

NURSES BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Nurses Act 1971.

The principal purpose of the Bill is twofold, namely:

- (a) To revise the provisions of the 1971 Act relating to the registration of nurses, and to include new provisions for a class of nurses to be known as enrolled nurses; and
- (b) To effect some unrelated amendments (which are described below) to the other provisions in the 1971 Act.

For convenience of presentation and reference, the opportunity is taken to consolidate the 1971 Act and the 1975 amendment to that Act, but except as outlined above, the new Bill contains no substantive changes. A comparative note follows each clause, indicating the corresponding provisions in earlier Acts.

Clause 1 specifies the Short Title and provides for the Bill to come into force on 1 January 1978.

Clause 2 defines expressions used in the Bill.

PART I

THE NURSING COUNCIL OF NEW ZEALAND

This Part repeats substantively the provisions of Part I of the 1971 Act relating to the Nursing Council of New Zealand, with the following amendments:

- (a) *Clause 4* (relating to the membership of the Council): There will continue to be at least 7 nurses on the Council, but paragraphs (f) and (g) of section 4 (1) of the 1971 Act have been altered to take account of the revision by the Bill of the various classes of registered nurses.

In addition the new clause 4 (1) (f) provides that of the members who are nurses, one shall be a chief nursing officer of any hospital board (rather than of a school of nursing as now provided); and one shall be a tutor in a school of nursing (and not necessarily a principal tutor, as presently provided).

- (b) *Clause 6* (relating to the deputy chairman of the Nursing Council): Under the 1971 Act, the deputy chairman ceases to hold office at the end of March in the year following that in which he is appointed. The Bill provides, for administrative continuity, that he will nevertheless remain in office until the first Council meeting held after 1 April in the year following his appointment. This will enable the Council at that meeting to appoint his successor.

- (c) *Clause 9* (relating to the Deputy Director of the Division of Nursing): This clause has been redrafted to avoid a reference to the feminine gender only.
- (d) *Clause 12* (relating to the Penal Cases Committee): This clause provides that if a temporary member is appointed to the committee when the convener cannot act, any member of the committee (including the temporary member) may be appointed as the temporary convener. At present, only the temporary member may act as convener in such cases.

PART II

REGISTRATION AND ENROLMENT OF NURSES

This Part follows generally Part II of the 1971 Act. However the various classes of registered nurses are revised, and new provision is made for enrolled nurses in place of registered community nurses.

Clause 16 accordingly provides that the Register of Nurses will consist of 7 parts, relating to the following classes of registered nurses:

- (a) Comprehensive nurses:
- (b) General nurses:
- (c) General and obstetric nurses:
- (d) Midwives:
- (e) Obstetric nurses:
- (f) Psychiatric nurses:
- (g) Psychopaedic nurses.

By virtue of the transitional provisions in *clause 62*, every person who before the commencement of the Bill was registered as a general nurse and as a maternity nurse, and either as a psychiatric nurse or as a psychopaedic nurse, will become under the new provisions a registered comprehensive nurse.

Every person who was a registered maternity nurse will become a registered obstetric nurse.

Every person who was registered as a general nurse and as a maternity nurse, but is not qualified to become a registered comprehensive nurse, will become a registered general and obstetric nurse.

Every person who was registered as a male nurse will become a registered general nurse.

The Council is also to establish a Roll of Nurses. This provision is new, and will supersede the existing provisions relating to registered community nurses.

Every person registered as a community nurse will on the commencement of the Bill become an enrolled nurse.

Clause 17 deals with qualifications for registration and enrolment. Every person who satisfies the Council that he has undertaken the prescribed nursing programme and passed the prescribed examinations will be entitled to be registered in the appropriate part of the register, or to be enrolled, as the case may be.

Provision is also made in *clause 62* to ensure continuity in the nursing programmes and examinations.

