration in or to the effect of the prescribed form; and

20 (b) on entering in the Register in relation to that person the particulars referred to in subsection (3) (d), issue to the person a certificate in or to the effect of the prescribed form that the person is authorised to practise midwifery.

(4) Section 16A—

25 Omit the section, insert instead:—

**Temporary registration.**

30 16A. (1) The Board may, on the application in writing of any person who wishes to obtain a certificate of temporary registration and on being paid the prescribed fee, issue to the person a certificate of temporary registration in or to the effect of the prescribed form on being satisfied that—

(a) the person has adequate qualifications to practise nursing in New South Wales and proposes while in New South Wales to undertake teaching or research work in nursing; or

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- 5 (b) for a reason accepted by the Board the person should be permitted to practise nursing in New South Wales temporarily.
- (2) A certificate of temporary registration—
- 10 (a) may be issued unconditionally or subject to such conditions, including a condition as to the capacity in which the person to whom it is issued may practise as a nurse, as the Board considers appropriate; and
- (b) if the Board thinks fit, may authorise that person to practise midwifery.
- 15 (3) A person to whom a certificate of temporary registration has been issued shall, while the certificate is in force and the person complies with any conditions endorsed on the certificate, be deemed to be registered as a nurse for the purposes of sections 23 (1), 25, 26 and 27 but, where applicable, only in the capacity specified in the certificate and, where the Board has granted to the person an
- 20 authorisation under subsection (2) (b), be deemed for the purposes of sections 23 (2) and 24 to be a registered nurse who is authorised under section 15 (4) to practise midwifery.
- (4) A certificate of temporary registration issued under this section shall, unless sooner cancelled under subsection (5), remain in force
- 25 for such period not exceeding 12 months as the Board may determine, but the Board may from time to time renew such a certificate for a further period not exceeding 12 months.
- (5) The Board may, by notice in writing given to the holder of the certificate, cancel a certificate of temporary registration in force
- 30 under this section for failure to comply with any condition subject to which the certificate is issued or for any other reason that it considers appropriate and, on any such notice being given to the holder of such a certificate, the certificate shall cease to be in force.
- (6) For the purposes of this section, a reference to a certificate of
- 35 temporary registration includes a reference to such a certificate that is renewed under subsection (4).



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(5) (a) Section 17 (1B) (a)—

5 Omit “her name may be removed from the Register”, insert  
instead “the Board may cancel the nurse’s registration”.

(b) Section 17 (1B)—

Omit “remove the name of that registered nurse from the  
Register”, insert instead “cancel the nurse’s registration”.

10 (c) Section 17 (2), (3)—

Omit the subsections, insert instead:—

15 (2) If the registration of any person is cancelled under  
subsection (1B), the Board shall, on application in writing by  
that person and on payment to the Board of such fees as are  
prescribed, restore that person’s registration.

(3) When determining an application under subsection (2),  
the Board may waive such part of the fees referred to in that  
subsection as the Board in any particular case considers  
appropriate.

20 (6) (a) Section 18 (1)—

Omit “The Board shall remove from the Register the names”,  
insert instead “The Board shall cancel the registration”.

(b) Section 18 (2)—

After section 18 (1), insert:—

25 (2) Where a registered nurse who is authorised to practise  
midwifery—

(a) dies;

(b) ceases to possess or does not possess the qualification or  
qualifications by virtue of which the nurse became so  
30 authorised; or



*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- 5 (c) has become a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act,  
the Board shall cancel that authorisation.

## (7) Section 18A—

10 After section 18, insert:—

**Effect of cancellation, etc., of registration.**

18A. (1) Whenever the registration of a person as a nurse is cancelled under this Act, any authorisation held by that person to practise midwifery shall be deemed also to be cancelled.

15 (2) Where the registration of a person as a nurse is suspended for a specified period under section 19 (1) (d), any authorisation held by that person to practise midwifery shall be deemed to be suspended for the same period.

## (8) (a) Section 19 (1)—

20 Omit “the Board may remove her name from the register, or suspend her registration for such period as the Board may think fit, or caution or reprimand her.”, insert instead:—

the Board may—

- (c) cancel the registration of the nurse;
- 25 (d) suspend the registration of the nurse for such specified period as the Board considers appropriate;
- (e) caution or reprimand the nurse; or
- (f) in the case of a registered nurse who is authorised to practise midwifery—
- 30 (i) cancel that authorisation; or

*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

5 (ii) suspend that authorisation for such period as  
the Board considers appropriate.

(b) Section 19 (2)—

Omit the subsection, insert instead:—

10 (2) The Board shall not take action under subsection (1) (c),  
(d) or (f) in relation to a registered nurse who is convicted of  
an offence referred to in subsection (1) (a) if the offence does  
not, either from its trivial nature or from circumstances under  
which it was committed, render that nurse unfit to practise as  
such.

(c) Section 19 (3)—

15 Omit the subsection.

(d) Section 19 (4)—

Omit “or the delegate”.

(e) Section 19 (4A)—

After section 19 (4), insert:—

20 (4A) At an inquiry under this section, the Board—

(a) may conduct the inquiry in such manner as the Board  
considers appropriate;

25 (b) is not bound to observe rules of law governing the  
admission of evidence but may inform itself of any  
matter in such manner as the Board considers  
appropriate;

(c) may call and receive evidence as to any matter relevant  
to the inquiry; and

30 (d) may, from time to time as the Board considers  
appropriate, adjourn the inquiry.

*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(f) Section 19 (5)—

5 Omit “and the delegate”.

(g) Section 19 (5)—

Omit “or the delegate”.

(h) Section 19 (8)–(12)—

Omit section 19 (8), insert instead:—

10 (8) While the registration of a nurse is suspended under subsection (1) (d), the nurse shall, subject to subsections (11) and (12), be deemed not to be registered.

15 (9) Where the Board decides to take action under subsection (1) in respect of a person, the Board shall cause a notice of its decision to be served on the person.

(10) A notice under subsection (9) shall be in writing and shall specify the reasons for the action taken by the Board in the matter.

20 (11) Except as provided by subsection (12), action taken by the Board under subsection (1) in respect of a person shall take effect on the day on which the notice relating to that action is served on that person in accordance with subsection (9) or on such later day as is specified in the notice.

25 (12) Where a person appeals under section 19A against action taken by the Board under subsection (1) (c), (d) or (f) in respect of that person, the District Court may, on the application of that person, make an interlocutory order on such terms as that Court thinks fit directing the Board, pending determination of the appeal, not to take that action, or where the Board has already taken that action, directing the Board to restore the position of the person to what it was immediately before the action was taken.  
30



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(9) Section 19A—

5 After section 19, insert:—

**Appeals.**

19A. (1) Where—

10 (a) the application of a person under section 15 (1), (2) or (3) is refused by the Board or the Board fails to grant the application within a reasonable time; or

(b) the Board takes action in relation to a person under section 19 (1) (c), (d) or (f),

the person may appeal to the District Court against that refusal or failure or, as the case may be, against the action so taken.

15 (2) An appeal made under subsection (1) shall not be entertained by the District Court unless it is made within the prescribed period and in accordance with rules of court and specifies the grounds of appeal.

20 (3) The registrar of the District Court shall give notice of the time and place of the hearing of an appeal under subsection (1) to the Board and to the appellant and shall state in the notice to the Board the grounds of the appeal.

25 (4) An appeal under subsection (1) shall be dealt with by way of rehearing of evidence (if any) given before the Board and of any evidence in addition to or in substitution for that evidence.

30 (5) The hearing of an appeal made under this section may proceed notwithstanding any omission from or error in a notice given under subsection (3) or the failure to give such a notice if the District Court is satisfied that the appellant and the Board were aware of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

5 (6) The District Court shall hear an appeal made under this section at the time and place fixed under subsection (3) or at a time and place to which the proceedings are adjourned and, at the conclusion of the hearing, shall—

(a) in the case of an appeal under subsection (1) (a), make—

10 (i) an order confirming the decision of the Board in refusing the application that is the subject of the appeal or, as the case requires, an order directing the Board to grant that application; or

15 (ii) an order directing the Board to determine that application or, if the District Court is of the opinion that the Board should not be required to deal with that application, whether because it is frivolous or for any other reason, an order to the effect that the Board shall not be so required; or

20 (b) in the case of an appeal under subsection (1) (b), make an order confirming the action taken by the Board under section 19 (1) (c), (d) or (f) in relation to the appellant or, as the case requires, an order quashing that action and, where appropriate, restoring the appellant to the position that the appellant was in before that action was taken in relation to  
25 the appellant,

and, in the case of an appeal under either subsection (1) (a) or (b), may make such ancillary orders as it considers appropriate.

30 (7) A decision of the District Court in respect of an appeal made under subsection (1) shall be final, and shall be binding on the appellant and on the Board which shall, on being notified of the decision, take such steps as may be necessary to give effect to the decision.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(10) Sections 20, 21—

5 Omit the sections, insert instead:—

**Surrender of certificate of registration, etc.**

20. (1) Within 14 days after the time when action taken against a person under section 19 (1) (c) or (d) has effect, the person shall surrender to the Board—

- 10 (a) any certificate of registration as a nurse held by the person;
- (b) any authority to practise as a nurse referred to in section 17 so held;
- (c) any badge of authority as a nurse issued to the person by the Board and so held; and
- 15 (d) any certificate of authorisation to practise midwifery so held and any badge of authority as a midwife.

