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NURSES ACT 1992

INTERPRETATION ACT 1984

NURSES RULES 1993

WESTERN AUSTRALIA

NURSES RULES 1993

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NURSES ACT 1992

INTERPRETATION ACT 1984

NURSES RULES 1993

Made by the Nurses Board of Western Australia with the approval of the deputy of the Governor in Executive Council.

PART 1 — PRELIMINARY**Citation**

1. These rules may be cited as the *Nurses Rules 1993*.

Commencement

2. These rules come into operation on the day on which the *Nurses Act 1992* comes into operation.

PART 2 — REGISTRATION*Division 1 — Applications for registration***Applications by natural persons**

3. (1) An application under section 22 (1) or (3) of the Act for registration as a nurse is to be in a form approved by the Board.
(2) An application under section 25 of the Act for honorary registration as a nurse is to be in the form of Form 1 in Schedule 1.

Evidence for registration of natural persons

4. (1) An application under section 22 (1) or (3) of the Act is to be accompanied by evidence of the following —
 - (a) the applicant's identity;
 - (b) the date and place of the applicant's birth;

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- (c) any registration in another State or country, of the applicant as a nurse, and if such registration is no longer current, the reason for the registration not being current;
 - (d) the applicant's not having been refused registration as a nurse in any State or country;
 - (e) the educational qualifications that entitle the applicant to registration and that the qualifications have effect at the time of the application;
 - (f) any period of the applicant's practice as a nurse;
 - (g) details of any finding that the applicant has been found guilty of unethical conduct as a nurse or subjected to any disciplinary action by a body or authority legally constituted to discipline nurses;
 - (h) the applicant's not having been convicted of any offence the nature of which renders the applicant unfit to practise as a nurse;
 - (i) the applicant's not being dependent on alcohol or any other drug to the extent that the applicant's ability to practise as a nurse is affected; and
 - (j) the applicant's not suffering from any mental or physical disorder relevant to the applicant's ability to practise as a nurse.
- (2) An application under section 25 of the Act for honorary registration as a nurse is to be accompanied by evidence of the applicant's identity.

Applications by bodies corporate

5. (1) An application under section 24 of the Act for registration as a nurse is to be in a form approved by the Board.
- (2) An application referred to in subrule (1) is to be accompanied by —
- (a) a copy of the body corporate's certificate of incorporation;
 - (b) a copy of the body corporate's memorandum and articles of association;
 - (c) if the body corporate uses or proposes to use a business name, a copy of the registration of the business name or evidence of the reservation of that name;
 - (d) if any person who is a director or officer of the body corporate but is not a nurse, 2 references as to the character of each such person; and
 - (e) where any shares in the body corporate are held by a person who is not a nurse, on behalf of another person, a copy of the trust deed setting out the terms of the trust.

Evidence for registration of bodies corporate

6. An application under section 24 of the Act for registration as a nurse is to be accompanied by evidence of the following —
- (a) the name, registered office and place (or places) of business;
 - (b) the names and addresses of the members of the body corporate who are nurses, and their registration;
 - (c) in relation to the members of the body corporate who are not nurses —
 - (i) the identity and address of each such member;
 - (ii) the good character of each such member by 2 written character references for each member;
 - (iii) on whose behalf each such member's shares are held;

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- (d) the name of the body corporate's principal executive officer;
- (e) the name of the nurse in whom control of the body corporate's affairs is vested; and
- (f) the fulfilment of the requirements referred to in clauses 1 to 7 of Schedule 2 to the Act.

Application fees

7. For the purposes of sections 25 (1) and 29 (1) of the Act, the application fee is that set out in item 1 of Schedule 2 corresponding to the section of the Act under which the applicant applied to be registered.

Failure to notify Board of change in particulars of an offence

8. Where a natural person or a body corporate has applied to be registered as a nurse and a change occurs before the applicant is registered by which any particular in the form of application or any document or other evidence accompanying the application is rendered inaccurate or misleading, the natural person, or in the case of a body corporate, the principal executive officer of the body corporate, is to cause the Board to be notified of the change within 7 days of the occurrence of the change.

Penalty: \$1,000.

