

Hon. Mr. Nordmeyer

NURSES AND MIDWIVES

ANALYSIS

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A BILL INTITULED

Title.	AN ACT to consolidate and amend certain Enactments of the General Assembly relating to Nurses and Midwives.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Nurses and Midwives Act, 1945, and shall come into force on the first day of <i>January</i> , nineteen hundred and forty-six.	10
Interpretation.	2. In this Act, unless the context otherwise requires,—	
	“ Board ” means the Nurses and Midwives Board constituted under this Act:	
	“ Male nurse ” or “ registered male nurse ” means a man registered as a male nurse under this Act:	15
	“ Maternity nurse ” or “ registered maternity nurse ” means a woman registered as a maternity nurse under this Act:	20
	“ Midwife ” or “ registered midwife ” means a woman registered as a midwife under this Act:	
	“ Minister ” means the Minister of Health:	
	“ Nurse ” or “ registered nurse ” means a woman registered as a nurse under this Act:	25
	“ Nursing aid ” or “ registered nursing aid ” means a woman registered as a nursing aid under this Act:	
	“ Private charitable institution ” means an institution maintained otherwise than by a Hospital Board and in respect of which the Nurses and Midwives Board is satisfied that	25

its object or one of its principal objects is the reception and relief, without charge to the patients, of persons requiring medical or surgical treatment or suffering from disease:

5 "Psychiatric nurse" or "registered psychiatric nurse" means a person registered as a psychiatric nurse under this Act:

"Registered medical practitioner" means a medical practitioner registered under the
10 Medical Practitioners Act, 1914:

"Registrar" means the Registrar of Nurses and Midwives under this Act.

See Reprint of Statutes, Vol. V, p. 369

PART I

ADMINISTRATION

15 3. The person who for the time being holds office in the Department of Health as the Director of the Division of Nursing under the Health Act, 1920, shall, without further appointment, be the Registrar of Nurses and Midwives under this Act.

Registrar of Nurses and Midwives.

Ibid., Vol. VI, p. 1061

20 4. (1) There is hereby established for the purposes of this Act a Board, to be known as the Nurses and Midwives Board. The Board is hereby declared to be the same Board as the Nurses and Midwives Registration Board constituted under the Nurses and Midwives
25 Registration Act, 1925.

Nurses and Midwives Board constituted.

Ibid., Vol. V, p. 688

(2) The Board shall consist of—

(a) The Director-General of Health under the Health Act, 1920:

30 (b) The Director-General of Mental Hospitals under the Mental Defectives Act, 1911:

Ibid., p. 743

(c) The Registrar:

(d) A registered medical practitioner appointed on the recommendation of the Minister:

35 (e) A person to be nominated by the Hospital Boards Association of New Zealand (Incorporated), and to be appointed on the recommendation of the Minister:

40 (f) Two registered nurses to be nominated by the New Zealand Registered Nurses' Association or by such other association or society as may be approved by the Minister for the purpose, and to be appointed on the recommendation of the Minister:

(g) A registered midwife to be nominated by the New Zealand Registered Nurses' Association or by such other association or society as may be approved by the Minister for the purpose, and to be appointed on the recommendation of the Minister: 5

(h) A registered psychiatric nurse to be nominated by the New Zealand Registered Nurses' Association or by such other association or society as may be approved by the Minister for the purpose, and to be appointed on the recommendation of the Minister. 10

(3) The members of the Board, other than those who are members by virtue of their office, shall be appointed by the Governor-General for a period of three years, save that any such member may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Registrar. 20

(4) If any appointed member of the Board dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed. 25

(5) Unless he sooner vacates his office as provided in the *last preceding* subsection, every appointed member of the Board shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 30

(6) The powers of the Board shall not be affected by any vacancy in the membership thereof.

5. (1) The Director-General of Health shall be the Chairman of the Board. 35

(2) The Chairman shall preside at all meetings of the Board at which he is present. If at any meeting of the Board the Director-General of Health is not present, the officer of the Department of Health authorized to attend the meeting in his stead pursuant to the *next succeeding* section shall act as the Chairman in respect of that meeting, and shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting. 40
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Chairman
of Board.

6. (1) Meetings of the Board shall be held at such times and places as the Chairman of the Board may from time to time appoint. Meetings of Board.