(2) Within 14 days after the time when action taken against a person under section 19 (1) (f) has effect, the person shall surrender to the Board any certificate of authorisation to practise midwifery held by the person and any badge of authority as a midwife.

20

(3) Any person who fails to comply with a provision of subsection (1) or (2) is guilty of an offence and liable on conviction to a penalty not exceeding \$20 for each week or part of a week during which the offence has continued.

25 **Restoration of registration, etc.**

21. (1) Where—

- (a) the registration of a person as a nurse; or
- (b) the authorisation of a person to practise midwifery,

30 is cancelled by the Board under section 19 (1) (c) or (f), that person shall not again be registered as a nurse or, as the case may be, be authorised to practise midwifery except by direction of the Board or by order of a court of competent jurisdiction.



*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

## (2) Where—

5

(a) the registration of a person as a nurse; or

(b) the authorisation of a person to practise midwifery,

10

has been cancelled, the Board may, if it thinks fit in any particular case, restore that registration or authorisation without fee or on payment of such fee, not exceeding the amount prescribed for the purposes of this subsection, as the Board may from time to time direct.

## SCHEDULE 3.

(Sec. 5.)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

## 15 (1) Sections 23, 24—

Omit the sections, insert instead:—

**Unregistered and unenrolled persons not entitled to hold themselves out as nurses or enrolled aides, etc.**

20

23. (1) A person shall not—

(a) claim to be or hold himself or herself out as being; or

(b) take or use any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is taken or used—

25

(i) indicates;

(ii) is capable of being understood to indicate; or

(iii) is likely to lead persons to infer,

that the person is,

30

a registered nurse or an enrolled nursing aide or entitled to practise as such unless the person is registered as a nurse or, as the case may be, is enrolled as a nursing aide.

Penalty: \$500.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) A person shall not—

(a) claim to be or hold himself or herself out as being; or

5 (b) take or use any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is taken or used—

(i) indicates;

(ii) is capable of being understood to indicate; or

10 (iii) is likely to lead persons to infer,

that the person is,

a midwife or entitled to practise midwifery, unless the person is a registered nurse who is authorised to practise midwifery.

Penalty: \$500.

15 (3) A nurse who is registered in List “B” of the Register shall not—

(a) claim to be; or

(b) represent himself or herself to be,

20 registered in List “A” of the Register, and a nurse who is registered in List “A” of the Register shall not—

(c) claim to be; or

(d) represent himself or herself to be,

registered in List “B” of the Register.

Penalty: \$500.

25 (4) A person shall not—

(a) use; or

(b) claim to be entitled to use,

*Nurses Registration (Amendment) 1985*SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description in or in relation to the person's registration or qualification as a nurse except with the authority of the Board.

Penalty (subsection (4)): \$200.

**Unauthorised practice of midwifery.**

10 24. (1) Subject to subsection (2), a person shall not practise midwifery unless that person is a registered nurse who is authorised to practise midwifery.

Penalty: \$500.

(2) Subsection (1) does not apply to or in respect of—

- (a) any medical practitioner;
- 15 (b) any person attending a woman who is giving or has just given birth to a child—
  - 20 (i) where the woman does not reside within 20 kilometres of a place where a medical practitioner or a registered nurse who is authorised to practise midwifery ordinarily practises or resides; or
  - (ii) where no such practitioner or nurse is known after due inquiry to be able or willing to attend;
- (c) any person rendering assistance to a woman who is giving or has just given birth to a child where the assistance is rendered in an emergency; or
- 25 (d) any medical or nursing student, or any nurse, who is undertaking a course of midwifery training.



*Nurses Registration (Amendment) 1985*SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (2) Sections 28, 29—

Omit the sections, insert instead:—

5 **False or misleading entries and statements, etc.**

## 28. Where—

- 10 (a) any person makes or causes to be made in the Register or the Roll an entry which that person knows to be false or misleading or alters an entry in the Register or the Roll with intent to render the entry false or misleading; or
- (b) any person, for the purposes of obtaining registration as a nurse or enrolment as a nursing aide either for that person or for anyone else, makes a statement, whether orally or in writing, which that person knows to be false or misleading,
- 15 that person is guilty of an offence and liable on conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

**Power of Board to examine on oath and take declaration.**

29. (1) For the purposes of this Act, the Board may—

- 20 (a) examine any person on oath; or
- (b) take a solemn declaration.

(2) If any person—

- 25 (a) makes a statement in the course of, or in connection with, an examination, or in a declaration taken, under subsection (1) which that person knows to be false or misleading in a material respect; or
- (b) utters, or passes off as true, before the Board any certificate, diploma, licence, letters, testimonial or other document or writing which that person knows to be false, forged or
- 30 counterfeited,

that person is guilty of an offence and liable on conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 30 (1)—

5                   Omit “shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is liable on conviction to a penalty not exceeding \$200”.

(b) Section 30 (4)—

                  After section 30 (3), insert:—

                  (4) Any person who—

10                   (a) attempts to commit;

                  (b) conspires with another person to commit; or

                  (c) aids, abets, counsels or procures another person to commit,

15                   an offence against a provision of this Act or the regulations may be charged, tried, convicted and punished as if the first-mentioned person had actually done or omitted to do the act or omission that constitutes the offence.

(4) Section 31 (a)–(d)—

                  Omit the paragraphs, insert instead:—

20                   (a) on a specified day or days or during the whole of a specified period, a particular person—

                  (i) was duly registered as a nurse;

                  (ii) was entered in the Register as being a person authorised to practise midwifery; or

25                   (iii) was enrolled as a nursing aide;

(b) on a specified day or days or during the whole of a specified period, a particular person—

                  (i) was not registered as a nurse;

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) was not entered in the Register as being a person authorised to practise midwifery; or
- 5 (iii) was not enrolled as a nursing aide;
- (c) on a specified day—
- (i) the registration of a particular person as a nurse;
- (ii) the authorisation of a particular person to practise midwifery; or
- 10 (iii) the enrolment of a particular person as a nursing aide, was cancelled; or
- (d) as from a specified day—
- (i) the registration of a particular person as a nurse was suspended for a specified period;
- 15 (ii) the authorisation of a particular person to practise midwifery was suspended for a specified period; or
- (iii) the enrolment of a particular person as a nursing aide was suspended for a specified period,
- (5) Section 34—
- 20 Omit the section.
- (6) (a) Section 35 (1) (e)–(eb)—
- Omit 35 (1) (e), insert instead:—
- 25 (e) the period that a person is required to serve or attend at a hospital, a nursing home or an educational or other institution as a pre-requisite to being granted registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide;
- (ea) the conditions under or subject to which a hospital, a nursing home or an educational or other institution may
- 30 be recognised by the Board under section 14 (1) (d);



*Nurses Registration (Amendment) 1985*SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (eb) the qualifications that a person is required to have as a pre-requisite to being permitted to undertake a course of training or education leading to registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide;
- 10 (b) Section 35 (1) (f)—  
Omit “registration or enrolment”, insert instead “registration as nurses, authorisation to practise midwifery or enrolment as nursing aides”.
- (c) Section 35 (1) (j)—  
Omit “nurses” where firstly occurring.
- 15 (d) Section 35 (1) (j)—  
Omit “such nurses;”, insert instead “nurses practising midwifery; and”.
- (e) Section 35 (1) (k)—  
Omit the paragraph, insert instead:—
- 20 (k) offences under the regulations and the imposition of a penalty not exceeding \$200 for any offence of which a person is convicted under the regulations.
- (f) Section 35 (3)—  
After section 35 (2), insert:—
- 25 (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- 30 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person, body or committee,
- or may do any combination of those things.
-

*Nurses Registration (Amendment) 1985*

## SCHEDULE 4.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) Section 2 (1) (a)—  
5 Omit “—1946”.
- (2) (a) Section 3, definition of “Chairman”—  
After the definition of “Board”, insert:—  
10 “Chairman” means the person appointed and holding office as Chairman of the Board, and includes any person chosen under section 6 (2) to act as Chairman of the Board.
- (b) Section 3, definition of “Mental hospital”—  
Omit “, as amended by subsequent Acts”.
- (c) Section 3, definition of “Prescribed”—  
Omit the definition.
- 15 (d) Section 3, definition of “Registrar”—  
Omit the definition, insert instead:—  
“Registrar” means the Registrar appointed and holding office under the provisions of this Act, and includes any person for the time being appointed to act as Registrar.
- 20 (3) (a) Section 5 (3)—  
Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- (b) Section 5 (3)—  
Omit “any such Act”, insert instead “that Act”.
- (4) Section 7—  
25 Omit the section, insert instead:—  
**Vacation of office.**  
7. A member of the Board shall be deemed to have vacated office—  
(a) when the member dies;  
(b) when the member attains the age of 65 years;  
30 (c) if the member resigns the office by instrument in writing addressed to the Governor;  
(d) if the member becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of  
35 the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

*Nurses Registration (Amendment) 1985*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

- 5 (e) if the member is convicted in New South Wales of an offence which is punishable by imprisonment for 6 months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- 10 (f) if the member is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board (which leave the Board is hereby authorised to grant) or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;
- (g) if the member is removed from office under section 8; or
- 15 (h) if the member ceases to hold the qualification by virtue of which the member was appointed, nominated or elected as a member of the Board.
- (5) Section 8—  
Omit "him", insert instead "the Governor".
- (6) Section 9 (3)—  
20 Omit "his predecessor's term of office but shall", insert instead "the term of office of the member's predecessor but shall from time to time".
- (7) Section 12—  
25 Omit "the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions", insert instead "in the exercise or intended exercise of any of the functions of the Board, the member, the Registrar or, as the case may be, the officer".
- (8) (a) Section 13 (1), (2)—  
Omit "1902, as amended by subsequent Acts" wherever occurring, insert instead "1979".
- (b) Section 13 (3)—  
30 Omit the subsection.
- (9) (a) Section 17 (1) (a) (i)—  
Omit "her", insert instead "the nurse".
- (b) Section 17 (1) (a) (i)—  
Omit "she", insert instead "the nurse".
- 35 (c) Section 17 (1) (b) (i)—  
Omit "her", insert instead "the nurse's".