Clause 19 deals with limitations on the age of applicants for registration or enrolment. The effect of the amendment is to provide that no person under the age of 17 years and 6 months may be enrolled; and to abolish the age restrictions for the registration of nurses. A consequential amendment to the Nurses Regulations 1973 is also made by *clause 63* to abolish the age restrictions for sitting examinations for registration.

The remaining provisions of Part II of the Bill follow in substance Part II of the 1971 Act, with additional provision being made however for enrolled nurses.

It should be noted that *clause 23* is widened to enable a suspended nurse to be required to surrender her certificates and badges; and that the provisions for the suspension from practice of disabled nurses (now contained in clauses 32 to 34 of the Bill) contain minor alterations to improve the procedures to be followed.

PART III

SCHOOLS OF NURSING AND NURSING PROGRAMMES

This Part is substantively the same as Part III of the 1971 Act.

A change has however been made in *clause 36*, which relates to the approval of schools of nursing. The effect of the change is to exclude private charitable institutions from those that may be approved as schools of nursing.

PART IV

DISCIPLINE

This Part is substantively the same as Part IV of the 1971 Act.

PART V

APPEALS TO SUPREME COURT

This Part follows Part VI of the 1971 Act. There are no substantive changes.

PART VI

ANNUAL PRACTISING CERTIFICATES

This Part follows section 48 of the 1971 Act. There are no changes of substance.

PART VII

MISCELLANEOUS PROVISIONS

This Part follows sections 49 to 52 and Part VII of the 1971 Act. It also contains necessary consequential amendments, transitional provisions, savings, repeals, and revocations.

The following changes are made:

- (a) *Clause 52 (1) (c) and (e)*: These provisions, which make it an offence to knowingly suggest that an unregistered or unenrolled person is registered or enrolled, are qualified by requiring proof of an intention to deceive before the offence is proven.
- (b) *Clause 52 (1) (f)*: This clause, which creates an offence of using a certificate or badge with intent to deceive, is qualified by being restricted to certificates and badges issued under the Bill.

The Nurses Act 1971 and the Nurses Amendment Act 1975 are repealed.

Hon. Mr Gill

NURSES

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A BILL INTITULED

An Act to consolidate and 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, as follows:

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1. Short Title and commencement—(1) This Act may be cited as the Nurses Act 1977.

(2) This Act shall come into force on the 1st day of January 1978.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Annual practising certificate” means a certificate issued under section 51 of this Act:

“Certificate of temporary enrolment” means a certificate of temporary enrolment issued under section 31 of this Act: 15

“Certificate of temporary registration” means a certificate of temporary registration issued under section 31 of this Act:

“Chairman” means the chairman of the Council appointed under section 5 of this Act: 20

“Convener of the Penal Cases Committee” or “convener” means the person who is for the time being the convener of the Penal Cases Committee in accordance with subsection (3) or subsection (4) of section 12 of this Act: 25

- “Council” means the Nursing Council of New Zealand referred to in section 3 of this Act:
- “Enrolled” means enrolled under the provisions of this Act; and “enrolment” has a corresponding meaning:
- 5 “Enrolled nurse” means a person whose name appears for the time being in the Roll of Nurses; and “enrolled as a nurse” has a corresponding meaning:
- “Hospital board” means a hospital board constituted under the Hospitals Act 1957:
- 10 “Medical Officer of Health” has the same meaning as it has in section 2 (1) of the Health Act 1956:
- “Medical practitioner” means a medical practitioner registered or conditionally registered under the Medical Practitioners Act 1968:
- 15 “Minister” means the Minister of Health:
- “Nurse” includes a registered nurse and an enrolled nurse:
- “Nursing programme” means a course of training leading to registration or enrolment as a nurse under this Act:
- 20 “Penal Cases Committee” means the committee of that name appointed under section 12 of this Act:
- “Prescribed” means prescribed by this Act, or by regulations for the time being in force under this Act, or by the Council in accordance with any such regulations:
- 25 “Professional misconduct”, in relation to a nurse, means conduct which, in the judgment of the Council,—
- (a) Amounts to malpractice or negligence by that nurse in relation to the class of nursing in respect of which he is registered or enrolled; or
- 30 (b) Brings or is likely to bring discredit on the nursing profession:
- “Provisional certificate” means a certificate issued under section 30 of this Act:
- 35 “Register” means the Register of Nurses kept under section 16 of this Act:
- “Registered” means registered under the provisions of this Act or under the corresponding provisions of any previous enactment; and “registration” has a corresponding meaning:
- 40 “Registered comprehensive nurse” means a person whose name appears for the time being in that part of the register relating to registered comprehensive nurses; and “registered as a comprehensive nurse” has a
- 45 corresponding meaning:

