

NURSES (AMENDMENT) ACT 1992 No. 95

NEW SOUTH WALES



TABLE OF PROVISIONS

- 1. Short title**
- 2. Commencement**
- 3. Amendment of Nurses Act 1991 No. 9**

SCHEDULE 1—AMENDMENTS

NURSES (AMENDMENT) ACT 1992 No. 95

NEW SOUTH WALES



Act No. 95, 1992

An Act to amend the Nurses Act 1991 to make further provision with respect to the capacity of persons to practise nursing and with respect to the persons who may practise midwifery. [Assented to 2 December 1992]

Nurses (Amendment) Act 1992 No. 95

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Nurses (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Nurses Act 1991 No. 9

3. The Nurses Act 1991 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

After the definition of "Roll" in section 3 (1), insert:

"suffer from an impairment" has the meaning given by section 4A;

(2) Section 4A:

After section 4, insert:

Meaning of "suffer from an impairment"

4A. For the purposes of this Act, a person is considered to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder which detrimentally affects or is likely to detrimentally affect the person's physical or mental capacity to practise nursing. Habitual drunkenness or addiction to a deleterious drug is considered to be a physical or mental disorder.

(3) Section 7 (**Unauthorised practice of midwifery**):

At the end of section 7 (2) (c) insert the following word and paragraph:

; or

- (d) any medical student (as defined in the Medical Practice Act 1992) acting under the supervision of a medical practitioner.

Nurses (Amendment) Act 1992 No. 95

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 29A:

Before section 30, insert:

Special grounds for refusing or imposing conditions on registration/enrolment

29A. (1) Despite any entitlement that a person may have to registration or enrolment, the Board may refuse an application for registration or enrolment in either of the following cases:

- The Board is of the opinion that the applicant does not have sufficient physical or mental capacity to practise nursing.
- The applicant has been convicted of an offence (either in or outside New South Wales) and the Board is of the opinion that the circumstances of the offence render the applicant unfit in the public interest to practise nursing.

(2) If the Board is satisfied that an applicant for registration or enrolment suffers from an impairment which does not justify refusal of the application, the Board may impose such conditions on the applicant's registration or enrolment as the Board thinks appropriate.

(3) An accredited nurse who has had conditions imposed on his or her registration or enrolment under this section (including on a review under this section) may apply to the Board for a review of the conditions.

(4) The Board may decline to review the conditions if the application is made within 12 months after the conditions were last reviewed under this section. No appeal lies under section 32 in respect of such a decision by the Board to decline to review conditions.

(5) On a review of conditions the Board may alter or remove conditions or impose new conditions, as it thinks appropriate.

(5) Section 32 (Appeals):

In section 32 (1), after "or 28", insert "or application for review under section 29A".

