



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 32 of 1964

An Act to amend the Nurses Registration Act,
1920-1963, and for other purposes.

[Assented to 22nd October, 1964.]

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

Short titles.

1. (1) This Act may be cited as the "Nurses Registration Act Amendment Act, 1964".

(2) The Nurses Registration Act, 1920-1963, as amended by this Act, may be cited as the "Nurses Registration Act, 1920-1964".

(3) The Nurses Registration Act, 1920-1963, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 3.

3. Section 3 of the principal Act is amended by inserting after the line "Part IIIB—Enrolment of Nurse Aides" therein the line "Part IIIC—Enrolment of Dental Nurses".

Amendment of
principal Act,
s. 4.

4. Section 4 of the principal Act is amended—

(a) by inserting therein after the definition of "chairman" the following definitions:—

“dental nurse” means a person who is for the time being enrolled as a dental nurse :

“dental nurses roll” means the dental nurses roll kept under this Act ;

and

- (b) by striking out the words “or nurse aides” in the definition of “training school” therein and inserting in lieu thereof the words “nurse aides or dental nurses”.

5. Section 17 of the principal Act is amended—

Amendment of
principal Act,
s. 17.

- (a) by striking out the words “or enrolled nurse aide” in paragraph (a) of subsection (1) thereof and inserting in lieu thereof the passage “, enrolled nurse aide or enrolled dental nurse” ;
- (b) by striking out the words “or nurse aide” (wherever occurring) in paragraphs (a) and (b) of subsection (1) and in subsection (3) thereof and inserting in lieu thereof in each case the passage “, nurse aide or dental nurse”.

6. Section 33f of the principal Act is amended—

Amendment of
principal Act,
s. 33f.

- (a) by inserting at the end of subsection (1) thereof the following proviso :—

Provided that the enrolment of any person as a mothercraft nurse who fails to pay a retention fee shall be deemed to be cancelled after the expiration of twelve months after the Board has given to such person by ordinary post notice in writing that such person has failed to pay such retention fee, unless during the said period of twelve months such person shall have paid such retention fee.

and

- (b) by striking out the proviso at the end of that section.

7. Section 33m of the principal Act is amended—

Amendment of
principal Act,
s. 33m.

- (a) by inserting at the end of subsection (1) thereof the following proviso :—

Provided that the enrolment of any person as a nurse aide who fails to pay a retention fee shall be deemed to be cancelled after the expiration of twelve months after the Board has given to such person by ordinary post notice in writing that such person has failed to pay such retention fee,

unless during the said period of twelve months
such person shall have paid such retention fee.

and

(b) by striking out the proviso at the end of that section.

Enactment of
Part IIIc of
principal Act—

8. The following Part is inserted in the principal Act after section 33n thereof and before the heading "PART IV. MISCELLANEOUS" :—

PART IIIc.

ENROLMENT OF DENTAL NURSES.

Roll of dental
nurses.

33na. (1) The board shall cause to be kept by the registrar a roll of dental nurses to be called "The Dental Nurses Roll".

(2) The dental nurses roll shall be in the prescribed form and contain the prescribed particulars.

(3) A person shall be enrolled as a dental nurse by the entering of such person's name and the prescribed particulars with respect to such person on the dental nurses roll.

Persons
entitled to
enrol.

33nb. (1) Every person shall be entitled to be enrolled as a dental nurse who proves to the satisfaction of the board that—

(a) such person has passed such examination and has undergone such course of training as are prescribed ; or

(b) in the case of a person who, upon the commencement of the Nurses Registration Act Amendment Act, 1964, was employed as a dental chairside assistant, such person—

(i) had been so employed for a period of three years ; or

(ii) had been so employed for a period of two years and had passed an examination approved by the board.

(2) Applications for enrolment by persons entitled to enrolment by virtue only of paragraph (b) of subsection (1) of this section shall be made within twelve months of the commencement of the Nurses Registration Act Amendment Act, 1964.

(3) Notwithstanding anything contained in this section the board may refuse to enrol a person as a dental nurse if such person has not at any time within the period of five years before the date of that person's application for enrolment been (or deemed under this Act to have been) enrolled as a nurse, until that person has satisfactorily completed such refresher course as the board shall require.

33nc. (1) Every person shall be entitled to be enrolled as a dental nurse who proves to the satisfaction of the board that such person has passed through a course of training and has passed an examination for a dental nurse in some other State or country, such course of training and examination being recognized by the board as not lower in standard than that required in this State: Provided that the board shall not be bound to recognize any course of training or any examination in any other State or country unless in such State or country a person enrolled under this Act is granted rights and advantages equal to those granted in such State or country to those persons who have passed through such course of training and have passed such an examination.

Enrolment of
persons
trained
outside the
State.

(2) Where a person has undergone outside the State training in dental nursing but is not entitled to be enrolled under the preceding provisions of this section the board may—

- (a) order that that person shall be entitled to be enrolled as a dental nurse after undergoing such supplementary training, if any, and passing such examinations, if any, as the board directs;
- (b) enrol any such person as a dental nurse upon compliance with the requirements of any order made under paragraph (a) of this subsection.

