

NURSES AND MIDWIVES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill contains miscellaneous amendments to the Nurses and Midwives Act 1945.

Clause 2 provides that the Deputy-Registrar of the Nurses and Midwives Board shall be a nurse employed in the Department of Health nominated by the Director-General of Health. At present the Deputy-Registrar is required to be the Deputy Director of the Division of Nursing.

Clause 3 empowers the Chairman of the Board (the Director-General of Health), or an officer of the Department who has attended the last meeting of the Board on behalf of the Chairman, to make decisions on behalf of the Board when the Board is not meeting. A similar provision is contained in the Medical Practitioners Act 1950.

Clause 4: The effect of this amendment is that any deputy on the Board for the Director-General or the Director of the Division of Mental Health will be appointed by the Director-General. At present each official is empowered to appoint his own deputy.

Clause 5: This clause extends the period during which psychopaedic nurses may become qualified by passing the departmental examinations. It also gives as a ground for qualification (for a limited period) five years (or a shorter period in appropriate cases) continuous employment in a graded position in a public institution.

Clause 6 reduces, from 21 years to 20 years, the minimum age for registration as a psychiatric nurse or psychopaedic nurse.

Clause 7 provides that registers under the Act shall be open for public inspection.

Clause 8 empowers the Registrar to correct errors in the register.

Clause 9 permits the Registrar to grant provisional practising certificates where an application for registration has been made and the applicant appears to be qualified.

Clause 10 provides that where a State maternity hospital is transferred to a Hospital Board, the hospital may be used as a maternity hospital or otherwise in accordance with the Hospitals Act 1957. At present the hospital is required to be used exclusively as a maternity hospital.

Clause 11, which follows a provision in the Medical Practitioners Act 1950, permits the suspension from practice of the holder of a certificate of registration on medical grounds. There will be a right of appeal against any such suspension.

Clause 12 makes amendments consequential on the provisions contained in *clause 11*.

Hon. Mr McKay

NURSES AND MIDWIVES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Nurses and Midwives Act 1945

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 and Midwives Amendment Act 1963, and shall be read together with and deemed part of the Nurses and Midwives Act 1945* (hereinafter referred to as the principal Act).

10 **2. Deputy Registrar**—Section 3A of the principal Act (as inserted by section 3 of the Nurses and Midwives Amendment Act 1960) is hereby amended by repealing subsection (2), and substituting the following subsection:

*1957 Reprint, Vol. 11, p. 355
Amendments: 1960, No. 18; 1962, No. 90

“(2) The Deputy Registrar shall be a nurse, holding office in the Department of Health, and nominated in that behalf from time to time by the Director-General of Health either by name or as the holder for the time being of a specified office in the Department.”

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3. Powers of Chairman—Section 5 of the principal Act is hereby amended by adding the following subsection:

“(3) The Chairman, or any officer of the Department of Health who, at the last meeting of the Board, has attended in place of the Chairman, during the intervals between meetings of the Board, shall have power to act on all matters on behalf of the Board:

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“Provided that when the Chairman or any such officer acts on behalf of the Board in a matter which by this Act requires a decision of the Board, he shall first consult at least one other member of the Board and shall report at the next meeting of the Board the action that has been taken and the Board may confirm, reverse, or modify the decision of the Chairman or other officer.”

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4. Meetings of Board—Subsection (5) of section 6 of the principal Act is hereby amended as follows:

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(a) By omitting the words “such member of the Board so absent”, and substituting the words “the Director-General of Health”:

(b) By omitting the words “in his stead”, and substituting the words “in the place of the member of the Board so absent”.

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5. Qualifications of psychopaedic nurses—(1) Paragraph (c) of subsection (1) of section 14A of the principal Act (as inserted by section 6 of the Nurses and Midwives Amendment Act 1960) is hereby amended by repealing subparagraph (ii), and substituting the following subparagraphs:

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“(ii) Before the first day of June, nineteen hundred and sixty-five, passed the examination prescribed and conducted by the Division of Mental Health of the Department of Health and known as the Institutional Final Examination for Mental Deficiency Nurses or as the Hospital Final Examination for Mental Deficiency Nurses or as the Hospital Final Examination for Psychopaedic Nurses:

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5 “Provided that any applicant to whom this sub-paragraph applies shall have commenced a period of training in respect of the examination before the first day of May, nineteen hundred and sixty-two, and continued that training without interruption up to the date of passing the examination; or

10 “(iii) Before the first day of June, nineteen hundred and sixty-three, served for five years, or such shorter period as the Board may for special reasons in any particular case consider to be sufficient, continuously in a graded position or graded positions in the Public Service in one or more public institutions within the meaning of the Mental Health Act 1911 and also satisfies the Board that he has had adequate
15 experience in psychopaedic nursing.”

(2) Subsection (2) of section 14A of the principal Act is hereby amended by omitting the words “nineteen hundred and sixty-three”, and substituting the words “nineteen hundred and sixty-six”.

20 **6. Limitation as to age**—Subsection (2) of section 16 of the principal Act (as substituted by section 2 of the Nurses and Midwives Amendment Act 1957 and as amended by section 8 of the Nurses and Midwives Amendment Act 1960) is hereby further amended by omitting from subsection (2)
25 the words “twenty-one”, and substituting the word “twenty”.

7. Inspection of registers—The principal Act is hereby further amended by inserting, after section 21, the following section:

30 “21A. Every register kept under this Act shall at all reasonable times be open to the public for inspection at the office of the Registrar at Wellington.”

