

NURSING ORDINANCE 1974

355

No. 50 of 1974

An Ordinance to amend the *Nurses Registration Ordinance 1928-1961* as amended

[Assented to 30 September 1974]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Nursing Ordinance* 1974. Short title
- 2.(1) The *Nurses Registration Ordinance 1928-1961* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance and citation
(2) The Principal Ordinance as amended by this Ordinance may be cited as the *Nursing Ordinance 1928-1974*.
3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.* Commencement
4. The long title of the Principal Ordinance is amended by omitting "and Midwives" and substituting ", including Midwives, and for the Enrolment of Nursing Aides". Long title
5. Section 3 of the Principal Ordinance is repealed. Parts
6. Section 4 of the Principal Ordinance is amended— Definitions
 - (a) by inserting after the definition of "The Chief Medical Officer" the following definitions:
 - "'enrolled' means enrolled under this Ordinance, and 'enrolment' has a corresponding meaning;
 - 'enrolled nursing aide' means a person (male or female) who is for the time being enrolled as a nursing aide, and, for the purposes of reference to a nursing aide, words importing the feminine gender include males:";

* The date fixed was 13 February, 1976 (see *Northern Territory Government Gazette* No. 7 of 13 February, 1976, page 192).

- (b) by omitting "The Register" and substituting "Nurses Register" or "Register";
- (c) by inserting after the definition of "Nurses Register" or "Register" the following definitions;
 - "Nursing Aides Roll" or "Roll" means the roll of nursing aides under this Ordinance;
 - 'psychotropic drug' means a drug that acts on the mind of a person;"; and
- (d) by omitting from the definition of "Training school" the words "or mental nurses" and substituting ", mental nurses or nursing aides".

Powers and
duties of Board

7. Section 8 of the Principal Ordinance is amended by omitting paragraph (c) and substituting the following paragraph:

"(c) to issue and cancel certificates of registration or of enrolment;".

Register of
nurses

8. Section 11(2) of the Principal Ordinance is amended by inserting after "Subject to sub-section (1)" the words "and except as prescribed".

Qualifications
required for
registration as
a midwife

9. Section 13 of the Principal Ordinance is amended by inserting after "midwife who" the words "is a registered general nurse and".

Qualifications
required for
registration as a
child welfare
nurse

10. Section 13A of the Principal Ordinance is amended by inserting after "child welfare nurse who" the words "is a registered general nurse and a registered midwife and".

11. Section 15 of the Principal Ordinance is repealed and the following section substituted:

Qualifications
as to age, &c.

"15.(1) Subject to sub-section (2), a person who is qualified under section 12, 13, 13A or 14 shall not be registered unless the Board is satisfied that she has the following additional qualifications:

- (a) she has attained 20 years of age;
- (b) she is of good character; and
- (c) she is of sound health or of such a state of health that no danger would be involved to her patients.

"(2) Where the Board is satisfied that a person, before she commences a course of training at a training school as a general nurse, midwife, child welfare nurse or mental nurse—

- (a) is of good character; or
- (b) is of sound health or of such a state of health that no danger would be involved to any patients at the training school,

the Board may, in its discretion, exempt that person from compliance with paragraph (b) or (c) of sub-section (1), as the case may be, with respect to her application for registration as a general nurse, midwife, child welfare nurse or mental nurse.”.

12. After section 15 of the Principal Ordinance the following Part is inserted:

“PART IV—ENROLMENT AND QUALIFICATIONS OF
NURSING AIDES

“15A.(1) The Registrar shall keep a roll of nursing aides, to be called “the Nursing Aides Roll”, containing the names of nursing aides. Roll of nursing
aides

“(2) Subject to sub-section (1) and except as prescribed, the Roll shall be in such form and contain such particulars as are from time to time directed by the Board.

“(3) A person shall be enrolled as a nursing aide by entering in the Roll the name of that person and the required particulars.

