

NURSES AND MIDWIVES REGISTRATION ORDINANCE 1928-1957.*

1715

An Ordinance to provide for the Registration of Nurses and Midwives.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Nurses and Midwives Registration Ordinance 1928-1957*.* Short title.
Short title amended:
No. 17, 1938,
s. 4.
2. This Ordinance shall commence on a date to be fixed by the Government Resident by notice in the *Gazette*.† Commence-
ment.
3. This Ordinance is divided into parts as follows:— Parts.
 - Part I.—Preliminary.
 - Part II.—The Nurses Board.
 - Part III.—Registration and Qualifications of Nurses and Midwives.
 - Part IV.—Miscellaneous.

4. In this Ordinance, unless the contrary intention appears— Definitions.
Amended by
No. 5, 1952,
s. 2; and
No. 3, 1957,
s. 3.
 - “The Board” means the Nurses Board of North Australia constituted by this Ordinance;
 - “The Chairman” means the Chairman of the Board;
 - “The Chief Medical Officer” means the person appointed under the *Quarantine Act 1908-1950* to be the Chief Quarantine Officer (General), Northern Territory;
 - “Institution” means any hospital (whether public or private) and any maternity or lying-in hospital or home;

The *Nurses and Midwives Registration Ordinance 1928-1957* comprises the *Nurses and Midwives Registration Ordinance 1928* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in Commonwealth Gazette.	Date of Assent by Administrator.	Date of Commencement.
<i>Nurses and Midwives Registration Ordinance 1928</i>	No. 24, 1928	8th November, 1928	..	1st October, 1929
<i>Nurses and Midwives Registration Ordinance 1952</i>	No. 5, 1952	..	23rd January, 1952	23rd January, 1952
<i>Nurses and Midwives Registration Ordinance 1954</i>	No. 8, 1954	..	8th December, 1954	8th December, 1954
<i>Nurses and Midwives Registration Ordinance 1957</i>	No. 3, 1957	..	12th April, 1957	10th June, 1957

† The date fixed was 1st October, 1929—see table above.

- “Matron” means the person for the time being occupying the office or performing the duties of Matron at the Darwin Hospital, Northern Territory Division, Commonwealth Department of Health;
- “Medical Superintendent” means the person for the time being occupying the office or performing the duties of Medical Superintendent at the Darwin Hospital, Northern Territory Division, Commonwealth Department of Health;
- “Member” means a member of the Board;
- “The Midwives Register” means the Midwives Register kept in pursuance of this Ordinance;
- “Nurse” includes a male nurse, and for the purposes of any reference to a nurse, words importing the feminine gender shall include males;
- “The Nurses Register” means the Nurses Register kept in pursuance of this Ordinance;
- “Registered” means registered under this Ordinance and “registration” has a corresponding meaning;
- “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;
- “The Registrar” means the Registrar appointed under this Ordinance;
- “The Supreme Court” means the Supreme Court of North Australia;
- “Training school” means any institution approved by the Board under this Ordinance for the training of nurses, or midwives, whether for the whole or for portion only of the prescribed course of training.

PART II.—THE NURSES BOARD.

5.—(1.) A Board to be called “The Nurses Board of North Australia” is hereby constituted.

(2.) The Board shall consist of the Chief Medical Officer, the Medical Superintendent and the Matron.

6.—(1.) The Chief Medical Officer shall be the Chairman of the Board.

Constitution
of Nurses
Board.

Substituted by
No. 5, 1952,
s. 3.

Meetings of
Board.
Sub-section (1.)
substituted by
N. 5, 1952.
s. 4.

(2.) The Chairman of the Board shall preside at all meetings of the Board at which he is present, but in the event of the absence of the Chairman from a meeting of the Board the Medical Superintendent shall preside.

Substituted by
No. 5, 1952,
s. 4.

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

(4.) Two members present at a meeting shall constitute a quorum of the Board.

(5.) 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.

(6.) Meetings of the Board shall be convened by the Chairman.

7.—(1.) The Board shall appoint a Registrar for the purposes of this Ordinance.

Appointment
of Registrar.

(2.) The Registrar shall act under the control of the Board.

8. The Board shall have and may exercise and discharge the powers and duties conferred or imposed upon it by this Ordinance, and in particular the following powers and duties—

Powers and
duties of
Board.