*Nurses Registration (Amendment) 1985*

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SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

- (d) Section 17 (1A)—  
Omit “her”, insert instead “the nurse”.
- 5 (e) Section 17 (1B) (a)—  
Omit “her” where firstly and thirdly occurring, insert instead “the nurse”.
- (f) Section 17 (1B) (a)—  
Omit “her” where secondly occurring, insert instead “the nurse’s”.
- (10) (a) Section 18 (1) (a) —  
10 Omit “nurse,”, insert instead “nurse;”.
- (b) Section 18 (1) (b)—  
Omit “she was registered,”, insert instead “the nurse was registered; and”.
- (c) Section 18 (1) (c)—  
Omit the paragraph, insert instead:—
- 15 (c) every registered nurse who has become a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act.
- (11) (a) Section 19 (1) (a)—  
20 Omit the paragraph, insert instead:—
- (a) has been convicted in New South Wales of an offence which is punishable by imprisonment for 6 months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable:  
25 or
- (b) Section 19 (5)—  
Omit “Acts, 1923-1934”, insert instead “Act, 1923”.
- (c) Section 19 (5)—  
Omit “the said Act”, insert instead “that Act”.
- 30 (d) Section 19 (5)—  
Omit “mutatis mutandis”, insert instead “so far as applicable and with any necessary modifications”.
- (e) Section 19 (6)—  
Omit “opinion”, insert instead “the opinion”.
- 35 (12) (a) Section 22 (1) (b) (ii)—  
Omit “her”, insert instead “the nursing aide’s”.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 22 (1) (b) (iii)—

Omit “she”, insert instead “the nursing aide”.

5 (c) Section 22 (2)—

Omit “she” wherever occurring, insert instead “the person”.

(13) Section 30 (3)—

Omit “stipendiary magistrate or any two justices in petty sessions”, insert instead “Magistrate or any 2 justices constituting a Local Court”.

10 (14) Section 32 (2)—

Omit the subsection, insert instead:—

15 (2) The Registrar shall pay all fees received under subsection (1) to the Treasurer who shall then cause an amount equal to one-half of all practising fees paid under this Act by registered nurses and enrolled nursing aides to be deposited in the Nurses Registration Board Education and Research Account and shall cause the remainder of the fees paid to the Treasurer under this subsection to be deposited in the Consolidated Fund.

(15) (a) Section 33 (1)—

Omit the subsection.

20 (b) Section 33 (2)—

Omit “the said Account”, insert instead “the Nurses Registration Board Education and Research Account”.

(c) Section 33 (2)—

25 Omit “nursing: Provided that no such appropriation shall be made unless the same”, insert instead “nursing, but no such appropriation shall be made unless the appropriation”.

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*Nurses Registration (Amendment) 1985*

## SCHEDULE 5.

(Sec. 6.)

## SAVINGS AND TRANSITIONAL PROVISIONS.

**Membership of Nurses Registration Board.**

- 5 1. (1) The persons holding office as members of the Nurses Registration Board immediately before the date of assent to this Act shall, subject to the provisions of sections 7 and 8 of the Principal Act (as in force for the time being) and, subject to subclause (2), notwithstanding the provisions of this Act, continue to hold their offices for the periods for which they were originally appointed.
- 10 (2) Where a casual vacancy occurs in the office of a member of the Board who has continued to hold office by virtue of subclause (1), the provisions of section 9 of the Principal Act (as amended by this Act) shall apply to the filling of the vacancy and to the person appointed to fill the vacancy and, for the purposes of applying those provisions, the references in section 9 (2) and (2A) of the Principal Act (as so amended)
- 15 to section 5 (1) (f) of that Act shall be construed as if they were references to section 5 (1) (e), (f) or (g) of that Act (as in force at the time of assent to this Act), as the circumstances of the case require.

**Registered nurses to be placed in List "A" or List "B" of Register of Nurses.**

- 20 2. (1) Every person who was, immediately before the commencement of Schedule 2 (3) registered under the Principal Act as a general nurse, a mental retardation nurse or a psychiatric nurse shall, after that commencement, be deemed to be a registered nurse registered in List "A" of the Register of Nurses kept under the Principal Act (as amended by this Act).
- 25 (2) Every person who was, immediately before the commencement of Schedule 2 (3) registered under the Principal Act as a geriatric nurse, an infants' nurse, a midwifery nurse or a mothercraft nurse but not as a general nurse, a mental retardation nurse or a psychiatric nurse shall, after that commencement, be deemed to be a registered nurse registered in List "B" of the Register of Nurses kept under the Principal Act (as amended by this Act).

**30 Reconstitution of Register of Nurses.**

- 35 3. (1) The Registrar of the Nurses Registration Board may, at any time after the enactment of this Act and notwithstanding that Schedule 2 (3) may not yet have commenced, proceed to reconstitute the Register of Nurses as provided for in section 15 of the Principal Act (as amended by this Act) and to transfer particulars relating to registered nurses from the Registers of General Nurses, Mental Retardation Nurses and Psychiatric Nurses to List "A" of the Register of Nurses and particulars relating to registered nurses from the Registers of Geriatric Nurses, Infants' Nurses, Midwifery Nurses and Mothercraft Nurses to List "B" of the Register of Nurses, but no such reconstitution or transfer shall have any legal effect until the commencement of Schedule
- 40 2 (3).



*Nurses Registration (Amendment) 1985*

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SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) On the commencement of Schedule 2 (3), the Registers of General Nurses, Mental Retardation Nurses, Psychiatric Nurses, Geriatric Nurses, Infants' Nurses, Midwifery Nurses and Mothercraft Nurses as separate subdivisions of the Register of Nurses, are abolished.

**Certain hospitals and other institutions deemed to be recognised by the Nurses Registration Board.**

4. (1) Where the Nurses Registration Board has approved any hospital or other institution for the purposes of a provision of section 16 (1) of the Principal Act (as in force before the commencement of Schedule 2 (3)) and that approval has not been revoked before the commencement, that hospital or institution shall be deemed to be a hospital or institution recognised by that Board under the Principal Act (as in force after that commencement) and the curricula for any course of training leading to registration or enrolment under the Principal Act (as amended by this Act), and any diploma, certificate or other qualification awarded to a person who has successfully completed such a course, shall also be deemed to be so recognised.

- (2) Where any scheme of training at a specified institution adopted by the Nurses Registration Board under section 34 of the Principal Act (as in force before the commencement of Schedule 3 (5)) was in force immediately before that commencement, that scheme of training at that institution shall be deemed to be a course of training offered by an institution recognised by that Board under the Principal Act (as in force after that commencement) and the curricula for the course of training, and any diploma, certificate or other qualification awarded to a person who has successfully completed that course, shall also be deemed to be so recognised.

