

No. 3307.

An Act to make provision with respect to the Training Qualifications and Registration of Nurses and for other purposes.

[18th December, 1923.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Nurses Registration Act* 1923 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Short title and commencement.

2. (1) In this Act if not inconsistent with the context or subject-matter—

Interpretation.

“Board” means the Nurses Board constituted under this Act. “Hospital”

“Board.”

"Hospital."
See No. 3041
s. 154.

"Medical
practitioner."

"Prescribed."

"Register."

"Registered
nurse."

"Regulations."

Nurses on
war service.

"Hospital" includes any private hospital within the meaning of the Health Acts.

"Medical practitioner" means a legally qualified medical practitioner.

"Prescribed" means prescribed by this Act or by the regulations.

"Register" means the Nurses Register under this Act.

"Registered nurse" means a nurse (whether male or female) who is for the time being registered in the register.

"Regulations" means regulations made under this Act.

(2) For the purposes of this Act a person shall be deemed to have been a nurse on war service who served whether in or outside Victoria as a nurse with His Majesty's naval or military forces or the naval or military forces of the Commonwealth during the war which commenced in the year One thousand nine hundred and fourteen.

As to registered
nurse in
midwifery
cases.

See No. 2773
s. 10.

No authority to
practise
medicine
pharmacy &c.

3. Nothing in this Act shall—

(a) entitle a registered nurse (unless duly registered under the Midwives Acts) to attend for gain women in childbirth whether under the direction of a medical practitioner or otherwise; or

(b) be considered as conferring any authority to practise medicine or surgery or pharmacy or to undertake the treatment or cure of disease:

Provided that where in any locality a hospital approved by the Midwives Board under the Midwives Acts for the training of midwives is not available any woman being a registered nurse may under the direction of a medical practitioner attend for gain women in childbirth; and upon production to the said Board of a certificate or certificates from any medical practitioner or practitioners showing that in any such locality or localities she has under the direction of a medical practitioner attended in childbirth not less than fifty women and has in the presence of a medical practitioner personally conducted not less than twenty cases of childbirth, and upon passing such examination as is prescribed under the said Acts, shall be entitled to be registered as a midwife under the said Acts notwithstanding anything to the contrary therein.

4. (1) For

4. (1) For the purposes of this Act the Governor in Council may appoint a Board (to be called the Nurses Board) constituted as herein provided and consisting of seven members and may at any time remove any member of the Board.

Nurses Board.
Comp. No. 2773
s. 4.

(2) No person shall be appointed a member of the Board for more than three years but (subject to this Act) any person appointed a member of the Board shall upon the expiration of the period for which such person is so appointed be eligible for re-appointment.

Tenure of
members.

(3) The Board shall consist of—

Membership of
Board.

- (a) one person who shall be nominated by the Minister but who shall not be a member of the medical profession ;
- (b) one medical practitioner who is a member of the medical staff of a hospital being a general training school for nurses and is nominated by some association or organized body of medical practitioners which is recognised for the purposes of this paragraph by the Minister ;
- (c) two registered nurses or (in the case of the first appointment of members of the Board) trained nurses nominated by such associations or organized bodies of nurses as are recognised for the purposes of this paragraph by the Minister, and one of such nurses shall be or have been a matron in a hospital being a general training school for nurses ;
- (d) one person (other than a person who is being trained as a nurse) appointed as representing persons who are being trained as nurses ; and
- (e) two persons (other than medical practitioners) appointed as representing hospitals being general training schools for nurses (one of whom shall be appointed as representing country hospitals).

(4) The Governor in Council may appoint one of the members of the Board to be the chairman thereof and may from time to time remove the chairman.

Chairman.

(5) If at any time any association or body aforesaid fails neglects or refuses to nominate any person for appointment to the Board the Governor in Council may
without

without nomination appoint any person to be a member of the Board, and the person so appointed shall for all purposes be deemed to have been duly appointed.

Vacating office.