- (a) to hold examinations (including preliminary entrance examinations), to appoint examiners, and decide upon their remuneration;
- (b) to decide upon the places where, and the times when, examinations are to be held;
- (c) to issue and cancel certificates of registration;
- (d) to approve of any institution as a training school, and at any time to cancel any such approval;
- (e) to publish periodically a list of the institutions approved by the Board as training schools;
- (f) to take proceedings against persons guilty of offences against this Ordinance; and
- (g) generally to do anything necessary for the due and proper carrying out of the provisions of this Ordinance.

9. 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 the provisions of

Liability in
respect of acts
of Board, &c.

this Ordinance, 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 person, or the Crown, to any liability in respect thereof.

Chief Medical Officer may order midwife to cease practising.

10.—(1.) The Chief Medical Officer may at any time, in any case where it appears necessary to him so to do in order to prevent the spread of disease, order—

(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 or until compliance with such instructions (to be specified in the order) as the Chief Medical Officer thinks fit.

(2.) The order shall be in writing, and notice of the making of the order may be given by post by registered letter.

(3.) Any person who whether registered as a midwife or not, acts as a midwife during any period specified in an order issued under this section, as the period during which that person shall refrain or cease from practising or acting as a midwife shall be guilty of an offence.

Penalty: Fifty pounds.

(4.) Upon making an order under this section the Chief Medical Officer shall immediately report the matter to the Board, and the Board may, if it thinks fit, on the application of the person concerned, annul or vary the order.

PART III.—REGISTRATION AND QUALIFICATIONS OF NURSES AND MIDWIVES.

Register of Nurses and Midwives.

11.—(1.) The Board shall cause to be kept by the Registrar—

(a) a register of nurses to be called “The Nurses Register”, and

(b) a register of midwives to be called “The Midwives Register”.

(2.) The Nurses Register and the Midwives Register shall be in such form and contain such particulars as are from time to time directed by the Board.

(3.) A person shall be registered—

(a) as a nurse—by the entering of the person's name and the particulars with respect to the person in the Nurses Register, and

- (b) as a midwife—by the entering of the person's name and the particulars with respect to the person in the Midwives Register.

12. Subject to section fifteen of this Ordinance, a person shall be qualified to be registered as a nurse who proves to the satisfaction of the Board—

Qualifications required by registered nurses.

- (a) that she has passed the prescribed examination or examinations held from time to time by examiners appointed under this Ordinance and has passed through the prescribed course of training; or
- (b) that she is the holder of a certificate of training as a nurse awarded by any institution or body approved by the Board for the purposes of this Part: 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 the institution or body for the awarding of a certificate is considered by the Board equal to the standard of training and of examination prescribed by the Board.

13.—(1.) Subject to section fifteen of this Ordinance, a person shall be qualified to be registered as a midwife who proves to the satisfaction of the Board—

Qualifications required by registered midwives.

- (a) that she has passed the prescribed examination held from time to time by examiners appointed under this Ordinance and has passed through the prescribed course of training; or
- (b) that she 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 Part: 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 the institution or body for the awarding of a certificate is considered by the Board equal to the standard of training and of examination prescribed by the Board; or
- (c) that she possesses the necessary competence, skill, and fitness for the practice of a midwife's calling, has attended under supervision approved by the Board, at least twenty cases of confinement, including the lying-in period, and has passed the examination directed by the Board in the case of such persons.

(2.) Application for registration by persons entitled to registration by virtue only of paragraph (c) of sub-section (1) of this section shall be made within twelve months from the commencement of this Ordinance.

Persons qualified in other countries may be registered.

14. Subject to section fifteen of this Ordinance, a person shall be qualified to be registered as a nurse or midwife who proves to the satisfaction of the Board that she—

- (a) has passed through a course of training and has passed an examination for qualification as a nurse or as a midwife, as the case may be, in some other part of the British Empire or in some other country, such course of training and examination being recognized by the Board as not lower in standard than that required in North Australia; and
- (b) is by law entitled to be registered, or to practise as a nurse or as a midwife, as the case may be, in that part or country.

Qualifications as to health.

15. A person shall not be registered under this Ordinance unless she proves to the satisfaction of the Board that she—

- (a) is of good character;
- (b) is over twenty-one years of age; and
- (c) is of sound health, or of such a state of health that no danger would be involved to her patients.

Proof to be submitted to Board.

16.—(1.) Any person desiring to be registered under this Ordinance shall submit to the Board proof of the qualifications upon which she relies.

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

(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 qualified to be registered, the Board may refuse the application or adjourn the application for further consideration.

