

Hon. Sir Maui Pomare.

NURSES AND MIDWIVES REGISTRATION.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate and amend certain Enactments of the General Title.  
 Assembly relating to the Registration of Nurses and Midwives.

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

1. This Act may be cited as the Nurses and Midwives Registration Short Title and commencement.  
 Act, 1925, and shall come into operation on the first day of January, nineteen hundred and twenty-six.
- 10 2. In this Act, unless the context otherwise requires,— Interpretation.  
 “Board” means the Nurses and Midwives Registration Board constituted under this Act:

“Hospital” means a public hospital under the control of a Hospital Board constituted under the Hospitals and Charitable Institutions Act, 1909 :

“Minister” means the Minister of Health :

“Registered medical practitioner” means a medical practitioner registered under the Medical Practitioners Act, 1914 : 5

“Registrar” means the Registrar of Nurses and Midwives under this Act :

“Registered maternity nurse” or “maternity nurse” means a woman registered as a maternity nurse under Part III of this Act : 10

“Registered midwife” or “midwife” means a woman registered as a midwife under Part III of this Act :

“Registered nurse” or “nurse” means a person registered as a nurse under Part II of this Act. 15

Registrar of Nurses and Midwives.

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.

## PART I.

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### NURSES AND MIDWIVES REGISTRATION BOARD.

Nurses and Midwives Registration Board constituted.

4. (1.) For the purposes of this Act there shall be appointed a Board to be called the Nurses and Midwives Registration Board.

(2.) The Board shall consist of—

(a.) The Director-General of Health under the Health Act, 1920 : 25

(b.) The Director of the Division of Nursing under the Health Act, 1920 :

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

(d.) Two other persons, of whom one shall be a registered nurse and the other shall be a registered midwife, each appointed on the recommendation of the New Zealand Trained Nurses' Association or other association or society approved by the Minister for the purpose. 30

(3.) The members of the Board, other than members who are such by virtue of their office, shall be appointed by the Governor-General for a period of three years, save that any such member may 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. 35 40

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

(5.) If any member of the Board dies, retires, or otherwise vacates his office, the vacancy so created shall, within two months after the occurrence thereof, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed, and no longer. 45

5. The members of the Board other than officers in the service of the Government shall be paid such allowances as may be lawfully appointed, and all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Board.

Payment of allowances and travelling-expenses of members of Board.

5 6. (1.) The Director-General of Health shall be the Chairman of the Board.

Chairman of Board.

(2.) In the absence from any meeting of the Board of the Director-General and also of his deputy, any registered medical practitioner being an officer of the Department of Health may be appointed by the Director-General to act in his stead, and while so acting shall, for the purposes of this Act, have all the powers of the Director-General on the Board. The fact that any officer so acts as a member of the Board shall be sufficient evidence of his authority so to do.

(3.) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting-vote. At any such meeting the decision of a majority of the members present shall be the decision of the Board.

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

Meetings of Board.

(2.) At any meeting of the Board three members shall form a quorum; and no business shall be transacted by the Board unless a quorum is present.

(3.) Save as expressly provided herein, the Board may regulate its procedure in such manner as it thinks fit.

25 8. The functions of the Board shall be—

Functions of Board.

(a.) To determine courses of training to be undergone by candidates for examination as nurses, midwives, and maternity nurses under this Act:

(b.) To approve hospitals at which approved courses of training may be received:

(c.) To conduct examinations under this Act; to appoint examiners and make all other necessary arrangements for the purposes of such examinations; and to issue certificates of having passed such examinations to persons entitled thereto:

(d.) To receive applications for registration under this Act, and to authorize registration in cases where the conditions of registration have been complied with:

(e.) 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.

### REGISTRATION OF NURSES.

9. The Registrar shall keep in his office a Register of Nurses, in which shall be entered the names of all persons registered under this Part of this Act, together with such other particulars in relation thereto as may from time to time be prescribed.

Register of Nurses.