33nd. No person shall be enrolled unless such person proves to the satisfaction of the board that such person—

Conditions of
enrolment.

- (a) is of good character;
- (b) has attained the age of eighteen years;
- (c) is of sound health or of such a state of health that no danger would be involved to anyone attended by such person.

Enrolment.

33ne. The provisions of sections 23, 24, 25, 26, 27, 28, 31, 32, and 33 of this Act shall apply *mutatis mutandis* to the enrolment of dental nurses and for the said purpose the said sections shall be construed as if the words "enrolment", "roll", "to enrol", "dental nurse" and "dental nurses roll" were substituted for "registration", "register", "to register", "nurse", and "nurses register" respectively wherever they occur.

Cancellation of enrolment.

33nf. (1) The enrolment of any person as a dental nurse—

- (a) whose enrolment has been obtained by fraud or misrepresentation ; or
- (b) whose qualification for enrolment, 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 enrolment, 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) who has been convicted of any offence against any regulations made by the board with respect to the practice of dental nurses,

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 such person shall cease to be enrolled as a dental nurse : Provided that the enrolment of any person as a dental nurse who fails to pay a retention fee shall be deemed to be cancelled after the expiration of twelve months after the board has given to such person by ordinary post notice in writing that such person has failed to pay such retention fee, unless during the said period of twelve months such person shall have paid such retention fee.

(2) The cancellation or suspension of the enrolment of any person whose enrolment 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 enrolment of any person, the board shall—

(a) give to such person by post by registered letter notice in writing of the complaint against such person; 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 of this Act as affected by this Part shall apply to the holding of an inquiry under this section in the same manner as if such inquiry were the hearing for an application for enrolment.

(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.

33ng. (1) Any person whose enrolment as a dental nurse 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 enrolment 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.

Return of
certificates.

(2) The cancellation of any such person's enrolment as a dental nurse shall be effectual notwithstanding such person's failure to surrender the said certificates.

33nh. Notwithstanding anything in this Part, a person who is employed as a chairside dental assistant under the supervision of a registered dentist shall not be required to be enrolled as a dental nurse under this Part.

Chairside
dental
assistants.

9. Section 38 of the principal Act is amended by inserting therein after subsection (3b) thereof the following subsection :—

Amendment of
principal Act,
s. 38.

(3c) After the expiration of twelve months from the commencement of the Nurses Registration Act Amendment Act, 1964, no person shall be entitled to take or use the name or title of enrolled dental 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 an enrolled dental nurse or is recognized by law as an enrolled dental nurse unless such person is enrolled as a dental nurse.

Amendment of
principal Act,
s. 39.

10. Section 39 of the principal Act is amended by inserting after paragraph (e) of subsection (1) thereof the following word and paragraph :—

or

(f) an enrolled dental nurse unless such person is enrolled as a dental nurse.

Amendment of
principal Act,
s. 39a.

11. Subsection (2) of section 39a of the principal Act is struck out and the following subsection is inserted in lieu thereof :—

(2) In this section—

“nurse’s cap” means the cap commonly worn by trained nurses consisting of a piece of material so folded that when worn portion thereof hangs to or below the shoulder :

“person registered under this Act” does not include a person enrolled under this Act as a mothercraft nurse, as a nurse aide or as a dental nurse.

Amendment of
principal Act,
s. 40.

12. Section 40 of the principal Act is amended—

(a) by inserting after subdivision v of subsection (1) thereof the following word and subdivision :—

or

vi. an enrolled dental nurse unless such person is enrolled as a dental nurse ; and

(b) by inserting therein after subsection (1a) thereof the following subsection :—

(1b) For the purposes of subsection (1), a person shall not be taken to hold himself out as an enrolled dental nurse by reason only of being employed as a chairside dental assistant under the supervision of a registered dentist.

Amendment of
principal Act,
s. 42.

13. Section 42 of the principal Act is amended by striking out the words “or the nurse aides roll” in paragraph (a) thereof and inserting in lieu thereof the words “, the nurse aides roll or the dental nurses roll”.

14. Subsection (1) of section 44 of the principal Act is amended—

Amendment of
principal Act,
s. 44 (1).

(a) by inserting therein after paragraph vb thereof the following paragraph :—

vc. Prescribing conditions to be complied with and qualifications to be possessed by persons about to enter upon courses of training as dental nurses ;

(b) by striking out the words “and nurse aides” in paragraph xiv thereof and inserting in lieu thereof the passage “, nurse aides and dental nurses”;

(c) by striking out the words “and the nurse aides roll” in paragraph xvi thereof and inserting in lieu thereof the passage “, the nurse aides roll and the dental nurses roll” ;

(d) by striking out the words “and enrolled nurse aides” in paragraph xvii thereof and inserting in lieu thereof the passage “, enrolled nurse aides and enrolled dental nurses”.

15. The Nurses Registration Act Amendment Act, 1963, is amended by striking out from the schedule thereto the passage—

Amendment of
Nurses
Registration
Act Amend-
ment Act,
1963.

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Subsection (1)—Strike out “mental nurse” and insert “psychiatric nurse, mental deficiency nurse”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.