

South Australia

Nurses Regulations 1999

under the *Nurses Act 1999*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Nurses Regulations 1999*.

2—Commencement

These regulations will come into operation on the day on which section 4 of the *Nurses Act 1999* comes into operation.

3—Interpretation

In these regulations—

Act means the *Nurses Act 1999*;

authorised badge means a badge issued under these regulations;

authorised person means a person authorised by the Board to exercise the powers of an authorised person under these regulations;

business day means any day other than a Saturday, Sunday or public holiday.

Part 2—Certificates of registration or enrolment

4—Certificates of registration or enrolment

- (1) The Board will issue to each nurse a certificate of registration or enrolment.
- (2) The certificate will be in a form determined by the Board.
- (3) The certificate must note, in a manner determined by the Board, any condition, limitation or restriction that applies to the person under the Act.

5—Issue of duplicate if certificate lost etc

If—

- (a) a nurse satisfies the Board that his or her certificate of registration or enrolment has been lost or destroyed; or
- (b) a certificate that has become illegible in a particular is delivered to the Board,

the Board may, on payment of a fee determined by the Board, issue a duplicate certificate (and the former certificate is null and void).

6—Return of certificate

A nurse must within two business days deliver his or her certificate of registration or enrolment to the Board—

- (a) if there is a change in the accuracy of a particular specified in the certificate; or
- (b) on receiving notice of the suspension or cancellation of the registration or enrolment of the nurse; or
- (c) on being required by the Board by notice in writing to deliver the certificate to the Board.

Maximum penalty: \$2 500.

Part 3—Provision of information

7—Information to be provided by nurses (section 35)

For the purposes of section 35(1) of the Act, the following information is prescribed:

- (a) the full address of the nurse's current place of employment; and
- (b) the full address of the nurse's previous place of employment (if any); and
- (c) the full name and business address of the nurse's current employer; and
- (d) the field of nursing in which the nurse is currently practising; and
- (e) the fields of nursing in which the nurse has practised during the preceding five years; and
- (f) the position held by the nurse in the nurse's current employment; and
- (g) full details of the nurse's qualifications.

8—Obligation to report incapacity (section 43)

For the purposes of section 43 of the Act, the following information is prescribed:

- (a) the prognosis of the illness or incapacity of the nurse; and
- (b) full details of any treatment being received by the nurse for any illness or incapacity; and
- (c) full details of any form of nursing care that, in the opinion of the health professional, the nurse is unfit to provide; and
- (d) if the nurse has received treatment for a mental incapacity—whether the nurse has been the subject to any proceedings under the *Mental Health Act 1993*.

9—Obligation to report unprofessional conduct (section 45)

For the purposes of section 45 of the Act, the following information is prescribed:

- (a) full details of the date and circumstances surrounding the alleged conduct; and
- (b) full details of the nature of the conduct that was observed or is alleged to have occurred; and
- (c) the names and contact details of any person who observed the conduct or who has investigated the matter; and
- (d) full details of any statement, comment or admissions made by the nurse in relation to the matter; and
- (e) full details of the duties currently being undertaken by the nurse or, if relevant, information on any suspension or dismissal of the nurse from his or her employment.

Part 4—Fees

10—Fees and charges

The Board may fix fees or charges (including differential fees and charges) for the following:

- (a) applications for registration or enrolment;
- (b) applications for reinstatement on the register or roll;
- (c) applications for the renewal of registration or enrolment;
- (d) practice (see section 34(1) and (2) of the Act);
- (e) issue of duplicate certificates, instruments or documents;
- (f) assessment of nursing qualifications or experience;
- (g) obtaining an approval of the Board;
- (h) issue of badges;
- (i) sale of publications;
- (j) examinations;
- (k) provision of reports;
- (l) preparation of statements verifying registration or enrolment;
- (m) inspection of the register or roll.

11—Temporary practice in the State

A nurse who—

- (a) is employed as a nurse in another State; and
- (b) is required as a condition of the nurse's employment to practise nursing in this State for a period not exceeding one month; and
- (c) is registered or enrolled as a nurse in the other State; and
- (d) has paid the appropriate fees currently payable under the law of the other State in relation to—
 - (i) practice; and
 - (ii) registration or enrolment as a nurse,

is exempt from the obligation to pay the registration or enrolment, and practice, fees under the Act.

12—Remission of fees

The Board may, on application, in its discretion, waive payment of the whole or a part of a fee, or refund a fee (in whole or in part).

Part 5—Miscellaneous

13—Badges

- (1) The Board may issue to a person who is registered or enrolled under the Act an appropriate badge.
- (2) A badge will, for the purposes of the Act and these regulations, be in a form determined by the Board.
- (3) A badge issued to a person who is entitled to practise in a special practice area must bear a set of letters, determined by the Board, to signify the person's qualification in the relevant area.

