

[AS REPORTED FROM THE SOCIAL SERVICES COMMITTEE]

House of Representatives, 14 July 1976

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. (Mr McGuigan) T. F. Gill

NURSES AMENDMENT (NO. 2)

ANALYSIS

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A BILL INTITULED

An Act to amend the Nurses Act 1971

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Nurses Amendment Act (No. 2) (1975) 1976, and shall be read together with and deemed part of the Nurses Act 1971* (hereinafter referred to as the principal Act).
- 10 **2. Interpretation**—(1) Section 2 (1) of the principal Act (as amended by section 2 of the Nurses Amendment Act 1975) is hereby amended—

*1971, No. 78

- (a) By repealing the definitions of the terms “nurse” and “registered nurse”, and substituting the following definitions:

“‘Nurse’ or ‘registered nurse’ includes a registered nurse (assistant), a registered nurse (comprehensive), a registered nurse (general), a registered nurse (general and obstetric), a registered nurse (midwifery), a registered nurse (obstetric), a registered nurse (psychiatric), and a registered nurse (psychopaedic):”

- (b) By repealing the definitions of the terms “registered community nurse”, “registered psychiatric nurse”, “registered psychopaedic nurse”, “registered comprehensive nurse”, “registered general nurse”, “registered maternity nurse”, “registered midwife”, and “registered male nurse”, and substituting the following definitions:

“‘Registered nurse (assistant)’, ‘registered nurse (comprehensive)’, ‘registered nurse (general)’, ‘registered nurse (general and obstetric)’, ‘registered nurse (midwifery)’, ‘registered nurse (obstetric)’, ‘registered nurse (psychiatric)’, and ‘registered nurse (psychopaedic)’, mean respectively a person whose name appears for the time being in that part of the register relating to registered nurses (assistant), registered nurses (comprehensive), registered nurses (general), registered nurses (general and obstetric), registered nurses (midwifery), registered nurses (obstetric), registered nurses (psychiatric), or registered nurses (psychopaedic), as the case may require, and ‘registered as a nurse (assistant)’, ‘registered as a nurse (comprehensive)’, ‘registered as a nurse (general)’, ‘registered as a nurse (general and obstetric)’, ‘registered as a nurse (midwifery)’, ‘registered as a nurse (obstetric)’, ‘registered as a nurse (psychiatric)’, and ‘registered as a nurse (psychopaedic)’ have corresponding meanings:”

- (2) The said section 2 (as so amended) is hereby further amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

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“ (2) Every reference to a registered nurse in any enactment which came into force before the commencement of this Act shall, unless the context otherwise requires, be read as a reference to a person registered as a nurse (general), or as
5 a nurse (general and obstetric), within the meaning of this Act; and every reference to a registered nurse or a registered general nurse in any other enactment shall, unless the context otherwise requires, be read respectively as a reference to a registered nurse or a registered nurse (general) within the
10 meaning of this Act.

“ (3) Every reference to a registered male nurse in any enactment shall, unless the context otherwise requires, be read as a reference to a male registered as a nurse (general),
15 as a nurse (general and obstetric), or as a nurse (comprehensive), within the meaning of this Act.

“ (4) Every reference to a registered community nurse in any enactment shall, unless the context otherwise requires, be read as a reference to a registered nurse (assistant) within the meaning of this Act.

20 “ (5) Every reference in any enactment to a registered comprehensive nurse, a registered maternity nurse, a registered midwife, a registered psychiatric nurse, or a registered psychopaedic nurse, shall respectively, unless the context otherwise requires, be read as a reference to a registered
25 nurse (comprehensive), a registered nurse (obstetric), a registered nurse (midwifery), a registered nurse (psychiatric), or a registered nurse (psychopaedic), within the meaning of this Act.

