

NURSES' REGISTRATION AMENDMENT ACT 1983

No. 51 of 1983

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NURSES' REGISTRATION AMENDMENT ACT 1983

No. 51 of 1983

AN ACT to amend the Nurses' Registration Act 1952 for the purpose of providing for the enrolment of mothercraft nurses under that Act and for related purposes and to repeal the Mothercraft Nurses' Registration Act 1947.

[Royal Assent 10 November 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:--

1—This Act may be cited as the *Nurses' Registration Amendment Act 1983*. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Nurses' Registration Act 1952** is referred to as the **Principal Act**. Principal Act.

* No. 10 of 1952. For this Act, as amended to 1976, see Appendix A to the Annual Volume of Statutes for 1976. Subsequently amended by No. 71 of 1977 and No. 56 of 1978.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 of the Principal Act is amended as follows:—

- (a) by inserting before the definition of “ approved training institution ” the following definition:—
“ approved ” means approved by the Board;
- (b) by inserting after the definition of “ Board ” the following definition:—
“ certificate of enrolment ” means a certificate of enrolment issued by the Board under section 10;
- (c) by inserting after the definition of “ Director ” the following definitions:—
“ enrolled ” means enrolled as a mothercraft nurse under section 10 (1A);
“ register ” means the register kept by the Registrar under section 9 (2);
- (d) by omitting “ 1927, ” from the definition of “ repealed Act ” and substituting “ 1952; ”;
- (e) by inserting after the definition of “ repealed Act ” the following definition:—
“ roll ” means the roll kept by the Registrar under section 9 (2A).

Amendment of section 6 of Principal Act (Powers and functions of Board).

5—Section 6 of the Principal Act is amended as follows:—

- (a) by inserting in paragraph (a) “ or enrolment ” after “ registration ”;
- (b) by inserting in paragraph (b) “ or enrolment ” after “ registration ”;
- (c) by omitting paragraph (c) and substituting the following paragraph:—
(c) cancel a certificate of registration or enrolment and cause any name to be removed from the register or the roll;

Amendment of section 9 of Principal Act (Records, register, and roll).

6—Section 9 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (1) “ enrolments, ” after “ registrations, ”;
- (b) by inserting the following subsection after subsection (2):—
(2A) The Registrar shall keep in the prescribed form and manner a roll containing the names of all persons who are enrolled.

- (c) by omitting from subsection (3) " since it was last published in the *Gazette*, or a copy of the register " and substituting " or roll since the last publication in the *Gazette*, or a copy of the register or roll ";
- (d) by inserting in that subsection " or roll " after " register ", where lastly occurring;
- (e) by inserting in subsection (4) " or roll " after " register ";
- (f) by inserting in that subsection " or enrolled " after " registered ", wherever occurring;
- (g) by inserting in subsection (5) " or enrolled " after " registered ".

7—The heading to Part III of the Principal Act is amended by inserting " AND ENROLMENT " after " REGISTRATION ". Amendment of heading to Part III of Principal Act.

8—Section 10 of the Principal Act is amended as follows:— Amendment of section 10 of Principal Act (Registration or enrolment of nurses).

- (a) by inserting the following subsection after subsection (1):—

(1A) A person qualified as provided by section 11 (1) (a) (vii) may, subject to this section, be enrolled as a mothercraft nurse in respect of the class of mothercraft nursing.

- (b) by omitting subsections (2) and (3) and substituting the following subsections:—

(2) An application for registration or enrolment shall be—

- (a) made in the prescribed form;
- (b) lodged with the Registrar; and
- (c) accompanied by the prescribed fee.

(3) The Registrar shall not—

- (a) register a person under subsection (1) unless that person is 20 years of age or more at the time the application for registration is made; or
- (b) enrol a person under subsection (1A) unless that person is 18 years of age or more at the time the application for enrolment is made.

- (c) by inserting in subsection (4) " or enrolment " after " registration ";

- (d) by omitting from subsection (5) " the applicant upon payment of the prescribed fee " and substituting " or enrol the applicant ";
- (e) by omitting from subsection (6) " a certificate of registration " and substituting " or enrolled a certificate of registration or enrolment ";
- (f) by inserting in subsection (7) " or enrolment " after " registration ".

Amendment of section 11 of Principal Act (Qualifications for registration or enrolment).