(6) If any member of the Board is absent without permission of the Board from four consecutive meetings or becomes insolvent or compounds with his creditors or is convicted of any indictable offence or becomes insane or is removed or resigns or dies his seat shall thereupon become vacant and every such vacancy shall be deemed to be an extraordinary vacancy.

Filling vacancies.

(7) On the occurrence of any vacancy in the Board the Governor in Council may subject to this Act appoint another eligible person to fill the vacancy; and any person appointed to fill an extraordinary vacancy shall hold office only for the remainder of the term for which his predecessor was appointed.

Acts of Board during vacancies.

(8) During any vacancy in the Board the continuing members, subject to there being a quorum, may act as if no vacancy existed.

Quorum.

(9) A quorum of the Board shall consist of not less than four members.

Who to preside.

(10) At any meeting of the Board the chairman or in his absence any member elected by the members present to act as chairman of such meeting shall preside and have a second or casting vote.

Where equality of votes at election of chairman.

(11) If at any election of a chairman there is an equality of votes it shall be decided by lot which of the members obtaining an equal number of votes shall be such chairman.

Time and place of meeting.

(12) The members first appointed or the major part of them shall hold their first meeting on such day and at such time and place as the Minister appoints in that behalf and thereafter the Board shall meet at such times and places as the Board decides.

Powers of Board.

5. Subject to this Act the Board may—

- (a) hold examinations and appoint examiners ;
- (b) decide upon the places where and the times when the examinations are to be held ;
- (c) issue a certificate of registration to any person registered under this Act ;
- (d) issue

- (d) issue a special certificate to any person registered under this Act who—
- (i) has undergone (whether before or after registration) a prescribed course of training in nursing with respect to gynæcological work or in nursing cases of diseases of the eye or ear or in nursing cases of infectious diseases or tubercular diseases or in any other special branch of nursing and passed the examination prescribed in relation thereto : or
 - (ii) at the commencement of this Act had undergone or was undergoing a course of training with respect to any of the aforesaid special branches of nursing if the Board at the date of the application for the special certificate is satisfied (whether by examination or otherwise) as to the adequacy of the training and the competence of the nurse in such special branch of nursing ;
- (e) cancel certificates or special certificates ;
- (f) suspend any registered nurse from the privileges conferred by registration under this Act or remove from the register the name of any nurse for disobeying this Act or the regulations or for any cause prescribed by the regulations ;
- (g) annul such suspension or removal and restore to the register the name of any nurse so removed ;
- (h) approve for the purposes of this Act any hospital as a general training school or as a part-time training school for nurses or for courses in special branches of nursing and cancel any such approval ;
- (i) determine for the purposes of this Act whether any course of training for nurses at any hospital where courses in special branches of nursing are provided may or may not be deemed part of the general course of training for such nurses ;
- (j) take proceedings for offences against this Act ;
and
- (k) generally

(k) generally, do all such acts matters and things as are necessary to carry out the provisions of this Act.

Appointment of officers.

6. The Board, subject to the approval of the Governor in Council—

(a) may appoint a registrar and such clerks and servants as are necessary for the purposes of the Board ;

(b) may pay to any person so appointed such salary or remuneration as the Board thinks fit ; and

(c) may remove any person so appointed.

Register of nurses.

7. (1) The Board shall cause to be kept a register of nurses (to be called the "Nurses Register") which shall be in the prescribed form and contain the prescribed particulars.

Register to be gazetted when directed by Minister.

Comp. No. 2644 s. 104 ; No. 2770 s. 2.

(2) The Board shall in the month of January One thousand nine hundred and twenty-five cause a copy of the register corrected to the thirty-first day of December then last past to be published in the *Government Gazette* and thereafter in the month of January in every year in which the Minister so directs cause a copy of the register corrected to the thirty-first day of December then last past to be published in the *Government Gazette*.

Supplementary lists.

(3) In the month of January in every year in which a copy of the register is not published after the year One thousand nine hundred and twenty-five a supplementary list showing all alterations additions revisions and removals made in the register during the preceding twelve months shall be published in the *Government Gazette*.