(2) At any meeting of the Board *five* members, including at least *two* of the members appointed under paragraphs (f), (g), and (h) of subsection *two* of section *four* hereof, shall form a quorum.

(3) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board.

(4) The Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(5) In the absence from any meeting of the Board of the Director-General of Health or of the Director-General of Mental Hospitals, such member of the Board so absent may appoint a registered medical practitioner, being an officer of the Department of Health or of the Mental Hospitals Department, as the case may be, to attend the meeting in his stead. While any person is attending any meeting of the Board pursuant to this subsection he shall be deemed for all purposes to be a member of the Board. The fact that any person so attends shall be sufficient evidence of his authority so to do.

(6) Save as expressly provided in this Act, or in any regulations thereunder, the Board may regulate its procedure in such manner as it thinks fit.

7. There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Board who are not officers employed in the service of the Crown such remuneration by way of fees or allowances, and such travelling expenses and allowances, as may from time to time be prescribed by regulations under this Act. Allowances and travelling expenses of members.

8. The functions of the Board shall be—

- (a) To determine courses of training and instruction to be undergone by candidates for examination under this Act:
- (b) To approve hospitals and other institutions or places at which the whole or any portion of any course of training for the purposes of this Act may be received:

Functions of Board.

- (c) To conduct examinations under this Act; to appoint examiners and make all necessary arrangements for the purposes of the examinations; and to issue certificates of having passed examinations to persons entitled thereto: 5
- (d) To receive applications for registration under this Act; and to authorize registration in proper cases:
- (e) To have regard to the conduct of persons registered under this Act: 10
- (f) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act.

PART II

15

REGISTRATION

Registers to
be kept by
Registrar.

9. (1) The Registrar shall keep in his office the following registers, namely:—

- (a) A Register of Nurses: 20
- (b) A Register of Midwives and Maternity Nurses: 20
- (c) A Register of Male Nurses:
- (d) A Register of Psychiatric Nurses:
- (e) A Register of Nursing Aids.

(2) The Register of Midwives and Maternity Nurses shall be divided into two Parts, of which Part I shall be the Register of Midwives and Part II shall be the Register of Maternity Nurses. 25

(3) There shall be entered in the appropriate register the name of every person registered under this Act, together with such other particulars as may from time to time be prescribed. 30

Qualifications
of applicants
for registration
as nurses.

10. Except as provided in this Part of this Act, every woman shall be entitled to be registered under this Act as a nurse who satisfies the Board,—

- (a) In the case of an applicant qualified by examination in New Zealand under this Act, that she has undergone the prescribed course of training and instruction in nursing in one or more approved training schools for nurses and that she has passed the examination for nurses prescribed pursuant to this Act: 35 40

5 (b) In the case of any other applicant, that she is the holder of a certificate which satisfies the Board that she has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination required in the case of nurses trained in New Zealand and qualified by examination under this Act.

10 11. (1) Except as provided in this Part of this Act, every woman shall be entitled to be registered under this Act as a midwife who satisfies the Board,—

Qualifications of applicants for registration as midwives.

15 (a) In the case of an applicant trained in New Zealand, that she has undergone the prescribed course of training and instruction and has passed the examination for midwives prescribed pursuant to this Act:

20 (b) In the case of any other applicant, that she is the holder of a certificate which satisfies the Board that she has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination required in the case of midwives trained in New Zealand.

25 (2) In any case where a maternity nurse is entitled to be registered as a midwife, the Registrar shall remove her name from the Register of Maternity Nurses when she becomes registered as a midwife.

30 12. Except as provided in this Part of this Act, every woman shall be entitled to be registered under this Act as a maternity nurse who satisfies the Board,—

Qualifications of applicants for registration as maternity nurses.

35 (a) In the case of an applicant trained in New Zealand, that she has undergone the prescribed course of training and instruction and has passed the examination for maternity nurses prescribed pursuant to this Act:

40 (b) In the case of any other applicant, that she is the holder of a certificate which satisfies the Board that she has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination required in the case of maternity nurses trained in New Zealand.

Qualifications
of applicants
for registration
as male
nurses.

