

NORTHERN TERRITORY OF AUSTRALIA

NURSING ACT

As in force at 1 July 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 1996

NURSING ACT

An Act to provide for schools of nursing and the registration and enrolment of nurses

Part I Preliminary

1 Short title

This Act may be cited as the *Nursing Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The Acts listed in the Schedule are repealed.

4 Interpretation

In this Act, unless the contrary intention appears:

applicant means a person who applies for registration or enrolment under section 14.

approved means approved by the Board.

Board means the Nurses Board established by section 5.

category of nursing means one of the following categories referred to in the Register or Roll:

- (a) general;
- (b) midwifery;
- (c) child welfare;
- (d) mental deficiency;

- (e) psychiatric;
- (f) enrolled; or
- (g) mothercraft.

Chairman means the Chairman of the Board.

Chief Medical Officer means the Chief Medical Officer appointed under the *Public Health Act*.

child welfare nurse means a person whose name appears in the portion of the Register for the child welfare category of nursing.

enrolled means enrolled under this Act as an enrolled nurse or a mothercraft nurse.

enrolled nurse means a person whose name appears in the portion of the Roll for the enrolled category of nursing.

general nurse means a person whose name appears in the portion of the Register for the general category of nursing.

institution includes:

- (a) a public or private hospital;
- (b) a maternity hospital or home;
- (c) a nursing home within the meaning of the *Private Hospitals and Nursing Homes Act*; or
- (d) a tertiary education institution.

matron means the registered nurse responsible for nursing services in an institution.

member means a person who is or is appointed as a member of the Board and includes a person temporarily in the place of a member.

mental deficiency nurse means a person whose name appears in the portion of the Register for the mental deficiency category of nursing.

midwifery nurse means a person whose name appears in the portion of the Register for the midwifery category of nursing.

mothercraft nurse means a person whose name appears in the portion of the Roll for the mothercraft category of nursing.

nurse means a person who is registered or enrolled under this Act.

psychiatric nurse means a person whose name appears in the portion of the Register for the psychiatric category of nursing.

Register means the Register kept under section 36(1)(a).

registered means registered under this Act as a general nurse, midwifery nurse, child welfare nurse, mental deficiency nurse or psychiatric nurse.

Registrar means the person appointed under section 9(1) to be the Registrar.

Roll means the Roll kept under section 36(1)(a).

school of nursing means an approved institution for the education of general nurses, midwifery nurses, child welfare nurses, mental deficiency nurses or psychiatric nurses whether for the whole or for a portion only of a prescribed educational course.

training school means an approved institution for the training of enrolled nurses or mothercraft nurses whether for the whole or for portion only of a prescribed course of training.

Part II Nurses Board

5 Constitution of Nurses Board

- (1) There is hereby established a board to be known as the Nurses Board of the Northern Territory.
- (2) The Board shall consist of:
 - (a) the registered nurse responsible to the Chief Medical Officer for nursing services in the Territory;
 - (b) the person in charge of medical services at Darwin Hospital;
 - (c) the registered nurse in charge of nursing services at Alice Springs Hospital;
 - (d) the registered nurse in charge of nursing services at Darwin Hospital; and
 - (e) 4 persons appointed under subsection (3).

- (3) The Minister shall appoint:
- (a) a registered nurse;
 - (b) a qualified practising nurse educator; and
 - (c) a registered nurse and a practising enrolled nurse, nominated by the Australian Nursing Federation,
- to be members of the Board.

6 Period of appointments

- (1) Subject to subsections (2) and (3) and section 7, a member appointed under section 5(3) holds office:
- (a) until the expiration of such period, not exceeding 3 years, as is specified in the instrument of appointment; or
 - (b) where a period of appointment is not specified in the instrument of appointment, for 3 years,
- but is eligible for re-appointment.
- (2) A person shall not be appointed under section 5(3) for 3 consecutive periods of appointment.
- (3) A member appointed under section 5(3) may resign as a member by notice in writing signed by her and delivered to the Minister.

7 Dismissal of members

- (1) The Minister may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.
- (2) Where a member appointed under section 5(3):
- (a) is absent, except with the prior leave of the Board, from 2 consecutive meetings of the Board, other than meetings convened in pursuance of a request under section 8(6)(b); or
 - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with her creditors or makes an assignment of her remuneration for their benefit,

the Minister shall terminate the appointment of the member.