17.—(1.) If a person who applies for registration is dissatisfied with the decision of the Board, she may, by motion to the Supreme Court, within three months of the giving of the decision, apply to that Court for an order directing the Board to register her.

Appeal to Supreme Court.

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

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Section 18 substituted by No. 5, 1952, s. 5; and repealed by No. 8, 1954, s. 2.

19. When a person becomes registered as a nurse or as a midwife the Registrar shall deliver to her a certificate of registration as a nurse or as a midwife, as the case may be.

Certificate of registration. Substituted by No. 5, 1952, s. 5.

20.—(1.) When a person has applied to be registered, the Chairman or, in his absence, any other member of the Board, upon being satisfied that the person is qualified to be registered, may grant to the person a provisional certificate of registration.

Provisional registration. Sub-section (1.) amended by No. 8, 1954, s. 3.

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

- (a) the date stated in the 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 the certificate:

Provided that if the Board, before the date so stated or fixed has reason to believe that the person is not qualified to be registered, it may, without prejudice to her application to be registered, cancel her provisional certificate, and the person shall thereupon cease to be deemed to be registered.

21.—(1.) The registration of any person as a nurse or as a midwife—

Suspension and cancellation of registration.

- (a) whose registration has been obtained by fraud or misrepresentation; or
- (b) whose qualifications for registration, or any part thereof, have been withdrawn or cancelled by the institution at which they were acquired or by the institution or body by which they were awarded; or

- (c) who, either before or after such registration, has been convicted of any felony or misdemeanor, or of any offence which, if committed in North Australia, would be a felony or misdemeanor; or
- (d) who is deemed by the Board to have been guilty of disgraceful conduct in any professional respect; or
- (e) who has been convicted of any offence against any regulation made by the Board with respect to the practice of nurses or midwives; or
- (f) who is an habitual drunkard; or
- (g) who has been adjudged insane;

may be cancelled or suspended by order of the Board, and upon the making of the order of cancellation, or during the period specified in the order of suspension, the person shall cease to be registered as a nurse or as a midwife, as the case may be.

(2.) In this section the term "disgraceful conduct in any professional respect" does not include any conduct which, either from its trivial nature or from the surrounding circumstances, does not in the public interest disqualify a person from practising her profession.

(3.) The Chief Medical Officer may investigate any charge of malpractice, negligence or misconduct on the part of any nurse or midwife and report thereon to the Board.

(4.) The cancellation or suspension of the registration of any person whose registration has been 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.

(5.) Before cancelling or suspending the registration of any person the Board shall—

- (a) give to the person, or post to her by registered letter, notice in writing of the complaint against her; and
- (b) hold full inquiry into the matter of the complaint and afford the person an opportunity of giving an explanation personally or in writing.

(6.) The provision of section sixteen of this Ordinance shall apply to the holding of an inquiry under this section in the same manner as if the inquiry were the hearing of an application for registration under that section.

(7.) If any person is dissatisfied with any decision of the Board under this section, the person may, by motion made within three months of the giving of the decision, apply to the Supreme Court for an order directing the Board to rescind or vary the 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 the appeal shall be final and conclusive.

22.—(1.) Any person whose registration as a nurse or as a 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 her under this Ordinance.

Surrender of certificates of registration.

Penalty: Twenty pounds.

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

23.—(1.) The Registrar shall from time to time erase from the Nurses Register or the Midwives Register, as the case may be, the names of any nurses or any midwives who have died, and shall make such alterations and amendments in those registers as the Board from time to time directs for the purpose of making them an accurate record of the names, addresses and qualifications of the nurses and midwives entitled to practise in North Australia.

Names to be erased from register in case of death, &c.

(2.) For the purposes of this section, the Registrar may post a notice to any nurse or midwife, addressed to her according to her address in the register, inquiring whether she has changed her place of address, and, if no answer is returned within six months after the posting thereof, the Board may cause the name of the person to be erased from the register.

24. The 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 fee fixed by the Board.

Inspection of registers.

PART IV.—MISCELLANEOUS.

25. A person registered under this Ordinance shall be entitled to sue in any Court of competent jurisdiction for the recovery of her fees or other remuneration for professional services of any kind; and no person other than a person so

Recovery of fees.

registered shall be entitled to sue or counter claim for or to set off or otherwise recover any charge or remuneration for any professional attendance or service as a nurse or midwife:

Provided that this section shall not apply to—

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

Unregistered nurses, &c., not to hold positions in certain institutions.

26. 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 or in any training school, any permanent appointment (whether honorary or otherwise)—

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

Penalty: Twenty pounds.