13. Except as provided in this Part of this Act, every man shall be entitled to be registered under this Act as a male nurse who satisfies the Board,—

(a) In the case of an applicant qualified by examination in New Zealand under this Act, that he has undergone a prescribed course of training and instruction for male nurses in one or more approved training schools for male nurses and that he has passed the examination for male nurses prescribed pursuant to this Act: 5 10

(b) In the case of any other applicant, that he is the holder of a certificate which satisfies the Board that he has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination required in the case of male nurses trained in New Zealand and qualified by examination under this Act. 15

Qualifications
of applicants
for registration
as psychiatric
nurses.

14. (1) Except as provided in this Part of this Act, every person shall be entitled to be registered under this Act as a psychiatric nurse who satisfies the Board,— 20

(a) In the case of an applicant qualified by examination in New Zealand under this Act, that he has undergone a prescribed course of training and instruction for psychiatric nurses in one or more approved training schools for psychiatric nurses and that he has passed the examination for psychiatric nurses prescribed pursuant to this Act: 25 30

(b) In the case of an applicant qualified by examination and trained elsewhere than in New Zealand, that he is the holder of a certificate which satisfies the Board that he has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination required in the case of psychiatric nurses trained in New Zealand and qualified by examination under this Act: 35 40

- (c) In the case of any other applicant, that he has before the first day of January, nineteen hundred and forty-five (being the date of the commencement of the Nurses and Midwives Registration Amendment Act, 1944), passed the examination prescribed and conducted by the Mental Hospitals Department and known as the Senior Examination for Mental Nurses.
- (2) No person shall be registered as a psychiatric nurse under paragraph (c) of the *last preceding* subsection unless application for registration is made within two years after the termination of the present war.
- 15 **15.** Except as provided in this Part of this Act, every woman shall be entitled to be registered under this Act as a nursing aid who satisfies the Board that she has undergone the prescribed course of training and instruction for nursing aids in one or more approved training schools for nursing aids and that she has passed the examination for nursing aids prescribed pursuant to this Act.
- 20 **16.** (1) No person who is less than twenty-one years of age shall be registered under this Act except as a nursing aid.
- 25 (2) No woman who is less than nineteen years of age shall be registered as a nursing aid.
- (3) A person shall not be registered under this Act unless that person is, in the opinion of the Board, of good character and reputation.
- 30 **17.** (1) Except as may be provided by regulations under this Act, every application for registration under this Act shall be made in writing addressed to the Board. Every application shall be accompanied by such fee as may be prescribed.
- 35 (2) No entry of the name of any person shall be made in any register kept under this Act except pursuant to a direction of the Board.
- 40 **18.** (1) Every person registered under this Act shall, on payment of the prescribed fee, be entitled to receive a certificate of registration under the hand of the Registrar, and, in the case of a person qualified by examination in New Zealand under this Act, shall also be entitled to obtain and wear a badge of a kind approved by the Board bearing his name and the date
- 45 of registration.

1944, No. 10

Qualifications of applicants for registration as nursing aids.

Limitations as to age and character of applicants.

Applications for registration.

Certificates of registration and badges.

(2) Every person commits an offence and is liable to a fine not exceeding *twenty* pounds who, not being a person for the time being registered under this Act, wears any such badge as aforesaid or any colourable imitation thereof, or who, being a person for the time being registered under this Act, wears a badge approved by the Board under this Act of a kind which he is not entitled to wear or any colourable imitation thereof. 5

Additional diplomas, &c., to be entered in register.

19. (1) Any person registered under this Act who obtains any approved certificate, diploma, or license other than that by virtue of which he is registered may apply to the Board to amend the register so far as it relates to the qualifications of that person; and on any such application the Board, if satisfied that the applicant is entitled to the certificate, diploma, or license in respect of which the application is made and that it is one of a kind approved by the Board for the purposes of this section, shall direct the Registrar to amend the register accordingly, and the Registrar shall thereupon, on payment of such fee as may be prescribed, insert in the register particulars of the certificate, diploma, or license. 10 15 20

(2) It may be a condition of the approval by the Board for the purposes of this section of any certificate, diploma, or license that the course of training or examination therefor shall be such as is approved or prescribed by the Board. 25

(3) Any approval for the purposes of this section may be at any time revoked by the Board. 30

Persons registered to notify change of address.