**Regulations of a savings or transitional nature.**

5. (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the date of its publication therein; or

*Nurses Registration (Amendment) 1985*

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SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

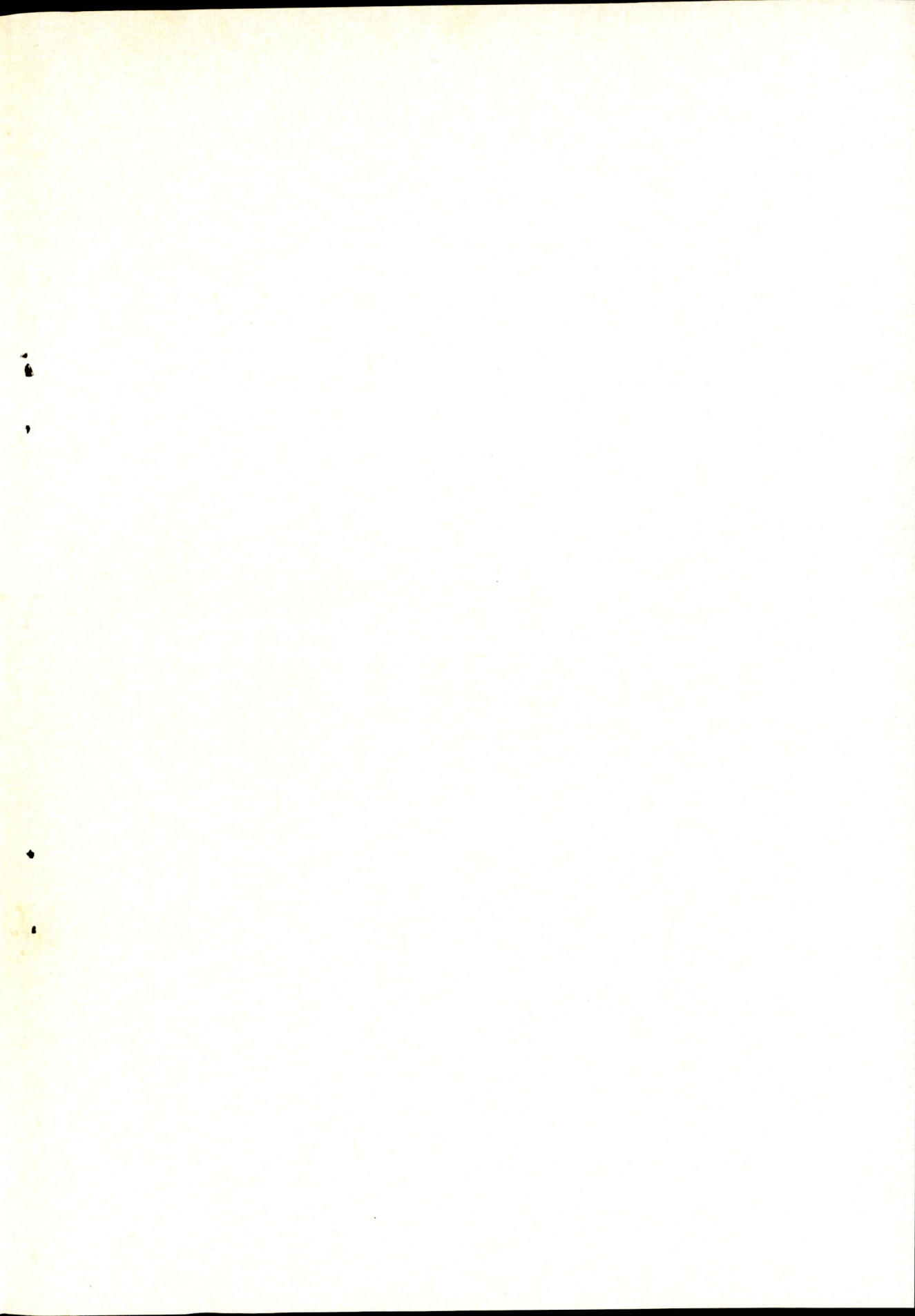
5 (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the provisions of clauses 1-4.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





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**NURSES REGISTRATION (AMENDMENT) ACT, 1985,  
No. 67**

*New South Wales*



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\* \* \* \* \*

**Act No. 67, 1985.**

An Act to amend the Nurses Registration Act, 1953, for the purposes of making fresh provision with respect to the registration of nurses and the qualifications of persons seeking registration as nurses and of reconstituting the Nurses Registration Board, and for other purposes. [Assented to, 15th May, 1985.]

*Nurses Registration (Amendment) 1985*

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**BE** it enacted by the Queen'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:—

**Short title.**

1. This Act may be cited as the "Nurses Registration (Amendment) Act, 1985".

**Commencement.**

2. (1) Sections 1 and 2, Schedule 4, section 5, in its application to that Schedule, clauses 1, 3 and 5 of Schedule 5 and section 6, in its application to those clauses, shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Principal Act.**

3. The Nurses Registration Act, 1953, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES REGISTRATION BOARD.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION AND REGISTRATION OF NURSES.

SCHEDULE 3.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 5.—SAVINGS AND TRANSITIONAL PROVISIONS.

**Amendment of Act No. 10, 1953.**

5. The Nurses Registration Act, 1953, is amended in the manner set forth in Schedules 1-4.



*Nurses Registration (Amendment) 1985*

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**Savings and transitional provisions.**

6. Schedule 5 has effect.

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**SCHEDULE 1.**

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD.**

- (1) (a) Section 3—

Omit "Words importing the female gender shall include the male."

- (b) Section 3 (2), (3)—

At the end of section 3, insert:—

- (2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) The Chairman may be referred to as the Chairperson or the Chairwoman as appropriate.

- (2) (a) Section 5 (1)—

Omit the subsection, insert instead:—

- (1) The Board shall consist of 18 members of whom—

- (a) one shall be an officer of the Department of Health nominated by the Minister;
- (b) one shall be a psychiatrist who is an officer of the Department of Health nominated by the Minister;

*Nurses Registration (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

- (c) one shall be a teaching professor in the School of Medicine in the University of Sydney nominated by the Senate of that University;
  - (d) one shall be a teaching professor in the School of Medicine in the University of New South Wales nominated by the Council of that University;
  - (e) one shall be a medical practitioner nominated by the Post-Graduate Committee in Medicine;
  - (f) seven shall be registered nurses elected in the prescribed manner by registered nurses who are eligible to vote at elections held for the purpose of this paragraph;
  - (g) one shall be a person nominated by the Minister who, in the opinion of the Minister, has expertise in matters pertaining to advanced education;
  - (h) two shall be persons nominated by the Minister;
  - (i) one shall be a person nominated by the Health and Research Employees Association of New South Wales;
  - (j) one shall be a person nominated by the New South Wales Nurses' Association; and
  - (k) one shall be a person nominated by the Hospitals Association of New South Wales.
- (b) Section 5 (1A)–(1D)—

After section 5 (1), insert:—

(1A) The members of the Board shall be appointed by the Governor.

(1B) The officer of the Department of Health referred to in subsection (1) (a) shall, by virtue of being appointed as a member of the Board, be Chairman of the Board.

(1C) A person who holds office as Chairman shall be deemed to have vacated that office if the person ceases to be a member of the Board.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

(1D) The person holding office as Chairman may from time to time nominate another person to act in that office in his or her place as both a member of the Board and Chairman, and any person so nominated shall, while so acting, be deemed to be a member of the Board and be Chairman at any meetings of the Board at which that person is present.

(c) Section 5 (2)—

Omit the subsection, insert instead:—

(2) Subject to this Act, a member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of appointment or re-appointment and is, if otherwise qualified, eligible for re-appointment at the conclusion of term of his or her appointment or re-appointment.

(3) Section 5A—

After section 5, insert:—

**Provisions relating to the election of certain members of the Board.**

5A. (1) The election of the members of the Board referred to in section 5 (1) (f) shall be so organised and held as to ensure, as far as practicable, that at least one of the registered nurses referred to in section 5 (1) (f) is a person whose name appears in List "A" of the Register and who has psychiatric nursing or mental retardation nursing qualifications and that another of those nurses is authorised to practise midwifery.

(2) To the extent that there is a failure to nominate a sufficient number of persons who are qualified to be candidates for an election referred to in section 5 (1) (f) or to the extent that such an election fails for any other reason, the Minister may nominate for appointment to the Board a person who is, or, if the case so requires, persons who are, qualified for election under section 5 (1) (f), and the person or persons so nominated by the Minister shall, on being appointed by the Governor, be deemed to be a person or persons elected in the prescribed manner as referred to in section 5 (1) (f).



*Nurses Registration (Amendment) 1985*

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**SCHEDULE 1—*continued.***

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.***

**(4) Section 9 (2), (2A)—**

Omit section 9 (2), insert instead:—

(2) Where the casual vacancy occurs in the office of a member of the Board appointed on the nomination of a person or body referred to in section 5 (1) (section 5 (1) (f) excepted), the member to be appointed to the vacant office shall be appointed on the nomination of that person or body.

(2A) Where the casual vacancy occurs in the office of a member of the Board elected as referred to in section 5 (1) (f), the member appointed to fill the vacant office shall be a registered nurse or, where the person who held that office immediately before the vacancy occurred held that office by virtue of being a registered nurse of a description referred to in section 5A (1), shall be a registered nurse of that description.

**(5) Section 13A—**

After section 13, insert:—

**Delegation.**

13A. (1) Subject to subsection (2), the Board may, by instrument in writing, delegate to—

- (a) the Chairman;
- (b) a committee comprised of 2 or more members of the Board;  
or
- (c) an officer or employee referred to in section 13,

the exercise of such of the functions of the Board (other than this power of delegation and the function referred to in section 33 (2)) as are specified in the instrument.

(2) The function of the Board under section 19 may not be delegated to a person referred to in subsection (1) (a) or (c).

*Nurses Registration (Amendment) 1985*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NURSES  
REGISTRATION BOARD—*continued.*

(3) A function the exercise of which has been delegated under this section may, while the delegation remains unrevoked, be exercised from time to time by the delegate in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation under this section, the Board may continue to exercise any function delegated.

(6) Any act or thing done or suffered by a delegate acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the Board and shall be deemed to have been done or suffered by the Board.

(7) The Board may, by instrument in writing, revoke wholly or in part any delegation under this section.