Nurses (Amendment) Act 1992 No. 95

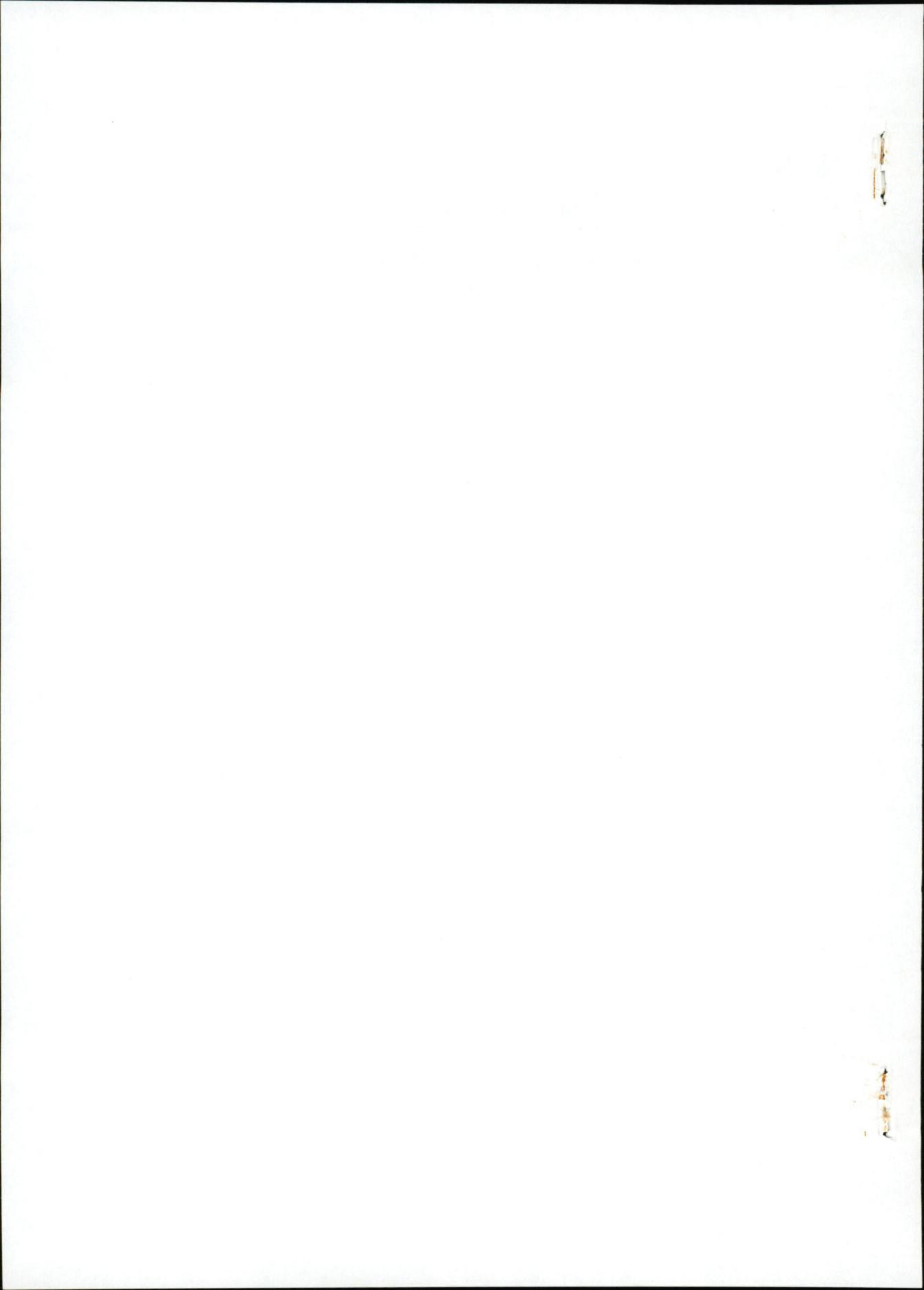
SCHEDULE 1—AMENDMENTS—*continued*

(6) Section 44 (Complaints):

Omit section 44 (1) (a) and (b), insert instead:

- (a) has been convicted of an offence (either in or outside New South Wales) and the circumstances of the offence render the applicant unfit in the public interest to practise nursing; or
 - (b) suffers from an impairment; or
-

*[Minister's second reading speech made in—
Legislative Assembly on 24 September 1992
Legislative Council on 25 November 1992]*



FIRST PRINT

NURSES (AMENDMENT) BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Medical Practice Bill 1992.