20. (1) Every person registered under this Act who at any time changes his address as appearing on the register shall, within three months thereafter, send to the Registrar a notice of his new address, and the Registrar shall thereupon correct the entry in the register relating to that person accordingly. 35

(2) Every person who, without reasonable cause, fails to comply with the provisions of this section shall be liable to a fine not exceeding *one* pound.

Name may be removed from register if registered person cannot be found, &c.

21. (1) The Registrar may at any time, and shall if the Board so directs, send to any person registered under this Act, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register or has ceased to practise. 40 45

(2) If no reply is received to that letter within three months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from
5 the register the name of the person to whom the letter was so sent.

(3) If any person registered under this Act applies to the Registrar to have his name removed from the register, the Registrar shall, if the Board so directs,
10 remove the name from the register accordingly.

(4) Any person whose name has been removed from the register in pursuance of this section may apply to the Registrar to have his name restored to the register and his name shall, on payment of such fee
15 as may be prescribed, be restored to the register accordingly.

22. Every person who wilfully makes or causes to be made any false entry in or falsification of any register kept under this Act, or procures or attempts
20 to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and is liable to imprisonment for
25 not more than *three* months or to a fine not exceeding *fifty* pounds.

Penalty for wrongfully procuring registration.

23. If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if
30 any person not entitled to be registered under this Act has been so registered, the Board shall cause the name of that person to be removed from the register.

Correction of register.

PART III

TRAINING

35 24. (1) The Board may approve as a training school for nurses, midwives, maternity nurses, male nurses, or nursing aids any hospital or other institution controlled or maintained by any Department of State or by any Hospital Board under the Hospitals
40 and Charitable Institutions Act, 1926, or any private charitable institution.

Approval of training schools.

See Reprint of Statutes, Vol. III, p 725

See Reprint
of Statutes,
Vol. III, p. 725

(2) The Board may approve as a training school for nurses any private hospital licensed under Part III of the Hospitals and Charitable Institutions Act, 1926, or any hospital ship maintained, in connection with any war in which His Majesty is at any time engaged, by the Government of New Zealand or by any other Government within the British dominions or by the Government of any of His Majesty's Allies. 5

Ibid.,
Vol. V, p. 743

(3) The Board may approve as a training school for psychiatric nurses any public institution within the meaning of the Mental Defectives Act, 1911. 10

(4) No private hospital or private charitable institution shall be approved as a training school for nurses unless provision is made therein for not less than forty beds to be available at all times for occupation by patients receiving nursing and hospital service without charge to themselves. 15

(5) The approval of any training school under this section may, in the discretion of the Board, be so limited that only a defined part of the prescribed course of training and instruction may be taken at that training school: 20

Provided that no private hospital or private charitable institution shall be approved as a training school unless provision satisfactory to the Board is made for the complete prescribed course of training and instruction to be given therein. 25

(6) The approval of any training school by the Board may be at any time revoked by the Board.

(7) If the licensee of any private hospital or the controlling authority of any private charitable institution is aggrieved by any decision of the Board in refusing to approve the private hospital or private charitable institution as a training school or in revoking any such approval, he may apply to the Supreme Court for an order that the decision of the Board be reversed, and thereupon the Court may make such order as it thinks fit, and the Board shall be bound by the terms of the order. 30 35

State
maternity
hospitals.

25. (1) The Minister may from time to time establish such State maternity hospitals as he thinks fit, and may make provision therein for the training and instruction of women who intend to qualify for registration as maternity nurses or as midwives. 40

- (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 under the Hospitals and Charitable Institutions Act, 1926, be at any time transferred to that Board to be conducted by that Board as a maternity hospital and training school for maternity nurses and midwives; 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, to be held by it for the purposes of the maternity hospital and training school.
- 15 **26.** Subject to the provisions of the *next succeeding* section, the period over which the course of training and instruction prescribed under this Act for a nurse or for a male nurse shall extend shall be such period as may be prescribed, being,—
- 20 (a) In the case of persons not previously registered as nursing aids or psychiatric nurses, not less than *three* years and not more than *five* years:
- (b) In the case of persons previously registered as nursing aids or psychiatric nurses, not less than *two* years and *three* months and not more than *four* years.
- 25 **27.** (1) In any case where a person seeking registration as a nurse has undergone elsewhere than in New Zealand any period of training as a nurse but is not the holder of a certificate of the kind referred to in paragraph (b) of section *ten* hereof, the Board may from time to time, in its discretion, direct that it shall not be necessary for that person to undergo and receive such portion or portions as the Board may determine of the prescribed course of training and instruction in nursing.
- (2) In any case where a person seeking registration as a male nurse—
- 40 (a) Has undergone in New Zealand any period of training as a male nurse before the commencement of this Act;
- (b) Has undergone any period of training as a male nurse while a member of any of His Majesty's Forces; or
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Period of training.