- “Registered general nurse” means a person whose name appears for the time being in that part of the register relating to registered general nurses; and “registered as a general nurse” has a corresponding meaning: 5
- “Registered general and obstetric nurse” means a person whose name appears for the time being in that part of the register relating to general and obstetric nurses; and “registered as a general and obstetric nurse” has a corresponding meaning: 5
- “Registered midwife” means a person whose name appears for the time being in that part of the register relating to registered midwives; and “registered as a midwife” has a corresponding meaning: 10
- “Registered nurse” means a person whose name appears for the time being in the register: 15
- “Registered obstetric nurse” means a person whose name appears for the time being in that part of the register relating to registered obstetric nurses; and “registered as an obstetric nurse” has a corresponding meaning: 20
- “Registered psychiatric nurse” means a person whose name appears for the time being in that part of the register relating to registered psychiatric nurses; and “registered as a psychiatric nurse” has a corresponding meaning: 25
- “Registered psychopaedic nurse” means a person whose name appears for the time being in that part of the register relating to registered psychopaedic nurses; and “registered as a psychopaedic nurse” has a corresponding meaning: 30
- “Registrar” means the person appointed to be Registrar of Nurses under section 7 of this Act; and includes any deputy registrar so appointed: 30
- “Roll” means the Roll of Nurses kept under section 16 of this Act: 35
- “School of nursing” means a school of nursing approved under section 36 of this Act:
- “Temporary certificate” means a certificate of temporary registration or a certificate of temporary enrolment.

(2) Words importing a gender in any enactment, and referring to a registered nurse or an enrolled nurse or to a person seeking to become a registered nurse or an enrolled nurse, shall, unless the context otherwise requires, be read as if they also import the other gender.

Cf. 1945, No. 7, ss. 2, 33 (1) (b), (c); 1960, No. 18, s. 2; 1965, No. 35, s. 2; 1967, No. 105, s. 2 (1); 1971, No. 78, s. 2; 1975, No. 117, s. 2

PART I

THE NURSING COUNCIL OF NEW ZEALAND

3. Constitution of Nursing Council—There shall continue to be a Council known as the Nursing Council of New Zealand, which shall be the same body corporate as the Council of that name established by section 3 of the Nurses Act 1971.

Cf. 1971, No. 78, s. 3

4. Membership of Council—(1) The Council shall consist of the following members:

- (a) The Director of the Division of Nursing in the Department of Health;
- (b) A medical practitioner to be appointed on the nomination of the Medical Association of New Zealand;
- (c) A medical practitioner to be appointed on the nomination of the Medical Superintendents' Association of New Zealand;
- (d) A person to be appointed on the nomination of the Hospital Boards' Association of New Zealand Incorporated;
- (e) A person employed in tertiary education to be appointed after consultation with the Minister of Education;
- (f) Six nurses to be appointed on the nomination of the New Zealand Nurses Association Incorporated, of whom—
 - (i) One shall be a person who is a nurse employed by a hospital board as its chief nursing officer;
 - (ii) One shall be a person who is employed by a hospital board as a tutor in a school of nursing;
 - (iii) One shall be a person who is employed in the Department of Health as a nursing officer in a Health District within the meaning of the Health Act 1956;

(iv) One shall be a person who is both a registered comprehensive nurse and a registered midwife, or is both a registered general and obstetric nurse and a registered midwife;

(v) One shall be a person who is a registered comprehensive nurse, or is a registered general nurse, or is a registered general and obstetric nurse, or is an enrolled nurse; and 5

(vi) One shall be a person who is a registered comprehensive nurse, or is a registered psychiatric nurse, or is a registered psychopaedic nurse: 10

(g) One other appointed member who shall be a registered nurse actively engaged in teaching nursing students.