“ (6) The term ‘student nurse’ and other similar terms in
30 any enactment shall, unless the context otherwise requires, be read as if the term ‘nursing student’, ‘nursing student (assistant)’, ‘nursing student (comprehensive)’, ‘nursing student (general)’, ‘nursing student (general and obstetric)’,
35 ‘nursing student (midwifery)’, ‘nursing student (obstetric)’, ‘nursing student (psychiatric)’, or ‘nursing student (psychopaedic)’, as the case may require, were substituted therefor.

“ (7) Words importing the feminine gender in any enactment, and referring to a registered nurse or to a person seeking to become a registered nurse, shall, unless the
40 context otherwise requires, be read as if they also imported the masculine gender.

“ (8) Subsections (2) to (7) of this section shall apply to the construction of any rule, agreement, instrument, or document whatsoever in the same way as they apply to any
45 enactment.”

3. Membership of Council—(1) Section 4 (1) (f) of the principal Act is hereby amended by repealing subparagraph (i), and substituting the following subparagraph:

“(i) One shall be employed by a hospital board as its chief nursing officer.”.

New

(1A) The said section 4 (1) (f) is hereby further amended—

(a) By omitting from subparagraph (ii) the words “the principal”, and substituting the word “a”:

(b) By omitting from subparagraph (iii) the words “the chief nursing officer of”, and substituting the words “a nursing officer in”.

(2) The said section 4 (1) (f) is hereby further amended by repealing subparagraphs (iv), (v), and (vi), and substituting the following subparagraphs:

“(iv) One shall be both a registered nurse (comprehensive) and a registered nurse (midwifery), or both a registered nurse (general and obstetric) and a registered nurse (midwifery):

“(v) One shall be either a registered nurse (comprehensive), a registered nurse (general and obstetric), a registered nurse (general), or a registered nurse (assistant):

“(vi) One shall be either a registered nurse (comprehensive), a registered nurse (psychiatric), or a registered nurse (psychopaedic):”.

(3) Section 4 (1) of the principal Act is hereby further amended by repealing paragraph (g), and substituting the following paragraph:

“(g) One other appointed member who shall be a registered nurse (general), a registered nurse (general and obstetric), or a registered nurse (comprehensive), actively engaged in teaching students in one or more branches of nursing.”

(4) Notwithstanding anything in subsections (1) to (3) of this section and without limiting section 4 (5) of the principal Act, the persons holding office as members of the Council immediately before the commencement of this section shall continue to be the members of the Council until they respectively cease to be members of the Council pursuant to subsection (3), subsection (4), subsection (6), or subsection (7) of section 4 of the principal Act.

New

5 **3A. Deputy chairman of Council**—Section 6 of the principal Act is hereby amended by omitting from subsection (2) the words “for a term expiring with the 31st day of March in the year following that in which he was last appointed as deputy chairman of the Council”, and substituting the words “until the first meeting of the Council after the 1st day of April in each year”.

10 **4. Deputy of Director of Division of Nursing**—Section 9 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

15 “(1) The Director-General of Health may authorise a nurse employed in the Department of Health to attend any meeting of the Council in place of the Director of the Division of Nursing if such Director is unable to attend that meeting.”

5. Penal Cases Committee—Section 12 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

20 “(3) If, in relation to any particular complaint, the chairman is satisfied that it would be impracticable, inappropriate, or unduly inconvenient for a member of the Penal Cases Committee to serve on the committee for the purpose of investigating that complaint he may, subject to subsection

25 (1) of this section,—

“(a) Appoint some other person who is a member of the Council to serve on the committee in the place of that member for that purpose; and

30 “(b) If the member replaced was the convener of the committee, nominate a member thereof (including one appointed under paragraph (a) of this subsection) to be a convener in his place—

and any such temporary member or temporary convener of the committee may act, in conformity with the terms of his
35 appointment, as fully as if he had been appointed under subsection (2) of this section.”