(8) An instrument purporting to have been signed by a person in his or her capacity as a delegate of the Board shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument duly executed by the Board and shall, until the contrary is proved, be deemed to be an instrument signed by a delegate of the Board.

(9) In subsection (8), a reference to a delegate includes a reference to the chairman of a committee to which the exercise of a function has been delegated under subsection (1).

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
QUALIFICATION AND REGISTRATION OF NURSES.

(1) (a) Section 3, definition of "Authorised"—

Before the definition of "Board", insert:—

"Authorised" means authorised by the Board under this Act.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(b) Section 3, definition of “Enrolled”—

After the definition of “Commencement of this Act”, insert:—

“Enrolled” means enrolled under this Act in the Roll.

(c) Section 3, definition of “Proclaimed subdivision”—

Omit the definition.

(d) Section 3, definition of “Recognised”—

Before the definition of “Register”, insert:—

“Recognised” means recognised by the Board.

(e) Section 3, definition of “Registered”—

After the definition of “Register”, insert:—

“Registered” means registered under this Act in the Register.

(2) Section 14—

Omit the section, insert instead:—

**Functions of the Board.**

14. (1) Subject to this Act, the functions of the Board are—

- (a) to hold examinations for the purposes of this Act and to determine the character, subjects and conduct of those examinations;
- (b) to appoint examiners and supervisors in respect of examinations referred to in paragraph (a);
- (c) to appoint places and times at which examinations referred to in paragraph (a) shall be held;



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (d) for the purposes of facilitating under this Act the registration of nurses, the authorisation of registered nurses to practise midwifery and the enrolment of nursing aides, to grant recognition to—
  - (i) hospitals, nursing homes and educational and other institutions offering courses for the training of nurses, midwives and nursing aides;
  - (ii) the curricula for such courses; and
  - (iii) diplomas, certificates and other qualifications awarded to those persons who successfully complete those courses;
- (e) to grant to persons in prescribed circumstances or cases exemptions from a requirement or condition for or relating to registration as a nurse, an authorisation to practise midwifery or enrolment as a nursing aide;
- (f) to cause the relevant particulars of qualified nurses to be entered in the Register, and the relevant particulars of nursing aides to be entered in the Roll, in such manner as the Board may direct;
- (g) to cause particulars of the midwifery qualifications of registered nurses who are authorised to practise midwifery to be entered in the Register;
- (h) to determine in accordance with this Act applications for registration as a nurse, for authorisation to practise midwifery and for enrolment as a nursing aide;
- (i) to issue certificates of registration to registered nurses, certificates of authorisation to practise midwifery to registered nurses authorised to practise midwifery and certificates of enrolment to enrolled nursing aides;
- (j) to issue authorities to practise as a nurse or nursing aide as provided by sections 17 and 22; and

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (k) generally, to do any other act or to exercise any other functions necessary for carrying the provisions of this Act into effect.
- (2) The Board is empowered—
  - (a) to terminate or vary, as it considers appropriate, any appointment made under subsection (1);
  - (b) to withdraw, or vary the conditions of, any recognition or exemption granted under that subsection;
  - (c) in accordance with this Act, to cancel or suspend any registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide or, where appropriate, to restore any such registration, authorisation or enrolment; and
  - (d) in accordance with this Act, to cancel certificates of the kinds referred to in subsection (1) (i).
- (3) In the exercise of its functions, the Board is in all respects subject to the control and direction of the Minister.

(3) Sections 15, 15A, 16—

Omit the sections, insert instead:—

**Qualifications for registration.**

15. (1) Any person who—

- (a) has attained the prescribed age (if any); and
- (b) satisfies the Board that he or she is of good character,

is, on making an application in writing to the Board for the purpose and on paying to the Board the prescribed fee, entitled to be registered as a nurse in List "A" of the Register and to be issued with a certificate of that registration if—

- (c) the person satisfies the Board that he or she has completed a course of training as a nurse at a recognised institution in New South Wales and is the holder of a recognised diploma, certificate or other award to the effect that the person has successfully completed that course;

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(d) the person satisfies the Board that he or she would, but for the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, have been entitled to be registered under this Act as a general nurse, a mental retardation nurse or a psychiatric nurse;

(e) the person satisfied the Board that he or she—

(i) has undergone a course of training as a nurse in any place, other than New South Wales, in which a law providing for the registration of nurses is in force;

(ii) is the holder of a diploma, certificate or other qualification to the effect that the person has successfully completed the course of training; and

(iii) is registered as a nurse under that law,

and the Board is of the opinion that the standards of that training and of the examinations leading to that diploma, certificate or other qualification are not lower than the standards provided for by or under this Act for the registration of nurses in List "A" of the Register; or

(f) the person satisfies the Board that he or she—

(i) has undergone a course of training as a nurse; and

(ii) is the holder of a diploma, certificate or other qualification approved by the Board from an institution, person or body in any place, other than New South Wales, to the effect that the person has successfully completed the course of training,

the person has passed such examinations, and has successfully completed such additional training, as the Board may in the particular case require, and the Board is satisfied that the qualifications of the person are adequate for the purposes of registration as a nurse in List "A" of the Register.

(2) Any person who—

(a) has attained the prescribed age (if any); and

(b) satisfies the Board that he or she is of good character,



*Nurses Registration (Amendment) 1985*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

is, on making an application in writing to the Board for the purpose and on paying to the Board the prescribed fee, entitled to be registered as a nurse in List "B" of the Register and to be issued with a certificate of that registration if—

- (c) the person satisfies the Board that he or she holds a diploma, certificate or other qualification as prescribed stating that the person has, for the period prescribed, attended the practice of one or more recognised hospitals or other institutions at which medical care or treatment is provided and has successfully completed a course of training in connection with that attendance;
- (d) the person satisfies the Board that he or she would, but for the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, have been entitled to be registered as a geriatric nurse, an infants' nurse, a midwifery nurse or a mothercraft nurse and the Board is of the opinion that the person would not, if Schedule 2 (3) to that Act had not commenced, have been entitled to be registered under this Act as a general nurse, a mental retardation nurse or a psychiatric nurse;
- (e) the person satisfies the Board that he or she—
  - (i) has undergone a course of training in any place, other than New South Wales, in which a law providing for the registration of nurses is in force;
  - (ii) is the holder of a diploma, certificate or other qualification to the effect that the person has successfully completed the course of training; and
  - (iii) is registered as a nurse under that law,

and the Board is of the opinion that the standards of that training and of any examinations leading to that diploma, certificate or qualification are not lower than the standards provided for by or under this Act for the registration of nurses in List "B" of the Register; or

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (f) the person satisfies the Board that he or she—
- (i) has undergone a course of training as a nurse; and
  - (ii) is the holder of a diploma, certificate or other qualification approved by the Board from an institution, person or body in any place, other than New South Wales, to the effect that the person has successfully completed the course of training,

the person has passed such examinations, and has successfully completed such additional training, as the Board may in the particular case require, and the Board is satisfied that the qualifications of the person are adequate for the purposes of registration as a nurse in List "B" of the Register.

(3) Any person who is registered or entitled to be registered as a nurse is, on making an application in writing to the Board for the purpose and on paying to the Board the prescribed fee, entitled to be authorised to practise midwifery in New South Wales if that person satisfies the Board that he or she has a recognised diploma, certificate or other qualification to the effect that the person has successfully completed a course of training in midwifery.

(4) As soon as practicable after receiving an application made under subsection (1), (2) or (3), the Board shall consider the application and, if satisfied as to the entitlement of an applicant, shall register the applicant or, as the case may be, authorise the applicant to practise midwifery and direct the Registrar to enter the relevant particulars of the applicant in the appropriate part of the Register, but if the Board is not so satisfied, it shall refuse the application.

(5) The Board shall not refuse an application made under subsection (1), (2) or (3) unless it has afforded the applicant an opportunity to be heard in relation to the matter.

(6) Where the Board holds a hearing for the purposes of subsection (5), it—

- (a) may conduct the hearing in such manner as it considers appropriate;

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (b) is not bound to observe rules of law governing the admission of evidence but may inform itself of any matter in such manner as it considers appropriate;
- (c) may call and receive evidence as to any matter relevant to the hearing; and
- (d) may, from time to time as it considers appropriate, adjourn the hearing.

(7) Where the Board refuses an application made under subsection (1), (2) or (3), it shall forthwith notify the applicant in writing of the refusal and of the reasons for the refusal.

(8) Any person who is registered or entitled to be registered as a nurse may, on making an application for the purpose, request the Board—

- (a) for authorisation to use particulars of any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description in relation to himself or herself as a nurse; or
- (b) to direct the Registrar to enter in the Register further or additional qualifications relating to that person,

and, on receipt of any such application, the Board may, if it thinks fit, grant the authorisation or give the direction to which the request relates.

**Register of Nurses.**

16. (1) The Board shall keep a register, to be called the Register of Nurses.