Division 2 — Registration**Registration fees**

9. (1) For the purposes of sections 25 (1), 26 (1) and (2), 27 and 31 of the Act, the registration fee is that set out in item 2 of Schedule 2 corresponding to the section of the Act under which the applicant is registered.

(2) The Board may reduce the registration fee in relation to sections 25 (1), 26 (1) and (2) and 27 of the Act by the amount of the application fee paid by the applicant.

Certificates of registration

10. The Board is to issue to a person registered —

- (a) under section 22 of the Act in division 1 or 2 of the register;
- (b) under section 24 of the Act in division 3 of the register;
- (c) under section 25 of the Act in division 4 of the register;
- (d) under section 26 of the Act in division 5 of the register; or
- (e) under section 27 of the Act in division 6 of the register,

a certificate of registration in the form of Form 2, 3, 4, 5, 6 or 7 in Schedule 1, as the case requires.

Period for which registration has effect

11. For the purposes of section 36 (1) of the Act, a certificate of registration for a person registered under section 22 or 24 of the Act has effect until 31 December of the year in which the certificate was issued.

Division 3 — Renewal of registration**Renewal of registration to be annual**

12. For the purposes of section 32 (1) of the Act, a registered nurse is to apply every year for the renewal of registration.

Application for renewal of registration

13. (1) An application for the renewal of a nurse's registration is to be —

- (a) in a form approved by the Board; and
- (b) made to the Registrar at any time from 1 November to 31 December in the year that the nurse's current certificate of registration is due to expire, or such further time as the Board allows.

(2) If an applicant under subrule (1) has not practised nursing within the immediate past 5 years, the Board may require the applicant to complete a course or program that the Board considers to be appropriate, and by way of considering the application, take into account the course or program co-ordinator's statement as to whether or not the applicant has satisfactorily completed the course or program.

Fee for renewal of registration

14. For the purposes of sections 25 (3) (b) and 32 (1) of the Act, the fee for the renewal of registration is set out in item 3 of Schedule 2 corresponding to the section of the Act under which the applicant's name is registered.

Practising certificate

15. (1) Where a person's registration as a nurse is renewed, the Registrar is to issue the person with a certificate in a form approved by the Board.

(2) A certificate referred to in subrule (1) has effect from 1 January to 31 December of the year stated in the certificate.

Division 4 — Restoration to the register**Application after voluntary removal or lapse**

16. (1) A person whose name has been removed from the register under section 37 or 41 (2) of the Act and who wishes to apply for the restoration of the person's name to the register is to do so in the form of Form 8 in Schedule 1 if a natural person, or Form 9 if a body corporate.

(2) For the purposes of section 42 (2) of the Act, the fee for the application is set out in item 4 of Schedule 2.

Application after being struck off

17. (1) A person whose name has been removed from the register under section 69 of the Act and who wishes to apply for the restoration of the person's name to the register —

- (a) is to do so in the form of Form 8 in Schedule 1 if a natural person, or Form 9 if a body corporate;

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- (b) is to provide a written statement as to why the person believes that the person's name should be restored to the register;
 - (c) if requested by the Board, is to arrange for references to be sent by referees directly to the Board; and
 - (d) is to provide evidence that the Board may require as to the current position of the matters which led to the removal of the person's name from the register.
- (2) For the purposes of section 43 (3) of the Act, the fee for the application is set out in item 5 of Schedule 2.

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PART 3 — THE REGISTER**Inspection times**

18. The register may be inspected on Monday to Friday between 8.30 am and 4.30 pm.

Inspection fee

19. For the purposes of section 35 (2) of the Act, the fee for inspecting the register is set out in item 6 of Schedule 2.

Division 2 nursing specialities

20. For the purposes of section 34 (1) (b) (ii) of the Act, the nursing specialities are as follows —

- (a) children's nurse;
- (b) mothercraft nurse;
- (c) dental nurse; and
- (d) tuberculosis nurse.

Certificate verifying registration

21. The fee to be paid on an application to the Board for verification of a nurse's registration is set out in item 7 of Schedule 2.

PART 4 — DISCIPLINARY PROCEEDINGS**Interpretation**

- 22.** In this Part, unless the contrary intention appears —
“committee” has the meaning given by Part 5 of the Act.