6. The Register of Nurses—(1) Section 16 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Council shall maintain a register, to be called the Register of Nurses, which shall consist of 8 parts relating respectively to registered nurses (assistant), registered nurses (comprehensive), registered nurses (general), registered nurses (general and obstetric), registered nurses (midwifery), registered nurses (obstetric), registered nurses (psychiatric), and registered nurses (psychopaedic).” 5

(2) The said section 16 is hereby further amended by repealing subsection (5).

(3) Those parts of the register which, immediately before the commencement of this section, relate to registered community nurses, registered comprehensive nurses, registered general nurses, registered maternity nurses, registered midwives, registered psychiatric nurses, and registered psychopaedic nurses shall, on such commencement, become the parts of the register relating respectively to registered nurses (assistant), registered nurses (comprehensive), registered nurses (general), registered nurses (obstetric), registered nurses (midwifery), registered nurses (psychiatric), and registered nurses (psychopaedic); and all persons whose names then appear in those parts shall be registered nurses in the appropriate capacity without further authority than this subsection. 10 15 20

7. Qualifications for registration—Section 17 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections: 25

“(1) Except as otherwise provided in this Act—

“(a) Every person who satisfies the Council that he has undertaken a nursing programme and passed examinations prescribed in respect of persons seeking to become registered nurses (assistant), registered nurses (comprehensive), registered nurses (general), registered nurses (general and obstetric), registered nurses (midwifery), registered nurses (psychiatric) or registered nurses (psychopaedic), or that he has obtained in New Zealand some other material qualification prescribed for the purposes of this section, shall be entitled to be registered in the appropriate part of the register: 30 35 40

5 “(b) Every registered nurse (general) who satisfies the Council that he has undertaken the nursing programme and passed the examinations prescribed in respect of registered nurses (general) seeking to become registered nurses (general and obstetric) shall be entitled to be registered as a nurse (general and obstetric).

10 “(1A) Without limiting the provisions of subsection (1) of this section, any person who satisfies the Council that—

10 “(a) He is entitled to be registered—

(i) As a nurse (general and obstetric); and

(ii) As a nurse (psychiatric), or a nurse (psychopaedic); or

15 “(b) Being already registered in the capacity mentioned in subparagraph (i) of paragraph (a) of this subsection, he is entitled to be registered in a capacity mentioned in subparagraph (ii) thereof;

or

20 “(c) Being already registered in a capacity mentioned in the said subparagraph (ii), he is entitled to be registered in the capacity mentioned in the said subparagraph (i)—

shall be entitled to be registered in that part of the register relating to registered nurses (comprehensive).

25 “(1B) On and after the 1st day of January 1977 there shall be no further registration of persons, by reason of qualifications obtained in New Zealand, in that part of the register relating to registered nurses (obstetric), but the provisions of this subsection shall not affect the provisions

30 of this Act relating to—

“(a) The restoration of the name of any person to, or

“(b) The amendment of—

that part of the register.”

35 **8. Persons qualified overseas—**Section 18 of the principal Act is hereby amended—

(a) By omitting from subsection (1) (a) the words “registrable under this Act”, and substituting the words “referred to in section 16 (1) of this Act”;

40 (b) By omitting from subsection (2) (a) the words “registrable under this Act”, and substituting the words “referred to in section 16 (1) of this Act”.

9. Limitations as to age and character of applicants—

(1) The principal Act is hereby further amended by repealing section 19, and substituting the following section:

“19. A person shall not be registered under this Act unless the Council is satisfied—

“(a) That the person is of good character and reputation and is a fit and proper person to be registered in accordance with his application; and

“(b) In the case of an applicant for registration as a nurse (assistant), the person has attained the age of 17 years and 6 months.”

(2) The Nurses Regulations 1973 are hereby consequentially amended by revoking regulation 12 (a) to (e).

