

NURSES.

No. 27 of 1968.

AN ACT to Consolidate and Amend the Law relating to the Nursing Profession.

[Assented to 25th October, 1968.]

BE it enacted by the Queen'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:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Nurses Act, 1968*.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

3. The Nurses Registration Act, 1921-1959 is hereby repealed. Repeal.

4. (1) Without prejudice to the operation of the Interpretation Act, 1918, every application, registration certificate, registration, enrolment, record, register and other act or thing, done, made or given and all training, instruction and examinations undergone by any person under the repealed Act, shall be deemed to have been done, made, given or undergone under this Act, as if this Act had been in force at the time it was done, made, given or undergone. Saving.

(2) All matters and proceedings commenced under the repealed Act and pending or in progress on the coming into operation of this Act may be continued, completed and enforced under this Act.

5. This Act is divided into Parts as follows— Arrangement.

PART I. PRELIMINARY. Ss. 1-6.

PART II. ADMINISTRATION. Ss. 7-17.

PART III. REGISTRATION. Ss. 18-28.

PART IV. MISCELLANEOUS. Ss. 29-43.

6. (1) In this Act, unless the contrary intention appears— Interpretation.

“Board” means the Nurses Board of Western Australia established under this Act;

“certificate of registration” means a certificate of registration issued under section 20;

“chairman” means chairman of the Board;

“member” means a member of the Board;

“Federation” means the body known as the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers;

“register” means the register of Nurses and Nursing Aides kept under this Act;

“registered” means registered under this Act and registration has a corresponding meaning;

“repealed Act” means the Nurses Registration Act, 1921-1959;

“school of nursing” means any hospital, approved hospital under the Mental Health Act, 1962, institution, school or other place wholly or partly used as a school for the training of persons in any branch of nursing that is for the time being, approved by the Board as a school of nursing for any of the purposes of this Act;

“section” means a section of this Act.

(2) In this Act words importing the feminine gender include the male.

PART II.—ADMINISTRATION.

Nurses Board
of Western
Australia.

7. (1) For the purposes of this Act, there shall be established a Board, to be known as the Nurses Board of Western Australia.

(2) The Board—

- (a) is a body corporate with perpetual succession and shall have a common seal;
- (b) is capable in its corporate name, of acquiring, holding and disposing of real and personal property, subject to any trust affecting the property, and of suing and being sued;
- (c) is capable of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer; and

(d) has, subject to the Minister, the general administration of this Act.

(3) All courts and all persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed thereto.

8. (1) When the Board is established the Nurses Registration Board established under the repealed Act is dissolved and the members thereof shall go out of office.

Dissolution of
Nurses
Registration
Board.

(2) All the funds and property both real or personal that immediately before the date of the coming into operation of this Act were held by the Nurses Registration Board shall on that date vest in and belong to the Board, and all rights and liabilities of the firstmentioned Board immediately before that date shall become by force of this subsection the rights and liabilities of the Board.

9. (1) The Board shall consist of fifteen **Members.** members namely—

- (a) two persons appointed on the recommendation of the Minister, one of whom nominated by the Minister at the time he makes the recommendation, shall be appointed the chairman;
- (b) the Director of Mental Health Services under the Mental Health Act, 1962, or his nominee;
- (c) two persons who are medical practitioners within the meaning of the Medical Act, 1894, appointed on the recommendation of the Council of the body known as the Australian Medical Association (W.A. Branch);
- (d) a person who is registered as a general nurse appointed on the recommendation of the Minister;

- (e) a person who is a specialist in general education appointed on the recommendation of the Nurses Registration Board established under the repealed Act, in the case of the first appointment and in the case of any subsequent appointment, on the recommendation of the Board;
- (f) a person who is the matron of a general hospital situated within twenty-five miles of the General Post Office, Perth at which persons are trained as general nurses, appointed on the recommendation of the Council of the Federation;
- (g) a person who is registered as a general nurse and who is an educator engaged in the teaching of nurses in a general hospital at which persons are trained as general nurses, appointed on the recommendation of the Council of the Federation;
- (h) two persons who are registered as general nurses and who are practising as such in a hospital at which persons are trained as nurses, appointed on the recommendation of the Council of the Federation;
- (i) two persons who are registered as general nurses appointed on the recommendation of the Council of the Federation, who shall represent the community health services;
- (j) a person who is registered as a midwifery nurse, appointed on the recommendation of the Council of the Federation; and
- (k) a person who is registered as a mental health nurse appointed on the recommendation of the body known as the Psychiatric Nurses' Association.

