

NURSES REGISTRATION ACT, 1920-1934.

BEING

NURSES REGISTRATION ACT, 1920, No. 1451 OF 1920 [ASSENTED TO
9TH DECEMBER, 1920.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1934, No. 2168 OF 1934
[ASSENTED TO 15TH NOVEMBER, 1934.]

An Act to make provision for the registration of nurses,
mental nurses, and midwives, and for other purposes.

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

Short title. 1. This Act may be cited as the “Nurses Registration Act,
1920-1934.”

Commencement
of Act. 2. This Act shall come into operation on a day to be fixed
by proclamation.

Arrangement
of Act. 3. The provisions of this Act are arranged as follows:—
 PART I.—Preliminary:
 PART II.—The Nurses Board of South Australia:
 PART III.—Registration, and Qualifications therefor:
 PART IV.—Miscellaneous:
 PART V.—Regulations:
 PART VI.—Legal proceedings.

PART I.

PART I.

PRELIMINARY.

Interpretation
of terms. 4. In this Act—
 “board” means the Nurses Board of South Australia
 constituted by this Act:

s. 2. This Act was proclaimed to commence on 2nd May, 1921: *Gazette* 28th April, 1921, p. 939.

s. 4. The Mental Defectives Act, 1913, has been repealed and superseded by the Mental Defectives Act, 1935.

“chairman” means chairman of the board:

“institution” means any hospital (whether public or private), any maternity or lying-in hospital or home, any hospital or sanatorium for consumptives, and any institution within the meaning of the Mental Defectives Act, 1913, but does not include a receiving ward within the meaning of that Act:

“member” means member of the board:

“mental nurses register” means the mental nurses register kept under this Act:

“midwives register” means the midwives register kept under this Act:

“Minister” means the Chief Secretary:

“nurses register” means the nurses register kept under this Act:

“registered” means registered under this Act, and “registration” has a corresponding meaning:

“registered mental nurse” means a person (male or female) who is for the time being registered as a mental nurse:

“registered midwife” means a woman who is for the time being registered as a midwife:

“registered nurse” means a person (male or female) who is for the time being registered as a nurse, but does not include a registered mental nurse:

“registrar” means the registrar appointed under this Act:

“training school” means any institution approved by the board under this Act for the training of nurses, mental nurses, or midwives, whether for the whole or for portion only of the prescribed course of training.

PART II.

PART II.

THE NURSES BOARD OF SOUTH AUSTRALIA.

5. (1) A board, to be called “The Nurses Board of South Australia,” is hereby constituted, as from the day of the publication in the *Government Gazette*, pursuant to subsection (5) hereof, of the notice of the appointment of the original members thereof.

Constitution
of nurses
board.
Cf. U.K.
9 & 10
Geo. 5 c. 94.
s. 1.

(2) The board shall consist of seven members, who shall be appointed by the Governor, after being respectively nominated as follows, namely:—

One shall be nominated by the Minister:

One shall be nominated by the Royal British Nurses Association:

One shall be nominated by the Australasian Trained Nurses Association:

One shall be nominated by the South Australian branch of the British Medical Association:

Two shall be nominated by the South Australian Hospitals Association:

One shall be nominated by the registered nurses who are not members of the Royal British Nurses Association or of the Australasian Trained Nurses Association: Provided that, for the purposes of the appointment of the original members of the board, the member to be nominated by such registered nurses shall be nominated by the Minister, and the person so nominated shall be deemed to have been nominated by such registered nurses.

(3) When a vacancy occurs on the board, whether by the expiration of a member's term of office or otherwise, the Governor shall, after nomination as hereinafter mentioned, appoint a member to fill the vacancy. The nomination of the member so appointed to fill the vacancy shall be made by the person or persons or body who nominated the member in whose place such member is appointed.

(4) Any nomination to be made otherwise than by the Minister shall be made in manner prescribed.

(5) Notice of the appointment of any member shall be published in the *Government Gazette*, and the notice so published shall be conclusive evidence that the member was duly nominated and appointed.

Tenure of
office.

6. (1) Each member shall be appointed for a term of three years: Provided that—

- i. a member appointed to fill a vacancy caused otherwise than by the retirement of a member on the expiration of his term of office shall be appointed only for the unexpired portion of the term of the member in whose place he is appointed; and

- II. any retiring member shall hold office until his successor is appointed.