Published copies and lists to be read together.

(4) Every supplementary list so published shall be deemed to be part of the last published copy of the register and such last published copy shall be read and construed as subject to every such list.

Evidence.

(5) Any copy of the register published as aforesaid shall be *primâ facie* evidence that the persons specified therein as registered are or were registered under this Act and the absence of the name of any person from such published copy shall be *primâ facie* evidence that such person is not or was not registered under this Act (as the case may be).

Comp. No. 2644 s. 105 ; 9 & 10 Geo. V. c. 94 s. 2 (8).

(6) A certificate that any person is or was at any date or is not or was not at any date duly registered under this Act shall if signed by the registrar be *primâ facie* evidence of the fact stated in the certificate.

8. Any

8. Any person who within three years after the commencement of this Act or (in the case of a person who has been a nurse on war service) at any time applies to be registered as a nurse under this Act shall be so registered if such person—

Provision for existing nurses and trainees.

- (a) is at the commencement of this Act registered as a trained nurse by the association known as the Royal Victorian Trained Nurses Association; or
- (b) (i) produces evidence satisfactory to the Board that at the commencement of this Act such person had been for at least three years in Victoria or in any other part of the Commonwealth of Australia or in the Dominion of New Zealand or in any two or more of such places *bonâ fide* engaged in practice as a nurse; and
(ii) if considered necessary by the Board, has passed such examination as the Board requires; or
- (c) was at the commencement of this Act being trained as a nurse at some hospital approved by the Board and at the date of application has at that or some other hospital approved by the Board completed the prescribed period of training and has passed such examination as the Board prescribes; or
- (d) was at the commencement of this Act being trained as a nurse at a public hospital under a then existing agreement and at the date of application has at that hospital completed the course of training provided for under the agreement (not being for a period of less than three years) and passes such examination as the Board prescribes.

9. Any person who applies to be registered as a nurse under this Act shall be entitled to be so registered if such person has completed the prescribed course of training for the prescribed period in a hospital or hospitals approved by the Board and has passed such examination as the Board prescribes.

Registration of other nurses.

10. (1) The

Length of periods of training to be according to efficiency of training and number of beds provided in hospitals.

10. (1) The periods of the courses of training for qualification as registered nurses may vary for different classes of hospitals in accordance with the efficiency of the training provided at such hospitals and the number of beds provided for patients thereat, but no such period shall be less than three years.

(2) Where the average number of occupied beds at a hospital is not less than forty the period of the course of training thereat shall be three years.

(3) Where the average number of occupied beds at a hospital is less than forty the period of the course of training thereat shall be such longer period (not exceeding five years) as in any particular case the Board thinks reasonable: Provided that in country hospitals where the average number of occupied beds is sixteen or more than sixteen the period of the course of training shall not exceed four years and six months.

(4) Where a trainee is trained partly at a hospital referred to in sub-section (2) hereof and partly at a hospital referred to in sub-section (3) hereof the period of training shall be such a period not exceeding five years as the Board thinks reasonable.

Approved hospitals to provide prescribed training for prescribed period.

11. (1) The Board shall not for the purposes of this Act approve any hospital as a general training school for nurses unless it is satisfied that there is provided thereat the prescribed course of training for the prescribed period.

(2) The approval as aforesaid of a hospital as a general training school for nurses shall be subject to the condition that no person other than a registered nurse shall (except in cases of emergency) hold any appointment therein, whether honorary or other, as the matron or sister or nurse in charge of the nursing of patients.

Registration of certain nurses with naval or military service as nurses &c.

12. Notwithstanding anything in this Act any person having been a nurse on war service who applies to be registered as a nurse under this Act shall on payment of the prescribed fees be so registered if such person is at least twenty-one years of age and is of good character and is in such a state of health that no danger would be involved to the patients of such person and—

(a) has received such training in nursing for the prescribed period as the Board considers sufficient and

and (if the Board so directs in any particular case) passes such examination as the Board requires; or

- (b) completes to the satisfaction of the Board such supplementary course of training in nursing so as to complete the prescribed period of training as the Board directs and passes such examination as the Board requires.