Credit for previous training.

- (c) Has undergone elsewhere than in New Zealand any period of training as a male nurse but is not the holder of a certificate of the kind referred to in paragraph (b) of section *thirteen* hereof,—

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the Board may from time to time, in its discretion, direct that it shall not be necessary for that person to undergo and receive such portion or portions as the Board may determine of the prescribed course of training and instruction for male nurses.

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- (3) In any case where a person seeking registration as a psychiatric nurse—

- (a) Has undergone in New Zealand any period of training as a psychiatric nurse before the first day of January, nineteen hundred and forty-five; or

- (b) Has undergone any period of training as a psychiatric nurse while a member of any of His Majesty's Forces; or

- (c) Has undergone elsewhere than in New Zealand any period of training as a psychiatric nurse but is not the holder of a certificate of the kind referred to in paragraph (b) of subsection *one* of section *fourteen* hereof,—

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the Board may from time to time, in its discretion, direct that it shall not be necessary for that person to undergo and receive such portion or portions as the Board may determine of the prescribed course of training and instruction for psychiatric nurses.

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- (4) In giving any direction under this section the Board may make such other modifications and impose such conditions as it thinks fit in respect of the training and instruction to be undergone by the person in respect of whom the direction is given.

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- (5) Every person in respect of whom any direction has been given under this section shall, when he has completed the course of training and instruction as modified by any such direction as aforesaid and complied with any conditions imposed by the Board under this section, be deemed for the purposes of the provisions of this Act relating to qualifications for registration to have undergone the prescribed course of training and instruction, but nothing in this section shall be deemed to render it unnecessary for any person to pass the prescribed examination.

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PART IV

MISCELLANEOUS PROVISIONS

28. (1) In this section the term "year" means the period of twelve months beginning on the first day of March in any year and ending on the last day of February next following.
- (2) No person registered under this Act shall in any year be entitled to practise the calling in respect of which he is registered unless he is the holder of an annual practising certificate issued in respect of that year.
- (3) Every person who practises his calling in breach of the *last preceding* subsection commits an offence and is liable to a fine not exceeding *five* pounds.
- (4) The Board, on application made to it for the purpose by any person who is registered under this Act, shall issue to him an annual practising certificate, which shall be in force during the year in respect of which it is issued:
- Provided that if at any time during the currency of any such certificate the holder thereof ceases to be registered under this Act the certificate shall be deemed to be cancelled.
- (5) Every person who is entitled to receive an annual practising certificate under this section shall be deemed to have obtained such certificate when he has duly applied to the Board for the same.
- (6) Nothing in this section shall require any person who is for the time being employed in any Department of the Public Service to be the holder of an annual practising certificate, but any such person who is qualified to receive such certificate may apply for and obtain the same.
29. (1) If any person registered under this Act has since the *sixth* day of August, nineteen hundred and forty-three (being the date of the passing of the Nurses and Midwives Registration Amendment Act, 1943), been an inmate of an institution under the Mental Defectives Act, 1911, whether as a patient or as a voluntary boarder, he shall not thereafter resume the practice of the calling in respect of which he has been registered without a license in that behalf granted by the Board.

Annual practising certificates for nurses and other persons registered under this Act.

Nurses and other persons registered under Act resuming practice after discharge from mental hospital. 1943, No. 11 See Reprint of Statutes, Vol. V, p. 743

(2) Every person to whom this section relates who practises the calling in respect of which he has been registered without having obtained a license from the Board commits an offence and is liable to a fine not exceeding *ten* pounds, and to a further fine not exceeding *five* pounds for every day during which the offence continues. 5

(3) Every person to whom this section relates shall, until the issue of a license by the Board, be deemed not to be registered. 10

Medical
Officers of
Health to
exercise
supervision
over
midwives and
maternity
nurses.