8 Chairman and meetings of Board

- (1) The registered nurse responsible to the Chief Medical Officer for nursing services in the Territory shall be the Chairman of the Board.
- (2) The Chairman shall preside at meetings of the Board at which she is present but, in her absence from a meeting of the Board, the Board shall elect another member to preside.
- (3) The Chairman, or other person presiding for the time being at a meeting of the Board, shall have a casting vote as well as a deliberative vote.
- (4) At a meeting of the Board:
 - (a) 5 members constitute a quorum;
 - (b) questions arising shall be determined by a majority of votes of the members present and voting; and
 - (c) subject to this Act or the Regulations, the Board shall determine the procedure to be followed at or in connection with the meeting.
- (5) An act or proceeding of the Board shall not be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.
- (6) The Chairman shall convene meetings of the Board:
 - (a) at least 4 times a year; and
 - (b) within 14 days from the date of receiving a written request for a meeting signed by at least 2 members.

9 Appointment of Registrar

- (1) The Minister may appoint a person as the Registrar for the purposes of this Act.
- (2) The Registrar shall act under the control of the Board.

10 Powers and duties of Board

- (1) The Board shall have and may exercise the powers, and shall discharge the duties, conferred or imposed upon it by this Act.

- (2) Without limiting the generality of sub-section (1), the Board may:
- (a) approve an institution as a school of nursing or training school and publish a list of such institutions;
 - (b) hold examinations, appoint examiners and decide upon their remuneration;
 - (c) grant, issue and cancel certificates of registration, certificates of enrolment and annual practising certificates;
 - (d) approve the form of, and the particulars to be contained in, a certificate, application, order or notice under this Act;
 - (e) approve the form of, and the particulars to be contained in, the Register and Roll and the method of amending such particulars;
 - (f) take legal action against persons for offences against this Act or the Regulations; and
 - (g) do anything necessary for the due and proper carrying out of this Act or the Regulations.

11 Liability for acts of Board, &c.

Where the Board, a member or person commits an act or makes an omission in good faith:

- (a) in the exercise or purported exercise of a power; or
- (b) in the performance or purported performance of a function,

under this Act for the purpose of giving effect to the provisions or objects of this Act, or for discharging an obligation placed upon the Board, the member or person by this Act, no action, claim or demand, either civil or criminal, in respect of that act or omission lies, or shall be commenced or allowed, against the Crown, the Board, the member or the person.

Part III Qualifications for registration and enrolment

12 Qualifications for registration

- (1) A person is qualified to be registered within a category of nursing if she has qualifications attained:
- (a) within the Territory;

(b) elsewhere within the Commonwealth; or

(c) outside the Commonwealth,

in accordance with this section with respect to the category of nursing.

(2) A person has qualifications attained within the Territory for a category of nursing if she has:

(a) passed a prescribed examination; and

(b) completed a prescribed course of study,

with respect to the category of nursing.

(3) A person has qualifications attained elsewhere within the Commonwealth for a category of nursing if she:

(a) is the holder of a certificate of nursing education awarded by an approved institution or body; and

(b) has passed an examination and completed a course of study, if required by the Board,

with respect to the category of nursing.

(4) A person has qualifications attained outside the Commonwealth for a category of nursing if she has:

(a) passed examinations and completed an approved course of study outside the Commonwealth; and

(b) passed an examination and completed a course of study, if required by the Board,

with respect to the category of nursing.

13 Qualifications for enrolment

A person is qualified to be enrolled as:

(a) an enrolled nurse; or

(b) a mothercraft nurse,

if she:

- (c) has completed a prescribed course of training for enrolled nurses or mothercraft nurses, as the case may be, and has passed the prescribed examinations;
- (d) is the holder of a certificate indicating:
 - (i) her satisfactory completion of a course of training; and
 - (ii) her passing of an examination or examinations,for enrolment as an enrolled nurse or mother-craft nurse, as the case may be, awarded by an approved institution or body;
- (e) is eligible for the grant of a certificate referred to in paragraph (d) and has satisfactorily completed training and passed such further examinations as required by the Board; or
- (f) in the case of an enrolled nurse – has completed at a school of nursing, to a standard satisfactory to the Board, at least one year's training in a category of nursing and has satisfactorily completed such further training and passed such further examinations as required by the Board.

Part IV Registration and enrolment

14 Application

- (1) A person may apply in an approved manner to be registered or enrolled.
- (2) An application under subsection (1) shall be accompanied by a fee determined by the Minister.