Making a complaint

- 23.** A person who wishes to make a complaint to the Board in respect of a person who is a nurse or who was a nurse at the relevant time, is to —
- (a) lodge with the Registrar a written statement of the matter complained of signed by or on behalf of the complainant; and
 - (b) if required by the Board —
 - (i) give further or better particulars; or
 - (ii) make a statutory declaration, as specified by the Board, relating to the complaint.

Qualifications to investigate matters

- 24.** For the purposes of section 60 (2) of the Act, a person appointed to investigate a matter is to —
- (a) have been registered in Division 1 of the register for at least 5 years;
 - (b) have experience in investigating complaints; or
 - (c) be a certified practitioner within the meaning of the *Legal Practitioners Act 1893*.

Option of proceedings by way of formal inquiry

- 25.** For the purposes of section 63 (3) of the Act, an option is to be given and exercised as follows —
- (a) the Registrar is to send to the affected person's address entered in the register written notice that the Board has received a report under section 62 of the Act and is giving consideration to referring the matter to the committee for the committee to exercise one or more of the powers conferred on it by section 64 of the Act;
 - (b) the affected person is to be informed by the written notice that he, she or it has the option of proceeding by way of a formal inquiry;
 - (c) the affected person may exercise the option of proceeding by way of formal inquiry by advising the Registrar to that effect in writing, within 14 days of the date of the notice; and
 - (d) if the affected person does not respond to the written notice within 14 days of the date of the notice, the Board may proceed as if the affected person has not taken the option.

Notice of formal inquiry

- 26.** (1) A notice under section 65 (2) of the Act is also to advise the affected person that —
- (a) the committee may proceed with, and make a decision at the conclusion of, the formal inquiry; and

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(b) the Board may exercise its disciplinary and other powers, following the formal inquiry,
in the absence of the affected person.

Adjournment etc. of hearings

27. (1) Before an informal or a formal inquiry has begun, the presiding member of the committee, may on the application of the affected person, adjourn the inquiry or adjust the period proposed to conduct the inquiry.

(2) During an inquiry, the committee may adjourn the inquiry or adjust the period proposed to complete the inquiry.

PART 5 — ADVERTISING**Restriction on advertising**

28. A nurse is not to advertise in relation to the nurse's practice if the advertisement —

- (a) is false in a material particular;
- (b) is misleading or deceptive or is likely to mislead or deceive;
- (c) is likely to adversely affect the reputation or standing of the nursing profession by reason of the advertisement's content, form or manner of presentation;
- (d) claims or implies that the nurse is superior to another nurse or nurses;
- (e) contains an endorsement or testimonial in relation to the nurse; or
- (f) directly or indirectly endorses any goods or services.

Penalty: \$1,000.

Registered name to be used

29. A nurse must, when advertising the nurse's practice, use only the name by which the nurse is registered unless before advertising, the nurse has obtained the Board's written approval to use another name.

Penalty: \$1,000.

PART 6 — SCHOOLS OF NURSING (TRANSITIONAL)**Interpretation**

30. In this Part, “school of nursing” has the meaning given by clause 8 (2) of Schedule 3 to the Act.

Approval to examine on Board’s behalf

31. (1) The controlling authority of an institution or body may apply to the Board for the Board’s approval to conduct examinations on behalf of the Board with respect to a school of nursing based at a hospital.

(2) The authority, when applying under subrule (1) and also if approval is granted, is to provide the Board with information required by the Board as to the students and the education courses at the school of nursing.

(3) The Board is to give the authority written notice of the Board’s decision to grant or not grant the approval, as the case may be.

(4) An approval has effect until it is revoked by the Board in writing.

Instruction at schools of nursing

32. (1) Students at schools of nursing are to receive correlated instruction in theoretical and clinical nursing.

(2) The instruction given at schools of nursing is to be given by a nurse educator or other person, who in the Board’s opinion is suitably qualified to do so.

(3) The number of nurse educators or other persons engaged in giving instruction at a school of nursing is to be a proportion of the number of students at the school considered by the Board to be sufficient.