(2) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for re-appointment.

7. In addition to the retirement of members by the expiration of their terms of office, the seat of a member shall become vacant on—

Casual
vacancies.

- (a) the death, lunacy, or insolvency of the member; or the execution by the member of a statutory deed of assignment for the benefit of his creditors; or his compounding with his creditors for less than twenty shillings in the pound; or the conviction of the member of an indictable offence;
- (b) the resignation of the member by notice in writing, posted or delivered to the chairman, or, in the case of the chairman, to the Minister; or
- (c) the absence of the member from three consecutive meetings of the board without leave of the board.

8. (1) If in any case the person or body which has the right to nominate a person for appointment as a member, whether as an original or other member, fails to give notice in writing to the clerk of the Executive Council of the nomination within two months after being requested in writing by the said clerk to make such nomination, the Governor may appoint a person to be such member without nomination.

Appointment
without
nomination
on failure to
nominate.

In the case of the registered nurses who are not members of the Royal British Nurses Association or of the Australasian Trained Nurses Association, the request to nominate shall be duly made by being published in the *Government Gazette*.

(2) A member appointed pursuant to this section shall be deemed to have been appointed after being nominated by the person or body which had the right to nominate.

9. (1) The Governor may appoint a member to be the chairman of the board.

Chairman.

(2) The chairman, when present, shall preside at all meetings of the board. In the absence of the chairman from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside.

(3) The person presiding for the time being shall have a casting vote as well as a deliberative vote.

Quorum.

10. Four members present at a meeting shall constitute a quorum of the board.

Defects in
appointment
not to
invalidate
proceedings
of board.

11. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

First meeting
of board.

12. The first meeting of the board shall be convened by the Minister.

Registrar.

13. (1) The board shall appoint a registrar for the purposes of this Act: Provided that no person shall be appointed to or dismissed from the office of registrar without the approval of the Minister first obtained.

(2) The registrar shall act under the control of the board.

Annual
balance-sheet
and audit.

14. (1) The registrar shall every year, in the month of July, prepare a balance-sheet, showing the income and expenditure of the board for the period of twelve months ended on the thirtieth day of the preceding month of June, and shall transmit the same to the Minister.

Amended by
S.L.R. Act,
1934.

(2) The accounts of the board shall, once at least in every year, be audited by the Auditor-General, who shall, in respect of such accounts, have all the powers which may be exercised by him under the Audit Act, 1921, and any Act for the time being in force relating to the audit of public accounts. The report of the Auditor-General on any such audit shall be transmitted to the Minister.

Powers and
duties of
board.

15. The board shall have and may exercise and discharge the powers and duties conferred or imposed upon it by this Act, and in particular the following powers and duties:—

1. To hold examinations (including preliminary entrance examinations), to appoint examiners, and decide upon their remuneration:

- II. To decide upon the places where, and the times when, examinations are to be held:
- III. To issue and cancel certificates of registration:
- IV. To approve of any institution as a training school, and at any time to cancel any such approval:
- V. To publish periodically a list of the institutions approved by the board as training schools:
- VI. To take proceedings against persons guilty of offences against this Act:

and generally to do anything necessary for the due and proper carrying out of the provisions of this Act.

16. No matter or thing done or suffered by the board, or by any member, or the registrar or any officer of the board, *bona fide* in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, or the registrar or the officer or any other person, or the Crown, to any liability in respect thereof.

Protection of
board and
members and
others from
liability.

17. (1) The board may at any time, in any case where it appears necessary to the board so to do in order to prevent the spread of disease, order—

Provision for
prevention of
spread of
disease.

(a) any registered midwife to refrain or to cease from practising as a midwife; or

(b) any other person to refrain or to cease from acting as a midwife,

for such period (to be specified in the order) as the board thinks fit.

(2) Such order shall be in writing, and may be given by post by registered letter.

(3) It shall not be lawful for any person, whether registered as a midwife or not, to whom any such order has been given by the board, to act as a midwife during the period specified in such order as the period during which such person shall refrain or cease from practising or acting as a midwife, and any person so acting as a midwife shall be liable to a penalty not exceeding twenty pounds.

PART III.

PART III.

REGISTRATION, AND QUALIFICATIONS THEREFOR.

Registers of
nurses, of
mental
nurses, and of
midwives.
Cf. U.K.
9 & 10 Geo. 5
c. 94, s. 2.