(2) The Register shall be divided as follows:—

- (a) List "A" in which shall be entered the relevant particulars of—
  - (i) those persons who are, after the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, registered as nurses by virtue of section 15 (1); and



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (ii) those persons who were, immediately before that commencement, registered under this Act as general nurses, psychiatric nurses or mental retardation nurses;
- (b) List "B" in which shall be entered the relevant particulars of—
  - (i) those persons who are, after the commencement of Schedule 2 (3) to the Nurses Registration (Amendment) Act, 1985, registered as nurses by virtue of section 15 (2); and
  - (ii) those persons who were, immediately before that commencement, registered under this Act as midwifery nurses, infants' nurses, mothercraft nurses or geriatric nurses (but not as general nurses, psychiatric nurses or mental retardation nurses).
- (3) In relation to a registered nurse the relevant particulars for the purposes of subsection (2) are—
  - (a) the full name and address of the nurse;
  - (b) the date of the nurse's registration as a nurse;
  - (c) particulars of the qualification or qualifications by virtue of which the nurse is registered;
  - (d) particulars of any authorisation authorising the nurse to practise midwifery and particulars of the qualification by virtue of which the authorisation was granted;
  - (e) particulars of any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description which the nurse is authorised by the Board to use in his or her capacity as a nurse;
  - (f) particulars of such further or additional qualifications held by the nurse as the Board may direct to be entered in the Register; and

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(g) such other particulars as are directed by or under this Act or the regulations to be entered in the Register in relation to the nurse.

(4) Where, but for this subsection, a person would be entitled to have the particulars referred to in subsection (3) in both List "A" and List "B" of the Register, all such particulars shall be entered in List "A" of the Register only.

(5) The Register shall be kept at the office of the Board and shall, on payment of the prescribed fee (if any), be open to inspection by any member of the public who attends that office during its ordinary business hours and asks to inspect the Register.

(6) The Registrar shall—

(a) on entering in the Register the particulars pertaining to the registration of a person as a nurse, issue to the person a certificate of registration in or to the effect of the prescribed form; and

(b) on entering in the Register in relation to that person the particulars referred to in subsection (3) (d), issue to the person a certificate in or to the effect of the prescribed form that the person is authorised to practise midwifery.

(4) Section 16A—

Omit the section, insert instead:—

**Temporary registration.**

16A. (1) The Board may, on the application in writing of any person who wishes to obtain a certificate of temporary registration and on being paid the prescribed fee, issue to the person a certificate of temporary registration in or to the effect of the prescribed form on being satisfied that—

(a) the person has adequate qualifications to practise nursing in New South Wales and proposes while in New South Wales to undertake teaching or research work in nursing; or

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (b) for a reason accepted by the Board the person should be permitted to practise nursing in New South Wales temporarily.
- (2) A certificate of temporary registration—
  - (a) may be issued unconditionally or subject to such conditions, including a condition as to the capacity in which the person to whom it is issued may practise as a nurse, as the Board considers appropriate; and
  - (b) if the Board thinks fit, may authorise that person to practise midwifery.
- (3) A person to whom a certificate of temporary registration has been issued shall, while the certificate is in force and the person complies with any conditions endorsed on the certificate, be deemed to be registered as a nurse for the purposes of sections 23 (1), 25, 26 and 27 but, where applicable, only in the capacity specified in the certificate and, where the Board has granted to the person an authorisation under subsection (2) (b), be deemed for the purposes of sections 23 (2) and 24 to be a registered nurse who is authorised under section 15 (4) to practise midwifery.
- (4) A certificate of temporary registration issued under this section shall, unless sooner cancelled under subsection (5), remain in force for such period not exceeding 12 months as the Board may determine, but the Board may from time to time renew such a certificate for a further period not exceeding 12 months.
- (5) The Board may, by notice in writing given to the holder of the certificate, cancel a certificate of temporary registration in force under this section for failure to comply with any condition subject to which the certificate is issued or for any other reason that it considers appropriate and, on any such notice being given to the holder of such a certificate, the certificate shall cease to be in force.
- (6) For the purposes of this section, a reference to a certificate of temporary registration includes a reference to such a certificate that is renewed under subsection (4).



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(5) (a) Section 17 (1B) (a)—

Omit “her name may be removed from the Register”, insert instead “the Board may cancel the nurse’s registration”.

(b) Section 17 (1B)—

Omit “remove the name of that registered nurse from the Register”, insert instead “cancel the nurse’s registration”.

(c) Section 17 (2), (3)—

Omit the subsections, insert instead:—

(2) If the registration of any person is cancelled under subsection (1B), the Board shall, on application in writing by that person and on payment to the Board of such fees as are prescribed, restore that person’s registration.

(3) When determining an application under subsection (2), the Board may waive such part of the fees referred to in that subsection as the Board in any particular case considers appropriate.

(6) (a) Section 18 (1)—

Omit “The Board shall remove from the Register the names”, insert instead “The Board shall cancel the registration”.

(b) Section 18 (2)—

After section 18 (1), insert:—

(2) Where a registered nurse who is authorised to practise midwifery—

(a) dies;

(b) ceases to possess or does not possess the qualification or qualifications by virtue of which the nurse became so authorised; or

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

- (c) has become a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act,

the Board shall cancel that authorisation.

(7) Section 18A—

After section 18, insert:—

**Effect of cancellation, etc., of registration.**

18A. (1) Whenever the registration of a person as a nurse is cancelled under this Act, any authorisation held by that person to practise midwifery shall be deemed also to be cancelled.

(2) Where the registration of a person as a nurse is suspended for a specified period under section 19 (1) (d), any authorisation held by that person to practise midwifery shall be deemed to be suspended for the same period.

(8) (a) Section 19 (1)—

Omit “the Board may remove her name from the register, or suspend her registration for such period as the Board may think fit, or caution or reprimand her.”, insert instead:—

the Board may—

- (c) cancel the registration of the nurse;
- (d) suspend the registration of the nurse for such specified period as the Board considers appropriate;
- (e) caution or reprimand the nurse; or
- (f) in the case of a registered nurse who is authorised to practise midwifery—
  - (i) cancel that authorisation; or

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(ii) suspend that authorisation for such period as the Board considers appropriate.

(b) Section 19 (2)—

Omit the subsection, insert instead:—

(2) The Board shall not take action under subsection (1) (c), (d) or (f) in relation to a registered nurse who is convicted of an offence referred to in subsection (1) (a) if the offence does not, either from its trivial nature or from circumstances under which it was committed, render that nurse unfit to practise as such.

(c) Section 19 (3)—

Omit the subsection.

(d) Section 19 (4)—

Omit “or the delegate”.

(e) Section 19 (4A)—

After section 19 (4), insert:—

(4A) At an inquiry under this section, the Board—

- (a) may conduct the inquiry in such manner as the Board considers appropriate;
- (b) is not bound to observe rules of law governing the admission of evidence but may inform itself of any matter in such manner as the Board considers appropriate;
- (c) may call and receive evidence as to any matter relevant to the inquiry; and
- (d) may, from time to time as the Board considers appropriate, adjourn the inquiry.



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(f) Section 19 (5)—

Omit “and the delegate”.

(g) Section 19 (5)—

Omit “or the delegate”.

(h) Section 19 (8)–(12)—

Omit section 19 (8), insert instead:—

(8) While the registration of a nurse is suspended under subsection (1) (d), the nurse shall, subject to subsections (11) and (12), be deemed not to be registered.

(9) Where the Board decides to take action under subsection (1) in respect of a person, the Board shall cause a notice of its decision to be served on the person.

(10) A notice under subsection (9) shall be in writing and shall specify the reasons for the action taken by the Board in the matter.

(11) Except as provided by subsection (12), action taken by the Board under subsection (1) in respect of a person shall take effect on the day on which the notice relating to that action is served on that person in accordance with subsection (9) or on such later day as is specified in the notice.

(12) Where a person appeals under section 19A against action taken by the Board under subsection (1) (c), (d) or (f) in respect of that person, the District Court may, on the application of that person, make an interlocutory order on such terms as that Court thinks fit directing the Board, pending determination of the appeal, not to take that action, or where the Board has already taken that action, directing the Board to restore the position of the person to what it was immediately before the action was taken.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(9) Section 19A—

After section 19, insert:—

**Appeals.**

19A. (1) Where—

- (a) the application of a person under section 15 (1), (2) or (3) is refused by the Board or the Board fails to grant the application within a reasonable time; or
- (b) the Board takes action in relation to a person under section 19 (1) (c), (d) or (f),

the person may appeal to the District Court against that refusal or failure or, as the case may be, against the action so taken.

(2) An appeal made under subsection (1) shall not be entertained by the District Court unless it is made within the prescribed period and in accordance with rules of court and specifies the grounds of appeal.

(3) The registrar of the District Court shall give notice of the time and place of the hearing of an appeal under subsection (1) to the Board and to the appellant and shall state in the notice to the Board the grounds of the appeal.

(4) An appeal under subsection (1) shall be dealt with by way of rehearing of evidence (if any) given before the Board and of any evidence in addition to or in substitution for that evidence.