10. (1.) Save as provided in Part IV hereof, every person shall, on payment of the prescribed fee, be entitled to be registered as a nurse under this Part of this Act who satisfies the Board—

Qualifications of applicants for registration as nurses.

- (a.) In the case of an applicant trained in New Zealand—
- (i.) That she has had not less than three years' approved training as a nurse; and
  - (ii.) That she has received an approved course of instruction in theoretical and practical nursing; and
  - (iii.) That she has passed an examination for nurses under this Part of this Act:
- (b.) In the case of an applicant trained elsewhere than in New Zealand—that she is the holder of a certificate, recognized in accordance with regulations under this Act, which satisfies the Board that she has undergone a course of training and has passed an examination equivalent to the training and examination required of nurses trained in New Zealand, as provided in the foregoing provisions of this section.
- (2.) For the purposes of this section the expression—
- “Approved training as a nurse” means a prescribed course of training in one or more hospitals approved for the purpose by the Board:
- “Approved course of instruction” means a course of instruction provided at a hospital approved by the Board as a training-school for nurses.
- (3.) Every person commits an offence and is liable to a fine of *twenty* pounds who, not being registered as a nurse under this Part of this Act, describes herself, in connection with her business or calling, as a registered nurse.

## PART III.

## REGISTRATION AND TRAINING OF MIDWIVES AND MATERNITY NURSES.

Registers of  
Midwives and  
Maternity Nurses.

11. The Registrar shall keep in his office a register in two Parts, of which Part I shall be called the Register of Midwives, and Part II shall be called the Register of Maternity Nurses.

Qualifications of  
applicants for  
registration as  
midwives.

12. Save as provided in Part IV hereof, every person shall, on payment of the prescribed fee, be entitled to be registered as a midwife under this Part of this Act who satisfies the Board—

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

(b.) In the case of an applicant trained elsewhere than in New Zealand—that she is the holder of a certificate recognized in accordance with regulations under this Act, which satisfies the Board that she has undergone a course of training and has passed an examination equivalent to the training and examination required in the case of midwives trained in New Zealand.

Qualifications of  
applicants for  
registration as  
maternity nurses.

13. Save as provided in Part IV hereof, every person shall, on payment of the prescribed fee, be entitled to be registered as a maternity nurse under this Part of this Act who satisfies the Board—

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

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

(c.) In the case of an applicant not qualified by examination—that she has, for not less than twelve months before the commencement of this Act, been regularly engaged in practice as a maternity nurse in New Zealand :

Provided that application for registration under this paragraph must be made not later than the first day of January, nineteen hundred and twenty-seven.

14. (1.) In order to make provision for the training of maternity nurses and midwives, the Minister may from time to time establish such number of State Maternity Hospitals as he thinks fit, and may make provision therein for the training of women who intend to qualify for registration as maternity nurses or as midwives.

State Maternity Hospitals.

(2.) The control of any State Maternity Hospital, whether established under this Act or under any Act repealed by this Act, may, *with the consent of any Hospital Board*, under the Hospitals and Charitable Institutions Act, 1909, be at any time transferred to a Hospital such 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 transferred to or vested in the Hospital Board, to be held by it for the purposes of such maternity hospital and training-school.

15. (1.) Every 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.

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

(2.) He 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. He shall also forthwith report to the Registrar the name of every midwife or maternity nurse practising in his district who is convicted of any indictable offence.

All reports furnished to the Registrar under this section shall be submitted to the Board at its first meeting thereafter.

16. (1.) Save as provided in subsection *three* hereof, every person commits an offence and is liable to a fine of *twenty* pounds who, not being registered as a midwife under this Part of this Act, 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 person to believe that she is registered as a midwife under this Part of this Act, or is qualified to practise midwifery.