(4) In this rule, “nurse educator” means a nurse —

(a) whose name is entered in division 1 of the register; and

(b) who has —

(i) a diploma or degree in nursing education;

(ii) a diploma or degree in education; or

(iii) another qualification acceptable to the Board.

Conduct of courses

33. Each school of nursing is to assess each student at the school for each unit of study undertaken by the student and at the completion of the course, issue to each successful student a certificate stating that the student —

(a) has a satisfactory attendance record for the units of study;

(b) has had the clinical experience required by the Board;

(c) has passed the school of nursing assessments; and

(d) has completed the period of education required by the Board.

Records to be kept by schools of nursing

34. (1) Each school of nursing is to keep a record of —

(a) the theoretical training and practical experience received by; and

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(b) the results of all assessments conducted in relation to, each student who attends, or attended the school.

(2) The school of nursing is to give a copy of the record referred to in subrule (1) to the student to whom the record applies —

(a) when the student completes the course; or

(b) when the student withdraws from or otherwise discontinues the course.

Supervision of education at schools of nursing

35. (1) A school of nursing is to have as its director of nursing, a nurse whose name is entered in division 1 of the register.

(2) A school of nursing for midwives is to have as its principal educator, a nurse —

(a) whose name is entered in division 1 of the register; and

(b) who has a midwifery qualification that is considered by the Board to be suitable.

(3) A school of nursing for mental health nurses is to have as its principal educator, a nurse —

(a) whose name is entered in division 1 of the register; and

(b) who has a mental health nursing qualification that is considered by the Board to be suitable.

Requirement for admission to school of nursing for midwives

36. A school of nursing for midwives is not to admit a person as a student unless that person is a nurse whose name is entered in division 1 of the register and is qualified in general or comprehensive nursing.

Enquiries as to examinations

37. If a candidate for any examination conducted by or on behalf of the Board, or a school of nursing has an enquiry regarding the examination, the enquiry is to be directed to the Board, and not to the examiner.

Examination fees

38. A person who wishes to undergo an examination that is conducted by, or on behalf of, the Board, is to pay the fee set out in item 8 of Schedule 2 corresponding to the category of examination mentioned in that item.

PART 7 — MISCELLANEOUS**Fees may be reduced, waived or refunded**

39. (1) The Board may —

- (a) reduce a fee that a person is; or
- (b) waive a fee that a person would otherwise be,

required to pay under the Act.

(2) Subject to section 29 (4) of the Act, the Board may refund, in whole or in part, a fee that a person has paid under the Act.

Miscellaneous fees

40. The fee for a matter referred to in column 1 of item 9 of Schedule 2 is set out opposite the matter in column 2 of the item.

Evidentiary certificate

41. A certificate for the purposes of section 80 (4) (a) of the Act is to be in the form of Form 10 in Schedule 1.

Criteria for registration under *Nurses Act 1968*

42. For the information of those persons to whom section 23 (2) of the Act applies, the criteria referred to immediately before the commencement of the *Nurses Act 1992* in section 20 (1) (a) (i) and (ii) of the *Nurses Act 1968* are as follows —

(a) section 20 (1) (a) (i) of the *Nurses Act 1968* applied to a person who had undertaken nursing education in the State, having completed the prescribed course of education and passed the prescribed examination for registration in respect of a branch of nursing as follows —

- (i) general nursing;
- (ii) midwifery;
- (iii) mental health nursing;
- (iv) mothercraft nursing;
- (v) children's nursing;
- (vi) dental nursing;
- (vii) child health nursing;
- (viii) tuberculosis nursing;
- (ix) enrolled nursing; and
- (x) enrolled mental health nursing; and

(b) section 20 (1) (a) (ii) of the *Nurses Act 1968* applied to a person who had undertaken nursing in the State, being the holder of a certificate of education as a nurse awarded by any institution or body approved by the Board for the purposes of the subparagraph.