(5) The hearing of an appeal made under this section may proceed notwithstanding any omission from or error in a notice given under subsection (3) or the failure to give such a notice if the District Court is satisfied that the appellant and the Board were aware of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(6) The District Court shall hear an appeal made under this section at the time and place fixed under subsection (3) or at a time and place to which the proceedings are adjourned and, at the conclusion of the hearing, shall—

(a) in the case of an appeal under subsection (1) (a), make—

(i) an order confirming the decision of the Board in refusing the application that is the subject of the appeal or, as the case requires, an order directing the Board to grant that application; or

(ii) an order directing the Board to determine that application or, if the District Court is of the opinion that the Board should not be required to deal with that application, whether because it is frivolous or for any other reason, an order to the effect that the Board shall not be so required; or

(b) in the case of an appeal under subsection (1) (b), make an order confirming the action taken by the Board under section 19 (1) (c), (d) or (f) in relation to the appellant or, as the case requires, an order quashing that action and, where appropriate, restoring the appellant to the position that the appellant was in before that action was taken in relation to the appellant,

and, in the case of an appeal under either subsection (1) (a) or (b), may make such ancillary orders as it considers appropriate.

(7) A decision of the District Court in respect of an appeal made under subsection (1) shall be final, and shall be binding on the appellant and on the Board which shall, on being notified of the decision, take such steps as may be necessary to give effect to the decision.



*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(10) Sections 20, 21—

Omit the sections, insert instead:—

**Surrender of certificate of registration, etc.**

20. (1) Within 14 days after the time when action taken against a person under section 19 (1) (c) or (d) has effect, the person shall surrender to the Board—

- (a) any certificate of registration as a nurse held by the person;
- (b) any authority to practise as a nurse referred to in section 17 so held;
- (c) any badge of authority as a nurse issued to the person by the Board and so held; and
- (d) any certificate of authorisation to practise midwifery so held and any badge of authority as a midwife.

(2) Within 14 days after the time when action taken against a person under section 19 (1) (f) has effect, the person shall surrender to the Board any certificate of authorisation to practise midwifery held by the person and any badge of authority as a midwife.

(3) Any person who fails to comply with a provision of subsection (1) or (2) is guilty of an offence and liable on conviction to a penalty not exceeding \$20 for each week or part of a week during which the offence has continued.

**Restoration of registration, etc.**

21. (1) Where—

- (a) the registration of a person as a nurse; or
- (b) the authorisation of a person to practise midwifery,

is cancelled by the Board under section 19 (1) (c) or (f), that person shall not again be registered as a nurse or, as the case may be, be authorised to practise midwifery except by direction of the Board or by order of a court of competent jurisdiction.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATION  
AND REGISTRATION OF NURSES—*continued.*

(2) Where—

- (a) the registration of a person as a nurse; or
- (b) the authorisation of a person to practise midwifery,

has been cancelled, the Board may, if it thinks fit in any particular case, restore that registration or authorisation without fee or on payment of such fee, not exceeding the amount prescribed for the purposes of this subsection, as the Board may from time to time direct.

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SCHEDULE 3.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Sections 23, 24—

Omit the sections, insert instead:—

**Unregistered and unenrolled persons not entitled to hold themselves out as nurses or enrolled aides, etc.**

23. (1) A person shall not—

- (a) claim to be or hold himself or herself out as being; or
- (b) take or use any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is taken or used—
  - (i) indicates;
  - (ii) is capable of being understood to indicate; or
  - (iii) is likely to lead persons to infer,

that the person is,

a registered nurse or an enrolled nursing aide or entitled to practise as such unless the person is registered as a nurse or, as the case may be, is enrolled as a nursing aide.

Penalty: \$500.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) A person shall not—

- (a) claim to be or hold himself or herself out as being; or
- (b) take or use any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is taken or used—
  - (i) indicates;
  - (ii) is capable of being understood to indicate; or
  - (iii) is likely to lead persons to infer,

that the person is,

a midwife or entitled to practise midwifery, unless the person is a registered nurse who is authorised to practise midwifery.

Penalty: \$500.

(3) A nurse who is registered in List “B” of the Register shall not—

- (a) claim to be; or
- (b) represent himself or herself to be,

registered in List “A” of the Register, and a nurse who is registered in List “A” of the Register shall not—

- (c) claim to be; or
- (d) represent himself or herself to be,

registered in List “B” of the Register.

Penalty: \$500.

(4) A person shall not—

- (a) use; or
- (b) claim to be entitled to use,



*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description in or in relation to the person's registration or qualification as a nurse except with the authority of the Board.

Penalty (subsection (4)): \$200.

**Unauthorised practice of midwifery.**

24. (1) Subject to subsection (2), a person shall not practise midwifery unless that person is a registered nurse who is authorised to practise midwifery.

Penalty: \$500.

(2) Subsection (1) does not apply to or in respect of—

- (a) any medical practitioner;
- (b) any person attending a woman who is giving or has just given birth to a child—
  - (i) where the woman does not reside within 20 kilometres of a place where a medical practitioner or a registered nurse who is authorised to practise midwifery ordinarily practises or resides; or
  - (ii) where no such practitioner or nurse is known after due inquiry to be able or willing to attend;
- (c) any person rendering assistance to a woman who is giving or has just given birth to a child where the assistance is rendered in an emergency; or
- (d) any medical or nursing student, or any nurse, who is undertaking a course of midwifery training.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Sections 28, 29—

Omit the sections, insert instead:—

**False or misleading entries and statements, etc.**

28. Where—

- (a) any person makes or causes to be made in the Register or the Roll an entry which that person knows to be false or misleading or alters an entry in the Register or the Roll with intent to render the entry false or misleading; or
- (b) any person, for the purposes of obtaining registration as a nurse or enrolment as a nursing aide either for that person or for anyone else, makes a statement, whether orally or in writing, which that person knows to be false or misleading,

that person is guilty of an offence and liable on conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

**Power of Board to examine on oath and take declaration.**

29. (1) For the purposes of this Act, the Board may—

- (a) examine any person on oath; or
- (b) take a solemn declaration.

(2) If any person—

- (a) makes a statement in the course of, or in connection with, an examination, or in a declaration taken, under subsection (1) which that person knows to be false or misleading in a material respect; or
- (b) utters, or passes off as true, before the Board any certificate, diploma, licence, letters, testimonial or other document or writing which that person knows to be false, forged or counterfeited,

that person is guilty of an offence and liable on conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both.

*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 30 (1)—

Omit “shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is liable on conviction to a penalty not exceeding \$200”.

(b) Section 30 (4)—

After section 30 (3), insert:—

(4) Any person who—

(a) attempts to commit;

(b) conspires with another person to commit; or

(c) aids, abets, counsels or procures another person to commit,

an offence against a provision of this Act or the regulations may be charged, tried, convicted and punished as if the first-mentioned person had actually done or omitted to do the act or omission that constitutes the offence.

(4) Section 31 (a)–(d)—

Omit the paragraphs, insert instead:—

(a) on a specified day or days or during the whole of a specified period, a particular person—

(i) was duly registered as a nurse;

(ii) was entered in the Register as being a person authorised to practise midwifery; or

(iii) was enrolled as a nursing aide;

(b) on a specified day or days or during the whole of a specified period, a particular person—

(i) was not registered as a nurse;



*Nurses Registration (Amendment) 1985*

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SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) was not entered in the Register as being a person authorised to practise midwifery; or
  - (iii) was not enrolled as a nursing aide;
  - (c) on a specified day—
    - (i) the registration of a particular person as a nurse;
    - (ii) the authorisation of a particular person to practise midwifery; or
    - (iii) the enrolment of a particular person as a nursing aide, was cancelled; or
  - (d) as from a specified day—
    - (i) the registration of a particular person as a nurse was suspended for a specified period;
    - (ii) the authorisation of a particular person to practise midwifery was suspended for a specified period; or
    - (iii) the enrolment of a particular person as a nursing aide was suspended for a specified period,
- (5) Section 34—  
Omit the section.
- (6) (a) Section 35 (1) (e)–(eb)—  
Omit 35 (1) (e), insert instead:—
- (e) the period that a person is required to serve or attend at a hospital, a nursing home or an educational or other institution as a pre-requisite to being granted registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide;
  - (ea) the conditions under or subject to which a hospital, a nursing home or an educational or other institution may be recognised by the Board under section 14 (1) (d);

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SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (eb) the qualifications that a person is required to have as a pre-requisite to being permitted to undertake a course of training or education leading to registration as a nurse, authorisation to practise midwifery or enrolment as a nursing aide;
  - (b) Section 35 (1) (f)—  
Omit “registration or enrolment”, insert instead “registration as nurses, authorisation to practise midwifery or enrolment as nursing aides”.
  - (c) Section 35 (1) (j)—  
Omit “nurses” where firstly occurring.
  - (d) Section 35 (1) (j)—  
Omit “such nurses;”, insert instead “nurses practising midwifery; and”.
  - (e) Section 35 (1) (k)—  
Omit the paragraph, insert instead:—
    - (k) offences under the regulations and the imposition of a penalty not exceeding \$200 for any offence of which a person is convicted under the regulations.
  - (f) Section 35 (3)—  
After section 35 (2), insert:—
    - (3) A provision of a regulation may—
      - (a) apply generally or be limited in its application by reference to specified exceptions or factors;
      - (b) apply differently according to different factors of a specified kind; or
      - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person, body or committee,or may do any combination of those things.
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*Nurses Registration (Amendment) 1985*

