

3—(1) Section nineteen of the Principal Act is amended by inserting after subsection (2) the following subsection:—

“(2A) In the case of the illness or absence of the member appointed as provided by paragraph III. of subsection (2), the Governor may, on the nomination of the Council of the Association, appoint an officer of the Public Service to hold office as a member of the Board during such illness or absence.”

(2) This section shall be deemed to have commenced on the twenty-seventh day of June, 1949.

Constitution
of Classifi-
cation and
Appeal Board.

TASMANIAN AUXILIARY NURSING SERVICE.

No. 37 of 1949.

AN ACT to establish an Auxiliary Nursing Service and to provide for matters incidental thereto.
[2 November, 1949.]

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—(1) This Act may be cited as the *Tasmanian Auxiliary Nursing Service Act 1949*.

Short title
and incor-
poration.

(2) This Act shall be incorporated and read as one with the *Nurses' Registration Act 1927**.

2 For the purposes of this Act, there shall be a Tasmanian Auxiliary Nursing Service, consisting of the persons registered under this Act.

Tasmanian
Auxiliary
Nursing
Service.

3—(1) The Registrar shall keep a register containing the names of all persons registered under this Act.

Register.

(2) The register shall be in the prescribed form and shall contain the prescribed particulars and a copy thereof shall be published in the *Gazette*.

* 18 Geo. V. No. 8. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 401. Subsequently amended by 9 Geo. VI. No. 29, 11 Geo. VI. Nos. 26 and 55, No. 19 of 1943, and No. 42 of 1949.

(3) In the month of January in each year there shall be published in the *Gazette* either a supplementary list showing all alterations in the register or a copy of the register corrected up to the thirty-first day of December in the preceding year, as the Board may think fit, and every supplementary list so published shall be deemed to be incorporated with the copy of the register last published.

(4) A copy of the *Gazette* containing the register so published shall be evidence that any person named therein as registered under this Act is so registered, and that any person not so named therein is not so registered.

(5) A certificate purporting to be signed by the Registrar that any person therein specified is or is not registered under this Act shall be evidence of the fact so certified.

Registration.

4—(1) Any person qualified as provided by this Act may be registered as provided by this section.

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

(3) No person under the age of seventeen years shall be registered under this Act.

(4) The Registrar shall submit every application to the Board for its determination.

(5) Where the Board is satisfied that an applicant fulfils all the requirements, and has complied with the conditions, of this Act, the Board may authorise the Registrar to register such application on payment by the applicant of the prescribed fee.

(6) The Board shall grant to every person so registered a certificate of registration in the prescribed form.

(7) Every such certificate of registration shall expire on the thirty-first day of December next after the date of its issue, but the same may be renewed from year to year as provided by section six.

Qualifications
for regis-
tration.

5—(1) Except as otherwise expressly provided in this Act, no person shall be registered under this Act unless the Board is satisfied that such person—

(a) has undergone the first year of the training required for persons desiring to qualify for registration as general nurses;

(b) has passed the prescribed examination; and

(c) is of sound health and good character.

(2) The training prescribed by subsection (1) of this section may be undergone at one approved institution or more approved institutions than one, but the period thereof shall be continuous, unless the Board is satisfied that any interruption therein has not been such as to seriously interfere with the training required.

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

(2) Where application for renewal is made within the prescribed time, and in accordance with the prescribed conditions, the renewal shall have effect as from the first day of January of the year in which it is issued, but in every other case the renewal shall take effect from the date of issue.

7—(1) In any case in which any person registered under this Act— Cancellation of registration.

- (a) has procured registration by means of fraud or mis-representation;
- (b) has been convicted in the State or elsewhere of any crime, as defined by the *Criminal Code**, either before or after registration;
- (c) has been, in the opinion of the Board, guilty of any malpractice or misconduct of a serious nature; or
- (d) has committed any breach of any of the provisions of this Act which, under the regulations, entails cancellation of registration,

the Board may cancel the certificate of registration issued to that person, and cause the name of that person to be removed from the register, or may suspend the certificate for such period as the Board may think fit.

(2) Before exercising the power conferred on it by subsection (1) of this section, the Board shall cause notice to be served on, or sent by registered post to, the person in respect of whom such power is proposed to be exercised.

(3) The notice referred to in subsection (2) of this section shall specify the charge made against such person, and shall appoint a time and place at which such person may appear before the Board to show cause why the power should not be exercised.

(4) The Board shall inquire fully into every such matter, and may proceed therewith in the absence of any party who does not attend before it as and when required.