(2) In respect of the first appointment of members under this section a reference in this section to a person who is registered as—

- (a) a general nurse;
- (b) a midwifery nurse; or
- (c) a mental health nurse,

shall be read respectively as a reference to a person who at the date of her appointment is registered under the repealed Act as a general trained nurse or as a midwifery nurse or as a mental nurse as the case may be.

(3) If at any time any body fails or neglects to recommend a suitable person for appointment as member under subsection (1) of this section, after being requested by the Minister so to do and within the period specified in the request, the Governor may, without the recommendation of that body appoint any person who is otherwise eligible to be a member.

Appointment
by Governor.

(4) Each member, other than one who is a member by virtue of his office, shall be appointed by the Governor and shall, subject to this Act, hold office for such term not exceeding three years, as the Governor shall determine, when making the appointment.

Term of
office of
member.

(5) In determining the respective terms of office of the members first appointed under this section the Governor may fix different terms of office in relation to some of the members so that the expiration of those last mentioned terms shall occur in rotation.

Rotation of
terms.

(6) Each member—

- (a) who ceases to be a member by reason of the expiration of his term of office, may from time to time be re-appointed a member;

Reappoint-
ment of,
removal of
and resigna-
tion of
member.

- (b) may be, at any time, removed from office by the Governor for disability, insolvency, neglect of duty, misconduct or if the member ceases to hold the office or qualification by virtue of which he is appointed;
- (c) may, at any time, resign his office by writing addressed to the Minister.

Casual
vacancy.

(7) If any member dies, resigns or is removed from office, the vacancy in the office of member so vacated shall be filled in the manner in which the appointment to the vacant office was originally made, and every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

Leave of
absence of
member and
deputy.

(8) The Board may grant leave of absence to a member upon such terms and conditions as the Board determines and during the absence of that member his place may be taken by the appointment of a deputy appointed in the manner in which the appointment of the member who is absent was originally made.

Continuation
in office.

(9) Unless he sooner vacates his office as provided in subsection (7) of this section, every member appointed under subsection (3) or (4) of this section, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

Vacancy not
to affect
proceedings.

(10) The powers of the Board are not affected by any vacancy in the membership thereof, and if a quorum is present all acts and proceedings of the Board are valid and effectual notwithstanding the vacancy.

Saving.

(11) All acts and proceedings of the Board are, notwithstanding any defect in the appointment of any member, or that any member was disqualified or not entitled to act, as valid as if the member had been duly appointed and was qualified and entitled to act and had acted as a member and as if the Board had been duly and fully constituted.

10. (1) The chairman when present shall preside at all meetings of the Board.

Chairman to
preside at
meeting.

(2) In the absence of the chairman from any meeting of the Board, another member chosen for the purpose by the majority of members present and voting at the meeting, shall preside thereat.

11. (1) Subject to this section, the meetings of the Board shall be held at such times and places as the chairman may determine.

Proceedings
of Board.

(2) The chairman shall, upon the request in writing of not less than four members, convene a meeting of the Board.

(3) At a meeting of the Board, eight members constitute a quorum.

Quorum.

(4) Questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present thereat and voting.

Decision of
Board.

(5) Except as otherwise prescribed, the Board may regulate its own procedure.

Procedure.

(6) No matter or thing done or omitted by the Board, or by any member or any officer of the Board in good faith in the execution or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions shall subject the Board or the member or the officer to any liability.

Exemption
from liability.

12. Each member is entitled to receive such fees and allowances as may be prescribed.

Remunera-
tion of
member.

13. (1) The Board, may appoint such advisory committees, as it thinks fit to advise it on such matters within the scope of the authority of the Board as are referred to those committees by the Board or as may be prescribed and to make such

Committees

inquiries, recommendations or research with respect to any of those matters as the Board requests.

(2) For the purpose of carrying out its functions under this section, a committee appointed under this section may subject to the regulations co-opt and make use of the services of any person upon such terms and conditions as the Board approves.