(2) The appointment of members of the Council shall be made by the Governor-General on the advice of the Minister, and every member shall hold office for a term of 3 years. 15

(3) Subject to subsection (5) of this section, any member of the Council may from time to time be reappointed.

(4) Any appointed member of the Council may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the registrar. 20

(5) No appointed member of the Council shall hold office for more than 3 successive terms; but any member who retires after holding office for 3 successive terms shall be eligible for reappointment after he has ceased to hold office for one year. 25

(6) If any appointed member of the Council 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 hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred, and, for the purposes of subsection (5) of this section, shall be deemed to have held office for the whole of that term. 30

(7) Unless he sooner vacates his office as provided in subsection (4) of this section, every appointed member of the Council shall continue in office until his successor comes into office, notwithstanding the provisions of subsection (2) of this section. 35

(8) The powers of the Council shall not be affected by any vacancy in its membership. 40

Cf. 1945, No. 7, s. 4 (2)-(6); 1957, No. 15, s. 5 (1); 1962, No. 90, s. 2 (1), (2); 1971, No. 78, s. 4

5 **5. Chairman of Council**—(1) The Council shall, at its first meeting held after the commencement of this Act and at its first meeting held after the 1st day of April in the year 1979 and in each year thereafter, appoint one of its members to be the chairman of the Council. Any such member may from time to time be reappointed as chairman of the Council.

(2) The chairman appointed in each year shall hold office until his successor is appointed, or for such shorter period as he remains a member of the Council.

10 (3) If the chairman ceases to be a member of the Council before the expiration of the period for which he has been appointed, the Council shall appoint another member to be chairman until the next occasion on which a chairman is appointed under subsection (1) of this section.

15 (4) The chairman shall preside at all meetings of the Council at which he is present.

(5) If at any meeting of the Council the chairman for the time being is not present, or there is no chairman of the Council, the deputy chairman shall preside at the meeting; and, if the deputy chairman also is not present or there is no deputy chairman, the members present shall appoint one of their number to preside at that meeting. The deputy chairman or the person so appointed shall have all the functions, powers, and duties of the chairman for the purposes of that meeting.

25 (6) The chairman shall have power to act in all matters, including the appointment of committees under section 13 of this Act, on behalf of the Council when the Council is not meeting.

30 (7) Notwithstanding subsection (6) of this section, in any matter which by this Act requires a decision of the Council, the chairman shall so act only if the authority to make a decision is not vested in a committee of the Council and he reasonably considers an urgent decision to be necessary, and he shall first consult at least one other member of the Council and he shall report to the next meeting of the Council the action he has taken.

Cf. 1945, No. 7, s. 5; 1963, No. 56, s. 3; 1971, No. 78, s. 5

40 **6. Deputy chairman of Council**—(1) The Council, at any meeting, may appoint one of its members to be its deputy chairman.

(2) Unless the deputy chairman sooner resigns from that office, or is appointed to be the chairman of the Council, or vacates his office as a member of the Council, he shall hold the office of deputy chairman of the Council until the first meeting of the Council after the 1st day of April next following his appointment, and may from time to time be reappointed. 5

(3) If the deputy chairman is appointed to be the chairman of the Council, or ceases to be a member of the Council, he shall thereupon vacate the office of deputy chairman. 10

(4) During any vacancy in the office of chairman or in the absence of the chairman from New Zealand or while the chairman is incapacitated by sickness or otherwise, the deputy chairman shall have all the functions, powers, and duties of the chairman. 15

Cf. 1971, No. 78, s. 6

7. Registrar and other staff—(1) The Council shall from time to time appoint a person to be the Registrar of Nurses and such deputy registrars and other employees and agents as it thinks fit, and may pay them such remuneration as it considers appropriate. 20

(2) A member of the Council may concurrently hold the post of registrar or any other office of employment under the Council.