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SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) Section 2 (1) (a)—  
Omit “—1946”.
- (2) (a) Section 3, definition of “Chairman”—  
After the definition of “Board”, insert:—  
“Chairman” means the person appointed and holding office as Chairman of the Board, and includes any person chosen under section 6 (2) to act as Chairman of the Board.
- (b) Section 3, definition of “Mental hospital”—  
Omit “, as amended by subsequent Acts”.
- (c) Section 3, definition of “Prescribed”—  
Omit the definition.
- (d) Section 3, definition of “Registrar”—  
Omit the definition, insert instead:—  
“Registrar” means the Registrar appointed and holding office under the provisions of this Act, and includes any person for the time being appointed to act as Registrar.
- (3) (a) Section 5 (3)—  
Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- (b) Section 5 (3)—  
Omit “any such Act”, insert instead “that Act”.
- (4) Section 7—  
Omit the section, insert instead:—  
**Vacation of office.**
7. A member of the Board shall be deemed to have vacated office—
- (a) when the member dies;
  - (b) when the member attains the age of 65 years;
  - (c) if the member resigns the office by instrument in writing addressed to the Governor;
  - (d) if the member becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;



*Nurses Registration (Amendment) 1985*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

- (e) if the member is convicted in New South Wales of an offence which is punishable by imprisonment for 6 months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
  - (f) if the member is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board (which leave the Board is hereby authorised to grant) or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for being absent from those meetings;
  - (g) if the member is removed from office under section 8; or
  - (h) if the member ceases to hold the qualification by virtue of which the member was appointed, nominated or elected as a member of the Board.
- (5) Section 8—  
Omit "him", insert instead "the Governor".
- (6) Section 9 (3)—  
Omit "his predecessor's term of office but shall", insert instead "the term of office of the member's predecessor but shall from time to time".
- (7) Section 12—  
Omit "the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions", insert instead "in the exercise or intended exercise of any of the functions of the Board, the member, the Registrar or, as the case may be, the officer".
- (8) (a) Section 13 (1), (2)—  
Omit "1902, as amended by subsequent Acts" wherever occurring, insert instead "1979".
- (b) Section 13 (3)—  
Omit the subsection.
- (9) (a) Section 17 (1) (a) (i)—  
Omit "her", insert instead "the nurse".
- (b) Section 17 (1) (a) (i)—  
Omit "she", insert instead "the nurse".
- (c) Section 17 (1) (b) (i)—  
Omit "her", insert instead "the nurse's".

*Nurses Registration (Amendment) 1985*

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SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

- (d) Section 17 (1A)—  
Omit “her”, insert instead “the nurse”.
- (e) Section 17 (1B) (a)—  
Omit “her” where firstly and thirdly occurring, insert instead “the nurse”.
- (f) Section 17 (1B) (a)—  
Omit “her” where secondly occurring, insert instead “the nurse’s”.
- (10) (a) Section 18 (1) (a) —  
Omit “nurse.”, insert instead “nurse;”.
- (b) Section 18 (1) (b)—  
Omit “she was registered.”, insert instead “the nurse was registered; and”.
- (c) Section 18 (1) (c)—  
Omit the paragraph, insert instead:—  
(c) every registered nurse who has become a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act.
- (11) (a) Section 19 (1) (a)—  
Omit the paragraph, insert instead:—  
(a) has been convicted in New South Wales of an offence which is punishable by imprisonment for 6 months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;  
or
- (b) Section 19 (5)—  
Omit “Acts, 1923-1934”, insert instead “Act, 1923”.
- (c) Section 19 (5)—  
Omit “the said Act”, insert instead “that Act”.
- (d) Section 19 (5)—  
Omit “mutatis mutandis”, insert instead “so far as applicable and with any necessary modifications”.
- (e) Section 19 (6)—  
Omit “opinion”, insert instead “the opinion”.
- (12) (a) Section 22 (1) (b) (ii)—  
Omit “her”, insert instead “the nursing aide’s”.

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*Nurses Registration (Amendment) 1985*

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SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

## (b) Section 22 (1) (b) (iii)—

Omit “she”, insert instead “the nursing aide”.

## (c) Section 22 (2)—

Omit “she” wherever occurring, insert instead “the person”.

## (13) Section 30 (3)—

Omit “stipendiary magistrate or any two justices in petty sessions”, insert instead “Magistrate or any 2 justices constituting a Local Court”.

## (14) Section 32 (2)—

Omit the subsection, insert instead:—

(2) The Registrar shall pay all fees received under subsection (1) to the Treasurer who shall then cause an amount equal to one-half of all practising fees paid under this Act by registered nurses and enrolled nursing aides to be deposited in the Nurses Registration Board Education and Research Account and shall cause the remainder of the fees paid to the Treasurer under this subsection to be deposited in the Consolidated Fund.

## (15) (a) Section 33 (1)—

Omit the subsection.

## (b) Section 33 (2)—

Omit “the said Account”, insert instead “the Nurses Registration Board Education and Research Account”.

## (c) Section 33 (2)—

Omit “nursing: Provided that no such appropriation shall be made unless the same”, insert instead “nursing, but no such appropriation shall be made unless the appropriation”.

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*Nurses Registration (Amendment) 1985*

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## SCHEDULE 5.

(Sec. 6.)

## SAVINGS AND TRANSITIONAL PROVISIONS.

**Membership of Nurses Registration Board.**

1. (1) The persons holding office as members of the Nurses Registration Board immediately before the date of assent to this Act shall, subject to the provisions of sections 7 and 8 of the Principal Act (as in force for the time being) and, subject to subclause (2), notwithstanding the provisions of this Act, continue to hold their offices for the periods for which they were originally appointed.

(2) Where a casual vacancy occurs in the office of a member of the Board who has continued to hold office by virtue of subclause (1), the provisions of section 9 of the Principal Act (as amended by this Act) shall apply to the filling of the vacancy and to the person appointed to fill the vacancy and, for the purposes of applying those provisions, the references in section 9 (2) and (2A) of the Principal Act (as so amended) to section 5 (1) (f) of that Act shall be construed as if they were references to section 5 (1) (e), (f) or (g) of that Act (as in force at the time of assent to this Act), as the circumstances of the case require.

**Registered nurses to be placed in List "A" or List "B" of Register of Nurses.**

2. (1) Every person who was, immediately before the commencement of Schedule 2 (3) registered under the Principal Act as a general nurse, a mental retardation nurse or a psychiatric nurse shall, after that commencement, be deemed to be a registered nurse registered in List "A" of the Register of Nurses kept under the Principal Act (as amended by this Act).

(2) Every person who was, immediately before the commencement of Schedule 2 (3) registered under the Principal Act as a geriatric nurse, an infants' nurse, a midwifery nurse or a mothercraft nurse but not as a general nurse, a mental retardation nurse or a psychiatric nurse shall, after that commencement, be deemed to be a registered nurse registered in List "B" of the Register of Nurses kept under the Principal Act (as amended by this Act).

**Reconstitution of Register of Nurses.**

3. (1) The Registrar of the Nurses Registration Board may, at any time after the enactment of this Act and notwithstanding that Schedule 2 (3) may not yet have commenced, proceed to reconstitute the Register of Nurses as provided for in section 15 of the Principal Act (as amended by this Act) and to transfer particulars relating to registered nurses from the Registers of General Nurses, Mental Retardation Nurses and Psychiatric Nurses to List "A" of the Register of Nurses and particulars relating to registered nurses from the Registers of Geriatric Nurses, Infants' Nurses, Midwifery Nurses and Mothercraft Nurses to List "B" of the Register of Nurses, but no such reconstitution or transfer shall have any legal effect until the commencement of Schedule 2 (3).

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SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) On the commencement of Schedule 2 (3), the Registers of General Nurses, Mental Retardation Nurses, Psychiatric Nurses, Geriatric Nurses, Infants' Nurses, Midwifery Nurses and Mothercraft Nurses as separate subdivisions of the Register of Nurses, are abolished.

**Certain hospitals and other institutions deemed to be recognised by the Nurses Registration Board.**

4. (1) Where the Nurses Registration Board has approved any hospital or other institution for the purposes of a provision of section 16 (1) of the Principal Act (as in force before the commencement of Schedule 2 (3)) and that approval has not been revoked before the commencement, that hospital or institution shall be deemed to be a hospital or institution recognised by that Board under the Principal Act (as in force after that commencement) and the curricula for any course of training leading to registration or enrolment under the Principal Act (as amended by this Act), and any diploma, certificate or other qualification awarded to a person who has successfully completed such a course, shall also be deemed to be so recognised.

(2) Where any scheme of training at a specified institution adopted by the Nurses Registration Board under section 34 of the Principal Act (as in force before the commencement of Schedule 3 (5)) was in force immediately before that commencement, that scheme of training at that institution shall be deemed to be a course of training offered by an institution recognised by that Board under the Principal Act (as in force after that commencement) and the curricula for the course of training, and any diploma, certificate or other qualification awarded to a person who has successfully completed that course, shall also be deemed to be so recognised.

**Regulations of a savings or transitional nature.**

5. (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the date of its publication therein; or

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SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.
- (4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the provisions of clauses 1-4.

*In the name and on behalf of Her Majesty I assent to this Act.*

**J. A. ROWLAND,**  
*Governor.*

**Government House,**  
*Sydney, 15th May, 1985.*