13. Any person who produces evidence satisfactory to the Board of having been trained and registered or certificated as a nurse in any other part of His Majesty's dominions in which any law providing for the training and registration or certification of nurses under a public authority is now or hereafter in force and which on reciprocal terms admits to its register or roll nurses registered under this Act or grants certificates to nurses so registered may be registered under this Act:

Reciprocal
treatment of
nurses
registered &c.
elsewhere in
British
dominions.

Provided that the standard of training and examination under any such law is in the opinion of the Board substantially equivalent to the standard of training and examination prescribed pursuant to this Act.

14. No person shall be registered as a nurse under this Act unless the Board is satisfied that such person is at least twenty-one years of age and is of good character and is in such a state of health that no danger would be involved to the patients of such person and unless such person has paid the prescribed fees.

Age &c. of
applicants.

15. On application to the Board in the prescribed form every person who has been registered as a nurse shall be entitled to receive a prescribed badge and a written authority to wear a prescribed distinctive head-dress, and every registered nurse who holds a special certificate under this Act with respect to any special branch of nursing shall be entitled to receive a prescribed special badge in respect of any such certificate on payment of a reasonable sum (not exceeding the actual cost) therefor, and in the case of the loss or destruction of any such badge may if the Board approves receive another badge on payment of the cost thereof.

Badges.

16. When

Certificate of training.

16. When any person has completed—

- (a) the prescribed period of training or any part of such period under the prescribed curriculum as a nurse at any hospital approved by the Board for the purposes of this Act ; or
- (b) the prescribed course of training or any part of such course in any special branch of nursing at any such hospital—

the managers or committee of such hospital shall cause a certificate to that effect to be issued to such person.

Fees and expenses.

17. (1) There shall be paid to the Board by every candidate for examination or applicant for registration or for restoration of a name to the register after removal therefrom or for any certificate such fees as are prescribed.

(2) Such fees shall not exceed—

- (a) for any examination : One guinea ;
- (b) for registration : Five shillings ;
- (c) for restoration of a name to the register after removal therefrom (otherwise than for default in payment of any annual fee) : Ten shillings ; and
- (d) for any certificate : Five shillings.

(3) There shall also be paid to the Board during the month of December in each year by every registered nurse a fee of Two shillings and sixpence ; and if any nurse in any year makes default in paying such fee the name of such nurse may be removed from the register ; but if the nurse gives a satisfactory explanation of such default the name of the nurse shall be restored to the register on payment of such fee (if any) not exceeding Ten shillings as the Board directs.

(4) All fees and penalties paid or recovered under this Act shall be paid to the Board.

(5) The Board shall apply such fees and penalties to the payment of expenses connected with examinations and to the general expenses of the Board in carrying this Act into execution.

18. (1) After

18. (1) After the commencement of this Act no person—

Unregistered
persons &c.

(a) shall be entitled to or shall take or use (either alone or in combination with any other word or words or letters) the name or title of registered nurse or registered trained nurse or any name title addition or description implying that such person is registered under this Act or is recognised by law as a registered nurse or a registered trained nurse; or

(b) shall wear or use any prescribed badge or any prescribed distinctive head-dress—

unless such person is registered as a nurse under this Act.

(2) After the commencement of this Act no person shall be entitled to or shall wear or use any prescribed special badge unless such person, being a registered nurse, holds a special certificate with respect to the special branch of nursing in respect of which the special certificate has been issued to such person.

(3) Any person who knowingly takes or uses any such name or title or addition or description or wears or uses any such badge or special badge or prescribed distinctive head-dress in contravention of this section shall be liable to a penalty of not more than Twenty pounds.

Penalties.