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SCHEDULE 1
FORM 1

[Rule 3(2)]

**APPLICATION FOR HONORARY REGISTRATION AS A NURSE UNDER THE
NURSES ACT 1992**

THIS FORM MUST BE COMPLETED, SIGNED & RETURNED TO:
NURSES BOARD OF WESTERN AUSTRALIA
49 STIRLING HIGHWAY, PO BOX 336, NEDLANDS 6009 TELEPHONE (09) 386 8656
FOR OFFICE USE ONLY

Identification No.
Date of Registration

PREFERRED TITLE:

SURNAME:		GIVEN NAMES:	
FORMER NAME(S):	PLACE OF BIRTH: (town)	DATE OF BIRTH: (country)	
RESIDENTIAL ADDRESS: TELEPHONE NO.:	POSTAL ADDRESS FOR CORRESPONDENCE:		

NURSING EDUCATION

I completed my nursing education as detailed below: COURSE

Area of nursing practice	School of Nursing	Location (City & Country)	Date Commenced	Date Completed

REGISTRATION

Please list first and current registrations

Category of registration	Name of registering authority	Registration No.	Registration date

I declare that the statements above are true and correct in every particular.

.....
(Signature)

.....
(Date)

Applicant to be recommended by Head of School of Nursing or Director of Nursing of sponsoring institution.

Applicant will be required to show evidence of identity.

14
FORM 2

[Rule 10 (a)]

NURSES BOARD OF WESTERN AUSTRALIA

CERTIFICATE OF REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence that you have been registered in Western Australia.

Issue date:

Expiry date: December 31, 19 .

This is to certify that
has been registered in —

DIVISION 1	by virtue of	No.

in accordance with section 22 of the *Nurses Act 1992*.

.....
Signature
of nurse

.....
Presiding member of
the Board

.....
Registrar

15
FORM 3

[Rule 10 (a)]

NURSES BOARD OF WESTERN AUSTRALIA

CERTIFICATE OF REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence that you have been registered in Western Australia.

Issue date:

Expiry date: December 31, 19 .

This is to certify that
has been registered in —

DIVISION 2	by virtue of	No.

in accordance with section 22 of the *Nurses Act 1992*.

.....
Signature
of nurse

.....
Presiding member of
the Board

.....
Registrar

16
FORM 4

[Rule 10 (b)]

NURSES BOARD OF WESTERN AUSTRALIA

CERTIFICATE OF REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence that the body corporate has been registered in Western Australia.

Issue date:

Expiry date: December 31, 19 ..

This is to certify that
has been registered in —

DIVISION 3	No.
-------------------	-----

in accordance with section 24 of the *Nurses Act 1992*.

Conditions or restrictions:

.....
Signature
of principal executive
officer

.....
Presiding member of
the Board

.....
Registrar

17
FORM 5

[Rule 10 (c)]

NURSES BOARD OF WESTERN AUSTRALIA
CERTIFICATE OF HONORARY REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence of registration in Western Australia.

Issue date:

Expiry date: .

This is to certify that
has been granted honorary registration in —

DIVISION 4	by virtue of	No.

in accordance with section 25 of the *Nurses Act 1992*.

Conditions or restrictions:

.....
Signature
of nurse

.....
Presiding member of
the Board

.....
Registrar

18
FORM 6

[Rule 10 (d)]

NURSES BOARD OF WESTERN AUSTRALIA
CERTIFICATE OF PROVISIONAL REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence of registration in Western Australia.

Issue date:

Expiry date: .

This is to certify that
has been granted provisional registration in —

DIVISION 5	by virtue of	No.

in accordance with section 26 of the *Nurses Act 1992*.

Conditions or restrictions:

.....
Signature
of nurse

.....
Presiding member of
the Board

.....
Registrar

19
FORM 7

[Rule 10 (e)]

NURSES BOARD OF WESTERN AUSTRALIA
CERTIFICATE OF TEMPORARY REGISTRATION

This certificate of registration covers practice until the expiry date shown.

It must be retained following the expiry date as evidence of registration in Western Australia.

Issue date:

Expiry date: .

This is to certify that
has been granted temporary registration in —

DIVISION 6	by virtue of	No.

in accordance with section 27 of the *Nurses Act 1992*.