30. (1) Each Medical Officer of Health shall be charged with the supervision of all midwives and maternity nurses engaged in the practice of their profession (whether on their own account or otherwise) within his district, and may temporarily suspend any such midwife or maternity nurse from practice for such period as he considers advisable in any case where such suspension appears to him to be necessary in order to prevent the spread of infection. 15

(2) The Medical Officer of Health shall also have power to investigate any charges of malpractice, negligence, or misconduct on the part of any midwife or maternity nurse practising within his district, and may report the result of his investigations to the Registrar. 20

(3) The Medical Officer of Health shall forthwith report to the Registrar the name of any midwife or maternity nurse practising within his district who is convicted of any indictable offence. 25

(4) Each report furnished to the Registrar under this section shall be submitted to the Board at its first meeting held after the receipt of the report by the Registrar. 30

Liability for
medical fees
where midwife
or maternity
nurse
employed.

31. Where pursuant to this Act or any regulations thereunder any midwife or maternity nurse is required to obtain or seek the assistance of a registered medical practitioner, she shall be under no liability for the payment of the fees of the medical practitioner, and those fees shall be payable in the same manner as if the medical practitioner had been engaged by the patient herself. 35 40

- 32.** Except with the approval of the Minister, given on a recommendation made by the Nurses and Midwives Board on special grounds to be specified in the recommendation, a Hospital Board shall not appoint
 5 any person to the staff of any institution under the control of the Hospital Board to carry out the duties of a nurse or of any other class of persons whose registration is provided for under this Act unless the person appointed is registered under this Act as a
 10 nurse or otherwise, as the case may require:
- Provided that nothing in this section shall be construed to restrict the employment in any such institution of persons undergoing a prescribed course of training.
- 33.** (1) If the Board is satisfied, in respect of any
 15 person registered under this Act, that that person, whether before or after he became registered,—
- (a) Has been convicted of any offence punishable
 20 by imprisonment the commission of which, in the opinion of the Board, has dishonoured him in the public estimation; or
- (b) Has been guilty of gross negligence or malpractice in respect of his calling; or
- (c) Has been guilty of grave impropriety or misconduct, whether in respect of his calling or
 25 not,—
- it may, in its discretion, either cause that person's name to be removed from the appropriate register, or suspend his registration under this Act for a period
 30 not exceeding *twelve* months, or impose a penalty of such amount as it thinks fit, not exceeding *ten* pounds:
- Provided that the Board may not exercise any authority conferred by this subsection in respect of
 35 any matter of which it had notice at the time of the registration.
- (2) The Board may, if it thinks fit, determine that the decision of the Board under this section in relation to any person shall not come into effect for such period as the Board shall fix. If within that period notice
 40 of appeal is given under the *next succeeding* section, the decision of the Board shall not take effect unless

Hospital
Boards to
appoint
registered
nurses, &c.

Disciplinary
powers of
Board.

and until it is confirmed by the Board of Appeal or the appeal is for any reason dismissed by the Board of Appeal:

Provided that in any such case the decision shall take effect from the date of the decision of the Board of Appeal or from such other date as the Board of Appeal may fix. 5

(3) Before exercising its power under this section the Board, or a committee of the Board, shall cause to be served on the person concerned a notice stating that it has reason to believe that a ground exists entitling the Board to exercise its powers under this section, specifying the ground with sufficient particularity to enable him to answer the same, and requiring him to appear before the Board to show cause why the Board should not remove his name from the appropriate register or otherwise exercise its powers under this section. 10 15

(4) The notice under the *last preceding* subsection may require the person to whom the notice is addressed to notify the Board in writing not later than some specified date prior to the date proposed for the hearing of the matter as to whether or not he intends to appear before the Board at the hearing to show cause. If he fails to notify his intention as required by the notice or notifies the Board that he does not intend to appear, he shall not be entitled to appear and be heard except by leave of the Board granted on such conditions as to the payment of expenses or otherwise as the Board thinks fit. 20 25

(5) With the prior written consent of a person on whom a notice has been served under this section, and who has notified the Board that he intends to show cause why the Board should not exercise its powers under this section, a committee of the Board may hear and determine the matter: 30 35

Provided that the determination of the committee shall be of no effect until it has been confirmed by the Board, which shall have power to determine that no penalty be imposed or to reduce any penalty determined by the committee by suspending registration for a period or imposing a pecuniary penalty instead of 40

removing the name of the person from the register, or by reducing any period of suspension of registration or any pecuniary penalty, or by substituting a pecuniary penalty for a period of suspension.