Cf. 1945, No. 7, ss. 3, 3A; 1960, No. 18, s. 3; 1963, No. 56, s. 2; 1971, No. 78, s. 7 25

8. Meetings of Council—(1) Meetings of the Council shall be held at such times and places as the chairman, or the registrar on the direction of the chairman, may from time to time appoint. 30

(2) Notice of the time and place of every meeting, signed by the chairman or by the registrar or other appropriate officer of the Council, shall be sent to every member of the Council at least 3 clear days before the time appointed for that meeting. 35

(3) At any meeting of the Council held for the purpose of hearing a charge of professional misconduct 7 members, at least 4 of whom shall be nurses, shall form a quorum and at any other meeting of the Council 8 members, at least 5 of whom shall be nurses, shall form a quorum. 40

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

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

(6) Except as expressly provided in this Act or in any regulations for the time being in force under this Act, the Council may regulate its procedure as it thinks fit.

Cf. 1945, No. 7, s. 6; 1957, No. 15, s. 5 (2); 1962, No. 90, s. 2 (2) (b); 1963, No. 56, s. 4; 1971, No. 78, s. 8

9. Deputy of Director of Division of Nursing—(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 that Director is unable to attend that meeting.

(2) While any person is attending any meeting of the Council pursuant to this section, he shall be deemed for all purposes to be a member of the Council.

(3) The fact that any person so attends any meeting shall be sufficient evidence of his authority so to do in the absence of proof to the contrary.

Cf. 1945, No. 7, s. 6 (5); 1971, No. 78, s. 9

10. Remuneration and travelling allowances—(1) The Council and every committee of the Council are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to the appointed members of the Council and to members of any committee of the Council, out of the funds of the Council, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1945, No. 7, s. 7; 1951, No. 79, s. 10 (1); 1971, No. 78, s. 10

11. Functions of Council—The Council shall have the following functions:

(a) To make recommendations with respect to the nursing programmes to be undertaken by candidates for examination under this Act in relation to the minimum standards required for registration and enrolment under this Act:

- (b) To approve, subject to the concurrence of the Minister, hospitals and other institutions at which the whole or any portion of any prescribed nursing programme may be undertaken for the purposes of this Act: 5
- (c) To conduct examinations under this Act: 5
- (d) To appoint examiners and make all necessary arrangements for the purposes of the examinations:
- (e) To issue certificates of having passed examinations to persons entitled to them:
- (f) To advise on and exercise a general supervision of any examination conducted under this Act pursuant to any regulations requiring or enabling the examination to be conducted otherwise than by the Council: 10
- (g) To receive applications for registration and enrolment under this Act, and to authorise registration and enrolment in proper cases: 15
- (h) To exercise disciplinary powers in accordance with the provisions of this Act:
- (i) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act: 20
- (j) To perform such other functions as may be conferred on it by any other enactment.

Cf. 1945, No. 7, s. 8; 1971, No. 78, s. 11

12. Penal Cases Committee—(1) There shall be a committee of the Council to be known as the Penal Cases Committee, which shall have the functions and powers imposed or conferred on that committee by this Act, and which shall consist of 3 members of the Council, of whom at least 2 shall be nurses. 30

(2) The members of the Penal Cases Committee shall be appointed by and hold office at the pleasure of the Council.

(3) The Council shall nominate one of the members of the Penal Cases Committee to be the convener.

(4) 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 (1) of this section,— 35
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- (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

(b) If the member replaced is the convener of the committee, nominate any other member of the committee (including a member appointed under paragraph (a) of this subsection) to be the convener in his place—

and any person so appointed or nominated shall, while he is so acting, be deemed to be a member of the committee or to be the convener of the committee, as the case requires.