15 Proof to be submitted to Board

- (1) An applicant shall submit to the Board proof of the qualifications upon which she relies in her application.
- (2) The Board may require the attendance before it of an applicant, or other person whom it thinks fit, for the purposes of its decision as to whether registration or enrolment should be granted or refused.
- (3) The Board may examine a person upon oath, affirmation or declaration and for such purpose a member may administer an oath, affirmation or declaration.

- (4) The Board may issue a summons, signed by the Registrar and in an approved form, requiring the attendance before it of a person or the production of a document.
- (5) A summons issued by the Board and signed by the Registrar under subsection (4) shall have the same effect as a subpoena ad testificandum or subpoena duces tecum, as the case may be, duly issued out of the Supreme Court.

16 Provisional registration and enrolment

- (1) Subject to section 17, where a person applies under section 14 to be registered or enrolled, the Chairman, or in her absence another member, may, upon being satisfied that the person is qualified in a category of nursing, grant to the person a certificate in an approved form of provisional registration or provisional enrolment in the category of nursing.
- (2) Upon the grant of a certificate under subsection (1), a person shall, subject to subsections (3) and (4), be deemed to be registered or enrolled, as the case may be, until:
 - (a) the date specified in the certificate; or
 - (b) a later date, if any, determined by the Board at a subsequent meeting,being a date, in either case, not later than 3 months after the grant of the certificate.
- (3) When the Board is satisfied that, before the date so specified or determined under subsection (2), a person is not qualified to be registered or enrolled, the Board may, without prejudice to the application of the person to be registered or enrolled and notwithstanding Part V, cancel the certificate of provisional registration or enrolment granted to the person.
- (4) Upon a cancellation under subsection (3), the person concerned ceases to be deemed to be registered or enrolled, as the case may be.

17 Granting, &c., of application

- (1) Upon receipt of an application under section 14(1), the Board may:
 - (a) grant registration or enrolment, including registration or enrolment under section 18; or
 - (b) refuse to grant registration or enrolment,

to the applicant.

- (2) The Board shall not grant registration or enrolment under subsection (1) to an applicant unless it is satisfied that the applicant is a person who is:
- (a) of good character;
 - (b) of such a state of health that no danger would be involved to a patient with whom she is likely to be in contact by the granting to her of her registration or enrolment, as the case may be;
 - (c) qualified under section 12 to be registered or under section 13 to be enrolled, as the case may be; and
 - (d) able satisfactorily to write and speak the English language.

18 Conditional registration and enrolment

- (1) Where a person has applied under section 14(1) and she:
- (a) is otherwise qualified for registration or enrolment with respect to a category of nursing, but has not, within the period of 5 years immediately preceding the date on which the Board is considering that person's registration or enrolment, practised, been registered or enrolled or held an annual practising certificate with respect to the category of nursing in the Territory or elsewhere, except under section 16 of this Act;
 - (b) has completed a nursing education programme within the Commonwealth, but the Board does not consider that programme adequate for the purposes of this Act;
 - (c) has completed a nursing education programme outside the Commonwealth, but the Board considers it desirable that the person be subject to a period of assessment; or
 - (d) is otherwise qualified for registration or enrolment with respect to a category of nursing, but the Board considers she should be supervised in her practice of nursing for a period of assessment so as to avoid danger to a patient,

the Board may, subject to such conditions as it thinks fit, grant registration or enrolment, as the case may be, to that person in the category of nursing for a period not exceeding 12 months.

- (2) At the expiration of the period of registration or enrolment granted under subsection (1), the Board may:
 - (a) register or enrol that person without a condition in such category of nursing as it thinks fit;
 - (b) refuse to grant registration or enrolment, as the case may be; or
 - (c) renew the registration or enrolment granted under subsection (1) for a period not exceeding 12 months.
- (3) Where, under subsection (2)(c), the Board renews the registration or enrolment granted under subsection (1), the Board shall, at the expiration of that further period:
 - (a) register or enrol, as the case may be, that person without a condition in such category of nursing as it thinks fit; or
 - (b) refuse to grant registration or enrolment, as the case may be.
- (4) The Board:
 - (a) shall record in the Register or Roll a condition to which a registration or enrolment granted under subsection (1) or renewed under sub-section (2) is subject; and
 - (b) in addition to a power granted under Part V, may cancel, amend or vary, as it thinks fit, the registration or enrolment of a person granted under subsection (1).