Unregistered persons not to act as midwives.

27. A person who is not registered as a midwife shall not practise or attempt to practise as a midwife or practise midwifery:

Provided that this section shall not apply to—

- (a) a legally qualified medical practitioner; or
- (b) any person rendering assistance in a 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 ten miles of the place where the woman so acts.

Penalty: Twenty pounds or imprisonment for three months.

Use fletters or words implying registration.

28. No person shall be entitled to take or use the name or title of registered nurse, or midwife (either alone or in combination with any other word or words or letters) or any name,

title, addition, or description implying that the person is a registered nurse or midwife or is recognized by law as a registered nurse or midwife unless the person is registered as a nurse or midwife.

Penalty: Twenty pounds.

29. 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—

Persons advertising or holding themselves out as being registered.

- (a) by having the same attached to or exhibited on, in, at, or near the 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, bill-head, receipt form, or invoice, or any document or paper used in connexion with any business, practice, or profession; or
- (c) in any other way whatsoever—
 - advertise or hold herself out as being, or pretend to be—
 - (i) a registered nurse, unless the person is registered as a nurse;
 - (ii) a midwife or a registered midwife, or a person qualified to practise as a midwife or practising midwifery, unless the person is registered as a midwife.

Penalty: Twenty pounds or imprisonment for three months.

30.—(1.) No person shall exhibit, or publish, or cause, permit, or suffer 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 connexion with any business, practice, or profession, or other advertisement of any kind whereby any person advertises or holds herself out contrary to the provisions of section twenty-nine of this Ordinance.

Exhibition or publication of advertisements, &c.

(2.) This section shall not apply to any newspaper or magazine proprietor or printer publishing any advertisement before the receipt of written notice from the Registrar that the publication of the advertisement is contrary to this section.

False
statements.**31** No person shall—

- (a) make or cause to be made any falsification in the Nurses Register or the Midwives Register, or in any matter relating to any of the said Registers; or
- (b) knowingly make 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) utter or put off, or attempt to utter or put off, as true before the Board any false, forged, or counterfeit certificate or other document or writing; or
- (d) procure or attempt to procure herself 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
- (e) falsely personate or represent herself as being the person referred to in any certificate, document, or writing presented to the Board, or in any certificate granted under this Ordinance.

Penalty: Imprisonment for three years.

Forgery, &c., of
certificates.**32.** No person shall—

- (a) fraudulently or by false representation obtain any certificate or registration under this Ordinance; or
- (b) forge, alter, or counterfeit any such certificate; or
- (c) utter or use, or attempt to utter or use, any such forged certificate knowing the same to have been forged; or
- (d) falsely advertise or publish herself as having obtained any such certificate, or as being registered under this Ordinance or permit any such advertisement or publication.

Penalty: Imprisonment for three years.

Institution of
proceedings.

33.—(1.) No proceedings in respect of any offence against this Ordinance, not being an indictable offence, shall be taken without the consent in writing of the Board.

(2.) The consent of the Board 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.

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

Onus of proof
of registration.

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

Regulations.
Amended by
No. 5, 1952,
s. 6.

- (a) prescribing fees payable under this Ordinance;
- (b) regulating the proceedings of the Board, and prescribing the duties of the Registrar and of the other officers of the Board;
- (c) prescribing standards and conditions with respect to the examination of candidates preliminary to entering upon courses of training;
- (d) prescribing standards and conditions with respect to the examinations to be passed by candidates for registration;
- (e) regulating the conduct of examinations;
- (f) prescribing the conditions to be complied with by any institution in order to be approved by the Board as a training school for the whole of the prescribed course of training;
- (g) prescribing the conditions to be complied with by any institution in order 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;
- (h) classifying institutions approved by the Board for the time being as training schools:

- (i) prescribing, and providing for the supervision of, the course 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 be less than three years;
 - (j) regulating applications for registration, and the issue and cancellation of certificates of registration;
 - (k) regulating, supervising, or restricting, insofar as it may be necessary in the interests of public health, the practice of nurses and midwives;
 - (l) prescribing the form of, and the particulars to be contained in, any order or notice under this Ordinance;
 - (m) prescribing the form of, and the particulars to be contained in, the Nurses Register and the Midwives Register;
 - (n) authorizing distinctive uniforms or badges, or both, as the uniforms and badges of registered nurses and registered midwives respectively;
 - (o) prescribing penalties for offences against the regulations, not exceeding in any case the sum of Twenty pounds.
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