

NURSING ORDINANCE 1975

627

No. 31 of 1975

An Ordinance to amend the
Nursing Ordinance 1928-1974 as amended

[Assented to 7 November 1975]

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

1. This Ordinance may be cited as the *Nursing Ordinance 1975*. Short title

2. The *Nursing Ordinance 1928-1974* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

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 adding at the end thereof "and Mothercraft Nurses". Long title

5. Section 4 of the Principal Ordinance is repealed and the following section substituted:

"4. (1) In this Ordinance, unless the contrary intention appears—
 'Board' means the Nurses Board as constituted under section 5;
 'Chairman' means the Chairman of the Board;
 'Director of Health' means the person for the time being holding or occupying or performing the duties of the office, created under the *Public Service Act 1922-1975*, in the Department of Health, of Director of Health for the Northern Territory;
 'enrolled' means enrolled under this Ordinance and 'enrolment' has a corresponding meaning;
 'institution' means any hospital (whether public or private) and any maternity or lying-in hospital or home;

* The date fixed was 20 February 1976 (see *Northern Territory Government Gazette* No. 8 of 20 February 1976, page 227).

'Medical Superintendent' means the person for the time being holding or occupying or performing the duties of the office, created under the *Public Service Act 1922-1975*, in the Department of Health, of Medical Superintendent of the Darwin Hospital;

'member' means a member of the Board;

'nurse' means a person registered as one or more of the following:

- (a) a general nurse;
- (b) a midwife;
- (c) a child welfare nurse;
- (d) a mental deficiency nurse; or
- (e) a psychiatric nurse;

'Nurses Register' or 'Register' means the register of general nurses, midwives, child welfare nurses, mental deficiency nurses and psychiatric nurses, being the register kept under this Ordinance;

'psychotropic drug' means a drug that acts on the mind of a person;

'registered' means registered under this Ordinance and 'registration' has a corresponding meaning;

'Registrar' means the person appointed under section 7 to be the Registrar;

'Roll' means the roll of nursing aides and mothercraft nurses being the roll kept under this Ordinance;

'school of nursing' means any institution approved by the Board under this Ordinance for the education of general nurses, midwives, child welfare nurses, mental deficiency nurses or psychiatric nurses, whether for the whole, or for portion only of the prescribed educational course;

'Supreme Court' means the Supreme Court of the Northern Territory;

'training school' means any institution approved by the Board under this Ordinance for the training of mothercraft nurses or nursing aides, whether for the whole or for portion only of the prescribed course of training.

"(2) In this Ordinance, unless the contrary intention appears, words importing the feminine gender shall include males."

6. Section 5 of the Principal Ordinance is repealed and the following section substituted:

"5. There shall be a Nurses Board of the Northern Territory which shall consist of the following members—

- (a) the Director of Health;
- (b) the Medical Superintendent;
- (c) the person for the time being holding or performing the duties of, or acting in, the office, in the Department of Health in the Northern Territory, of Assistant Director (Nursing); and
- (d) 3 persons appointed by the Administrator in Council, namely
 - (i) a Matron of a school of nursing;
 - (ii) a nurse educator; and
 - (iii) a registered nurse nominated by the Royal Australian Nursing Federation.”.

7. (1) Section 6 (1) of the Principal Ordinance is amended by omitting “Chief Medical Officer” and substituting “Director of Health”.

Meetings of Board

(2) Section 6 (4) of the Principal Ordinance is amended by omitting “2” and substituting “4”.

8. (1) Section 8 (d) of the Principal Ordinance is amended by inserting after “training school” the words “or school of nursing”.

Powers and duties of Board

(2) Section 8 (e) of the Principal Ordinance is amended by inserting after “training schools” the words “or schools of nursing”.

9. Section 10 of the Principal Ordinance is repealed.

Repeal

10. The heading to Part III of the Principal Ordinance is omitted and the following heading substituted:

Heading to Part III

“PART III—REGISTRATION”

11. (1) Section 11 (1) of the Principal Ordinance is amended by omitting paragraph (d) and substituting the following paragraphs:

Register of Nurses

- “(d) Mental deficiency nurses;
- (e) Psychiatric nurses.”.

(2) Section 11 (3) of the Principal Ordinance is amended by omitting “mental nurse” and substituting “mental deficiency nurse or psychiatric nurse”.

12. (1) Section 12 of the Principal Ordinance is amended by omitting “course of training” (wherever occurring) and substituting “course of studies”.

Qualifications required for registration as a general nurse

(2) Section 12 (b) of the Principal Ordinance is amended by omitting “certificate of training” and substituting “certificate of education”.

Qualifications required for registration as a midwife

13. (1) Section 13 of the Principal Ordinance is amended by omitting "course of training" (wherever occurring) and substituting "course of studies".

(2) Section 13 (b) of the Principal Ordinance is amended by omitting "certificate of training" and substituting "certificate of education".

Qualifications required for registration as a child welfare nurse

14. (1) Section 13A of the Principal Ordinance is amended by omitting "course of training" (wherever occurring) and substituting "course of studies".

(2) Section 13A (b) of the Principal Ordinance is amended by omitting "certificate of training" and substituting "certificate of education".

Qualifications required for registration as a mental deficiency nurse

15. (1) Section 14 of the Principal Ordinance is amended—

(a) by omitting "course of training" (wherever occurring) and substituting "course of studies"; and

(b) by omitting "mental" (wherever occurring) and substituting "mental deficiency".

(2) Section 14 (b) is amended by omitting "certificate of training" and substituting "certificate of education".