(4) The provisions of this section shall to the extent prescribed apply to any registered nurse during suspension as if such nurse were not registered under this Act, and in addition to any penalty for a contravention of this section the name of such nurse may upon any such contravention be removed by the Board from the register.

Registered
nurses
during
suspension.

19. Any person—

(a) who procures or attempts to procure registration or any certificate or special certificate or any badge or special badge or any written authority to wear a prescribed distinctive head-dress under this Act by making or producing or causing to be made or produced any false and fraudulent declaration certificate application or representation whether in writing or otherwise; or

Penalties for
obtaining
certificate &c.
by false
representation
and for
falsification of
register.

(b) who

(b) who wilfully makes or causes to be made any falsification in or in any manner relating to the register—

shall be guilty of a misdemeanour and shall be liable to be imprisoned for any term of not more than twelve months.

Cancellation of registration for fraud or on other grounds.
Comp. No. 3254
s. 12.

20. (1) The Board may by order suspend from the privileges conferred by registration under this Act any registered nurse or cause to be removed from the register the name of any registered nurse—

- (a) whose registration has been obtained by fraud or misrepresentation ;
- (b) whose qualification for registration or any part thereof has been (otherwise than for non-payment of a fee) withdrawn or cancelled by the public authority through which it was acquired or by which it was awarded ;
- (c) who, whether before or after such registration, has been convicted of any felony or misdemeanour or of any offence which if committed in Victoria would be a felony or misdemeanour ;
- (d) who has been convicted of any offence against this Act or any regulation ; or
- (e) whose registration may be suspended or whose name may be removed from the register for any cause prescribed by the regulations—

and during the period specified in the order of suspension or upon the making of the order of removal such person shall cease to have the privileges of registration under this Act.

(2) The suspension of the registration of any person or the removal of the name of any person from the register may at any time and for such reason as the Board thinks fit by order of the Board be annulled.

(3) Before suspending any nurse from the privileges conferred by registration under this Act or removing the name of any person from the register for disobeying this Act or the regulations or for any cause prescribed by the regulations the Board shall—

- (a) send to such person by post by registered letter notice in writing of the complaint against such person ; and

(b) afford

Notice to be given to nurse before suspension or removal from register.

(b) afford such person an opportunity of giving an explanation personally or in writing.

(4) Before ordering the removal of the name of any person from the register for disobeying this Act or the regulations or for any cause prescribed by the regulations the Board shall hold full inquiry into the matter of the complaint.

Full inquiry
before removal
from register.

21. The Board shall for the purpose of conducting any investigation or inquiry authorized to be made under this Act have all the powers conferred by sections fourteen to sixteen of the *Evidence Act* 1915 upon a Board appointed by the Governor in Council.

Powers
conferred on
Board in
conducting
investigations
No. 2647
ss. 14-16.

22. (1) Any person whose name is ordered to be removed from the register shall within fourteen days from the notification to such person of the order surrender to the Board every certificate and special certificate and every badge and special badge and every written authority to wear a prescribed distinctive head-dress issued to such person under this Act.

Return of
certificates &c.

(2) On failure to do so such person shall be liable to a penalty of not more than Twenty pounds.

(3) The removal of the name of any such person from the register shall be effectual notwithstanding such failure to surrender the certificate or special certificate or badge or special badge or written authority.

23. (1) Any person who feels aggrieved by any decision of the Board in removing the name of such person from the register or in refusing to register such person may appeal therefrom to a police magistrate within three months after the notification of such decision to such person.

Appeal from
decision of
Board.
Comp. No. 2773
s. 18.

(2) Such police magistrate shall entertain inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction; and his decision shall be final and without appeal.

Procedure &c.
1b.

24. (1) Save as otherwise expressly provided any registered nurse who —

Penalty for
disobedience of
order of Board
or breach of
regulation.
1b. s. 24

(a) fails neglects or refuses to comply with any lawful order or direction of the Board made pursuant to this Act or any regulation; or

(b) is

(b) is guilty of a contravention of any regulation— shall be liable to a penalty of not more than Twenty pounds.