(3) A person may be appointed to be a member of any committee under this section whether or not he is a member.

Delegation by
the Board.

14. (1) Subject to section 29, the Board may, in respect to any particular matter or class of matters by instrument in writing, delegate to a member or a committee consisting of members appointed by the Board all or any of its powers under this Act, except this power of delegation.

(2) Every delegation under this section—

- (a) may from time to time be varied by the Board;
- (b) is revocable at will by the Board;
- (c) does not prevent the exercise of any powers or the performance of a function by the Board; and
- (d) authorizes the delegate to exercise in accordance with the instrument of delegation, a power or function delegated under it by the Board.

Objects,
functions and
powers of
Board.

15. The Board is established to consider the conditions affecting the education of nurses and the practice of the nursing profession in this State and to exercise its powers and functions under this Act with a view to maintaining an efficient, ethical, technical and professional standard in the practice

of nursing and for those purposes the functions of the Board are—

- (a) to determine the requirements for admission to courses of training and instruction under this Act for each branch of nursing;
- (b) to determine length, character, content and conduct of training courses under this Act for each branch of nursing;
- (c) to determine standards of examination for all types of nurse training under this Act; to conduct examinations under this Act; to appoint the places where and the times when those examinations shall be held and to appoint examiners in respect of those examinations, and decide upon their remuneration;
- (d) to issue certificates for having passed examinations conducted under this Act to persons entitled thereto;
- (e) to be responsible for the granting of provisional approval to, and for approval for the purposes of this Act of, any hospital, school of nursing or other institution or any part of that hospital, school or institution as a school of nursing for the whole or part of any course of nurse training for the purposes of this Act and for the cancellation of the provisional approval or the approval;
- (f) to require any school of nursing to keep records as prescribed of all students training for any branch of nursing;
- (g) to receive applications for registration; to authorize registration in proper cases and to issue and cancel certificates of registration;

- (h) to suspend the registration of any persons and to annul such suspension;
- (i) to remove the name of any person from the register and to restore that name thereto;
- (j) to be responsible for the regular inspection of all places where the training of nurses is carried out and for the inspection of any places where it is proposed to carry out that training;
- (k) to assist in providing teaching facilities in connection with nursing and allied public services;
- (l) to authorize and carry out research and investigation into such matters concerning the training and registration of persons as the Board thinks necessary for the purposes of this Act and to assist in any such research and investigation and for the purposes to authorize in writing any person to investigate any records, facilities or procedures in any hospital, school of nursing or other institution approved or applying to be approved as a school of nursing;
- (m) to appoint and employ, subject to any relevant award or industrial agreement in force under the Industrial Arbitration Act, 1912, a secretary to the Board and such other persons as the Board considers necessary for the effective exercise of its powers and functions under this Act, on such terms and conditions of employment as are determined by the Board; and
- (n) generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act.

16. (1) The funds of the Board shall comprise— Funds of the Board.

- (a) all money received by the Board or the Registrar under this Act for the purposes thereof including all fees, expenses and pecuniary penalties and costs so received under section 30; and
- (b) all money that is paid or payable to the Board by way of grant, gift, bequest or otherwise, and the proceeds of any gift to the Board other than money, subject to any trust relating to the gift.

(2) The remuneration of the Registrar and other officers or employees of the Board appointed under this Act, and all other expenses of and incidental to the administration of the Act shall be paid by the Board out of its funds.

(3) The accounts of the Board shall once in each year, be audited by the Auditor-General, who has in respect thereof, all the powers that may be exercised by him under the Audit Act, 1904.

(4) The Board may also apply its funds for or towards—

- (a) any public purpose connected with the nursing profession in the State;
- (b) the advancement of education and research in nursing; and
- (c) the carrying out of any of the objects of this Act.

(5) Each report of the Auditor-General on his audit of the accounts of the Board shall be sent to the Minister.

17. The Board having regard to the desire of its officers and employees may enter into and carry out an agreement with any person for the purpose Superannuation of officers and employees of Board.

of providing pension, superannuation, sickness or family benefits of a similar nature for any of its officers or employees but no officer or employee of the Board is compelled to become a contributor for pension, superannuation or benefits under any agreement so entered into.