19 Certificate of registration or enrolment

Where the Board grants registration or enrolment to a person in a category of nursing, and the fee under section 14(2) has been paid to the Registrar, the Registrar shall issue to the person, by hand or registered post, a certificate in an approved form of her registration or enrolment, as the case may be.

20 Annual practising certificates

- (1) Where a person is issued under section 19 with a certificate of registration or enrolment the Registrar shall issue to the person an annual practising certificate in an approved form.
- (2) A practising certificate takes effect on the date on which the certificate is expressed to take effect and expires on 30 June next following the date on which it takes effect.

- (3) A person to whom a practising certificate has been issued shall, before 30 June in each year, apply in an approved form, accompanied by the fee determined by the Minister, for renewal of the practising certificate and the Board shall issue a renewal of the practising certificate, to the person.
- (4) Subject to subsection (6), where a person referred to in subsection (3) does not apply for renewal of a practising certificate before the date allowed for that application, the Board shall cancel the registration or enrolment of that person.
- (5) A person whose registration or enrolment has been cancelled under subsection (4) may apply in writing to the Board to be registered or enrolled under section 14.
- (6) Where a person advises the Board of her reasons for not applying for renewal of her practising certificate prior to the date allowed under subsection (3), and those reasons are acceptable to the Board, it need not cancel the registration or enrolment, as the case may be, of the person under subsection (4).

Part V Suspension and cancellation

21 Suspension or cancellation of registration or enrolment

- (1) The Board may cancel or suspend the registration or enrolment of a person:
 - (a) whose registration or enrolment was obtained by fraud or misrepresentation;
 - (b) whose qualification under section 12 or 13 is cancelled or suspended by an authority having jurisdiction to cancel or suspend the qualification;
 - (c) who, before or after the registration or enrolment, was or is found guilty of an offence that, in the opinion of the Board, warrants the cancellation or suspension, being an offence committed within or outside the Territory;
 - (d) who is found by the Board to have been guilty of unprofessional conduct;
 - (e) against whom an order under section 122 of the *Liquor Act* is in force;
 - (f) who is found guilty of an offence against this Act;

- (g) who is addicted to narcotic or psychotropic drugs; or
- (h) who is the subject of an order of a Magistrate under section 13 of the *Mental Health Act*,

and, upon the making of the cancellation or suspension, or during the period specified in the notice under sub-section (3)(a), the person ceases to be registered or enrolled, as the case may be.

- (2) In this section, the term ***unprofessional conduct*** does not include conduct which, either from its trivial nature or from the surrounding circumstances, should not in the public interest disqualify a person from practising her profession.
- (3) Where the Board cancels or suspends the registration or enrolment of a person under subsection (1):
 - (a) the person shall be served with a notice of the cancellation or suspension and shall cease to be registered or enrolled, as the case may be, from the day of service of the notice; and
 - (b) the cancellation or suspension may be revoked upon such terms as the Board thinks fit.

22 Investigations

- (1) Before cancelling or suspending the registration or enrolment of a person under section 21(1), the Board shall:
 - (a) give to the person, or post to her by registered mail, notice in writing of the complaint against her; and
 - (b) hold an inquiry into the matter of the complaint and afford the person an opportunity of giving an explanation personally or in writing.
- (2) Where the Board requires information in relation to a charge of malpractice, negligence or misconduct on the part of a person it may request the Chief Medical Officer to investigate the matter and report to the Board.
- (3) Upon receipt of a request under subsection (2), the Chief Medical Officer shall cause an investigation to be made and report to the Board.

23 Surrender of certificate of registration or enrolment

- (1) Where a person is served with a notice under section 21(3)(a), she shall, within 14 days after the date of service, surrender to the Board her certificate of registration or enrolment.

Penalty: \$200.

- (2) The failure of a person to surrender her certificate of registration or enrolment as required by subsection (1) shall not affect the validity of the determination under section 21(1).

Part VI Appeals

24 Right to appeal

A person aggrieved by:

- (a) the refusal of the Board to grant registration or enrolment to her;
- (b) the imposition of conditions by the Board on the granting of registration or enrolment to her; or
- (c) the cancellation or suspension of her registration or enrolment by the Board,

may appeal to the Local Court against the decision of the Board.

25 Form of appeal

- (1) An appeal under section 24 shall:
- (a) be in writing;
 - (b) set out details of or be accompanied by the notices referred to in section 21(3)(a) and 22(1)(a); and
 - (c) be commenced within one month after the decision appealed against was made.
- (2) A person who appeals under section 24 shall serve on the Board notice of, and the grounds for, the appeal.