16. After section 14 of the Principal Ordinance the following section is inserted:

Qualifications required for registration as a psychiatric nurse

"14A. Subject to section 15, a person shall be qualified to be registered as a psychiatric nurse who proves to the satisfaction of the Board—

(a) that she has passed such examinations with respect to psychiatric nursing and held from time to time by examiners appointed under this Ordinance as are prescribed, and has passed through such course of studies with respect to psychiatric nursing as is prescribed;

(b) that she is the holder of a certificate of education as a psychiatric nurse, awarded by an institution or body approved by the Board, and has passed such examinations (if any) with respect to psychiatric nursing as the Board has directed her to pass and has passed through such course of studies (if any) with respect to psychiatric nursing as the Board has directed her to pass through; or

(c) that she has—

(i) in some other part of Her Majesty's dominions or in some other country, passed examinations with respect to psychiatric nursing and passed through a course of studies with respect to psychiatric nursing; and

- (ii) in the Territory or elsewhere passed such further examinations (if any) with respect to psychiatric nursing as the Board has directed her to pass and passed through such further course of studies (if any) with respect to psychiatric nursing as the Board has directed her to pass through.”

17. (1) Section 15 (1) of the Principal Ordinance is amended—
 (a) by omitting “or 14” and substituting “, 14 or 14A ”; and
 (b) by omitting paragraph (a).

General
 qualifica-
 tions for
 registration as a
 nurse

- (2) Section 15 (2) of the Principal Ordinance is amended—
 (a) by omitting “of training” and substituting “of studies”;
 (b) by omitting “training school” (wherever occurring) and substituting “school of nursing”; and
 (c) by omitting “or mental nurse” (wherever occurring) and substituting “, mental deficiency nurse or psychiatric nurse”.

18. The heading to Part IV of the Principal Ordinance is omitted and the following heading substituted:

Heading to Part
 IV

“PART IV—ENROLMENT”

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

“15A. (1) The Registrar shall keep a roll of nursing aides and mothercraft nurses.

Roll of nursing
 aides and
 mothercraft
 nurse

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

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

20. After section 15C of the Principal Ordinance the following sections are inserted in Part IV:

“15D. Subject to section 15E a person is qualified to be enrolled as a mothercraft nurse who proves to the satisfaction of the Board—

Qualifications as
 to training
 required for a
 mothercraft
 nurse

- (a) that she has completed the prescribed course of training for mothercraft nurses and has passed the prescribed examination held by examiners appointed under this Ordinance;
 (b) that she is the holder of a certificate awarded by an institution or body approved by the Board indicating—

- (i) her satisfactory completion of a course of training; and
- (ii) her passing of an examination or examinations with respect to mothercraft nursing; or
- (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.

Additional
qualifi-
cations for a
mothercraft
nurse

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

- (a) she is of good character;
- (b) she is of sound health, or is of such a state of health that no danger would be involved to her patients; and
- (c) 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 mothercraft nurse 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 (a) or (b) of sub-section (1) as the case may be, with respect to her application for enrolment.”

Certificate of
registra-
tion or of
enrolment

21. (1) Section 19 (a) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”.

(2) Section 19 (b) of the Principal Ordinance is amended by adding at the end thereof “or mothercraft nurse, as the case may be”.

Provisional
registra-
tion or enrolment

22. (1) Section 20 (1) of the Principal Ordinance is amended by—

- (a) omitting “or 14” and by substituting “, 14 or 14A”; and
- (b) omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”.

(2) Section 20 (2) is amended by—

- (a) adding “or 15D after “15B”; and
- (b) adding at the end thereof “or mothercraft nurse, as the case may be”.

Suspension or
cancellation of
registration or
enrolment

23. (1) Section 21 (1) is amended by—

- (a) omitting “or 15B” and substituting “, 14A (b), 15B (b) or 15D (b)”; and

- (b) by omitting from paragraph (e) “mental nurses or nursing aides” and substituting “mental deficiency nurses, psychiatric nurses, nursing aides or mothercraft nurses”.

(2) Section 21 (3) of the Principal Ordinance is omitted and the following sub-section substituted:—

“(3) The Director of Health may investigate any charge of malpractice, negligence or misconduct on the part of any general nurse, midwife, child welfare nurse, mental deficiency nurse, psychiatric nurse, nursing aide or mothercraft nurse and shall report the results of the investigation to the Board.”

24. Section 23 (2) of the Principal Ordinance is amended by omitting “nurse or enrolled nursing aide” and substituting “registered or enrolled person”.

Correction of Register or Roll

25. Section 25 of the Principal Ordinance is amended by omitting “mental nurse or nursing aide” and substituting “mental deficiency nurse, psychiatric nurse, nursing aide or mothercraft nurse”.

Recovery of fees

26. (1) Section 28 (a) of the Principal Ordinance is amended by omitting “or mental nurse” and substituting “, mental deficiency nurse or psychiatric nurse”.

Persons advertising or holding themselves out as registered or enrolled

(2) Section 28 of the Principal Ordinance is amended by omitting paragraphs (e) and (f) and substituting the following paragraphs:

- “(e) a registered mental deficiency nurse, unless she is registered as a mental deficiency nurse;
- “(f) a registered psychiatric nurse, unless she is registered as a psychiatric nurse;
- “(g) an enrolled nursing aide, unless she is enrolled as a nursing aide; or
- “(h) an enrolled mothercraft nurse, unless she is enrolled as a mothercraft nurse.”

27. (1) Section 35 of the Principal Ordinance is amended—

Regulations

- (a) by inserting after “training” (wherever occurring) “or studies”; and
- (b) by inserting after “training school” (wherever occurring) “or school of nursing”.

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

Nursing

(3) Section 35 (n) of the Principal Ordinance is amended by omitting "registered mental nurses and enrolled nursing aides", and substituting "registered mental deficiency nurses, registered psychiatric nurses, enrolled nursing aides and enrolled mothercraft nurses".