PART III.—REGISTRATION.

Registrar.

18. (1) The Board shall appoint a person to be the Registrar for the purposes of this Act.

(2) The Registrar shall keep a record of all proceedings of the Board and of all registrations, approvals, cancellations, revocations, suspensions and orders authorized, issued, imposed or made by the Board under this Act.

Register of
Nurses and
Nursing
Aides.

19. (1) The Board shall cause to be kept by the Registrar a register, to be called the Register of Nurses and Nursing Aides.

(2) The register shall be divided as follows—

- (a) the register of General Nurses;
- (b) the register of Midwives;
- (c) the register of Mental Health Nurses;
- (d) the register of Mothercraft Nurses;
- (e) the register of Children's Nurses;
- (f) the register of Dental Nurses;
- (g) the register of Infant Health Nurses;
- (h) the register of Tuberculosis Nurses;
- (i) the register of Nursing Aides.

(3) The Governor, on the recommendation of the Board—

(a) may, by Order in Council published in the *Gazette*, declare that any division into which the register is from time to time divided, is closed;

(b) may so declare that the register be further divided by including therein, a register for each such additional branch of nursing as is specified in the Order.

(4) An Order in Council made under subsection (3) of this section shall be given effect to by the Board and the Registrar according to its tenor.

(5) There shall be entered in the appropriate division of the register the name of every person who is registered, together with such other particulars as may be prescribed.

(6) The register shall, at all reasonable times, be open to inspection at the office of the Board by any person on payment of the prescribed fee.

(7) A certificate purporting to be signed by the Registrar certifying that the person therein specified was or was not registered in any particular division of the register at any particular time or during any period so specified or as to any entry in the register, or as to any act or proceeding of the Board or any committee thereof, is evidence of the facts so certified.

20. (1) A person who—

Registration
of Nurse.

(a) has completed the prescribed course of training, passed the prescribed examinations and attained the prescribed age for registration in respect of a branch of nursing to which section 19 refers;

- (b) has paid the appropriate prescribed fee;
- (c) is, in the opinion of the Board of good character and reputation;
- (d) is of sound health or of such a state of health that no danger would be involved to the patients whom she attends,

may be registered in accordance with this section as a nurse in that branch of nursing, and if that person possesses the necessary qualifications for any other branch of nursing, she may be registered in respect of that other branch.

(2) Application for registration shall be made to the Registrar in the prescribed form, and shall contain the prescribed particulars.

(3) The Registrar shall submit each application for registration to the Board for its determination.

(4) If the Board is satisfied that an applicant fulfils the requirements and has complied with the conditions of this Act relating to the branch of nursing in respect of which she seeks to be registered, the Board shall authorize the Registrar to register the applicant upon payment of the prescribed fee.

(5) The Registrar shall issue to each person so registered a certificate of registration in the prescribed form and a badge of a kind prescribed.

(6) Every certificate of registration—

- (a) shall come into force on the date specified therein, and subject to this Act, shall continue in force until the thirty-first day of December in the year in which it was issued; and
- (b) is evidence that the person specified therein is registered as so specified.

(7) A certificate of registration may be renewed as provided in section 21.

(8) On the cancellation or suspension of the registration of any person in respect of any branch of nursing, a certificate of registration held by that person in respect of that branch, automatically expires, or is of no effect for the period of suspension, as the case requires.

21. (1) The Registrar may renew any certificate of registration from year to year upon payment of the prescribed fee for each renewal.

Renewal of
certificate of
registration.

(2) Subject to subsection (3) of this section, an application for renewal of a certificate of registration shall be made to the Registrar in the prescribed form containing the prescribed particulars at any time during the first three months of the year next succeeding the year in which the certificate expires.

(3) Notwithstanding subsection (6) of section 20, a renewal of a certificate of registration shall take effect from the first day of January in the year to which the renewal relates.

(4) If any person fails to apply for the renewal of the certificate of registration held by her within the period prescribed by subsection (2) of this section, the Registrar shall remove her name from the register.

(5) A person whose name has been removed from the register under this section is entitled to make an application to be again registered on payment of the prescribed fee, and on the application and on the payment the Board shall, if the applicant is not otherwise disentitled to registration, cause her name to be restored to the register.