Conditions or restrictions:

.....
Signature
of nurse

.....
Presiding member of
the Board

.....
Registrar

20
FORM 8

[Rules 16 and 17]

APPLICATION FOR RESTORATION OF NAME TO THE REGISTER
(by a natural person)

NURSES BOARD OF WESTERN AUSTRALIA

49 STIRLING HIGHWAY, PO BOX 336, NEDLANDS 6009 TELEPHONE (09) 386 8656

--

FORMER NAME(S) _____

DATE OF BIRTH _____

NOTE: AN APPLICANT APPLYING FOR RESTORATION OF A NAME TO THE REGISTER MUST INDICATE CHANGES THAT HAVE OCCURRED SINCE THE INITIAL REGISTRATION

Change of address must be notified in writing as soon as practicable
(Section 38 (2) *Nurses Act 1992*)

Change of name on the register can only be effected on production of the appropriate documentation.

TITLE
NAME
ADDRESS

Post Code

FORMER NAME(S) _____

DATE OF BIRTH _____

(Fee \$)

I request restoration of my name to the register as a nurse — circle the areas of practice which apply.

DIVISION 1 General

Midwifery

Mental health

DIVISION 2 Enrolled

Enrolled comprehensive

Enrolled mental health

Other:

RECENCY OF PRACTICE

I am practising/last practised nursing in the following area of nursing specialty/specialities.
 STATE MONTH AND YEAR of last practice for each area of nursing practice for which you are applying.

AREA OF NURSING PRACTICE	DATE LAST PRACTISED. (Exclude Renewal of Registration Courses)	LOCATION CITY/COUNTRY	DATE LAST PRACTISED IN WA (Exclude Renewal of Registration Courses)	DATE LAST REGISTERED IN W.A.
General				
Midwifery				
Mental health				
Enrolled				
Enrolled Comprehensive				
Enrolled mental health				
Mothercraft				
Dental				
Children's				
Tuberculosis				

PLEASE ANSWER QUESTIONS ON NEXT PAGE OF THIS FORM

Please indicate "yes" or "no" to the following questions.

If "yes", please give details in the space below.

1. Have you ever been convicted in this State or elsewhere of an offence?
2. Have you ever had any previous registration as a nurse cancelled?
3. Have you ever been refused registration as a nurse in Western Australia or elsewhere?
4. Have any of the qualifications upon which you rely for registration as a nurse been withdrawn or cancelled?
5. Have you at any time been found guilty of unethical conduct as a nurse and/or subject to any disciplinary action by any body or authority legally constituted to discipline nurses?
6. Are you currently dependent on alcohol or any other drug to an extent that affects your ability to practise as a nurse?
7. Do you suffer from any mental or physical disorder that is relevant to your ability to practise as a nurse?

22

RECENCY OF PRACTICE

Where a nurse has not practised nursing for a period exceeding 5 years in a division of the register for which registration is sought, the nurse is required to satisfactorily complete a renewal of registration course (section 4 *Nurses Act 1992*). ***If you have completed a renewal of registration course in the last 5 years please complete the details below:***

..... (Date) (Hospital/Institution) (Duration) (Division of Nursing)
..... (Date) (Hospital/Institution) (Duration) (Division of Nursing)
..... (Date) (Hospital/Institution) (Duration) (Division of Nursing)

DECLARATION

I do solemnly and sincerely declare that the statements made by me on this form and on any attachment, are true and correct in every particular and that I am the person named in the attached documents.

I make this statement knowing that I am liable under the *Nurses Act 1992*, in case of falsehood, to a fine of \$2 500.

..... (Date) (Signature)
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FORM 9

APPLICATION FOR RESTORATION OF NAME TO THE REGISTER

(by a body corporate)

[Rules 16 and 17]

THIS FORM MUST BE COMPLETED, SIGNED & RETURNED TO:

NURSES BOARD OF WESTERN AUSTRALIA

49 STIRLING HIGHWAY, PO BOX 336, NEDLANDS 6009 TELEPHONE (09) 386 8656

FOR OFFICE USE ONLY

Identification No.
Date of Registration

NOTE: AN APPLICANT APPLYING FOR RESTORATION OF A NAME TO THE REGISTER MUST INDICATE CHANGES THAT HAVE OCCURRED SINCE THE INITIAL REGISTRATION

APPLICANT'S NAME :

POSTAL ADDRESS :

Post Code () Telephone ()