8. Correction of registers—Section 23 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

35 “(2) Where it appears to the Registrar that the name of any person is incorrectly stated in any register kept by him under this Act, the Registrar may, on application in that behalf and on payment by the applicant of such fee as may be prescribed, correct the register accordingly.”

40 **9. Provisional practising certificates**—The principal Act is hereby further amended by inserting, after section 23, the following section:

“23A. (1) Notwithstanding anything to the contrary in this Act, where it appears to the Registrar that a person who has applied for registration under this Act is qualified for registration, the Registrar may grant to that person a provisional certificate which shall entitle him, while the certificate is in force, to practise such calling as he would have been entitled to practise if he had been registered pursuant to the application. 5

“(2) Every provisional certificate shall, unless it has been cancelled or has lapsed, remain in force for the period, not exceeding three months, stated therein, but any such certificate may from time to time be renewed for a further period not exceeding three months. 10

“(3) The holder of a provisional certificate shall, while the certificate is in force, be deemed for all purposes to be registered under this Act in respect of the calling specified in the certificate. 15

“(4) The Registrar may cancel any provisional certificate at any time on the direction of the Board or may, without any such direction, refuse to renew any such certificate.” 20

10. Transfer of State maternity hospitals—Section 25 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The control of any State maternity hospital, whether established under this section or under the corresponding provisions of any other Act, may, with the consent of any Hospital Board, be at any time transferred to that Board to be conducted by the Board as a maternity hospital or otherwise in accordance with the provisions of the Hospitals Act 1957; and any land, buildings, equipment, and other property vested in or belonging to the Crown in connection with or used for the purposes of any such hospital may be vested in or transferred to the Hospital Board. 25 30

“(3) The provisions of section 68 of the Hospitals Act 1957 shall apply with respect to any land to which subsection (2) of this section applies.” 35

11. Notification of disability and suspension from practice—The principal Act is hereby further amended by repealing section 29 and substituting the following section—

“29. (1) In this section— 40
 “‘Hospital’ means—
 “(a) Any institution or separate institution within the meaning of the Hospitals Act 1957:

“(b) Any licensed hospital within the meaning of Part V of the Hospitals Act 1957:

“(c) Any institution within the meaning of the Mental Health Act 1911:

5 “ ‘Medical Superintendent’, in relation to any hospital, means—

“(a) In the case of any institution or separate institution within the meaning of the Hospitals Act 1957, the medical officer (if any) who is in charge of that hospital:

10 “(b) In the case of any licensed hospital within the meaning of Part V of the Hospitals Act 1957, the manager of that hospital if he is a registered medical practitioner:

15 “(c) In the case of any institution within the meaning of the Mental Health Act 1911, the Medical Superintendent of that institution.

“(2) In any case where any person who is registered under this Act is a patient of a hospital of which there is a Medical Superintendent, if the Medical Superintendent considers that the person is (owing to mental or physical disability) unable satisfactorily to pursue the calling in respect of which he is registered, and that, because he may attempt to pursue that calling, it is necessary in the public interest to prevent him from so doing, the Medical Superintendent shall forthwith give written notice to the Registrar of all the circumstances.

25 “(3) In any case where any person who is registered under this Act is not a patient of a hospital of which there is a Medical Superintendent, if any registered medical practitioner is in attendance on that person and considers that the person is (owing to mental or physical disability) unable satisfactorily to pursue the calling in respect of which he is registered and that, because he may attempt to pursue that calling, it is necessary in the public interest to prevent him from so doing, the medical practitioner in attendance on that person shall forthwith give written notice to the Registrar of all the circumstances.

30 “(4) In any case where any Medical Superintendent or registered medical practitioner contemplates giving any such written notice to the Registrar, he may seek whatever medical advice, whether psychiatric or otherwise, he considers appropriate to assist him in forming his opinion. Any written notice thereafter so given shall mention any difference between any such advice and the views of the Medical Superintendent or
45 registered medical practitioner as set out in the notice.

“(5) Upon receipt of any such notice, the Registrar shall forthwith take all steps necessary to have it considered by the Board or by a committee of the Board set up under subsection (9) of this section.

“(6) Whether or not the Registrar has received any such written notice as aforesaid in connection with the matter, if the Board or any committee set up by it under subsection (9) of this section is satisfied that any person who is registered under this Act is (owing to mental or physical disability) unable satisfactorily to pursue the calling in respect of which he is registered, and that, because he may attempt to pursue that calling, it is necessary in the public interest to prevent him from so doing, the Board or committee may, by writing under the hand of the Registrar, suspend that person from practice.

“(7) Any such suspension shall take effect forthwith upon its being made, but may at any time be revoked by the Board or any committee set up by it under subsection (9) of this section.

“(8) While any person is so suspended from practice under this section, that person shall be deemed for the purposes of this Act, other than section 33, not to be registered under this Act.

“(9) The Board may from time to time, for the purposes of this section, appoint a committee comprising the Chairman, or person for the time being acting as Chairman of the Board under subsection (2) of section 5 of this Act, and at least one other member of the Board. The appointment of any such committee may be revoked by the Board at any time.”

12. Appeals—(1) Subsection (1) of section 34 of the principal Act is hereby amended by omitting the words “or for a licence under section 29 hereof”.

(2) Section 34 of the principal Act is hereby further amended by adding the following subsection:

“(6) For the purposes of this section a decision by a committee of the Board set up under subsection (9) of section 29 of this Act shall be deemed to be a decision of the Board.”