18. (1) The board shall cause to be kept by the registrar—
- (a) a register of nurses, to be called “The Nurses Register”;
 - (b) a register of mental nurses, to be called “The Mental Nurses Register”; and
 - (c) a register of midwives, to be called “The Midwives Register.”

(2) Such registers shall be in the prescribed form and contain the prescribed particulars.

(3) A person shall be registered—

- (a) as a nurse, by the entering of such person’s name and the prescribed particulars with respect to such person in the nurses register;
- (b) as a mental nurse, by the entering of such person’s name and the prescribed particulars with respect to such person in the mental nurses register; and
- (c) as a midwife, by the entering of such person’s name and the prescribed particulars with respect to such person in the midwives register.

Who may
register as a
nurse or as a
mental nurse.

19. (1) Every person shall be entitled to be registered as a nurse or as a mental nurse, as the case may be, who proves to the satisfaction of the board—

i. that—

- (a) such person has passed the prescribed examination or examinations held from time to time by examiners appointed under this Act; and
- (b) such person has passed through the prescribed course of training;

or

ii. that such person is the holder of a certificate of training as a nurse or as a mental nurse, as the case may be, awarded by any institution or body approved by the board for the purposes of this subdivision: Provided that the board shall not approve of any institution or body for such purposes unless the standard of training and of examination required by

such institution or body for the awarding of such certificate is considered by the board equal to the standard of training and of examination prescribed by the board;

or, in the case of a person already, at the commencement of this Act, in practice as a nurse or as a mental nurse, as the case may be—

III. that, in the case of a person applying for registration as a nurse, at the commencement of this Act—

(a) such person had had the training prescribed by the board in the case of such persons; or

(b) had been for at least five years in *bona fide* practice as a nurse;

or

IV. in the case of a person applying for registration as a mental nurse, that, at the commencement of this Act, such person was in *bona fide* practice as a mental nurse.

(2) Applications for registration by persons entitled to registration by virtue only of subdivision III. or IV. of subsection (1) hereof shall be made within twelve months from the commencement of this Act.

20. (1) Every person shall be entitled to be registered as a midwife—

Who may be registered as a midwife.

I. who proves to the satisfaction of the board that such person—

(a) has passed the prescribed examination or examinations held from time to time by examiners appointed under this Act; and

(b) has passed through the prescribed course of training;

or

II. who proves to the satisfaction of the board that such person is the holder of a certificate of training as a midwife awarded by an institution or body approved by the board for the purposes of this subdivision: Provided that the board shall not approve of any institution or body for such purposes unless the standard of training and of examination required by such institution or body for the awarding of such certificate is considered by the board equal to the

standard of training and of examination prescribed by the board;

or, in the case of a person already, at the commencement of this Act, in practice as a midwife—

III. who—

(a) proves to the satisfaction of the board that such person had, at the commencement of this Act, been in *bona fide* practice as a midwife for at least five years, and

(b) passes, if the board require it, a *viva voce* examination prescribed by the board in the case of such persons;

or

IV. who proves to the satisfaction of the board—

(a) such person's competence, skill, and fitness for the practice of a midwife's calling; and

(b) that such person has attended at least twenty cases of confinement, including the lying-in period; and

(c) that such person has passed the examination (if any) prescribed by the board in the case of such persons.

(2) Applications for registration by persons entitled to registration by virtue only of subdivision III. or IV. of subsection (1) hereof shall be made within twelve months from the commencement of this Act.

Provision for
registration
of persons
trained out-
side the State.
Cf. U.K.
9 & 10 Geo. 5
c. 94, s. 6.

21. Every person shall be entitled to be registered as a nurse, mental nurse, or midwife, who proves to the satisfaction of the board that such person—

(a) has passed through a course of training and has passed an examination for a nurse, mental nurse, or midwife, as the case may be, in some other part of the British Empire or some other country, such course of training and examination being recognised by the board as not lower in standard than that required in this State; and

(b) is by law entitled to be registered, or to practise as a nurse, mental nurse, or midwife, as the case may be, in such part or country:

Provided that the board shall not be bound to recognise any course of training or any examination in any other part of the British Empire or in any other country unless in such part or country a person registered under this Act is granted rights and advantages equal to those granted in such part or country to those persons who have passed through such course of training and have passed such an examination.