(5) For the purposes of any such inquiry the Board shall have, and may exercise, the powers conferred by Division II. of Part II. of the *Evidence Act 1910*†, upon persons holding inquiries on commission.

(6) The Board, at any time, may cause the name of any person removed from the register pursuant to this section to be restored to the register, and thereupon that person shall be entitled to obtain a certificate of registration upon such conditions as may be prescribed.

* 14 Geo. V. No. 69. See Reprint of Statutes, Vol. III., p. 339. Subsequently amended by 7 Geo. VI. No. 44 and 10 Geo. VI. No. 14.

† 1 Geo. V. No. 20. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 751. Subsequently amended by 6 Geo. VI. No. 64, 7 Geo. VI. No. 40, and 10 Geo. VI. No. 11.

Suspension of
certificate.

8—(1) The Board, at any time, may, by order under the hand of the chairman, suspend any certificate of registration, wholly or partially, for such period as the Board may think fit, if in the opinion of the Board it is necessary in the interests of public health so to do.

(2) An order under subsection (1) of this section may be made to apply to any one class of nursing, or to more than one class of nursing if the certificate thereby affected relates to more than one such class.

(3) No person whose certificate is so suspended, and to whose knowledge such order has been brought, shall carry on the practice of nursing of any class specified in such order during the period of the suspension.

(4) The Board may, at any time, remove any suspension imposed under this section.

Surrender of
certificate.

9 The holder of any certificate of registration which has been cancelled shall deliver or forward that certificate to the Registrar within fourteen days after receiving notice of the cancellation thereof.

Board may
rectify
register.

10 The Board may, at any time, cause the register to be revised, and may direct the removal therefrom of the name of any person who has died or has left the State permanently, or has ceased to be entitled from any cause to registration under this Act.

Appeal from
decision of
Board.

11—(1) Any person who is aggrieved by any decision of the Board as to the registration of such person, or the removal of the name of such person from the register, may appeal therefrom at any time within thirty days after such decision is given.

(2) The provisions of the *Justices Procedure Act 1919** in respect of appeals under that Act shall, so far as the same are applicable and save as modified by this section, apply to appeals under this section, and for the purposes thereof the Board shall be deemed to be the person interested in upholding the decision against which any such appeal is made.

(3) Any order or other document required to be served for the purposes of any such appeal may be served on the Registrar or on the chairman of the Board.

Protection in
the execution
of the Act.

12 No action or other proceeding shall be taken against the Board or any member thereof for or in respect of anything done by the Board or any such member under the authority of this Act in, or in relation to, the execution of this Act.

* 10 Geo V. No. 55. For this Act, as amended to 1936, see Reprint of Statutes. Vol. III, p. 183. Subsequently amended by 2 Geo. VI. No. 54, 4 & 5 Geo. VI. No. 67, 5 Geo. VI. No. 53, 7 Geo. VI. No. 32, 8 & 9 Geo. VI. No. 56, 10 Geo. VI. No. 15, and 11 Geo. VI. Nos. 11 and 53.

13—(1) All fees and other moneys received in pursuance of this Act shall be paid into the consolidated revenue. Application of fees, &c.

(2) All expenses incurred in the execution of this Act shall be paid out of moneys to be provided by Parliament for the purpose.

14 No person, other than the holder of a subsisting certificate of registration under this Act, shall— Offences.

- (a) take or use any name, title, designation, or initial proclaiming or suggesting that such person is the holder of a certificate of registration under this Act;
- (b) wear or use any badge or other distinguishing mark, or any uniform, prescribed for the use of persons registered under this Act; or
- (c) publish, issue, or exhibit any advertisement stating or indicating to the public that such person is the holder of a certificate of registration under this Act.

Penalty: Twenty pounds.

15 The Governor may, on the recommendation of the Board, make regulations for the purpose of this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act, and, in particular prescribing— Regulations.

- (a) the form, design, and character of any badge or other distinguishing mark or any uniform or distinctive dress which may be issued to or worn by any person registered under this Act, and the conditions under which the same may be issued, worn, or used;
 - (b) the character, scope, standard, and subjects for any examination held under this Act, the fees payable in respect thereof, and the conditions and requirements to be fulfilled by the candidates therefor respectively;
 - (c) the cases in which, and the causes for which, certificates of registration under this Act may be cancelled; and
 - (d) the nature or character of the matters or things which shall be deemed to be malpractice for the purposes of this Act.
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