

## NURSES REGISTRATION.

8° GEO. VI., No. XIV.

---

No. 14 of 1944.

**AN ACT** to make provision for registration of Midwifery Nurses under the Nurses Registration Act, 1921-1937, instead of Part XII of the Health Act, 1911-1942 ; to amend the Nurses Registration Act, 1921-1937, and Part XII of the Health Act, 1911-1942, accordingly ; to make provision for registration of mental nurses and for other incidental purposes.

[Assented to 8th December, 1944.]

**BE** it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Nurses Registration Act Amendment Act, 1944*, and shall be read as one with the Nurses Registration Act, 1921-1937 (No. 7 of 1922 as reprinted with amendments up to and including the Act No. 32 of 1939 pursuant to the Amendments Incorporation Act, 1938, in Volume 2 of the Reprinted Acts of the Parliament of Western Australia), hereinafter referred to as the principal Act. Short title.

New sections.

2. Sections are inserted in the principal Act after section one as follows:—

Administration.

1A. This Act shall be administered by the Minister for Public Health.

Interpretation.

1B. In this Act, unless the context requires otherwise—

“Board” means the Nurses Registration Board established under this Act.

“Mental Nurse” means a nurse qualified to engage in nursing persons who are insane or mentally infirm and those declared to be in need of nervous treatment.

“Midwifery Nurse” means a midwife or other female practitioner of obstetrics registered under this Act, and “Midwifery nursing” has a corresponding meaning.

Amendment of s. 2 of principal Act.

3. (1) Subject to subsection (2) of this section section two of the principal Act is amended as follows:—

(a) by deleting subsection (2) and inserting in lieu thereof a subsection as follows:—

(2) The Board shall consist of nine members to be appointed by the Governor.

(b) by deleting from subsection (3) the words “principal medical officer” and inserting in lieu thereof the words “Commissioner of Public Health.”

(c) by deleting subsection (4) and inserting in lieu thereof a subsection as follows:—

(4) (a) The other members shall be—

(i) The Inspector General of the Insane *ex officio*.

(ii) Two medical practitioners, one of whom is practising as an obstetrician, nominated by the British Medical Association.

(iii) Two senior registered nurses on the staff of a nursing training school or hospital in active practice as such, one of whom shall be trained and experienced in midwifery nursing and infant welfare nursing.

(iv) A general trained nurse, a mental nurse, and a midwifery nurse who are registered in accordance with the requirements of this Act and who are nominated respectively by the general trained nurses, by the mental nurses, and by the midwifery nurses who are also registered as aforesaid.

(b) Nominations of persons for appointment as nominated members of the Board shall be made in the manner prescribed.

(d) By deleting subsection (5) and inserting therein a subsection as follows:—

(5) The members of the Board, other than the two *ex officio* members, shall each of them hold office for such term not exceeding three years from the date of his or her appointment as the Governor shall when making the appointment determine, and in determining the terms of office of the members first appointed under this section after the commencement of this subsection the Governor may fix varying terms of office in relation to the said members respectively with a view to creating a rotation for the retirement of members of the Board.

(2) The Nurses Registration Board as established and constituted under the principal Act at the time of the commencement of this section, and the Midwives Registration Board as established and constituted under the Health Act, 1911-1942, at the time of the commencement of this section shall continue in operation and exercise and perform their respective powers and functions until the members to constitute the Nurses Registration Board are appointed under section two of the principal Act as amended by subsection (1) of this section.

4. Section three of the principal Act is amended as follows:—

Amendment of  
s. 3 of principal  
Act.

(a) by deleting from subsection (1) the word “three” in line six of the subsection and inserting in lieu thereof the word “five.”

(b) by adding to subsection (1) further paragraphs as follows:—

(d) the names of those nurses who are qualified under the provisions of this Act as mental nurses;

(e) the names of those nurses who are qualified under the provisions of this Act as midwifery nurses.

(c) by inserting after subsection (1) a subsection as follows:—

(1a) Notwithstanding anything to the contrary contained in this Act:—

(a) Every mental nurse, who at the time of the commencement of this subsection holds a certificate for mental nursing issued to her prior to the commencement of this subsection under the regulations made under the Lunacy Act, 1920, shall be deemed to be qualified under this Act as a mental nurse, and, upon application in writing signed by her and made within two years after the date of the commencement of this subsection, shall be registered as such under the provisions of this section; and

(b) Every midwifery nurse, who at the time of the commencement of this subsection, is registered as such under the provisions of Part XII. of the Health Act, 1911-1942, shall be deemed to be qualified under the provisions of this Act as a midwifery nurse, and without any application by her, shall be registered as such under the provisions of this section.