(6) Where the name of a person has been removed from the register under this Act that person shall be deemed to be a person who is not registered from the date her name is so removed until her name is restored to the register.

Temporary
registration.

22. (1) Upon application in writing by the governing body of any school of nursing, or of any body providing courses of training and examinations recognised by the Board for the purposes of registration, on behalf of a person—

- (a) who is qualified in any part of the world other than this State, to practise some branch of nursing; and
- (b) who is in this State or who proposes to come thereto for the purpose of further study in any branch of nursing,

the Board may direct the Registrar to temporarily register that person in the first mentioned branch of nursing for the duration of that further study, by recording in a special section of the appropriate division of the register the name and other prescribed particulars relating to that person.

(2) A person who is so temporarily registered shall be deemed to hold a certificate of registration for the duration of the temporary registration, without any requirement to apply therefor or for a certificate of registration to issue.

Persons reg-
istered under
repealed Act
to be regis-
tered.

23. The Registrar shall enter in the appropriate division of the register the name of each person who, immediately preceding the coming into operation of this Act, was registered or enrolled or entitled to be registered or enrolled in a register kept under the repealed Act.

Registration
in certain
cases.

24. The Board may register by directing the Registrar to record in a special section of the appropriate division of the register, the name and other prescribed particulars of any person who satisfies the Board by such evidence (including examination, if the Board thinks necessary) as the Board requires that that person has training and experience or training or experience sufficient to enable the person to practise in the branch of nursing to which the division of the register relates.

25. (1) A person who, being registered, at any time changes her address as appearing in the register shall, as soon as practicable thereafter, send to the Registrar notice of her new address, and the Registrar shall thereupon correct the entry in the register relating to that person accordingly.

Change of
address.

(2) A person who, without reasonable cause, fails to comply with this section is guilty of an offence.

Penalty: Five dollars.

26. A person who wilfully makes or causes to be made any false entry in or falsification of the register, or procures or attempts to procure herself or any other person to be registered by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, is guilty of an offence.

Offence of
wrongfully
procuring
registration.

Penalty: Two hundred dollars or imprisonment for three months.

27. Where a person has been registered by reason of any false or fraudulent representation or declaration, made either orally or in writing, or where any person not entitled to be registered has been registered, the Board shall cause the name of that person to be removed from the register.

Correction of
register.

28. (1) The Board may, at any time, cause the register to be revised by making all necessary alterations in the registration of the names and other particulars of persons who are registered and shall direct the removal therefrom of the name of any person who—

Power of
Board to
rectify
register.

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which she was registered;

(c) has become an incapable person within the meaning of the Mental Health Act, 1962.

Vide Act No.
30 of 1918.
S. 31 (4).

(2) The Registrar may at any time, and shall if the Board so directs, send to any person who is registered, by registered letter addressed to her at her address as appearing in the register, an inquiry as to whether or not she desires to have her name retained on the register.

(3) If no reply is received to that letter within three months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs remove from the register the name of the person to whom the letter was so sent.

(4) If any person being registered, applies to the Registrar to have her name removed from the register, the Registrar shall, if the Board so directs, remove the name from the register accordingly.

Vide S. 21 (6)
Ante.

(5) Subject to section 34, where a person whose name has been removed from the register pursuant to subsection (3) or (4) of this section, applies to the Registrar to have her name restored to the register her name shall, if the person is not disentitled to registration, be restored to the register accordingly, on payment of such fee as may be prescribed.

(6) The Registrar General and every District Registrar under the Registration of Births, Deaths and Marriages Act, 1961, upon registering the death of any person known to him to be registered, shall forthwith send notice of the death to the Registrar.

(7) The Director of Mental Health Services under the Mental Health Act, 1962, upon becoming aware that any incapable person known to him to be registered has been admitted to an approved hospital under that Act, shall forthwith give notice of the name of that person to the Registrar.

PART IV.—MISCELLANEOUS.

29. (1) If the Board is satisfied, in respect of any person who is registered that the person, whether before or after she became registered—

Disciplinary
power of
Board.