26 Appeal

- (1) The Local Court shall conduct a hearing into the grounds for the Board's decision appealed against under section 24.

- (2) Subject to subsection (1), the Local Court has all the powers, duties and functions of the Board in relation to the subject-matter of the appeal.
- (3) The Local Court, after considering an appeal under section 24 shall, by order:
 - (a) confirm the decision of the Board;
 - (b) vary the decision of the Board in such manner as it thinks fit;
 - (c) substitute its decision for the decision of the Board; or
 - (d) disallow the decision of the Board.
- (4) An order under subsection (3) shall take effect on the date specified by the Local Court in the order.

Part VII Offences

27 Unregistered persons, &c., not to hold positions in certain institutions

A person who is not a registered nurse shall not, without the authority in writing of the Minister, hold an appointment (whether honorary or otherwise) as a person in charge of the nursing of patients in an institution, school of nursing or training school.

Penalty: Imprisonment for 2 years.

28 Unregistered person not to act as midwifery nurse

A person who is not a midwifery nurse shall not practise or attempt to practise as a midwifery nurse or practise midwifery, unless she is:

- (a) a legally qualified medical practitioner;
- (b) a person rendering assistance in a case of emergency; or
- (c) a person acting as a midwife, whether for reward or not, in a case where there is no legally qualified medical practitioner or midwifery nurse, able and willing so to act if requested, residing within a distance of 20 kilometres of the place where the person so acts.

Penalty: Imprisonment for 2 years.

29 Persons advertising or holding themselves out as registered or enrolled

A person shall not advertise or hold herself out as:

- (a) a nurse, unless she is a nurse;
- (b) a general nurse, unless she is a general nurse;
- (c) a midwifery nurse, unless she is a midwifery nurse;
- (d) a child welfare nurse, unless she is a child welfare nurse;
- (e) a mental deficiency nurse, unless she is a mental deficiency nurse;
- (f) a psychiatric nurse, unless she is a psychiatric nurse;
- (g) an enrolled nurse, unless she is an enrolled nurse; or
- (h) a mothercraft nurse, unless she is a mothercraft nurse.

Penalty: Imprisonment for 2 years.

30 Exhibition or publication of advertisements, &c.

- (1) A person shall not exhibit or publish, or cause, permit or suffer to be exhibited or published, a letter, circular, handbill, placard, card, letter-paper, bill-head, receipt form, invoice, document or paper to be used in connection with a business, practice or profession, or other advertisement of any kind by which a person advertises or holds herself out contrary to the provisions of section 29.

Penalty: \$1,000.

- (2) This section shall not apply to a proprietor of a newspaper or magazine or printer publishing an advertisement before the receipt of written notice from the Registrar that the publication of the advertisement is contrary to this section.

31 False statements

A person shall not:

- (a) make or cause to be made a falsification in the Register or Roll, or in a matter relating to the Register or Roll;
- (b) knowingly make a false statement upon an examination before the Board, or in a document to be used in evidence before, or to be submitted to, the Board;

- (c) utter or pass off, or attempt to utter or pass off, as true before the Board a false, forged or counterfeit certificate or other document or writing;
- (d) procure or attempt to procure registration or enrolment for herself or another person by making or producing, or causing to be made or produced, a false statement, declaration or representation, either orally or in writing; or
- (e) falsely personate or represent herself as being the person referred to in a certificate, document or writing presented to the Board or in a certificate granted under this Act.

Penalty: Imprisonment for 2 years.

32 Forgery, &c., of certificates

A person shall not:

- (a) dishonestly obtain a certificate of registration or enrolment under this Act;
- (b) forge, alter or counterfeit a certificate of registration or enrolment;
- (c) utter or use, or attempt to utter or use, a forged certificate of registration or enrolment knowing the same to have been forged; or
- (d) falsely advertise or publish herself as having obtained a certificate or as being registered or enrolled, or permit such an advertisement or publication.

Penalty: Imprisonment for 3 years.

33 Institution of proceedings

- (1) A prosecution for an offence against this Act:
 - (a) shall be dealt with summarily; and
 - (b) shall not be commenced without the consent in writing of the Board.
- (2) The consent of the Board under subsection (1) may be proved by the production of a notice in an approved form to that effect, which is purported to be signed by the Chairman or Registrar.