The object of this Bill is to amend the Nurses Act 1991:

- (a) to empower the Nurses Registration Board to refuse an application for registration or enrolment as a nurse in either of the following cases:
 - if the Board is of the opinion that the applicant does not have sufficient physical or mental capacity to practise nursing;
 - if the applicant has been convicted of an offence the circumstances of which render the person unfit in the public interest to practise nursing; and
 - (b) to empower the Board to impose conditions on an applicant's registration or enrolment if the Board thinks it appropriate to do so in view of some impairment from which the applicant suffers; and
 - (c) to define "impairment" to mean any physical or mental impairment, disability, condition or disorder which detrimentally affects or is likely to detrimentally affect a person's physical or mental capacity to practise nursing (habitual drunkenness or addiction to a deleterious drug is considered to be a physical or mental disorder); and
 - (d) to replace an existing ground for complaint against a nurse (habitual drunkenness or addiction to a deleterious drug) with the broader ground that the nurse suffers from an impairment; and
 - (e) to make a consequential change to an existing ground of complaint concerned with nurses convicted of offences; and
 - (f) to enable a medical student to practise midwifery under the supervision of a registered medical practitioner.
-

Nurses (Amendment) 1992

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments (Schedule 1).

Schedule 1 contains the amendments detailed above.

FIRST PRINT

NURSES (AMENDMENT) BILL 1992

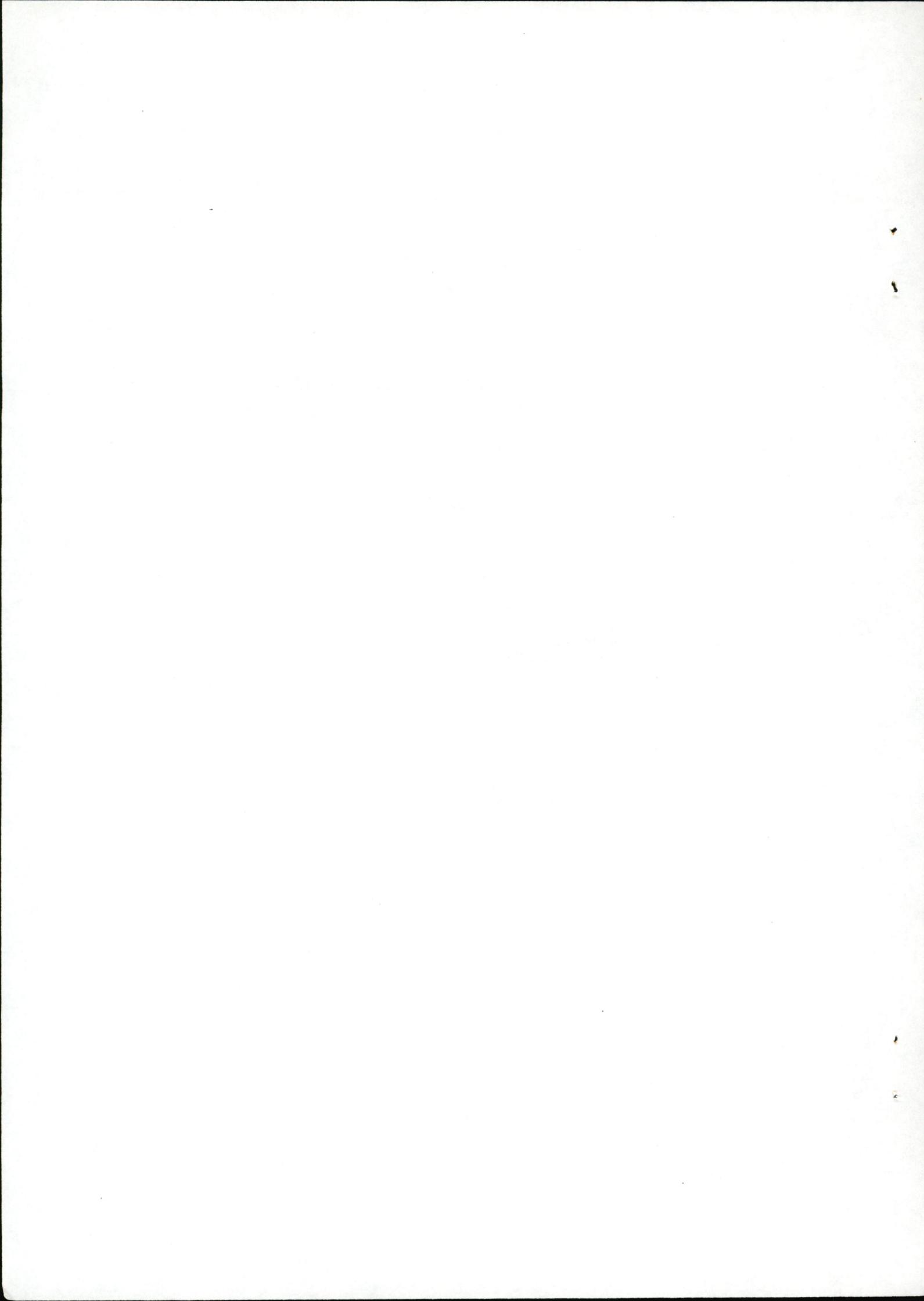
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Nurses Act 1991 No. 9