THE APPLICANT INTENDS TO CONDUCT ITS BUSINESS UNDER THE BUSINESS NAME OF:

NATURE OF BUSINESS :

Date of incorporation : _____
(where applicable)

PLACES OF BUSINESS IN WESTERN AUSTRALIA :

(a) PRINCIPAL PLACE OF BUSINESS

Post Code ()

(b)

(c)

(d)

(e)

DECLARATION

I HEREBY DECLARE THAT —

- (a) the preceding statements are true in every particular to the best of my knowledge, information and belief. I make this Statement knowing I am liable under the *Nurses Act 1992* in case of falsehood to a fine of \$2 500;
- (b) I am authorized by the applicant to make this application for and on behalf of the applicant;
- (c) I undertake to notify the Nurses Board of Western Australia of any changes in particulars contained within the application for registration not later than 7 days after the event;

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- (d) I undertake to produce to the Nurses Board of Western Australia such information as it may from time to time require by written request regarding the affairs of the applicant;
- (e) full personal professional responsibility for the conduct of the affairs of the applicant in relation to the practice of nursing is, and will remain, an obligation of each member who is a registered nurse and that no person other than a registered nurse has authority over professional matters.

Dated this day of 19 ..

.....
 (Signature of principal executive officer
 for and on behalf of the applicant)

OFFICE USE ONLY	SIGHTED	DATE
. MEMORANDUM AND ARTICLES OF ASSOCIATION		
. IDENTITY OF MEMBERS OF APPLICANT (NON-NURSES) 1		
BIRTH CERTIFICATE	2	
PASSPORT	3	
DRIVER'S LICENCE	4	
. 2 CHARACTER REFERENCES FOR DIRECTOR OR OFFICER OF APPLICANT (NON-NURSES)	1	
	2	
	3	
	4	
. TERMS OF CONTRACT OF BODY CORPORATE		
. TRUST DEED		
. EVIDENCE OF RESERVATION OF BUSINESS NAME (CORPORATE AFFAIRS)		
. FEE		
. CERTIFICATE OF INCORPORATION		
. EXTRACT OF REGISTRATION OF BUSINESS NAME		
. EVIDENCE OF REGISTRATION OF NURSE MEMBERS		

DETAILS OF THE PRINCIPAL EXECUTIVE OFFICER OF THE BODY CORPORATE WHO MUST BE A NURSE:

NAME :	INITIAL REGISTRATION NO/DATE : PRACTISING CERTIFICATE : EXPIRY DATE :
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ADDRESS :

DETAILS of the NURSE in whom control of the affairs of the applicant is vested :

NAME : ADDRESS :	INITIAL REGISTRATION NO/DATE : PRACTISING CERTIFICATE : EXPIRY DATE :
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DETAILS OF ALL MEMBERS OF THE APPLICANT WHO ARE NURSES :

<u>NAME/DESIGNATION</u>	<u>ADDRESS</u>	<u>INITIAL REG. NO/DATE</u>	<u>PRACTISING CERTIFICATE EXPIRY DATE</u>
(a)			
(b)			
(c)			
(d)			

DETAILS OF ALL MEMBERS OF THE APPLICANT WHO ARE NOT NURSES :

<u>NAME</u>	<u>ADDRESS</u>	<u>OCCUPATION</u>
(a)		
(b)		
(c)		

EXTRACT FROM THE *NURSES ACT 1992*SCHEDULE 2REQUIREMENTS FOR REGISTRATION OF A BODY CORPORATE

1. Where the body corporate has —
 - (a) more than 2 members, the majority of the members shall be nurses;
 - (b) only 2 members, one member shall be a nurse and the other need not be a nurse but shall be a person of good character,
 but in no case may a body corporate be a member.
2. The body corporate shall have a place of business within the State.
3. The principal executive officer of the body corporate shall be a nurse.
4. Control of affairs of the body corporate shall be vested in a nurse.
5. The power of persons —
 - (a) to exercise, or to control the exercise of, the rights to vote attached to shares in the body corporate; or
 - (b) to dispose of, or to exercise control over the disposal of such shares,
 shall be such that the personal supervision and management of the affairs of the body corporate cannot become vested in a person who is not a nurse.
6. Full personal professional responsibility for the conduct of the affairs of the body corporate in relation to the practice of nursing shall remain an obligation of each member who is a nurse and no person other than a nurse may have authority over professional matters.
7. Proper and adequate provision shall be made for disclosure to the Board of the affairs of the body corporate, on request in writing by the Board to any member who is a nurse, or an undertaking to that effect shall be given to and accepted by the Board.