14—Wearing of badges

- (1) A person who is not a nurse must not wear an authorised badge.
- (2) A nurse must not wear an authorised badge other than a badge appropriate to the field of nursing in relation to which the nurse is registered or enrolled.
- (3) A person who contravenes subregulation (1) or (2) is guilty of an offence.
Maximum penalty: \$1 250.
- (4) An authorised person who reasonably suspects that a person is wearing a badge in contravention of subregulation (1) may request the person to produce to the authorised person evidence of that person's registration or enrolment.
- (5) An authorised person who reasonably suspects that a nurse is wearing a badge in contravention of subsection (2) may request the nurse to produce to the authorised person evidence of the nurse's registration or enrolment in the field of nursing indicated by the badge.
- (6) If a person fails to comply with a request made by an authorised person pursuant to subregulation (4) or (5) the authorised person may request that person to—
 - (a) state the person's full name and residential address; and
 - (b) state the full address of the person's current place of employment; and
 - (c) state the full name and business address of the person's current employer.
- (7) A person who fails to comply with a request under subregulation (6) is guilty of an offence.
Maximum penalty: \$2 500.

15—Information from employer

- (1) In this regulation—

employee means a person employed as a nurse;

employer means a person who employs a person to practise as a nurse.
- (2) An authorised person may request an employer to produce to the authorised person all books, papers and other documents in relation to an employee that are in the possession or under the control of the employer.

- (3) A person who fails to comply with a request under subregulation (2) is guilty of an offence.
Maximum penalty: \$1 250.
- (4) An authorised person may examine books, papers or other documents produced under subregulation (2) and take extracts and make copies.

16—Information from agents

- (1) In this regulation—
agent means a person who acts on behalf of another person, with or without reward, for the purpose of procuring employment as a nurse for that other person;
client means a person on whose behalf an agent acts.
- (2) An authorised person may request an agent to produce to the authorised person all books, papers and other documents in relation to a client that are in the possession or under the control of the agent.
- (3) A person who fails to comply with a request under subregulation (2) is guilty of an offence.
Maximum penalty: \$1 250.
- (4) An authorised person may examine books, papers or other documents produced under subregulation (2) and take extracts and make copies.

17—Evidence of registration or enrolment

- (1) An authorised person who reasonably suspects that a person who appears to be practising as a nurse is unqualified may request that person to produce to the authorised person evidence of that person's registration or enrolment under the Act.
- (2) If a person fails to produce evidence of registration or enrolment to an authorised person pursuant to a request under subregulation (1), the authorised person may request that person to state—
 - (a) the person's full name and residential address; and
 - (b) the address of the person's current place of employment; and
 - (c) the full name and business address of the person's current employer.
- (3) A person who fails to comply with a request under subregulation (2) is guilty of an offence.
Maximum penalty: \$2 500.

18—Transitional provisions

- (1) In this regulation—
the former Board means the Nurses Board under the *Nurses Act 1984*;
the new Board means the Nurses Board of South Australia under the Act;
the relevant day means the day on which these regulations come into operation.

- (2) A person who is taken to be registered or enrolled under the Act by virtue of the operation of clause 4 of the Schedule of the Act will be taken to be registered or enrolled—
- (a) subject to the same conditions, limitations or restrictions (if any) that applied to the person immediately before the repeal of the *Nurses Act 1984*; and
 - (b) subject to the Act (and any other regulations made under the Act) and the *Nurses Act 1984*, for a period equal to the balance of the period of registration or enrolment existing immediately before the repeal of the *Nurses Act 1984*.
- (3) For the purposes of clause 4(1) of the Schedule of the Act, the appropriate register for the registration of a mental deficiency nurse is the general nurses register.
- (4) Proceedings instituted before the former Board under Part 4 of the *Nurses Act 1984* that have been the subject of a preliminary conference conducted on behalf of that Board before the relevant day will continue before that Board¹.
- (5) Unless or until otherwise determined by the new Board—
- (a) any determination or decision of the former Board having effect immediately before the relevant day will continue to have effect as a determination or decision of the new Board; and
 - (b) any policy, principle or code adopted by the former Board and having effect immediately before the relevant day will continue as a policy, principle or code of the new Board; and
 - (c) any approval given by the former Board and having effect immediately before the relevant day will continue after the relevant day; and
 - (d) any committee established by the former Board and in existence immediately before the relevant day will continue as a committee of the new Board; and
 - (e) a delegation of the former Board in operation immediately before the relevant day will continue as a delegation of the new Board.

Note—

- 1 See also section 16 of the *Acts Interpretation Act 1915*.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Nurses Regulations 1999* were revoked by Sch 1 cl 2 of the *Nursing and Midwifery Practice Regulations 2009* on 4.8.2009.

Principal regulations

Year	No	Reference	Commencement
1999	205	<i>Gazette 7.10.1999 p1450</i>	7.10.1999: r 2