5 (6) Any hearing of any matter under this section may be adjourned by the Board or the committee of the Board, as the case may be, from time to time and from place to place.

10 (7) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Crown and shall be paid into the Public Account to the credit of the Consolidated Fund. If any such penalty is not paid within the time specified by the Board in that behalf, or within such extended time as the
15 Board may allow, the Board may suspend the registration of the person liable for the payment of the penalty until the penalty is paid.

20 (8) While the registration of any person is suspended in accordance with this section he shall be deemed not to be registered.

25 **34.** (1) Every person who is dissatisfied with any decision of the Board relating to an application by him for registration or for a license under section *twenty-nine* hereof, or to the removal of his name from the register, or to the suspension of his registration, or to the imposition on him of any penalty, may, within *three* months after notice of the decision has been communicated to him by the Registrar, or within such further period as the Board either before or after the expiration
30 of the said *three* months may allow, give notice of appeal in the prescribed manner to the Registrar.

Appeals from decisions of Board.

35 (2) Upon receipt of the notice of appeal the Registrar shall take all steps necessary for the constitution of a Board of Appeal, consisting of a Magistrate and two assessors. The assessors shall be appointed in accordance with regulations under this Act to represent the Board and the appellant respectively.

40 (3) The Board of Appeal so constituted shall as soon as practicable hear the appeal, and may confirm, reverse, or modify the decision of the Board, and may give any decision which the Board could have given under subsection *one* of the *last preceding* section.

(4) On any appeal under this section the decision of not less than two members of the Board of Appeal (including the Magistrate) shall be the decision of that Board, and that decision shall be final and conclusive.

(5) On any appeal under this section the Board of Appeal may make an order for the payment by the Board, or by the appellant, of the costs incurred in respect of the appeal by the other party to the appeal, and in any such case the costs so awarded may be recovered in any Court of competent jurisdiction as a debt due by the party against whom they have been awarded to the party in whose favour they have been awarded.

Offences by persons not registered as midwives or maternity nurses.

35. (1) Except as provided in subsection *three* hereof, every person commits an offence and is liable to a fine not exceeding *twenty* pounds who, not being a registered midwife, undertakes in any case the duties of a midwife, or takes or uses the name or title of midwife, or any name, title, addition, or description which may reasonably cause any other person to believe that she is registered as a midwife under this Act, or is qualified to practise midwifery.

(2) Except as provided in the *next succeeding* subsection, every person commits an offence and is liable to a fine not exceeding *twenty* pounds who, not being a registered midwife or maternity nurse, undertakes in any case the duties of a maternity nurse, or takes or uses the name or title of maternity nurse, or any name, title, addition, or description which may reasonably cause any other person to believe that she is registered as a maternity nurse under this Act.

(3) Nothing in the foregoing provisions of this section shall apply with respect to any registered medical practitioner, or shall make it unlawful for any person to undertake the duties of a maternity nurse or a midwife in any case of emergency or where a registered maternity nurse or midwife is not available within a reasonable distance, or to undertake the duties of a maternity nurse in any other case where the registered medical practitioner in charge thereof gives to a woman not registered as a midwife or a maternity nurse a certificate in writing that under the circumstances of the

case he is willing, having regard to the welfare of the mother and child, to accept her services as a maternity nurse for that case.

(4) A certificate given by a registered medical practitioner under the *last preceding* subsection shall not be an authority to any woman to act as a maternity nurse in any case other than the case with reference to which the certificate is so given.

(5) For the purposes of this Act the expression "to undertake the duties of a midwife", or any like expression, means to attend a woman in childbirth or during the next succeeding ten days in any case where a registered medical practitioner has not undertaken responsibility for the care of the patient; and the expression "to undertake the duties of a maternity nurse", or any like expression, means to attend a woman in childbirth or during the next succeeding ten days in any case where a registered medical practitioner has undertaken responsibility for the care of the patient.