“15B. Subject to section 15C, a person is qualified to be enrolled as a nursing aide who proves to the satisfaction of the Board— Qualifications
for enrolment
as a nursing aide

- (a) that she has completed the prescribed course of training for nursing aides and has passed the prescribed examinations held by examiners appointed under this Ordinance;
- (b) that she 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 with respect to nursing aide, awarded by an institution or body approved by the Board;
- (c) that she is eligible for the grant of such a certificate and has satisfactorily completed such additional training and passed such additional examinations as the Board requires;

- (d) that she has at a training school completed, at a standard satisfactory to the Board, at least one year's training of a course of training with respect to general nursing or mental nursing and has satisfactorily completed such additional training and passed such additional examinations as the Board requires; or
- (e) that, for a period of not less than 2 years immediately before the commencement of the *Nursing Ordinance* 1974, she has been a nursing aide and, not later than 6 months after the commencement of that Ordinance, she has passed the prescribed examinations held by examiners appointed under this Ordinance.

Qualifications
as to age &c.

"15C.(1) Subject to sub-section (2), a person who is qualified under section 15B shall not be enrolled unless the Board is satisfied that she has the following additional qualifications:

- (a) she has attained 18 years of age;
- (b) she is of good character;
- (c) she is of sound health, or is of such a state of health that no danger would be involved to her patients; and
- (d) she is able to express herself adequately in the English language.

"(2) Where the Board is satisfied that a person, before she commences a course of training as a nursing aide at a training school—

- (a) is of good character; or
- (b) is of sound health, or is of such a state of health that no danger would be involved to any patients at the training school,

the Board may, in its discretion, exempt that person from compliance with paragraph (b) or (c) of sub-section (1) as the case may be, with respect to her application for enrolment."

Heading to
Part V

13. Before section 16 of the Principal Ordinance the following heading is inserted:

"PART V—MISCELLANEOUS".

Proof to be
submitted to
Board

14.(1) Section 16(1) of the Principal Ordinance is amended by omitting "under this Ordinance" and substituting "or enrolled".

(2) Sub-sections (2) and (5) of section 16 of the Principal Ordinance are amended by inserting after "registered" the words "or enrolled".

15.(1) Section 17 of the Principal Ordinance is amended by inserting after "registration" (wherever occurring) "or enrolment". Appeal to
Supreme Court

(2) Section 17(1) of the Principal Ordinance is amended by inserting after "to register" the words "or to enrol".

(3) Section 17(2) of the Principal Ordinance is amended by inserting after "registered" (wherever occurring) "or enrolled".

16. Sections 19 and 20 of the Principal Ordinance are repealed and the following sections substituted:

"19. Upon the registration or enrolment of a person, the Registrar shall send to that person, by hand or registered post, a certificate, in the prescribed form, of— Certificate of
registration or
of enrolment

(a) her registration as a general nurse, midwife, child welfare nurse or mental nurse, as the case may be; or

(b) her enrolment as a nursing aide.

"20.(1) Where a person applies to be registered, the Chairman or, in his absence, any other member may, upon being satisfied that the person is qualified under section 12, 13, 13A or 14, as the case may be, grant to the person a certificate, in the prescribed form, of provisional registration as a general nurse, midwife, child welfare nurse or mental nurse, as the case may be. Provisional
registration or
enrolment

"(2) Where a person applies to be enrolled, the Chairman or, in his absence, any other member may, upon being satisfied that the person is qualified under section 15B, grant to the person a certificate, in the prescribed form, of provisional enrolment as a nursing aide.

"(3) Upon the grant of such a certificate, the person shall, subject to sub-sections (4) and (5), be deemed to be registered or enrolled, as the case may be, until—

(a) the date stated in the certificate; or

(b) such later date, if any, fixed by the Board in lieu of the date so stated,

being a date, in either case, not later than 3 months after the grant of the certificate.

"(4) Where the Board has, before the date so stated or fixed, reason to believe that the person is not qualified to be registered or enrolled, as the case may be, the Board may, without prejudice to the application of the person to be registered or enrolled, cancel the provisional certificate granted to the person.

“(5) Upon such cancellation, the person ceases to be deemed to be registered or enrolled, as the case may be.”.

Suspension or
cancellation of
registration or
enrolment

17.(1) Section 21 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) The Board may, by order cancel or suspend the registration or enrolment of a person—

- (a) whose registration or enrolment is obtained by fraud or misrepresentation;
- (b) a qualification of whom under section 12(b), 13A(b), 14(b) or 15B, as the case may be, is cancelled or suspended by an authority having jurisdiction to cancel or suspend the qualification;
- (c) who, before or after the registration or enrolment, is convicted of an offence that, in the opinion of the Board, warrants the cancellation or suspension, being an offence committed in or out of the Territory;
- (d) who is found by the Board to have been guilty of disgraceful conduct in any professional respect;
- (e) who is convicted of an offence against this Ordinance (including the Regulations) with respect to the practice of general nurses, midwives, child welfare nurses, mental nurses or nursing aides, as the case may be;
- (f) who is an habitual drunkard or addicted to narcotic or psychotropic drugs; or
- (g) who is found to be insane,

and, upon the making of the order of cancellation, or during the period specified in the order of suspension, the person ceases to be registered or enrolled, as the case may be.”.