22. No person shall be registered unless such person proves to the satisfaction of the board that such person—

Further qualifications for registration essential in every case.

(a) is of good character:

(b) is over twenty-one years of age:

(c) is of sound health, or of such a state of health that no danger would be involved to the patients of such person.

23. (1) Any person desiring to be registered shall submit to the board proof of the qualifications upon which such person relies.

Application for registration and proceedings thereon.

(2) The board may require the attendance before it of the person applying to be registered, and may require the attendance of any other persons.

(3) The board may examine any person upon oath, affirmation, or declaration, and for such purpose any member may administer an oath, affirmation, or declaration.

(4) A summons issued by the board requiring the attendance of any person or the production of any documents, and signed by the registrar, shall have the same effect as a subpoena *ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action; and obedience thereto, or non-observance thereof, or refusal to give evidence, shall be enforced or punished by a Judge of the Supreme Court in chambers, in the same manner as in the case of disobedience or non-observance of a subpoena issued out of the said Court, or refusal to give evidence before the said Court.

(5) If not satisfied that the applicant is entitled to be registered, the board may refuse the application or adjourn the same for further consideration.

PART III.

Appeal from
the board.

24. (1) If any person who applies for registration is dissatisfied with the decision of the board, it shall be lawful for him, by motion to the Supreme Court, within three months of the giving of such decision, to apply to such Court for an order directing the board to register him.

(2) The Court, or a Judge thereof, may order that the applicant for registration be registered, or that he be registered conditionally or upon terms, or may decline to make such or any order.

Certificate of
registration.

25. (1) When any person has paid the registration fee and become registered as a nurse, mental nurse, or midwife, the registrar shall issue to such person, in the prescribed form, a certificate of registration as a nurse, mental nurse, or midwife, as the case may be.

(2) On application made to him at any time and on payment of the prescribed fee, the registrar shall issue to any registered person a duplicate certificate of his registration.

Registration
to be
renewed
annually.

26. (1) The registration of any person shall come into force on the day on which such person is registered and shall continue in force until the succeeding thirty-first day of December, and no longer, unless renewed as hereinafter provided.

(2) The registration of any person shall be renewed by the board upon the application of such person, made in the prescribed manner and within the prescribed time, and upon payment of the prescribed renewal fee.

(3) Such renewal shall be made by the board in manner prescribed.

(4) Every registration, when so renewed, shall continue in force from the date from which it is so renewed for a further period of twelve months next after the thirty-first day of December on which, but for such renewal, such registration would expire.

Registration
and renewal
fees.

27. (1) There shall be payable to the board by every person registered such registration fee not exceeding the sum of one pound one shilling, and such annual renewal fees not exceeding the sum of five shillings as are prescribed.

(2) No registration, and no renewal of a registration, shall be of any force or effect in any year unless and until the prescribed fee for such registration, or for the renewal of such registration for such year, has been paid.

Provisional
certificate
may be
granted.

28. (1) When a person has applied to be registered, the chairman, or, in his absence from the City of Adelaide, any other member of the board, upon being satisfied that such person is entitled to be registered, and upon payment of the registration fee, may grant to such person a provisional certificate of registration in the prescribed form.

(2) When a person has obtained a provisional certificate, such person shall be deemed to be registered until—

(a) the date stated in such certificate; or

(b) such later date as is fixed by the board,

which in no case shall be later than three months from the granting of such certificate: Provided that if the board, before the date so stated or fixed, have reason to believe that such person is not entitled to be registered, they may, without prejudice to his application to be registered, cancel his provisional certificate; and such person shall thereupon cease to be deemed to be registered.

29. (1) The registration of any person as a nurse, mental nurse, or midwife—

Cancellation
of registration
for fraud or
on other
grounds.

Of. U.K.
21 & 22
Vict. c. 90.
s. 29.

(a) whose registration has been obtained by fraud or misrepresentation; or

(b) whose qualification for registration, or any part thereof has been withdrawn or cancelled by the institution at which it was acquired or by the institution or body by which it was awarded; or

(c) whose renewal fees have not been paid for two years; or

(d) who, either before or after such registration, has been convicted of any felony or misdemeanour, or of any offence which, if committed in the State, would be a felony or misdemeanour; or

(e) who is deemed by the board to have been guilty of disgraceful conduct in any professional respect; or

(f) has been convicted of any offence against any regulation made by the board with respect to the practice of nurses, mental nurses, or midwives;

may be cancelled or suspended by order of the board, and upon the making of the order of removal or during the period specified in the order of suspension such person shall

cease to be registered as a nurse, mental nurse, or midwife, as the case may be.