SCHEDULE 1—AMENDMENTS



NURSES (AMENDMENT) BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Nurses Act 1991 to make further provision with respect to the capacity of persons to practise nursing and with respect to the persons who may practise midwifery.

Nurses (Amendment) 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Nurses (Amendment) Act 1992.

Commencement

- 5 2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Nurses Act 1991 No. 9

3. The Nurses Act 1991 is amended as set out in Schedule 1.
-

SCHEDULE 1—AMENDMENTS

10

(Sec. 3)

(1) Section 3 (**Definitions**):

After the definition of "Roll" in section 3 (1), insert:

"suffer from an impairment" has the meaning given by section 4A;

15

(2) Section 4A:

After section 4, insert:

Meaning of "suffer from an impairment"

20

4A. For the purposes of this Act, a person is considered to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder which detrimentally affects or is likely to detrimentally affect the person's physical or mental capacity to practise nursing. Habitual drunkenness or addiction to a deleterious drug is considered to be a physical or mental disorder.

25

(3) Section 7 (**Unauthorised practice of midwifery**):

At the end of section 7 (2) (c) insert the following word and paragraph:

; or

30

- (d) any medical student (as defined in the Medical Practice Act 1992) acting under the supervision of a medical practitioner.

*Nurses (Amendment) 1992*SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 29A:

Before section 30, insert:

Special grounds for refusing or imposing conditions on registration/enrolment

5

29A. (1) Despite any entitlement that a person may have to registration or enrolment, the Board may refuse an application for registration or enrolment in either of the following cases:

- The Board is of the opinion that the applicant does not have sufficient physical or mental capacity to practise nursing. 10
- The applicant has been convicted of an offence (either in or outside New South Wales) and the Board is of the opinion that the circumstances of the offence render the applicant unfit in the public interest to practise nursing. 15

(2) If the Board is satisfied that an applicant for registration or enrolment suffers from an impairment which does not justify refusal of the application, the Board may impose such conditions on the applicant's registration or enrolment as the Board thinks appropriate. 20

(3) An accredited nurse who has had conditions imposed on his or her registration or enrolment under this section (including on a review under this section) may apply to the Board for a review of the conditions. 25

(4) The Board may decline to review the conditions if the application is made within 12 months after the conditions were last reviewed under this section. No appeal lies under section 32 in respect of such a decision by the Board to decline to review conditions. 30

(5) On a review of conditions the Board may alter or remove conditions or impose new conditions, as it thinks appropriate.

(5) Section 32 (Appeals):

In section 32 (1), after "or 28", insert "or application for review under section 29A". 35

Nurses (Amendment) 1992

SCHEDULE 1—AMENDMENTS—*continued*

(6) Section 44 (Complaints):

Omit section 44 (1) (a) and (b), insert instead:

- 5 (a) has been convicted of an offence (either in or outside
New South Wales) and the circumstances of the
offence render the applicant unfit in the public interest
to practise nursing; or
- (b) suffers from an impairment; or
-