10. Amendment of register to avoid duplication—(1) The principal Act is hereby further amended by inserting, after section 28, the following section:

“28A. (1) If a registered nurse (general and obstetric), registered nurse (psychiatric), or registered nurse (psychopaedic), becomes registered as a nurse (comprehensive), the registrar shall remove his name from the part of the register relating to nurses (general and obstetric), nurses (psychiatric), or nurses (psychopaedic), as the case may require.

“(2) If a registered nurse (general) becomes registered as a nurse (general and obstetric), or as a nurse (comprehensive), the registrar shall remove his name from the part of the register relating to nurses (general).

“(3) If a registered nurse (obstetric) becomes registered as a nurse (general and obstetric), or as a nurse (midwifery), or as a nurse (comprehensive), the registrar shall remove his name from the part of the register relating to nurses (obstetric).

“(4) If a registered nurse (assistant) becomes registered as a nurse (general), or as a nurse (general and obstetric), or as a nurse (comprehensive), the registrar shall remove his name from the part of the register relating to nurses (assistant).”

(2) Section 22 (4) of the principal Act is hereby consequentially repealed.

11. Suspension from practice for disability—(1) Section 31 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Any such suspension may at any time be revoked by the Council. The suspension or revocation shall be signified by writing under the hand of the chairman, and shall take effect when a copy thereof is received, or deemed
5 to be received, by the nurse.”

(2) The said section 31 is hereby further amended by repealing subsection (6) and substituting the following subsections:

“(6) If the Council is satisfied that a registered nurse is
10 (because of mental or physical disability) unable satisfactorily to practise the calling in respect of which he is registered except under special conditions, the Council may, instead of suspending that nurse under subsection (3) of this section, or revoking a suspension under subsection (4) of this section,
15 suspend or continue the suspension of that nurse from practice, except practice in such hospital or other institution or with such organisation as may from time to time be specified by the Council, and in accordance with such conditions, if any, as it may from time to time see fit to
20 impose.

“(6A) Before exercising the power conferred on it by subsection (6) of this section, the Council shall give notice to the nurse as required by subsection (1) of this section and comply with paragraphs (a), (b), and (c) of subsection (3)
25 of this section.

“(6B) A copy of the writing referred to in subsection (4) of this section shall be either given personally to the nurse to whom it applies, or sent to him by the registrar by registered letter addressed to him at his last known address.
30 Any such letter shall be deemed, until the contrary is proved, to have been received by the nurse and at the time when it would be delivered in the ordinary course of post.”

(3) The said section 31 is hereby further amended by inserting in subsection (7) after the words “subsection (6)
35 of this section” the words “, or to the revocation thereof.”

12. Approval of schools of nursing—(1) Section 33 of the principal Act is hereby amended by omitting from subsection (1) (b) the words “general nurses or as community nurses”, and substituting the words “nurses (general), as nurses
40 (general and obstetric), or as nurses (assistant)”.

(2) The said section 33 is hereby further amended by omitting from subsection (2) the words “general nurses”, and substituting the words “nurses (general) or nurses (general and obstetric)”.

13. **Offences relating to obstetric nursing**—Section 52 of the principal Act is hereby amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph:

“(b) Not being a registered nurse (comprehensive), a registered nurse (general and obstetric), a registered nurse (midwifery), or a registered nurse (obstetric), carries out obstetric nursing in any case where a medical practitioner has undertaken responsibility for the care of the patient.” 5

14. **Hospital board employment**—Section 55 of the principal Act is hereby amended by omitting the words “as a general nurse or otherwise, as the case may require”, and substituting the words “as a nurse of the appropriate class”. 10

15. **Functions of Medical Officer of Health in relation to nurses (midwifery) and nurses (obstetric)**—The principal Act is hereby amended by repealing section 56, and substituting the following section: 15

“56. (1) Every Medical Officer of Health shall be charged with the supervision of all registered nurses (midwifery) and registered nurses (obstetric) engaged in the practice of their calling (whether on their own account or otherwise) within his district, and may temporarily suspend any such nurse from practice for such period as he considers advisable in any case where the suspension appears to him to be necessary in order to prevent the spread of infection. 20 25

“(2) Subsection (1) of this section shall have no application in respect of any nurse (midwifery) or nurse (obstetric) employed by a hospital board.