(2) The cancellation or suspension of the registration of any person whose registration has been so cancelled or suspended may, at any time and for such reason as the board thinks fit, by order of the board, be annulled, and the effect of such annulment shall be as the board determines.

(3) Before cancelling or suspending the registration of any person the board shall—

(a) give to such person, by post by registered letter, notice in writing of the complaint against him; and

(b) hold full inquiry into the matter of the complaint, and afford such person an opportunity of giving an explanation personally or in writing.

(4) The provisions of section 23 shall apply to the holding of an inquiry under this section in the same manner as if such inquiry were the hearing of an application for registration under that section.

Cf. U.K.
9 & 10 Geo. 5
c. 94, s. 7.

(5) If any person is dissatisfied with any decision of the board under this section, such person may, by motion made within three months of the giving of such decision, apply to the Supreme Court for an order directing the board to rescind or vary such decision, and on such motion the Court may make such order as it thinks just, or may decline to make any order. Any order made by the Court on such appeal shall be final and conclusive.

Return of
certificates.

30. (1) Any person whose registration as a nurse, mental nurse, or midwife is ordered by the board to be cancelled shall, within fourteen days of the notification to such person of the order, surrender to the board every certificate of such registration issued to such person under this Act; and any such person who fails to do so shall be liable to a penalty not exceeding twenty pounds.

(2) The cancellation of any such person's registration as a nurse, mental nurse, or midwife shall be effectual notwithstanding such person's failure to surrender the said certificates.

Correction of
register.

31. (1) The registrar shall from time to time strike out in the nurses register, in the mental nurses register, and in

s. 31. The expression "Registrar-General of Births and Deaths" altered to "Principal Registrar of Births, Deaths, and Marriages" pursuant to the Acts Republication Act, 1934.

the midwives register the names of all registered persons who have died, and shall make such alterations and amendments in the said registers as the board from time to time directs, for the purpose of making the same an accurate record of the names, addresses, and qualifications of all persons for the time being registered.

(2) To assist the registrar in the discharge of his duties under this section, the Principal Registrar of Births, Deaths, and Marriages, on receiving notice of the death of any person registered under this Act, shall forthwith inform the registrar in writing of such death.

32. The nurses register, the mental nurses register, and the midwives register shall be kept in the office of the registrar, and shall at all times be open to inspection by any person on payment of the prescribed fee.

Register to be open to inspection.

33. (1) The board shall, after the expiration of twelve months from the commencement of this Act, cause a copy of the nurses register, a copy of the mental nurses register, and a copy of the midwives register to be published in the *Government Gazette*, and thereafter in the month of January in every year in which the Minister so directs cause copies of the said registers, corrected to the thirty-first day of December then last past, to be published in the *Government Gazette*.

Registers to be gazetted.
Of. U.K.
21 & 22
Vict. c. 90,
s. 27.

(2) In the month of January in every year in which copies of the said registers are not published, a supplementary list showing all alterations, additions, revisions, and removals made in the said registers during the preceding twelve months shall be published in the *Government Gazette*. Every supplementary list so published shall be deemed to be part of the last published copy of the nurses register, the mental nurses register, or the midwives register, as the case may be, and such last published copy shall be read and construed subject to every such list.

(3) Any copy of the nurses register, the mental nurses register, or the midwives register appearing in the *Government Gazette* shall in all courts and before all persons be *prima facie* evidence that the persons therein specified, and no others, are registered as therein specified: Provided that a certificate purporting to be signed by the registrar, and stating that, at the date mentioned therein, a person was or was not registered as a nurse, mental nurse, or midwife, as the case may be, shall be *prima facie* evidence of the truth of such statement.

PART IV.

PART IV.

MISCELLANEOUS.

Only registered persons may sue for fees for professional services.
 Cf. U.K. 21 & 22 Vict. c. 90, s. 32.
 Cf. U.K. 26 Geo. 5 & 1 Edw. 8 c. 40, s. 6.