- (a) has been convicted in this State or elsewhere of any offence the commission of which, in the opinion of the Board, renders the person unfit to practise her calling of a nurse or nursing aide;
- (b) is addicted to alcohol or any deleterious drug to a degree that, in the opinion of the Board, renders the person unfit to so practise;
- (c) has been guilty of gross negligence, malpractice, impropriety or misconduct in respect of her calling of a nurse or nursing aide,

the Board may, according as it thinks just under the circumstances—

- (d) remove the name of the person from the register;
- (e) suspend the registration of the person for such period not exceeding twelve months as it determines;
- (f) impose on the person a penalty of such amount not exceeding forty dollars, as it determines;
- (g) caution or reprimand that person; or
- (h) require the person to give a written undertaking to the Board to be of good behaviour for such period not exceeding two years as the Board thinks fit and to comply, during that period, with such conditions, if any, relating to her calling of nurse or nursing aide as the Board thinks fit to impose.

Vide Act No.
30 of 1918.
S. 31 (4).

(2) Before exercising its power under this section, the Board shall cause to be given to the person concerned either personally or by registered post, a notice stating that it has reason to believe that a ground exists that entitles the Board to exercise its powers under this section, specifying the ground with sufficient particularity to enable the person to answer it, and requiring her to appear before the Board at the time and place specified in the notice, to show cause why the Board should not remove her name from the register or otherwise exercise its powers under this section.

(3) A notice under subsection (2) of this section, may require the person to whom it is addressed to notify the Board in writing, not later than a date specified in the notice, being a date that is prior to the date proposed for the hearing by the Board, as to whether or not she intends to appear before the Board at the hearing to show cause.

(4) If the person fails to notify her intention as required by the notice under subsection (2) or notifies the Board that she does not intend to appear, she is not entitled to appear and be heard except by leave of the Board granted on such conditions as to payment of expenses or otherwise as the Board thinks fit, and if no application is made for the leave the Board may proceed to hear and determine the matter of complaint in the absence of the person.

(5) Where a person has notified the Board that she intends to show cause why the Board should not exercise its powers under this section, the Board shall by resolution—

(a) appoint a committee of members; and

(b) delegate to the committee the power to make an inquiry under this section into the matter of complaint against the person and subject to section 30 to hear and determine the matter.

(6) A document purporting to be a copy of the resolution of the Board appointing the committee referred to in subsection (5) of this section, signed by the chairman or member presiding at the meeting at which that resolution was passed, is evidence of the appointment of the committee and of any delegation under that subsection and of the terms of the delegation.

30. (1) A committee appointed under subsection (5) of section 29, shall consist of five members of whom—

Constitution
of disciplin-
ary commit-
tee and
powers
thereof.

(a) one shall be the chairman of the Board and he shall be the chairman of the committee;

(b) three, at least, shall be persons who are registered.

(2) Subject to this section, a committee so appointed has power to make an inquiry under section 29 and to hear and determine any matter the subject of the inquiry and to exercise the powers of the Board in respect thereof, as though it were the Board.

(3) (a) A committee after it has completed any such inquiry shall forward to the Board, as soon as practicable thereafter, a copy certified under the hand of the chairman of the committee and one other member thereof, of all evidence taken at the inquiry into a matter under section 29 together with its written report on the hearing and its determination on the matter the subject of the inquiry.

(b) A committee hearing the inquiry has power to order that the person in respect of whom the inquiry is held shall pay the costs and expenses of and incidental to the inquiry or such portion thereof as the committee orders.

(4) A determination of the committee is of no effect until it is confirmed by the Board after it has considered the copy of the evidence, and the report and determination of that committee, and the Board has power—

- (a) to determine that no penalty be imposed or no undertaking be required from the person who is registered to whom the determination relates;
- (b) to reduce a penalty determined by the committee by suspending registration for a period not exceeding twelve months or imposing a pecuniary penalty not exceeding one hundred dollars instead of removing the name of the person from the register, or by reducing any period of suspension of registration or any pecuniary penalty or by substituting a pecuniary penalty not exceeding fifty dollars for a period of suspension of registration; or
- (c) by reducing the amount of cost and expenses of and incidental to the inquiry ordered to be paid or order that no such costs are payable.

(5) An inquiry under section 29 shall be open to the public only if the Board so determines or if the complainant or registered person concerned requests that the inquiry be open to the public.