Offences by unregistered persons

(2.) Save as provided in the *next succeeding* subsection, every person commits an offence and is liable to a fine of *twenty* pounds who, not being registered as a midwife or as a maternity nurse under this Part of this Act, 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 person to believe that she is registered as a maternity nurse under this Part of this Act. 5

(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 midwife or maternity nurse 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 under this Part of this Act a certificate in writing that, under the circumstances of the case, he is willing, having regard to the welfare of the prospective mother and child, to accept her services as a maternity nurse for that case. 10 15

(4.) A certificate given by a registered medical practitioner pursuant to 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. ~~Forthwith after the issue~~ 20

*Struck out*

of any such certificate the medical practitioner shall, in the prescribed form, give notice thereof to the Medical Officer of Health, and if he fails so to do he shall be liable on summary conviction to a fine of ten pounds. 25

(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 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 in any case where a registered medical practitioner has undertaken responsibility for the care of the patient. 30 35

PART IV.

GENERAL.

*New.*

Transfer to appropriate register under this Act of names of persons registered under Acts hereby repealed.

16A. The Registrar shall forthwith after the commencement of this Act transfer to the appropriate register under this Act the name of every person then registered as a nurse under the Nurses Registration Act, 1908, or as a midwife under the Midwives Registration Act, 1908, together with particulars as to the qualifications by virtue whereof they are so registered: 40 45

Provided that the Registrar may omit to transfer as aforesaid the name of any registered nurse or midwife whom he believes to be dead, or to have removed her permanent residence from New Zealand, or to have become disqualified for registration under this Act.

Applications for registration under this Act to be in writing.

17. (1.) Every application for registration under this Act as a nurse, or as a maternity nurse, or midwife shall be made in writing addressed to the Board. 50

(2.) No entry of the name of any person shall be made in any register kept pursuant to this Act save pursuant to the direction of the Board.

18. (1.) Save in the case of persons who satisfy the Board that  
5 they had begun an approved course of training before the commencement of this Act, no person shall be registered under this Act as a nurse, or as a maternity nurse, or midwife, who is less than twenty-three years of age; and in no case shall any person be so registered who is less than twenty-one years of age.

Limitations as to age and character of applicants for registration under this Act.

19. (2.) The Board shall not direct the registration under this Act of  
10 any applicant who is not, in the opinion of the Board, of good character and reputation.

19. Every person who makes any false or fraudulent representation, or produces to the Board or the Registrar any false certificate or  
15 testimonial, for the purpose of securing registration under this Act commits an offence and is liable to a fine of *fifty* pounds.

Penalty for wrongfully procuring registration.

20. The Board shall cause to be removed from the appropriate register under this Act the name of every person who has been registered  
20 therein in error as a nurse, or as a maternity nurse, or midwife, or who, being registered under this Act, is convicted of any offence punishable by imprisonment and dishonouring her in the public estimation, or who has been guilty of such improper conduct as renders her, in the opinion of the Board, unfit to be registered under this Act.

Removal from register of names of persons registered in error, &c.

21. (1.) Every person whose application for registration under any  
25 Part of this Act has been refused by the Board, or whose name has been removed by direction of the Board from any register under this Act, may, within three months after notice of such removal or refusal has been communicated to her by the Registrar, appeal in the prescribed manner to a Board of Appeal, consisting of a Magistrate and two  
30 assessors, appointed in accordance with regulations under this Act.

Appeals from refusal of Board to register, or from decision of Board to remove name from register.

(2.) The Board of Appeal shall thereupon hear the appeal, and may  
35 either confirm the decision of the Board, or order the registration of the appellant, or the restoration of her name to the appropriate register, and the determination of the Board of Appeal shall be final and conclusive.

22. Within the two months preceding the thirty-first day of  
40 March in the year nineteen hundred and twenty-six, and within the like period in each year thereafter, every person registered under this Act as a nurse, or as a maternity nurse, or midwife, who desires that her name shall be published in the *Gazette* as such, as provided in the  
next succeeding section, shall, in a form to be furnished by the Registrar, forward to the Registrar a request for such publication, stating her name and address and such other particulars as may be required by the Board.

Application by person registered under this Act as nurse, maternity nurse, or midwife for publication of name in *Gazette*.