36. Every person commits an offence and is liable to a fine not exceeding *ten* pounds who, not being registered for the time being under this Act, wears the uniform or any distinctive part of the uniform prescribed for any class of persons registered under this Act or uses any name, title, addition, or description that might cause any person reasonably to believe that he is registered under this Act.

Offences by unregistered persons.

37. Every person commits an offence and is liable to a fine not exceeding *ten* pounds who, being registered for the time being under this Act, wears the uniform or any distinctive part of the uniform prescribed for any class of persons registered in any register kept under this Act in which his name is not registered, or uses any name, title, addition, or description that might cause any person reasonably to believe that he is registered under this Act in a different register from that in which he is in fact registered.

Offences by registered persons.

38. All proceedings in respect of offences against this Act or against any regulations made under this Act shall be taken in a summary way.

Offences punishable summarily.

Certificate of Registrar to be evidence of registration, &c.

39. A certificate under the hand of the Registrar to the effect that any person was or was not registered under this Act in any particular register at any particular time or during any period specified in the certificate, or as to any entry in any register kept under this Act, or as to any act or proceeding of the Board or any committee of the Board, shall, until the contrary is proved, be sufficient evidence of the matters therein specified. 5

Application of fees.

40. All fees and other moneys received under this Act shall be paid into the Public Account to the credit of the Consolidated Fund, and all expenses incurred in the administration of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose. 10 15

Regulations.

41. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. 20

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

- (a) Prescribing the form of and the method of keeping the registers under this Act: 25
- (b) Prescribing courses of training and instruction to be undergone by persons desirous of becoming qualified for registration under this Act: 30
- (c) Prescribing the subject-matter of examinations to be conducted by the Board: 30
- (d) Prescribing the forms of applications, certificates, and other documents required under this Act, and the manner in which notices may be served, and the times when they shall be deemed to have been served: 35
- (e) Prescribing the fees payable in respect of examination and of registration under this Act, in respect of any alteration of or addition to any register kept under this Act, and in respect of any other matters under this Act: 40

- 5 (f) Prescribing the conditions under which any hospital or other institution, not being a maternity hospital established under this Act, may be recognized as an approved training school for the purposes of this Act:
- 10 (g) Prescribing or authorizing the Board to prescribe the number of persons that may be undergoing a prescribed course of training and instruction at any one time, or accepted for training and instruction in any one year, in any approved training school:
- 15 (h) Providing for the conduct of maternity hospitals established under this Act, and for the training and instruction therein of persons who intend to qualify for registration as maternity nurses or as midwives:
- 20 (i) Prohibiting the use by midwives or maternity nurses, save by medical direction or under medical supervision, or save in circumstances to be defined by regulations, of any instruments or drugs in the performance of their duties:
- 25 (j) Defining what shall be deemed to be malpractice or negligence on the part of midwives or maternity nurses in relation to their duties:
- (k) Prescribing uniforms or distinctive parts of uniforms to be worn by persons of any class registered under this Act:
- 30 (l) Providing for the appointment of assessors and regulating the conduct of appeals under section *thirty-four* hereof:
- (m) Prescribing fines, not exceeding *ten* pounds, for the breach of any regulations made under this Act.
- 35 (3) No regulation made under this section shall be deemed to be invalid on the ground that it delegates to or confers on the Governor-General or the Board or any other person or body any discretionary authority.

Repeals and savings.

See Reprint of Statutes, Vol. V, pp. 688, 699

1933, No. 9

1939, No. 20

1940, No. 11

1944, No. 10

42. (1) The Nurses and Midwives Registration Act, 1925, the Nurses and Midwives Registration Amendment Act, 1926, the Nurses and Midwives Registration Amendment Act, 1930, the Nurses and Midwives Registration Amendment Act, 1933, the Nurses and Midwives Registration Amendment Act, 1939, the Nurses and Midwives Registration Amendment Act, 1943, and the Nurses and Midwives Registration Amendment Act, 1944, are hereby repealed. 5

(2) All offices, institutions, appointments, licenses, 10 regulations, orders, registers, registrations, records, certificates, notices, instruments, and generally all acts of authority that originated under any of the said enactments and are subsisting or in force on the commencement of this Act, shall enure for the purposes 15 of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under 20 the said enactments, and pending or in progress on the commencement of this Act, may be continued, completed, and enforced under this Act.