9—(1) Section 11 (1) of the Principal Act is amended as follows:—

- (a) by omitting " no person shall be registered under this Act " and substituting " a person shall not be registered under section 10 (1) or enrolled under section 10 (1A) ";
- (b) by omitting from paragraph (a) (iv) " or, if that person, being registered as a general nurse, is also registered under the *Mothercraft Nurses' Registration Act 1947* as a mothercraft nurse, for a period of not less than 3 months; ";
- (c) by omitting from paragraph (a) (v) " 6 months; or " and substituting " 6 months; ";
- (d) by omitting from paragraph (a) (vi) " 12 months; " and substituting " 12 months; or ";
- (e) by inserting in that paragraph the following subparagraph after subparagraph (vi):—
 - (vii) mothercraft nursing, has attended and completed an approved course or a course which, in the opinion of the Board, is substantially equivalent to an approved course, for a period of not less than 15 months in relation to the care and supervision of babies and young children;
- (f) by inserting in paragraph (b) " or enrolment " after " registration ";
- (g) by omitting paragraph (c) and substituting the following paragraph:—
 - (c) is of good character, and that she would not, if registered or enrolled, be liable to have that registration or enrolment cancelled or suspended as provided by this Act.

(2) Section 11 of the Principal Act is further amended as follows:—

- (a) by omitting subsection (2);
- (b) by inserting in subsection (4) “ or enrolled ” after “ registered ” wherever occurring;
- (c) by inserting in subsection (4) (b) “ or enrolment ” after “ registration ”;
- (d) by inserting in subsection (5) “ or enrolled ” after “ registered ” wherever occurring.

10—Section 12 (1) of the Principal Act is amended by inserting “ or enrolment ” after “ registration ”.

Amendment of section 12 of Principal Act (Renewal).

11—Section 13 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 13 of Principal Act.

13—A certificate of registration or enrolment and every renewal of such a certificate shall, while it is in force, entitle the holder of the certificate to practise the calling of a nurse in the class of nursing specified in the certificate and to take and use—

Effect of registration or enrolment.

- (a) in the case of a class of nursing referred to in section 10 (1), the title of a registered nurse; and
- (b) in the case of a mothercraft nurse, the title of an enrolled nurse.

12—Section 13A (1) of the Principal Act is amended by inserting “ or enrolment ” after “ registration ” wherever occurring.

Amendment of section 13A of Principal Act (Appeals against refusal of registration or enrolment).

13—Section 17 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 17 of Principal Act.

17—The Board may, at any time, direct the Registrar—

Power of Board to rectify register and roll.

- (a) to revise the register or roll; and
- (b) to remove from the register or roll the name of a person who has died or has ceased, from any cause, to be entitled to registration or enrolment.

Amendment of
section 18 of
Principal Act
(Offences).

14—(1) Section 18 (1) of the Principal Act is amended as follows:—

- (a) by omitting “ No person who is not registered shall ” and substituting “ A person who is not registered or enrolled shall not ”;
- (b) by inserting in paragraph (a) “ or enrolled ” after “ registered ”;
- (c) by omitting paragraph (c) and substituting the following paragraph:—
 - (c) wear or use a badge prescribed for the use of registered or enrolled nurses; or
- (d) by inserting in paragraph (d) “ or an enrolled ” after “ registered ”.

(2) Section 18 (2) of the Principal Act is amended by omitting “ No registered nurse shall ” and substituting “ Any registered or enrolled nurse shall not ”.

Amendment of
section 26 of
Principal Act
(Regulations).

15—Section 26 of the Principal Act is amended as follows:—

- (a) by omitting paragraph (a) and substituting the following paragraph:—
 - (a) the form, design, and character of a badge which may be issued to, or worn, or used by, any registered or enrolled nurse, the conditions under which those badges may be issued, worn, or used, and the fees payable in respect of those badges;
- (b) by omitting paragraph (g) and substituting the following paragraph:—
 - (g) the practice of midwifery and mothercraft nurses and the conditions to be observed by those nurses, including, without prejudice to the generality of the foregoing, the notification by them of diseases and injuries contracted or sustained by mothers, infants, or children under their care or supervision;
- (c) by inserting in paragraph (b) “ or enrolment ” after “ registration ”.

16—(1) A person who, immediately before the commencement of this Act, is qualified for registration as a mothercraft nurse under the *Mothercraft Nurses' Registration Act 1947* but is not so registered, is deemed to be qualified for enrolment as a mothercraft nurse under the Principal Act as amended by this Act. Transitional and savings provisions.

(2) A person who, immediately before the commencement of this Act is registered as a mothercraft nurse under the *Mothercraft Nurses' Registration Act 1947*, is deemed to be enrolled as a mothercraft nurse under the Principal Act as amended by this Act.