23. (1.) The Registrar shall, in the month of April in every year,  
45 cause to be published in the *Gazette* lists of the names, with the prescribed particulars, of such registered nurses, registered maternity nurses, and registered midwives as have applied to have their names so published; and may, if he thinks fit, include in any such list particulars  
50 as to any other registered person. The Registrar may also at any time, if he thinks it necessary or advisable so to do, publish a supplementary list of persons registered as aforesaid.

Names to be gazetted.

(2.) The *Gazette* containing any such list or supplementary list shall, unless the contrary is proved, be sufficient evidence in all judicial proceedings that on the thirty-first day of March immediately preceding the date of such *Gazette* every person whose name appears therein as a registered nurse, or registered maternity nurse, or registered midwife, as the case may be, was duly registered as such, with the qualifications and other particulars therein appearing; and also that every such person has continued to be so registered at all times after the said thirty-first day of March and before the date of the next publication in the *Gazette* of a main list of registered persons.

Certificates of registration and badges.

24. (1.) Every person registered under this Act as a nurse, or as a maternity nurse, or midwife, 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 trained in New Zealand, shall also be entitled to receive a badge bearing her name and the date of registration.

(2.) Every person commits an offence and is liable to a fine of *twenty* pounds who, not being a person to whom any such badge has been issued under this Act, wears any such badge or any colourable imitation thereof.

Liability for medical fees where maternity nurse or midwife employed.

25. Where pursuant to this Act or to any regulations thereunder any maternity nurse or midwife is required to obtain 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.

Hospital Boards required to appoint registered nurses, &c.

26. Save with the approval of the Minister, given on a recommendation made by the Registration Board under this Act on special grounds to be specified in the recommendation, a Hospital Board shall not, after the commencement of this Act, appoint any person to the staff of any institution under the control of that Board to carry out the duties of a nurse, or of a maternity nurse, or midwife, unless she is registered under this Act as a nurse, or as a maternity nurse, or midwife, as the case may be:

Provided that nothing herein shall be construed to restrict the employment in any such institution of persons undergoing an approved course of training.

Application of fees.

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

Regulations.

28. The Governor-General may from time to time, by Order in Council, make regulations—

- (a.) Prescribing the course of training to be undergone by candidates for examination under this Act, and the subjects in which they shall be examined:
- (b.) Prescribing forms of application for and certificates of registration under this Act, and for certificates of having passed any examination under this Act:
- (c.) Providing for the conduct of maternity hospitals established under this Act, and for the training therein of persons who intend to qualify as maternity nurses or midwives:



- (d.) Prescribing the conditions under which any hospital, not being a maternity hospital established under this Act, may be recognized for the purposes of this Act as a maternity training-school :
- 5 (e.) Prescribing the fees to be paid by patients or out-patients of any maternity hospital established under this Act ; and providing for the exemption from the payment of such fees of any patients on the ground of hardship :
- 10 (f.) 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 :
- 15 (g.) Defining what shall be deemed to be malpractice or negligence on the part of midwives or maternity nurses in relation to their duties :
- (h.) Prescribing the fees payable in respect of examinations and registration under this Act, and for the issue of certificates of registration thereunder :
- 20 (i.) Providing for the appointment of assessors and the conduct of appeals under section *twenty-one* hereof :
- (j.) Generally providing for such other matters as in the opinion of the Governor-General are necessary or expedient for the effective administration of this Act.
- 25 **29.** (1.) The enactments mentioned in the Schedule hereto are hereby repealed. Repeals.
- (2.) All offices, institutions, appointments, licenses, regulations, orders, registers, registrations, certificates, records, notices, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into  
30 operation of this Act, shall enure for the purposes 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. Savings.
- 35 (3.) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

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SCHEDULE.

Schedule.

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ENACTMENTS REPEALED.

1908, No. 118.—The Midwives Act, 1908.

1908, No. 134.—The Nurses Registration Act, 1908.

1910, No. 63.—The Hospitals and Charitable Institutions Amendment Act, 1910 : Section 2.

1920, No. 55.—The Nurses Registration Amendment Act, 1920.