(6) Any hearing of any matter under section 29 may be adjourned from time to time and from place to place by the committee holding the inquiry thereon.

(7) (a) If a person who gives an undertaking to the Board pursuant to section 29 fails to be of good behaviour during the period specified in the undertaking or fails to comply with any condition so specified the Board may by notice as provided in subsection (2) of this section summon the person to appear at an inquiry into such failure.

(b) The provisions of section 29 apply, with such modification as the circumstances require, to the inquiry except that the committee appointed to hear the inquiry may impose only a pecuniary penalty not exceeding one hundred dollars for failure to comply with the undertaking.

(c) Nothing in this subsection affects the liability of a person to be otherwise dealt with under section 29 in relation to any matter referred to in subsection (1) of that section.

(8) Every pecuniary penalty imposed and costs and expenses ordered to be paid under this section are recoverable as a debt due to the Board and if the penalty or costs and expenses are not paid within the time specified by the Board in that behalf, or within such extended time as it may allow, the Board may suspend the registration of the person liable for the payment of the penalty until it is paid.

31. For the purposes of an inquiry under section 29, a committee appointed to make the inquiry and the chairman thereof has all the powers, rights and privileges conferred by the Royal Commissioners' Powers Act, 1902 on a Royal Commission and the chairman thereof, and that Act applies, with such modifications as circumstances require, to any witness summoned by or appearing before the committee.

Further
powers of
committee.

32. (1) The Board may at any time by order under the hand of the chairman suspend any certificate of registration wholly or in respect of one or more branches of nursing, if more than one branch of nursing is specified therein, for such period as the Board may think fit, if in the opinion of the Board formed after adequate inquiry and adequate notice thereof has been given to the person so specified it is necessary, on account of the physical or mental condition of that person in the interests of the public health to do so.

Suspension of
certificate in
certain cases.

(2) A person whose certificate of registration has to her knowledge been—

- (a) wholly suspended under this section, shall not carry on the practice of any branch of nursing;
- (b) suspended under this section in respect of a branch of nursing, shall not carry on the practice of nursing of that branch,

while the suspension is in force.

(3) The Board may, at any time, by order remove the suspension imposed under this section and shall forthwith notify the person to whom the order relates, accordingly.

Appeal.

33. (1) Any person aggrieved by an order to remove her name from the register or to suspend her registration, or any decision to refuse to register or restore her name in the register or renew her certificate of registration, may, within three months after the date on which notice is given to her by the Registrar that her name has been so removed or her registration suspended, or within three months after the date on which she applied to be registered or to have her name restored to the register or applied for renewal of her certificate of registration, as the case may be, appeal in accordance with the regulations against the order or decision as the case requires to the Local Court at Perth and the magistrate thereof shall hear the appeal sitting in chambers.

(2) On the hearing of the appeal the Local Court may affirm or vary the order or decision appealed against, or may allow the appeal, and make such order, including an order as to costs of the appeal, as in the circumstances it thinks just.

**Restoration
of name to
register.**

34. (1) Where the name of a person is removed from the register by the Board pursuant to this Act, notification thereof shall be given to the person

by the Registrar, and the name shall not be again entered in the register except by direction of the Board or by order of a court of competent jurisdiction.

(2) Subject to subsection (3) of this section, the Board may restore to the register the name of any person removed therefrom on the application of that person and on payment of any such fee as may be prescribed.

(3) If prior to her application the applicant has ceased to practise in the branch of nursing to which her application relates, for such period as in the opinion of the Board is likely to materially impair her efficiency therein, the Board may require the applicant to undergo further tuition and practise in that branch of nursing under supervision, before restoring her name to the register.

35. Any person whose name is removed from the register pursuant to section 29 shall within fourteen days from the notification to her that her name has been so removed, surrender to the Board any certificate of registration or badge issued to her by the Board and held by her.

Surrender of
certificate
and badge.

Penalty: Fifty dollars.

36. Subject to section 41, a person who not being registered wears the uniform or any distinctive part of the uniform prescribed for any class of persons who are registered or uses any name, title, addition or description that might cause any person reasonably to believe that she is registered is guilty of an offence.

Offences by
persons who
are not
registered.

