

T A S M A N I A.



1901.

ANNO PRIMO

EDWARDI VII. REGIS,

No. 24.



AN ACT to promote the better training of A.D. 1901.  
women as Midwifery Nurses, and for their  
registration as such. [13 December, 1902.]

**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 for all purposes be cited as “The Midwifery Nurses Short title.  
Act, 1901.”

**2** In this Act, unless inconsistent with or repugnant to the context, Interpretation.  
the following words and terms shall have the respective meanings hereby assigned to them.

“Court” shall mean the Court of Medical Examiners :

“Midwifery Nurse” shall mean a woman who, being registered under this Act, undertakes to attend for gain in cases of natural labour :

“Register” the register of Midwifery Nurses kept in pursuance of this Act.

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“Registrar” shall mean the Registrar-General for the time being appointed under the provisions of “The Registration of Births and Deaths Act, 1895.”

Registration.

**3** From and after the first day of *June*, One thousand nine hundred and two, no woman residing within a radius of Three miles from the residence of a legally qualified medical practitioner shall be entitled to take or use the name or title of Midwife or licensed, certificated, or registered Midwifery Nurse (either alone or in combination with any other word or words), or any name, title, or description implying that she is registered under this Act, or is qualified to act as a Midwife or Midwifery Nurse, unless she is registered under this Act.

If any person acts in contravention of this Section, she shall be liable to a penalty not exceeding Two Pounds for a first offence, and for any subsequent offence, to a fine not exceeding Five Pounds.

Penalty on un-registered Midwife acting as such.

**4** No woman whose name is not on the Register shall, after the First day of *June*, One thousand nine hundred and two, for gain, attend or undertake to attend any lying-in woman under a penalty not exceeding Two Pounds for the first, and Five Pounds for the second or any subsequent offence; but this Clause shall not apply to any legally qualified medical practitioner, or to any person attending any lying-in woman who resides more than Three miles from the residence of any legally qualified medical practitioner, or in any case in which a legally qualified medical practitioner shall be in attendance on the case, or in any case in which a legally qualified medical practitioner shall be unable or unwilling to attend.

Register to be kept.

**5** A register to be styled the “Midwifery Nurses’ Register” shall be kept by the Registrar, and shall contain in one alphabetical list the names of all persons registered under this Act, together with their qualifications and places of residence.

Provision for existing Midwives.

**6** Any woman, who at the date of the passing of this Act—

- i. Has obtained a certificate in midwifery from some hospital, dispensary, or obstetrical society approved of by the Court, and gives a satisfactory proof of good character; or
- ii. Has been in actual practice in *Tasmania* as a midwife for a period of not less than One year,

shall be entitled to have her name entered on the Register, and to receive a certificate of registration on payment of a fee of Two Shillings and Sixpence.

Qualification of Midwifery Nurses.

**7** Every woman who presents a certificate from the Secretary of the Court that she has passed the examination prescribed by the Court, shall be entitled to have her name entered on the register and to receive a certificate of registration on payment of a fee of Two Shillings and Sixpence. All fees received under this and the preceding Section shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

Appropriation.

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**8** For the purpose of the examination of women desiring to be registered as Midwifery Nurses, the Court shall, as soon as may be after the passing of this Act, frame, subject to the approval of the Governor in Council, rules regulating the qualifying examination of such women. The rules shall provide for the examinations being held, so far as possible, at such places as will enable persons to be examined within a reasonable distance from the place where they reside. Such examinations shall only be of a simple and practical character, and *vivâ voce*.

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Rules respecting the examination of Midwifery Nurses.

**9** There shall be payable by every woman presenting herself for examination, a fee of Ten Shillings. Should a candidate fail to pass, then for her second or any subsequent examination the fee shall be Five Shillings. All fees paid by candidates shall be paid to the credit of the Court of Medical Examiners, and applied for the purposes of this Act.

Fees and expenses.

**10** A true copy of the register, certified by the Registrar to be a true copy, shall, in the month of *December* in every year, be sent to the Chief Secretary, and shall by him be published in the *Hobart Gazette*, and any copy of the Register so published shall be evidence in all courts that the women therein specified are registered according to the provisions of this Act, and the absence of the name of any woman from such copy shall be evidence, until the contrary be made to appear, that such woman is not registered according to the provisions of this Act: Provided always, that in the case of any woman whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such woman on the Register shall be evidence in all courts that such woman is registered under the provisions of this Act.

Publication of register.

**11** If any Midwifery Nurse shall, after due inquiry, be judged by the Court to have been guilty of misconduct in respect of her duty as a Midwifery Nurse, the Court may direct the Registrar to erase the name of such Midwifery Nurse from the register.

Removal from the register.

**12** The Court may, after due inquiry, restore to the register the name of any Midwifery Nurse removed therefrom.

Restoration to the register.

**13** Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the register shall be guilty of a misdemeanour, and shall be liable, on conviction, to a fine not exceeding Twenty Pounds, or to be imprisoned for any term not exceeding Six months.

Penalty for wilful falsification of register.

**14** Any person who shall feel aggrieved by any determination or decision whatsoever, either with reference to the refusal of registration or the erasure of her name from the register, may appeal by summons to a Judge of the Supreme Court, but no such appeal shall be entertained unless it be made within Two months next after the notice to

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such person of the making of such determination, decision, or refusal of registration, or the erasure of her name from the register, nor unless Ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whose determination or decision the appeal is made.

Recovery of  
penalties.

**15** All offences under this Act (except under Section Thirteen hereof) shall be heard and determined, and all penalties and sums of money, costs, and expenses imposed or made payable hereby, may be heard, determined, and recovered in a summary way before Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

**SCHEDULE.**

For the purpose of examination women desiring to be registered as Midwifery Nurses must present one of the following Certificates:—

- I. Of having attended, for not less than Six months, the practice of a Lying-in Hospital of not less than Six beds: or
- II. Of attendance on not less than Twelve cases of practical midwifery, or a course of not less than Twelve lectures on midwifery.