“(3) For the purposes of section 52 of this Act, any person who is suspended from practice under subsection (1) of this section shall be deemed not to be, or not to have been, a registered nurse (midwifery) or a registered nurse (obstetric), as the case may require, during the period of suspension. 30

“(4) In this section ‘registered nurse (obstetric)’ includes a ‘registered nurse (comprehensive)’ and a ‘registered nurse (general and obstetric)’ to the extent that either ‘carries out obstetric nursing’ within the meaning of that expression in section 52 of this Act.” 35

16. **Regulations**—Section 58 of the principal Act is hereby amended by repealing subsection (3). 40

17. Consequential repeals—Sections 2, 3, 4, 6, and 7 of the Nurses Amendment Act 1975 are hereby consequentially repealed.

18. Transitional provisions—Notwithstanding anything in 5 the principal Act or in regulations made thereunder—

(a) Where a person is registered, at the commencement of this Act, as a general nurse and as a maternity nurse, and either as a psychiatric nurse or a psychopaedic nurse, the registrar shall, as soon as practicable after that commencement, enter the name of that person, together with all other relevant particulars, in the part of the register relating to registered nurses (comprehensive); and all such persons shall, on and after the date of such commencement, be registered nurses (comprehensive), without further authority than this section, until they cease to be registered, or are deemed not to be registered, under the provisions of the principal Act:

(b) Where a person is registered, at the commencement of this Act, as a general nurse and as a maternity nurse, but neither as a psychiatric nurse nor as a psychopaedic nurse, the registrar shall, as soon as practicable after that commencement, enter the name of that person, together with all other relevant particulars, in the part of the register relating to registered nurses (general and obstetric); and all such persons shall, on and after the date of such commencement, be registered nurses (general and obstetric), without further authority than this section, until they cease to be registered, or are deemed not to be registered, under the provisions of the principal Act:

(c) Where a person is registered, at the commencement of this Act, as a male nurse, the registrar shall, as soon as practicable after that commencement, enter the name of that person, together with all other relevant particulars, in the part of the register relating to registered nurses (general); and all such persons shall, on and after the date of such commencement, be registered nurses (general), without further authority than this section, until

- they cease to be registered, or are deemed not to be registered, under the provisions of the principal Act:
- (d) The nursing programme prescribed, at the commencement of this Act, for persons seeking to be registered as general nurses, together with the nursing programme prescribed, at such commencement, for persons seeking to be registered as maternity nurses, and the examinations prescribed, at such commencement, for persons seeking to be registered as general nurses, shall become as from such commencement the nursing programme and examinations prescribed for persons seeking to be registered as nurses (general and obstetric) until other provision is made in that behalf:
- (e) The nursing programme and examinations prescribed, at the commencement of this Act, for persons seeking to be registered as male nurses, shall become as from such commencement the nursing programme and examinations prescribed for persons seeking to be registered as nurses (general) until other provision is made in that behalf:
- (f) The nursing programme and examinations prescribed, at the commencement of this Act, for persons seeking to be registered as maternity nurses, shall become as from such commencement the nursing programme and examinations prescribed for registered nurses (general) seeking to be registered as nurses (general and obstetric) until other provision is made in that behalf:
- (g) The nursing programmes and examinations prescribed, at the commencement of this Act, for persons seeking to be registered as community nurses, midwives, psychiatric nurses, and psychopaedic nurses, shall respectively become, as from such commencement, the nursing programmes and examinations prescribed for persons seeking to be registered as nurses (assistant), nurses (midwifery), nurses (psychiatric), and nurses (psychopaedic) until other provision is made in that behalf.