34 Proof of registration or enrolment

In a prosecution for an offence against this Act, a certificate specifying that a person is or is not registered or enrolled and which is purported to be signed by the Chairman or Registrar shall be prima facie evidence of the fact.

Part VIII Miscellaneous

35 Determination of fees

For the purposes of this Act or the Regulations, the Minister may determine, by notice in the *Gazette*, a fee for an application or certificate under this Act or the Regulations or inspection of the Register or Roll under section 37.

36 Register and Roll

- (1) The Registrar shall:
 - (a) keep a Register and Roll in forms approved by the Board for the purposes of this Act;
 - (b) erase from the Register or Roll, as the case may be, the names of registered or enrolled persons who have died; and
 - (c) make such other amendments to the Register or Roll as the Board directs for the purpose of making the Register or Roll an accurate record of the names, professional addresses and qualifications of registered or enrolled persons.
- (2) For the purposes of this section, the Registrar may post a notice to a registered or enrolled person, addressed to the person according to her address in the Register or Roll, as the case may be, inquiring if a detail of her entry in the Register or Roll has changed.
- (3) Where no answer to the inquiry under sub-section (2) is received within 6 months after the date of the notice, the Board may cause the name of the person concerned to be erased from the Register or Roll, as the case may be.

37 Inspection of Register and Roll

The Registrar shall keep the Register and Roll in his offices and they shall at all times be open to inspection by a person on payment of a fee determined by the Minister.

38 Recovery of fees

A person, other than a person who is registered or enrolled in a category of nursing or a person who is registered under the *Medical Act*, shall not be entitled to sue or counter-claim for or to set off or otherwise recover a charge or remuneration for a professional attendance or service in the category of nursing.

39 Duplicate certificates

- (1) A person who is the holder of a certificate under this Act may apply for a duplicate certificate when the original certificate is destroyed, damaged, lost or stolen.
- (2) An application under subsection (1) shall be in an approved form and accompanied by a fee determined by the Minister.
- (3) Where the Board receives an application under subsection (1) and is satisfied that the original certificate has been destroyed, damaged, lost or stolen it may issue a duplicate certificate.

40 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may:
 - (a) prescribe standards and conditions with respect to the examination of candidates for acceptance into a school of nursing or a training school;
 - (b) prescribe standards and conditions with respect to examinations to be passed by candidates for registration or enrolment;
 - (c) regulate the conduct of examinations;
 - (d) prescribe the conditions to be complied with by an institution in order to be approved as a school of nursing or training school for the whole of the prescribed course of study or training and the circumstances in which the Board may cancel such an approval;
 - (e) prescribe the conditions to be complied with by an institution in order for it to be approved by the Board as a school of nursing

or training school for a portion only of the prescribed course of study or training and the circumstances in which the Board may cancel such an approval, and prescribe, either generally or with respect to a particular school of nursing or training school or class or classes of school of nursing or training school, which portion of the prescribed course of study or training may be passed through at any such school of nursing or training school, and for what period of the prescribed course of study or training the period of study or training at such a school of nursing or training school may be substituted;

- (f) classify approved institutions as schools of nursing or training schools;
- (g) prescribe and provide for the supervision of the course of study or training either generally or in respect of a particular school of nursing or training school, or a particular class or classes of school of nursing or training school;
- (h) regulate, supervise or restrict the practice of the categories of nursing;
- (j) authorize distinctive uniforms or badges, or both, as the uniforms and badges of persons who are registered or enrolled; and
- (k) prescribe penalties for offences against the Regulations, not exceeding, in any case, \$1,000.

Part IX Transitional and savings

41 Transitional and savings

- (1) In this section ***repealed Act*** means the *Nursing Act* as in force immediately before the commencement of this Act.
- (2) The person who, immediately before the commencement of this Act, held the office of Registrar within the meaning of the repealed Act shall, on that commencement, be the Registrar for the purposes of this Act as if she were appointed under section 9(1) by the Minister on that date.
- (3) The Registrar and Roll, within the meaning of the repealed Act shall, on the commencement of this Act, be the Register and Roll respectively for the purposes of this Act.
- (4) A person whose name, immediately before the commencement of this Act, appeared on the Register, within the meaning of the

repealed Act, as a general nurse, a midwife, a child welfare nurse, a mental deficiency nurse or a psychiatric nurse shall continue to be registered in respect of a similar category of nursing under this Act on the same terms, and subject to the same conditions and restrictions, if any, on which she was registered and to which she was subject under the repealed Act, and a certificate of registration issued to her under that Act shall be deemed to be the equivalent certificate issued under section 19 of this Act on the commencement of this Act.