Provided that such registration as aforesaid shall be the first registration of such mental nurse or midwifery nurse (as the case may be)

within the meaning and for the purposes of section eleven of this Act and that section shall apply accordingly.

- (d) by adding to the section after subsection (3) a subsection as follows:—

(4) Any copy of the register published in accordance with subsection three hereof shall be *prima facie* evidence in all courts that the persons therein named are registered according to the provisions of this Act; and the absence of the name of any person from such copy of the register shall be *prima facie* evidence in all courts that such person is not registered according to the provisions of this Act.

Provided that in case the name of any person who is registered according to the provisions of this Act is inadvertently omitted from any copy of the register published as aforesaid, a certified copy under the hand of the Secretary of the Board of the entry of the name of such person in the register shall be evidence in all courts that such person is registered under the provisions of this Act.

5. A section is inserted in the principal Act after section four as follows:— New section.

- 4A. (1) Every registered nurse shall give to the Board in writing notice of any change of her address from that appearing as her address in the register as soon as reasonably may be after such change of address occurs. Registered nurses to notify Board of change of address.
- (2) Where it appears to the Board that a registered nurse has changed her address and by reason of her failure to notify the Board thereof any notice or other written communication from the Board addressed and duly posted to her at her last address appearing in the register has not been received by her within a period of two months from the posting thereof, the Board may cause the name of such nurse to be erased from the register.

- (3) Where the name of a nurse has been erased from the register under the authority of subsection (2) of this section, such nurse may make a fresh application for registration and subject to the regulations and as hereinafter provided the Board may grant such registration.

Provided that if the qualification in respect of which such nurse claims such registration is such that her original application for registration based thereon had to be made within a limited time as prescribed by this Act or the regulations under this Act, or, in the case of a midwifery nurse registered prior to the commencement of this section as a midwifery nurse under Part XII. of the Health Act, 1911-1942, within a limited time as prescribed by the Health Act, 1911-1942, or the regulations under that Act, then the time within which the fresh application for registration mentioned in this section shall be made shall be the like period of time calculated from the date when notification is posted by the Board to such nurse that her name has been erased from the register as aforesaid.

Amendment of  
s. 5 of prin-  
cipal Act.

6. Section five of the principal Act is amended by inserting therein after subsection (5) new subsections as follows:—

(5a) Every person who has attained the age of twenty-one years and has completed the prescribed course of training and has passed the prescribed examination shall be entitled to be registered as a mental nurse in that division of the register which relates to mental nurses, on payment of the prescribed fee.

(5b) Subject as hereinafter provided, every person who has attained the age of twenty-one years, has completed the prescribed course of training (which shall extend over a period of at least eighteen months), has produced evidence of having attended and taken part in a prescribed number of cases, and has passed the prescribed examination shall be entitled to be registered as a midwifery nurse in that division of the register, which relates to midwifery nurses on payment of the prescribed fee.

Provided that where an applicant for registration as a midwifery nurse satisfies the Board that she has attained the age of twenty-one years, has had three years' general training as a nurse in an approved institution and holds a certificate based thereon, and in addition has completed a period of nine months' training in midwifery nursing in an approved institution, the Board may, subject to the regulations, grant such registration notwithstanding that the applicant has not complied in all respects with the requirements of this subsection.

7. Section six of the principal Act is amended by deleting from subsection (3) thereof the word and figure "and (5)" in line three of the said subsection and inserting in lieu thereof the word and figures "(5), (5a), and (5b)."

Amendment of  
s. 6 of prin-  
cipal Act.

8. A section is inserted in the principal Act after section ten as follows:—

New section.

10A. (1) If the Board is of the opinion that a registered midwifery nurse is incompetent or incapable of acting efficiently as a midwifery nurse or where a midwifery nurse is convicted of a breach of any regulation made under Part XII of the Health Act, 1911-1942, the Board may direct her name to be erased from the register.

Registration of  
midwifery  
nurse may be  
cancelled for  
incompetence,  
etc.

(2) Where the name of a midwifery nurse has been erased from the register under the authority of subsection (1) of this section, the Board may at any time thereafter either of its own motion or upon the application of the midwifery nurse restore the name of such midwifery nurse to the register.

9. A section is inserted in the principal Act after section eleven as follows:—

New section.

11A. (1) When the Board—

- (a) Refuses to register or re-register a person as a nurse; or
- (b) Causes the name of a registered nurse to be erased from the register; or

Appeal  
against  
decision of  
Board.

- (c) Refuses to restore to the register the name of a person whose name has been erased from the register—

the person aggrieved by the decision of the Board may, within three months after the date of such decision and in accordance with the regulations, appeal against such decision to a Judge of the Supreme Court sitting in Chambers.