34. Every person registered under this Act shall be entitled to sue in any court of competent jurisdiction for the recovery of such person's fees or other remuneration for professional services of any kind; and no person other than a person so registered shall be entitled to sue or counterclaim for or to set off or otherwise recover any charge or remuneration for any professional attendance or service: Provided that this section shall not apply to—

- (a) any legally qualified medical practitioner; or
- (b) any person lawfully acting as a midwife in any case where there is no legally qualified medical practitioner or registered midwife, able and willing so to act if requested, residing within a distance of five miles of the place where such woman so acts.

Only registered persons to hold certain appointments.
 Cf. U.K. 21 & 22 Vict. c. 90, s. 36.

35. (1) After the expiration of twelve months from the commencement of this Act no person shall, without the authority in writing of the Minister, be competent to hold, or shall hold, in any institution in receipt of a grant or subsidy or other aid from the Government of the State, or in any training school, any permanent appointment (whether honorary or other)—

- (a) as the matron, sister, or nurse in charge of the nursing of patients in such institution or school, unless such person is registered as a nurse: or
- (b) as a midwife, unless such person is registered as a midwife.

(2) Any person who holds, or purports to hold, any such appointment contrary to this section shall be liable to a penalty not exceeding twenty pounds.

Preference to persons trained in part time institutions.

36. (1) When, in any institution in receipt of a grant or subsidy or other aid from the Government of the State, any appointment as a nurse, mental nurse, midwife, or probationer nurse is to be made, preference shall be given in the making of such appointment to a person who has served or has had part of his or her training in any institution approved by the board as a training school for portion only of the prescribed course, or who has served in any institution not approved by the board as a training school.

(2) If the board is of opinion that such preference is, without sufficient cause, not given as provided by subsection (1) hereof in any institution, then the board may report such opinion to the Minister, and the Government may thereupon withhold any moneys payable to such institution by way of grant, subsidy, or other aid.

37. (1) After the expiration of twelve months from the commencement of this Act, no person who is not registered as a midwife shall practise as a midwife or practise midwifery: Provided that this section shall not apply to—

No person other than registered midwife to practise midwifery.

Of. U.K.
26 Geo. 5
& 1 Edw. 8
c. 40, s. 6.

(a) a legally qualified medical practitioner; or

(b) any person rendering assistance in any case of emergency; or

(c) any woman acting as a midwife, whether for reward or not, in any case where there is no legally qualified medical practitioner or registered midwife, able and willing so to act if requested, residing within a distance of five miles of the place where such woman so acts.

Of. U.K.
2 Edw. 7
c. 17, s. 1(2).

(2) Any person guilty of any contravention of this section shall be liable to a penalty of not less than one pound nor more than twenty pounds, or to imprisonment for any term not exceeding three months.

38. (1) After the expiration of twelve months from the commencement of this Act, no person shall be entitled to take or use the name or title of registered nurse (either alone or in combination with any other word or words or letters), or any name, title, addition, or description implying that such person is a registered nurse, or is recognised by law as a registered nurse, unless such person is registered as a nurse.

Unregistered persons not to take or use certain titles.

Of. U.K.
9 & 10 Geo. 5
c. 94, s. 8.

(2) After the expiration of twelve months from the commencement of this Act, no person shall be entitled to take or use the name or title of registered mental nurse (either alone or in combination with any other word or words or letters), or any name, title, addition, or description implying that such person is a registered mental nurse, or is recognised by law as a registered mental nurse, unless such person is registered as a mental nurse.

(3) After the expiration of twelve months from the commencement of this Act, no person shall be entitled to take or use the name or title of midwife or registered midwife

U.K. 2 Edw. 7
c. 17, s. 1.

(either alone or in combination with any other word or words or letters), or any name, title, addition, or description implying that such person is a registered midwife, or is recognised by law as a midwife or registered midwife, or is qualified to practise as a midwife or does practise midwifery, unless such person is registered as a midwife.

(4) If any person knowingly takes or uses any such name, title, addition, or description which such person is not entitled to take or use, such person shall be liable to a penalty not exceeding twenty pounds.

Use of
authorised
badge or
uniform by
unregistered
person.
Cf. U.K.
16 & 17
Geo. 5 c. 32,
s. 4.

39. (1) No person shall use or wear any badge or uniform authorised by the board as the badge or uniform of—

- (a) a registered nurse, unless such person is registered as a nurse;
- (b) a registered mental nurse, unless such person is registered as a mental nurse; or
- (c) a registered midwife, unless such person is registered as a midwife.