- (5) A person whose name, immediately before the commencement of this Act, appeared on the Roll, within the meaning of the repealed Act, as an enrolled nursing aide or mothercraft nurse shall continue to be enrolled:
- (a) in the case of a person enrolled as a nursing aide under the repealed Act – as an enrolled nurse; and
 - (b) in the case of a person enrolled as a mother-craft nurse under the repealed Act – in the same category of nursing,

under this Act on the same terms and subject to the same conditions and restrictions, if any, on which she was enrolled and to which she was subject under the repealed Act, and a certificate of enrolment issued under that Act shall be deemed to be the equivalent certificate issued under section 19 of this Act on the commencement of this Act.

- (6) A person who, immediately before the commencement of this Act was entitled under the repealed Act to practise as a general nurse, a midwife, a child welfare nurse, a mental deficiency nurse, a psychiatric nurse, a nursing aide or a mothercraft nurse shall, on that commencement, continue to be entitled to practise in a similar category of nursing (and, in the case of a nursing aide, as an enrolled nurse) under this Act as if, on the date of commencement of this Act, she had been issued with the relevant annual practising certificate under section 20 expressed to take effect on that date.
- (7) Where, immediately before the commencement of this Act, a person was the holder of a certificate of provisional registration under section 20 of the repealed Act, the repealed Act shall, subject to subsection (8), continue to apply to and in relation to that person, as if this Act had never commenced, until the date stated in the certificate or fixed under that section, whereupon that person shall be deemed to have applied for registration under this Act.
- (8) Where in relation to the provisional registration of a person under section 20 of the repealed Act the Board, within the meaning of the

Act, had a power or a function, the Board as constituted under this Act shall have the same powers and functions in relation to the provisional registration of a person continued in force by subsection (7).

- (9) A school of nursing or training school approved under the repealed Act shall be deemed to be approved as a school of nursing or training school, as the case may be, under this Act.

Schedule

section 3

ACTS REPEALED

Number and year	Ordinance or Act
No. 24, 1928	<i>Nurses and Midwives Registration Ordinance 1928</i>
No. 5, 1952	<i>Nurses and Midwives Registration Ordinance 1952</i>
No. 8, 1954	<i>Nurses and Midwives Registration Ordinance 1954</i>
No. 3, 1957	<i>Nurses and Midwives Registration Ordinance 1957</i>
No. 19, 1961	<i>Nurses Registration Ordinance 1961</i>
No. 38, 1962	<i>Nurses Registration Ordinance 1962</i>
No. 50, 1967	<i>Nurses Registration Ordinance 1967</i>
No. 50, 1974	<i>Nursing Ordinance 1974</i>
No. 31, 1975	<i>Nursing Ordinance 1975</i>
No. 36, 1980	<i>Nursing Act 1980</i>
No. 26, 1981	<i>Nursing Amendment Act 1981</i>

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Nursing Act 1982 (Act No. 48, 1982)***

Assent date 20 July 1982
 Commenced 22 February 1984 (*Gaz G7*, 22 February 1984, p 3)

Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)

Assent date 5 June 1989
 Commenced s 6: 5 June 1989; rem: 1 January 1991 (s 2, s 2 *Small Claims Amendment Act 1988* (Act No. 43, 1988), *Gaz G17*, 3 May 1989, p 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

Local Court (Consequential Amendments) Act 1990 (Act No. 31, 1990)

Assent date 11 June 1990
 Commenced s 5: 11 June 1990; rem: 1 January 1991 (s 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

Statute Law Revision Act 1991 (Act No. 31, 1991)

Assent date 25 June 1991
 Commenced 25 June 1991

Medical (Consequential Amendments) Act 1995 (Act No. 8, 1995)

Assent date 10 April 1995
 Commenced 1 June 1995 (s 2, s 2 *Medical Act 1995* (Act No. 7, 1995) and *Gaz S21*, 1 June 1995)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
 Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

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LIST OF AMENDMENTS

s 5	amd No. 31, 1991, s 14
s 21	amd No. 17, 1996, s 6
s 24	amd No. 14, 1989, s 7
s 26	amd No. 14, 1989, s 7; No. 31, 1990, s 7
s 38	amd No. 8, 1995, s 4