Penalty for breach of Act not otherwise provided for.

(2) Any person wilfully guilty of a contravention of any provision of this Act for which no penalty is expressly provided shall be liable to a penalty of not more than Twenty pounds.

Proceedings under this Act. Comp. No. 2773 s. 29.

25. Any proceedings under this Act may be taken by any person authorized by the Board either generally or in any particular case; and in any such proceedings no proof shall until evidence is given to the contrary be required of any such authority having been given by the Board.

Annual statement audit and report. Ib. s. 16 (4).

26. (1) The Board shall as soon as practicable after the thirtieth day of June in each year prepare a financial statement made up to that date showing the receipts and expenditure (including liabilities of the Board) during the preceding twelve months which statement shall be inspected and reported upon as provided under the Audit Acts for the inspection of and reporting upon the books and accounts of persons in the public service and the Board shall pay for any such inspection and report such amount as the Treasurer of Victoria thinks fit.

(2) The Board shall—

- (a) submit a copy of the statement so audited to the Minister who shall cause the same to be published in the *Government Gazette*; and
- (b) present to the Minister on or before the thirtieth day of September in each year a report of its proceedings under this Act up to the preceding thirtieth day of June.

Premiums for trainees prohibited.

27. No premium shall be demanded or paid as a condition of being wholly or partly trained as a nurse in any hospital in receipt of aid from the State.

Power to make regulations.

28. (1) The Board with the approval of the Governor in Council may make regulations—

- (a) regulating the issue of certificates of registration as nurses and the conditions of admission to the register; and regulating the issue of special certificates under this Act to registered nurses in respect of courses of training in special branches of nursing;
- (b) prescribing

- (b) prescribing standards and conditions with respect to examinations and the conduct of examinations and the remuneration of the examiners and any matters ancillary to or connected with such examinations ;
- (c) prescribing conditions (including conditions as to right of priority) for the admission of persons desiring to enter on courses of training in hospitals in receipt of aid from the State approved as general training schools for nurses ;
- (d) prescribing the educational qualifications required to be possessed by persons desiring to enter on courses of training for qualification as registered nurses ;
- (e) prescribing the course of training for qualification as registered nurses (the periods of which may vary as provided in this Act for different classes of hospitals according to efficiency of the training provided at such hospitals and the number of beds provided for patients thereat) and with respect to special branches of nursing ; and, in regard to such special branches, prescribing the periods of the courses of training which may be for any period not exceeding six months ;
- (f) prescribing the kinds of badges and special badges to be issued to registered nurses and the distinctive head-dress for registered nurses and regulating the issue of such badges and special badges ;
- (g) regulating the admission to the register of persons who at the commencement of this Act are already in practice as trained nurses or are being trained as nurses or of persons complying with the provisions of this Act who have been nurses on war service ;
- (h) regulating supervising and restricting within due limits the practice of registered nurses ;
- (i) prescribing the causes for which the conditions under which and the manner in which registered nurses may be suspended from the privileges conferred by registration under this Act or the names

Comp. 9 & 10
Geo. V. c. 94
s. 3.

names of registered nurses may be removed from the register and the procedure for the annulment of any order for suspension or removal and for the restoration to the register of the names of nurses removed therefrom ;

(j) prescribing the particulars required to be given in any notice under this Act ;

(k) prescribing the form of and the particulars to be contained in the register ;

(l) prescribing reasonable fees not exceeding in any case the amount (if any) specified in this Act in respect of such case to be paid by candidates for examinations or by applicants for registration or for restoration of names to the register after removal therefrom (otherwise than for default in payment of any annual fee), or for certificates ; and

(m) generally, for or in respect of any matter or thing required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying this Act into effect.

Publication of regulations.

(2) All such regulations when approved by the Governor in Council shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Power of Governor in Council to revoke regulations.

(3) Any regulation may (without prejudice to any other method of revocation) be revoked by Order of the Governor in Council.