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8. The memorandum and articles of association of the body corporate shall be acceptable to the Board and contain a provision that the Board be notified of any intention to amend the memorandum or articles and be furnished with a copy of any proposed resolution or other form of proposal to give effect to that intention.
9. The Board shall be satisfied that there are no other grounds upon which the applicant for registration ought to be refused.

LIABILITY OF MEMBERS OF BODY CORPORATE section 81

- (1) Where a body corporate is convicted of an offence against this Act, every person who at the time of the commission of the offence was a member of the body corporate or an officer concerned in the management of it and who authorized or permitted the commission of the offence is guilty of the like offence.
- (2) A person referred to in subsection (1) may, on request of the complainant, be convicted in the proceedings in which the body corporate is convicted if the court is satisfied that the person had reasonable notice that the complainant intended to make that request.
- (3) Any civil liability in connection with the practice of nursing incurred by a body corporate that is registered under this Act is enforceable jointly and severally against the body corporate and any person who at the time that the liability was incurred was a member of the body corporate.

NOTE: APPLICANTS ARE ADVISED TO PURCHASE AND BE CONVERSANT WITH *THE NURSES ACT 1992*.

DOCUMENTARY REQUIREMENTS TO BE ATTACHED HEREWITH :

1. A copy of the proposed memorandum and articles of association of the applicant (Note the requirements of Schedule 2 clause 8).
2. Evidence as to the identity of members of the applicant who are not registered nurses.
3. Two character references for each member of the applicant who is not a registered nurse.
4. Evidence of registration of the registered nurses who are members of the applicant.
5. Trust deed setting out the terms of the trust where shares in the body corporate are held by any person who is not a registered nurse.
6. Evidence that the proposed business name has been reserved at the office of the State Corporate Affairs.
7. The prescribed application and registration fees.
8. THE PROPOSED TERMS OF CONTRACT OF THE BODY CORPORATE TO BE PROVIDED AS SOON AS PRACTICABLE AFTER ISSUE:
 - . A certified copy of the certificate of incorporation of the body corporate.
 - . A certified extract of the registration of the business name.

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FORM 10

[Rule 41]

EVIDENTIARY CERTIFICATE

The Nurses Board of Western Australia

This is to certify that
of
*was / was not registered as a nurse under the *Nurses Act 1992* on

Registration *was / was not suspended on

Issued on behalf of the Nurses Board under
section 80 (4) (a) of the *Nurses Act 1992*.

.....
Registrar

*DELETE WHERE INAPPLICABLE

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SCHEDULE 2

[Rules 7, 9, 14, 16, 17 (d), 19, 21 and 38]

FEEES

Item	Fee
1. Application for registration under —	
Section 22 (1) or (3)	\$60
Section 24	\$200
Section 25	\$60
2. Registration under —	
Section 22 (1) or (3)	\$60
Section 24	\$200
Section 25	\$60
Section 26	\$60
Section 27	\$60
3. Renewal of registration —	
Section 22 (1) or (3)	\$42
Section 24	\$120
Section 25	\$42
4. Application for restoration of name to the register	
Section 42 (2) — Natural person	\$60
— Body corporate	\$200
5. Application for restoration of name to the register	
Section 43 (2) — Natural person	\$60
— Body corporate	\$200
6. Inspection of register	\$10
7. Application for certificate verifying registration	\$15
8. Examination fees	
Division 1 —	
Division 2 —	\$80
	\$60
9. (a) Duplicate certificate	\$10
(b) Duplicate badge	\$10

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Made by the Board by resolution dated the 14th day of October 1993.

S. WILLIAMS, Presiding Member.

M. KROEBER, Member.

Common seal

Approved by the deputy of the Governor in Executive Council.

D. G. BLIGHT, Clerk of the Council