(2) Any person who knowingly uses or wears any such badge or uniform, or any colourable imitation thereof, in contravention of this section shall be liable to a penalty not exceeding twenty pounds.

Unregistered
persons ad-
vertising or
holding them-
selves out as
registered
nurses,
mental nurses,
or midwives.
Cf. U.K.
21 & 22
Vict. c. 90,
s. 40.

40. (1) After the expiration of twelve months from the commencement of this Act, no person shall either directly or indirectly, by any name, word, or letter, or by any title or designation, whether expressed in words or by letters, or partly in one and partly in the other, or by any sign, device, article, or other thing whatsoever, or by any other means whatsoever, whether—

- (a) by having the same attached to or exhibited on, in, at, or near such person's place of business or residence, or any other place whatsoever; or
- (b) in any letter, newspaper, magazine, book, programme, circular, handbill, placard, card, letter paper, billhead, receipt form, or invoice, or any document or paper used in connection with any business, practice, or profession; or
- (c) in any other way whatsoever—

advertise or hold himself out as being, or pretend to be—

- i. a registered nurse, unless such person is registered as a nurse;

- II. a registered mental nurse, unless such person is registered as a mental nurse; or
- III. a midwife or a registered midwife, or a person qualified to practise as a midwife or practising midwifery, unless such person is registered as a midwife.

(2) Every person guilty of any contravention of this section shall be liable to a penalty of not less than one pound and not more than twenty pounds, or to imprisonment for any term not exceeding three months.

41. Every person who exhibits or publishes, or causes, permits, or suffers to be exhibited or published, any letter, or any circular, handbill, placard, card, letter paper, bill-head, receipt form, or invoice, or any document or paper to be used in connection with any business, practice, or profession, or other advertisement of any kind whereby any person advertises or holds himself out contrary to any provision of section 40, shall be liable to a penalty of not less than one pound and not more than twenty pounds: Provided that this section shall not apply to any newspaper or magazine proprietor or printer publishing such advertisement before written notice to him from the registrar that such advertisement is contrary to the said section.

Penalty on
person
advertising.

42. Any person who—

- (a) makes or causes to be made any falsification in the nurses register, the mental nurses register, or the midwives register, or in any matter relating to any of the said registers; or
- (b) knowingly makes any false statement upon any examination before the board, or in any document to be used in evidence before, or to be submitted to, the board; or
- (c) utters or puts off, or attempts to utter or put off, as true before the board any false, forged, or counterfeit certificate or other document or writing; or
- (d) procures or attempts to procure himself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent statement, declaration, or representation, either verbal or in writing; or

Penalty for
falsifying
register or
making false
statement.

- (e) falsely personates or represents himself as being the person referred to in any certificate, document, or writing presented to the board, or in any certificate granted under this Act;

or who—

- i. fraudulently or by false representation obtains any certificate of registration under this Act; or
- ii. forges, alters, or counterfeits any such certificate; or
- iii. utters or uses, or attempts to utter or use, any such forged certificate knowing the same to have been forged; or
- iv. falsely advertises or publishes himself as having obtained any such certificate, or as being registered under this Act, or permits any such advertisement or publication,

shall be guilty of a misdemeanour, and be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

Financial.

43. All moneys received by the board under this Act shall be paid to the Treasurer for the public uses of the State.

PART V.

PART V.

REGULATIONS.

Regulations.

Cf. U.K.
9 & 10 Geo. 5
c. 94, s. 8.

44. (1) The Governor may make regulations prescribing all matters which by this Act are contemplated or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act, including regulations for the following, among other purposes:—

- i. Prescribing the manner in which nominations of members other than the member nominated by the Minister are to be made:
- ii. Providing for and regulating the election of a person for nomination as a member by the registered nurses who are not members of the Royal British Nurses Association or of the Australasian Trained Nurses Association:
- iii. Prescribing the registration fees, the annual renewal fees and other fees payable under this Act:

- iv. Regulating the proceedings of the board, and prescribing the duties of the registrar and of the other officers of the board:
- v. Prescribing standards and conditions with respect to the examination of candidates preliminary to entering upon courses of training:
- vi. Prescribing standards and conditions with respect to the examination or examinations to be passed by candidates for registration:
- vii. Regulating the conduct of examinations:
- viii. Prescribing the conditions to be complied with by any institution to be entitled to be approved by the board as a training school for the whole of the prescribed course of training:
- ix. Prescribing the conditions to be complied with by any institution to be entitled to be approved by the board as a training school for a portion only of the prescribed course of training, and prescribing, either generally or with respect to any particular training school or class or classes of training school, what portion of the prescribed course of training may be passed through at any such training school, and for what period of the prescribed course of training the period of training at any such training school may be substituted:
- x. Classifying institutions approved by the board for the time being as training schools:
- xi. Prescribing, and providing for the supervision of, the course or courses of training, either generally or with respect to any particular training school, or any particular class or classes of training school: Provided that in no case shall the period of training prescribed by the board in respect of the training of nurses or mental nurses be less than three years:
- xii. Regulating applications for registration, and the issue and cancellation of certificates of registration:
- xiii. Regulating the registration of persons who at the commencement of this Act are already in practice as nurses, mental nurses, or midwives, and prescribing the standard of training required of

Of. U.K.
26 Geo. 5 &
1 Edw. 8
c. 40. s. 7.

such persons, and conditions and standards with respect to the examination (if any) they may be required to pass:

- xiv. Regulating, supervising, or restricting, in so far as it may be necessary in the interests of public health, the practice of nurses, mental nurses, and midwives:
- xv. Prescribing the form of, and the particulars to be contained in, any order or notice under this Act:
- xvi. Prescribing the form of, and the particulars to be contained in, the nurses register, the mental nurses register, and the midwives register:
- xvii. Authorising distinctive uniforms or badges, or both, as the uniforms and badges of registered nurses, registered mental nurses, and registered midwives respectively:
- xviii. Fixing penalties for offences against regulations, not exceeding in any case the sum of ten pounds.

(2) All such regulations (except regulations under paragraph i. of subsection (1) hereof) shall be made upon the recommendation of the board.

Cf. U.K.
16 & 17
Geo. 5 c. 32,
s. 4.

PART VI.

PART VI.

LEGAL PROCEEDINGS.

Costs in
Supreme
Court
proceedings.

45. The Supreme Court, or a Judge thereof, making or declining to make an order in any matter under this Act, may make any order and give any directions as to the costs thereof which it or he thinks proper.

No legal
proceedings
without
consent of
board.

46. (1) No proceedings in respect of any offence against this Act, not being an indictable offence, shall be taken without the consent in writing of the board.

(2) Such consent may be proved by the production of a notice in the prescribed form to that effect, purporting to be signed by the chairman or the registrar, or the person for the time being discharging the duties of the chairman or the registrar.

47. In any proceedings in respect of any offence against this Act, not being an indictable offence, the defendant shall, in the absence of proof to the contrary, be deemed not to be registered.

Presumption
with respect
to registration.

48. All proceedings in respect of offences against this Act, not being indictable offences, shall be disposed of summarily.

Summary
proceedings
for offences.

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Ss. 49 and 50
repealed by
S.L.R. Act,
1934.

Regulations.

The following regulations were in force under this Act on 24th May, 1937:—

NOMINATION OF MEMBERS OF THE BOARD AND DUTIES OF REGISTRAR—

Gazette—7th February, 1924, p. 326.

RELATING TO APPLICATIONS FOR REGISTRATION—

Gazette—2nd February, 1922, p. 472.
9th February, 1922, p. 524.
21st December, 1922, p. 1560.

TRAINING AND EXAMINATION OF NURSES—

Gazette—5th October, 1922, p. 783.
7th February, 1924, p. 324.
10th July, 1924, p. 56.
12th March, 1925, p. 434.
20th August, 1931, p. 306.
17th December, 1931, p. 1116.
7th July, 1932, p. 1 (disallowed, *Gazette*, 13th
October, 1932, p. 744).
11th August, 1932, p. 238.

TRAINING AND EXAMINATION OF MIDWIVES—

Gazette—5th April, 1923, p. 773.
30th October, 1924, p. 1079.
24th September, 1931, p. 575.
6th September, 1934, p. 479.
4th June, 1936, p. 1134.

Regulations—continued.

PRACTICE OF MIDWIVES—

Gazette—7th February, 1924, p. 324.

RELATING TO THE WEARING OF BADGES—

Gazette—15th July, 1926, p. 84.

23rd August, 1928, p. 414.

FORM OF CONSENT TO LEGAL PROCEEDINGS—

Gazette—11th September, 1930, p. 531.