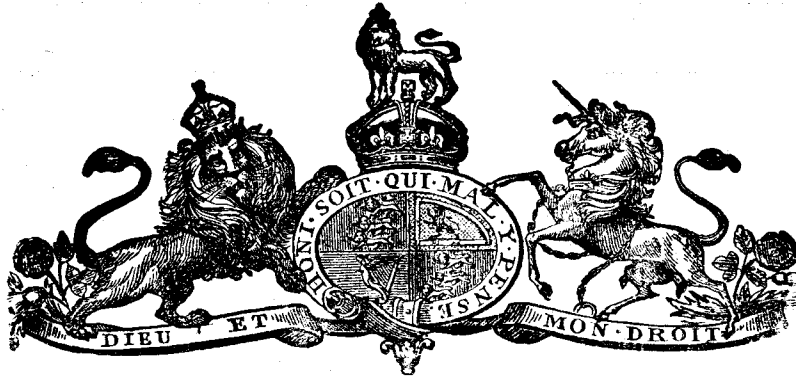


# T A S M A N I A .



1918.

ANNO NONO

GEORGII V. REGIS.

No. 10.

## ANALYSIS.

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AN ACT to amend "The Midwives Act, 1911," <sup>A.D.</sup> 1918.  
and for other purposes. [14 October, 1918.]

**B**E 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 Midwives Act, 1918," and shall be incorporated with and construed as one with "The Midwives Act, 1911," in this Act referred to as the Principal Act.

Short title and  
incorporation  
with 2 Geo. V.  
No. 26.

*Midwives Amendment.*

A.D. 1918.

Amendment of  
Section Two of  
Principal Act.**2** Section Two of the Principal Act is hereby amended by inserting—

- I. After the definition "Act" the following definition :—  
"Board" means the Midwives Registration Board constituted under this Act:
- II. After the definition "certified midwife," the following definition :—"Chief Health Officer" means the person who for the time being holds the office of Chief Health Officer under "The Public Health Act, 1903," and includes an "Acting Chief Health Officer."

Amendment of  
Section 3 of  
Principal Act.  
Midwives Regis-  
tration Board  
constituted.**3** After Section Three of the Principal Act the following Sections are inserted :—**"3a—**(1) For the purposes of this Act there shall be a Midwives Registration Board.**"(2)** The Board shall consist of Three members.**"(3)** The Chief Health Officer shall be *ex officio* a member, and the chairman of the Board.

The Governor shall from time to time appoint as the other members of the Board—

- I. A member of the Medical Council nominated by that Council : Provided that if the Council fails to make such nomination within a time to be fixed by the Governor, the Governor may, without any nomination, appoint any qualified medical practitioner to be the member of the Board :

II. A midwife.

Acts of Board  
during vacancies.  
Quorum.**"(4)** During any vacancy in the Board the continuing members, subject to there being a quorum, may act as if no vacancy existed.**"(5)** A quorum of the Board shall consist of not less than Two members.

Who to preside.

**"(6)** At any meeting of the Board, the chairman, or in his absence, any member elected by the members present to act as chairman of such meeting, shall preside and have a second or casting vote.

First meeting.

**"(7)** The first meeting of the Board shall be convened by the Minister."

Tenure of office.

**"3b** The *ex officio* member of the Board shall hold office at the Governor's pleasure, and every other member of the Board shall hold office for a period of Three years from the date of his appointment, unless he—

I. Dies :

II. Resigns :

III. Is ordered to vacate his office under the next succeeding section :

IV. Being a member nominated by the Medical Council, ceases to be a member of such council : or

V. Is removed from office—

in any of which events a successor shall be appointed in the manner his predecessor was appointed, and such successor shall hold office for the unexpired period of his predecessor's term of office.

*Midwives Amendment.*

**“3c** Any member of the Board, other than the *ex officio* member, who (except in case of sickness or for other reasonable cause allowed by the Minister) absents himself from any Two consecutive sittings of the Board shall, if the Board within One month of the date of the second of such sittings so orders, vacate his office, and such vacancy shall, as soon as conveniently practicable, be again filled.

A.D. 1918.

Vacancy through absence.

Nothing in this section contained shall affect the power of the Governor to remove any member from office.

**“3d** Subject to this Act the Governor (except in the case of the *ex officio* member) may appoint any person to be for such period as he specifies a deputy-member of the Board; and such deputy may, in the case of the sickness or of the absence of any member from any sitting of the Board or from the State, exercise all the powers vested in, and shall perform all the duties of, such member.

Deputy-members of Board.

**“3e** Any member or deputy-member of the Board may resign his office by writing under his hand addressed to the Governor.

Resignation.

**“3f** Notwithstanding anything hereinbefore contained a member or deputy-member of the Board may be removed from office at any time by the Governor.

Removal from office.

**“3g** The words ‘Medical Council’ wherever occurring in all the following sections of this Act, except Section Eight, are hereby omitted, and the word ‘Board’ substituted therefor.”

Substitution of “Board” for “Medical Council.”

**4** Subsection (1) of Section Five of the Principal Act is hereby amended by inserting at the end of the subsection the following words:—

Amendment of Section Five of Principal Act.

“The mere fact that a woman not being a certified midwife attends another woman in childbirth, otherwise than under the direction of a qualified medical practitioner, shall be *prima facie* evidence that she so attended her for gain or in expectation of gain, unless satisfactory proof to the contrary is adduced to the presiding magistrate or justices.”

**5** After Section Fourteen of the Principal Act the following section is inserted:—

**14a—**(1) It shall be the duty of every midwife to furnish to the clerk of the municipal council for the city or municipality in which she practices a report in writing of every case attended by her, whether of living, or still birth, or abortion; and such clerk shall forthwith furnish the officer of health for such city or municipality with a copy thereof.

Reports to be furnished.

(2) Such report shall state the name and address of the mother, and shall be furnished to the said clerk within Forty-eight hours of the event.

(3) Every midwife who neglects to comply with the requirements of this section shall be liable, on conviction in a summary way—

- i. For a first offence to a penalty not exceeding Ten Pounds, or to be imprisoned for any period not exceeding Three months:

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*Midwives Amendment.*

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A.D. 1918.  
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ii. For a second or subsequent offence to a penalty not less than Five Pounds and not exceeding Twenty-five Pounds, or to be imprisoned for any period not exceeding Six months, and the Board may remove the name of the offender from the register.

(4) The occupier of any house at which a female, not usually resident in such house, is attended, whether for gain or not, during childbirth, or abortion, or miscarriage, shall forthwith notify to the clerk of the municipal council for the city or municipality in which such house is situate. that such female is being so attended; and such clerk shall forthwith inform the officer of health for such city or municipality of such notification.

Amendment of  
Section Sixteen of  
Principal Act.

6 Section Sixteen of the Principal Act is hereby amended by inserting the following paragraph at the end thereof :—

“iv. Remove from the register the name of any midwife who in the opinion of the Board is grossly incompetent, and cancel her annual certificate; and the Board may restore to the register the name of any midwife so removed, upon her passing a prescribed elementary examination.”