(5) The Penal Cases Committee may at any stage of a case take the advice of a barrister or solicitor and may brief him to draw up proofs of evidence and otherwise prepare the case, and may be represented by him at any hearing before the Council in accordance with section 41 (4) of this Act.

(6) Subject to the provisions of this Act, the Council may from time to time make rules regulating the procedure of the Penal Cases Committee, and prescribing classes of cases which need not be referred to that Committee before they are considered by the Council.

(7) Subject to the provisions of this Act, in the absence of any such rules, or so far as the rules do not extend, the Penal Cases Committee may regulate its procedure as it thinks fit.

Cf. 1971, No. 78, s. 12

13. Other committees—(1) The Council may from time to time appoint committees, consisting of 2 or more persons, to—

(a) Inquire into and report to the Council on such matters within the scope of its functions as are referred to them by the Council, or to exercise on behalf of the Council any of its functions or powers; and

(b) Subject to section 43 of this Act, delegate to any such committee any such functions or powers, other than the functions and powers conferred on the Council by sections 21 and 22 of this Act.

(2) Except in the case of a committee appointed for the purpose of section 43 of this Act, any committee appointed by the Council under this section may include persons who are not members of the Council.

(3) Every committee appointed under this section shall be subject in all things to the control of the Council, and may at any time be discharged, altered, or reconstituted by the Council.

(4) Subject to any general or special directions given or conditions imposed by the Council, any committee to whom any function or power is delegated under this section may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation. 5

(5) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary. 10

(6) Any delegation under this section may be revoked at any time.

(7) No delegation under this section shall prevent the exercise of any function or power by the Council.

Cf. 1971, No. 78, s. 13 15

14. Finance—(1) The registrar, or some other officer or employee of the Council authorised in that behalf by the Council, shall take and receive such fees in respect of such matters under this Act as may from time to time be prescribed.

(2) Until the appropriate fee has been paid, the registrar or any other officer or employee of the Council may decline to do any act, or to permit any act to be done, or to receive any document, in respect of which that fee is payable. 20

(3) Subject to the provisions of this Act and to the terms of any trust or endowment, all money received under this section and all other money received by the Council shall be applied by the Council in paying all amounts which by this Act are required to be paid by the Council; and, subject thereto, all such money may be applied by the Council as follows: 25

(a) In payment of remuneration and travelling allowances and expenses to its members, officers, employees, and agents, including any person referred to in section 10 of this Act: 30

(b) In payment of contributions to the National Provident Fund under the National Provident Fund Act 1950, or to any other superannuation fund or scheme established with the approval of the Minister of Finance, for the purpose of providing superannuation or retiring allowances for its officers and employees: 35 40

- (c) In payment of all costs and expenses incurred in doing whatever the Council or the Penal Cases Committee considers expedient in order that the Council or Committee may best accomplish the purposes for which it is established:
- 5 (d) In contributing towards the cost of nursing education and research, and providing scholarships and fellowships and making donations for any such purpose.
- (4) All money received by the Council or by an officer or
10 employee on behalf of the Council shall as soon as practicable be paid into such bank account or accounts of the Council as the Council from time to time determines.
- (5) The Council may from time to time invest any such
15 money which is not for the time being required for any of the purposes specified in subsection (3) of this section in any manner authorised by the Trustee Act 1956 for the investment of trust funds.
- (6) Every payment of money by the Council shall be
20 authorised by a prior resolution of the Council or shall be submitted to the Council for confirmation at its first ordinary meeting after the date of payment.
- (7) Every payment of money by the Council shall be by
25 cheque, or other instrument (not being a promissory note or bill), signed by the registrar or any other officer approved by the Council, and countersigned by any other officer so approved or by a member of the Council.
- (8) The Council shall keep full and correct accounts of all
money received and expended by it.
- (9) The accounts shall be audited by the Audit Office,
30 which for that purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of the accounts of local authorities.
- (10) As soon as practicable after the end of each financial
35 year, the Council shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year, together with a balance sheet as at the last day of that year.
- (11) For the purposes of this section the financial year of
40 the Council shall be the period ending with the 31st day of March in each year or with such other date as the Council may from time to time determine.