37. A person who is registered for the time being, wears the uniform or any distinctive part of the uniform prescribed for any class of persons registered in a division of the register in which division her name is not registered, or uses any

Offences by
persons who
are registered.

name, title, addition or description that might cause any person reasonably to believe that she is registered in a different division of the register from that in which she is in fact registered is guilty of an offence.

Prohibition
on practising
while cer-
tificate of
registration
suspended.

38. A person whose certificate of registration has been suspended in respect of a branch of nursing specified therein, shall not practise in that branch of nursing while the suspension of the certificate is in force.

Offences
relating to
badge.

39. (1) A person who is not registered shall not use or wear any badge prescribed for the use of a person who is registered.

(2) A person whose name has been removed from the register shall not until her name is restored to the register use or wear any badge issued to her by the Registrar.

(3) A person who is registered shall not wear any prescribed badge issued by the Registrar other than the prescribed badge so issued to her.

(4) A person shall not use or wear any colourable imitation of any prescribed badge.

Offence of
practising as
a class of
nurse with-
out registra-
tion therefor.

40. (1) Subject to section 41, a person shall not practise a branch of nursing for fee or reward unless she is registered in respect of that branch of nursing.

(2) A person who so practises is not entitled to recover any charge in any court for any nursing advice or attention given by her in contravention of this section, and in the case of a person so practising as a midwife in addition to any other penalty to which she is liable under section 42, she is liable to a further penalty not exceeding forty dollars.

41. (1) Where a sufficient number of persons who are registered is not available to staff a hospital, if the governing body thereof requests a person who is not registered, to undertake therein for fee or reward, the duties of a nurse in a branch of nursing in respect of which she is eligible to be registered and the person carries out those duties, then subject to this section nothing in section 36 or 40 applies to that person in respect of those duties.

Persons not
registered
practising in
emergency.

(2) The governing body of the hospital shall, within a period of fourteen days, after the person commences to carry out the duties referred to in subsection (1) of this section, notify the Registrar in writing accordingly and at the same time furnish to the Registrar the name, address, age and qualifications of the person together with an application signed by the person for registration in a branch of nursing in respect of which she is eligible to be registered.

(3) The Board—

- (a) may, by notice under the hand of the chairman sent to the governing body and the person concerned, prohibit the person from carrying out the duties so referred to and upon receipt of the notice by the person she shall cease to carry out those duties; or
- (b) may notify the person that she has been registered pursuant to her application referred to in subsection (2) of this section.

42. (1) A person who fails to comply with or contravenes a provision of this Act is guilty of an offence against this Act.

General
penalty.

(2) A person guilty of an offence against this Act for which no penalty is expressly provided for the offence is liable to a penalty not exceeding one hundred dollars.

"This Act"
includes
regulations.
See S. 4 Act
No. 30 of
1918.

(3) All complaints for offences against this Act shall be laid by the Registrar or by some other person appointed by the Board generally or in relation to any particular complaint.

Regulations.

43. (1) The Governor may, upon the recommendation of the Board, make regulations for the purposes of this Act prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act and in particular and without limiting the foregoing provisions of this section, prescribing and regulating—

- (a) the courses of training and instruction to be undergone and the conditions to be fulfilled by persons desirous of becoming qualified for registration;
- (b) the educational qualifications and other conditions required to be possessed and to be fulfilled by persons desiring to enter on courses of training for registration in any division of the register;
- (c) the character, scope, standard and subjects for examinations of the several kinds required by the Board and the conditions and requirements to be fulfilled by candidates therefor respectively;
- (d) the forms of applications, certificates and other documents required under this Act;
- (e) the fees payable in respect of examination and of registration, in respect of any alteration of or addition to the register, and in respect of any other matters under this Act;
- (f) the form, design and character of any badge or distinctive headdress that may be issued to or worn by persons of any class

who are registered and the conditions under which those badges or that head-dress may be issued, worn or used;

- (g) the supervision of training at schools of nursing;
- (h) the powers and duties of advisory committees established under this Act and of the members thereof and the fees payable to persons co-opted by those committees;
- (i) fines, not exceeding fifty dollars, for a breach of any regulation under this section.

(2) No regulation shall be deemed to be invalid on the ground that it delegates to or confers on the Board or any other person or body a discretionary authority.