(2) Section 21(3) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental nurse or nursing aide”.

(3) Sub-sections (4), (5) and (6) of section 21 of the Principal Ordinance are amended by inserting after “registration” (wherever occurring) “or enrolment”.

Surrender of
certificate of
registration or
of enrolment

18.(1) Section 22(1) of the Principal Ordinance is amended—

- (a) by omitting “as a general nurse, as a midwife, as a child welfare nurse or as a mental nurse” and substituting “or enrolment”; and

- (b) by inserting after "registration" (last occurring) "or enrolment".

(2) Section 22(2) of the Principal Ordinance is amended by omitting "of any person as a general nurse, as a midwife, as a child welfare nurse or as a mental nurse" and substituting "or enrolment of a person".

19. Section 23 of the Principal Ordinance is repealed and the following section substituted: Correction of Register or Roll

"23.(1) The Registrar shall—

- (a) erase from the Register or Roll, as the case may be, the names of registered or enrolled persons who have died; and
- (b) make such other amendments of 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 the persons entitled under this Ordinance to practise.

"(2) For the purposes of this section, the Registrar may post a notice to a nurse or enrolled nursing aide, addressed to the person according to her address in the Register or Roll, as the case may be, inquiring if her place of address has been changed.

"(3) Where no answer to the inquiry is received within 6 months after the posting 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."

20. Section 24 of the Principal Ordinance is amended by inserting after "The Nurses Register" the words "and the Roll". Inspection of Register and Roll

21. The heading immediately before section 25 of the Principal Ordinance is repealed. Repeal of heading

22. Section 25 of the Principal Ordinance is amended— Recovery of fees

- (a) by omitting "under this Ordinance" and substituting "or enrolled";
- (b) by omitting "so registered" and substituting "registered or enrolled"; and
- (c) by omitting "or mental nurse" and substituting "mental nurse or nursing aide, as the case may be".

Persons
advertising or
holding
themselves out
as registered or
enrolled

23. Section 28 of the Principal Ordinance is amended—

(a) by omitting from paragraph (d) “or”; and

(b) by adding at the end the following paragraph:

“; or (f) an enrolled nursing aide, unless she is enrolled as a nursing aide”.

False statements

24.(1) Section 31(a) of the Principal Ordinance is amended by omitting “Nurses Register” (wherever occurring) and substituting “Register or Roll”.

(2) Section 31(c) of the Principal Ordinance is amended by omitting “put off” (wherever occurring) and substituting “pass off”.

(3) Section 31(d) of the Principal Ordinance is amended by inserting after “registered” the words “or enrolled”.

Forgery, &c., of
certificates

25.(1) Section 32(a) of the Principal Ordinance is amended by omitting “or registration” and substituting “, registration or enrolment”.

(2) Section 32(d) of the Principal Ordinance is amended by omitting “under this Ordinance” and substituting “or enrolled”.

Onus of proof
of registration
or enrolment

26. Section 34 of the Principal Ordinance is amended by adding at the end “or enrolled”.

Regulations

27.(1) Section 35 of the Principal Ordinance is amended by inserting after “registration” (wherever occurring) “or enrolment”.

(2) Section 35(f) of the Principal Ordinance is amended by adding at the end “and the circumstances in which the Board may cancel such an approval”.

(3) Section 35(g) of the Principal Ordinance is amended by inserting after “training” (second occurring) “and the circumstances in which the Board may cancel such an approval”.

(4) Section 35(k) of the Principal Ordinance is amended by omitting “and mental nurses” and substituting “, mental nurses and nursing aides”.

(5) Section 35(m) of the Principal Ordinance is amended by omitting “Nurses Register” and substituting “Register or Roll”.

(6) Section 35(n) of the Principal Ordinance is amended by omitting all words after “child welfare nurses” and substituting “, registered mental nurses and enrolled nursing aides, respectively”.

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