(2) On the hearing of the appeal the Judge may affirm the decision appealed against, or may allow the appeal, and make such order, including an order as to costs, as in the circumstances he may think just.

Amendment of s. 13 of principal Act.

10. Section thirteen of the principal Act is amended by adding after the word "Act" at the end of line two of subsection (1) the words "as a general trained nurse."

New sections.

11. Sections are inserted in the principal Act after section fifteen as follows:—

Health Inspectors authorised to prosecute.

15A. Any inspector appointed under section eleven of the Health Act, 1911-1942, and any person authorised by section twelve of the said Act to exercise and perform the powers and functions of an inspector under that Act may institute and carry on proceedings against any person for any alleged offence against this Act or for the breach of any regulations under this Act.

Offences to be dealt with summarily.

15B. Proceedings for any offence against this Act or for the breach of any regulation under this Act shall be disposed of summarily by Justices under the Justices Act, 1902-1936.

Amendment of Part XII of the Health Act, 1911-1942.

12. (1) Subject to subsection (2) of this section Part XII of the Health Act, 1911-1942 (No. 34 of 1911 as reprinted pursuant to the Amendments Incorporation Act, 1938, in Volume 1 of the Reprinted Acts of the Parliament of Western Australia and amended by the Act No. 34 of 1942), is amended as follows:—

Amendment of s. 302, repeal and new section.

- (a) Section three hundred and two is repealed and a section is inserted in lieu thereof as follows:—



302. In this Part, unless the context requires otherwise—

Interpretation.

“Nurses Registration Act” means the Nurses Registration Act, 1911-1944.

“Nurses Registration Board” means the Nurses Registration Board established under the Nurses Registration Act.

(b) Section three hundred and three is repealed and a section is inserted in lieu thereof as follows:—

Amendment of s. 303, repeal and new section.

303. From and after the commencement of this section—

Only registered midwifery nurses to practise.

(1) A person shall not be entitled to take or use the name or title of midwife or midwifery nurse or to keep, conduct or manage a maternity home or a private hospital wherein maternity cases are received unless she is registered as a midwifery nurse under the Nurses Registration Act.

Penalty—For a first offence, twenty pounds; for a subsequent offence, fifty pounds or imprisonment for six months.

(2) A person who is not registered as a midwifery nurse under the Nurses Registration Act shall not for gain undertake midwifery nursing.

Penalty—For a first offence, twenty pounds; for a subsequent offence, fifty pounds or imprisonment for six months.

(3) Paragraph (2) of this section shall not apply to any person undertaking midwifery nursing of a woman who resides more than five miles from the residence of a registered midwifery nurse aforesaid or in any case in which a registered midwifery nurse aforesaid is not available.

(c) Sections three hundred and four to three hundred and eleven (both inclusive) are repealed.

Repeal of ss. 304 to 311.

Amendment of  
s. 312.

(d) Section three hundred and twelve is amended:—

(i) by deleting the words “Midwives Registration Board” in line one of the section and inserting in lieu thereof the word “Governor.”

(ii) by adding thereto a subsection as follows:—

(2) Such regulations may impose a penalty not exceeding ten pounds for the breach of any regulation.

Amendment of  
s. 313.

(e) Section three hundred and thirteen is amended as follows:—

(i) by deleting subsection (1) and inserting in lieu thereof a subsection as follows:—

(1) If any midwifery nurse shall be charged with committing any breach of the regulations made by the Governor under this Part the matter may be taken before and be heard and determined in the prescribed manner by the Nurses Registration Board, and that Board may if they find the charge proven impose a penalty which shall not exceed the penalty prescribed by the said regulations and may make such order as to costs as it shall think just.

(ii) by deleting from subsection (2) the word “Board” in line two of the subsection and inserting in lieu thereof the words “Nurses Registration Board.”

(iii) by adding to subsection (4) a proviso as follows:—

Provided that a person shall not be so prosecuted and also be dealt with by the Nurses Registration Board under subsection (1) of this section in respect of the same matter.

Amendment of  
s. 314.

(f) Section three hundred and fourteen is amended by deleting from subsection (1) the word “this” in line two of the said subsection and inserting in lieu thereof the words “the Nurses Registration.”

(2) Subsection (1) of this section shall not operate or take effect until such time as the members to constitute the Nurses Registration Board established under the Nurses Registration Act, 1921-1937, are appointed under section two of that Act as amended by section three of this Act and assume office.

13. (1) The principal Act as amended by this Act may be cited as the Nurses Registration Act, 1921-1944.

Citation of  
Acts as  
amended by  
this Act.

(2) The Health Act, 1911-1942, as amended by this Act may be cited as the Health Act, 1911-1944.

---