(3) A person who commenced the courses of study and training prescribed under the *Mothercraft Nurses' Registration Act 1947* not more than 2 years before the commencement of this Act, shall, on completion of those courses and on passing the examinations prescribed under that Act, be deemed to be qualified for enrolment as a mothercraft nurse under the Principal Act as amended by this Act.

17—Each provision of the Principal Act specified in column 1 of Schedule 1 is amended in the manner specified opposite the reference to that provision in column 2 of that Schedule. Revision of Principal Act.

18—The *Mothercraft Nurses' Registration Act 1947* is repealed. Repeal.

SCHEDULE 1

Section 17

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 14 (1)	Omit " a registered ", substitute " any registered or enrolled ".
Section 14 (3)	(a) Omit " a registered ", substitute " any registered or enrolled "; and (b) After " registration ", insert " or enrolment ".
Section 14 (4)	Omit " a registered ", substitute " any registered or enrolled ".
Section 14 (5)	Omit " a registered ", substitute " any registered or enrolled ".
Section 14A (1)	Omit " a registered ", substitute " any registered or enrolled ".
Section 14A (1) (a)	(a) After " registration ", insert " or enrolment "; and (b) After " register ", insert " or roll ".
Section 14A (4)	Omit " a registered ", substitute " any registered or enrolled ".
Section 14B (1)	(a) Omit " a registered ", substitute " any registered or enrolled "; (b) After " registration ", insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 14B (2)	After " registration ", insert " or enrolment ".
Section 14C	(a) Omit " a registered ", substitute " any registered or enrolled "; (b) After " registration ", insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 14D (1)	(a) Omit " a registered ", substitute " any registered or enrolled "; (b) After " registration ", wherever occurring, insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 14D (2)	(a) After " registration ", insert " or enrolment "; and (b) After " register ", insert " or roll ".
Section 14E	After " registration ", insert " or enrolment ".
Section 14F (1)	(a) Omit " a registered ", substitute " any registered or enrolled "; (b) After " registration ", insert " or enrolment "; and (c) After " register ", insert " or roll ".

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 14F (2)	(a) Omit " a registered ", substitute " any registered or enrolled "; and (b) After " registration ", insert " or enrolment ".
Section 14F (3)	(a) Omit " a registered ", substitute " any registered or enrolled "; (b) After " registration ", wherever occurring, insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 14G (1)	(a) After " registered ", insert " or enrolled "; (b) After " registration " insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 15 (1)	(a) Omit " registration under this Act ", substitute " enrolment or registration under this Act, registration under the <i>Mothercraft Nurses' Registration Act 1947</i> "; (b) After " registration " where secondly occurring, insert " or enrolment "; and (c) After " register ", insert " or roll ".
Section 15 (2)	(a) After " registered ", wherever occurring, insert " or enrolled "; and (b) After " register ", insert " or roll ".
Section 15 (3)	(a) After " register ", insert " or roll "; and (b) After " registered ", insert " or enrolled ".
Section 15A (1)	Omit " a registered ", substitute " any registered or enrolled ".
Section 15A (1) (a)	After " registration ", insert " or enrolment ".
Section 15A (4)	Omit " a registered ", substitute " any registered or enrolled ".
Section 15A (5)	Omit " a registered ", substitute " any registered or enrolled ".
Section 15B (7)	Omit " a registered ", substitute " any registered or enrolled ".
Section 15B (7) (a)	(a) After " register ", insert " or roll "; and (b) After " registration ", insert " or enrolment ".
Section 15C (1)	Omit " a registered ", substitute " any registered or enrolled ".
Section 15C (2)	Omit " a registered ", substitute " any registered or enrolled ".

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 15D (1) (a)	(a) After "register", insert "or roll"; and (b) After "registration", insert "or enrolment".
Section 15E (1)	After "register", wherever occurring, insert "or roll".
Section 15E (2)	After "register", insert "or roll".
Section 15E (3)	After "register", insert "or roll".
Section 15E (4)	After "register", insert "or roll".
Section 15G	After "registration", insert "or enrolment".
Section 16 (a)	After "register", insert "or roll".
Section 16 (b)	After "registration", insert "or enrolment".
Section 16 (c)	After "registered", insert "or enrolled".
Section 16A (1)	After "registration", insert "or enrolment".
Section 16A (2)	After "registration", insert "or enrolment".
Section 16A (3)	(a) After "registration", insert "or enrolment"; and (b) After "register", insert "or roll".