(12) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by omitting the item relating to the Nursing Council of New Zealand, and substituting the following item:

“The Nursing Council of New Zealand | 1977, No. 00—The Nurses Act 5
| 1977.”

Cf. 1971, No. 78, s. 14

15. Annual report—(1) As soon as practicable after the expiry of the period of 3 months following the end of each financial year, the Council shall furnish to the Minister a written report relating to the operation of this Act during the preceding financial year, and shall attach to the report a copy of its accounts for that year certified by the Audit Office. 15

(2) A copy of the report (including the accounts) shall be laid before Parliament within 28 days after the date of its receipt by the Minister if Parliament is then in session, or if Parliament is not then in session, within 28 days after the date of the commencement of the next ensuing session. 20

Cf. 1971, No. 78, s. 15

PART II

REGISTRATION AND ENROLMENT OF NURSES

16. The Register of Nurses and the Roll of Nurses—

(1) The Council shall maintain— 25

- (a) A register, to be called the Register of Nurses, which shall consist of 7 parts relating respectively to—
- (i) Registered comprehensive nurses;
 - (ii) Registered general nurses;
 - (iii) Registered general and obstetric nurses; 30
 - (iv) Registered midwives;
 - (v) Registered obstetric nurses;
 - (vi) Registered psychiatric nurses; and
 - (vii) Registered psychopaedic nurses; and
- (b) A roll, to be called the Roll of Nurses. 35

(2) The register and the roll shall be kept in such form, whether in bound books or otherwise, as may be prescribed, or, if no form is prescribed, as the Council may determine.

(3) There shall be entered in the appropriate part of the register, or in the roll, as the case may require, the name 40 of every person who is registered or enrolled under this Act, together with such other particulars as may be prescribed.

(4) The Council shall cause the register and the roll to be kept open for inspection during ordinary office hours by members of the public at its office or, if it has more than one office, at its head office.

5 (5) The Council may from time to time cause the register, or any part of the register, or the roll, to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person purchasing a copy of the register, or part of the register, or roll, such reasonable
10 fee as it determines.

Cf. 1945, No. 7, ss. 9, 21A; 1960, No. 18, s. 4; 1963, No. 56, s. 7; 1965, No. 35, s. 3; 1971, No. 78, s. 16; 1975, No. 117, s. 3

17. Qualifications for registration and enrolment—

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

(a) Every person who satisfies the Council that he has undertaken the nursing programme and passed the examinations prescribed in respect of persons seeking to become registered comprehensive nurses, registered general nurses, registered general and
20 obstetric nurses, registered midwives, registered psychiatric nurses, or registered psychopaedic nurses, 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;

25 (b) Every registered general nurse who satisfies the Council that he has undertaken the nursing programme and passed the examinations prescribed in respect of registered general nurses seeking to become registered general and obstetric nurses, 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 as
30 a general and obstetric nurse; and

35 (c) Every person who satisfies the Council that he has undertaken the nursing programme and passed the examinations prescribed in respect of persons seeking to become enrolled nurses, or that he has
40 obtained in New Zealand some other material qualification prescribed for the purposes of this section, shall be entitled to be enrolled.

(2) Without limiting the provisions of subsection (1) of this section, every person who satisfies the Council that—

- (a) He is entitled to be registered—
 - (i) As a general and obstetric nurse; and
 - (ii) As a psychiatric nurse or as a psychopaedic nurse; or
- (b) Being already registered as a general and obstetric nurse, he is entitled to be registered as a psychiatric nurse or as a psychopaedic nurse; or
- (c) Being already registered as a psychiatric nurse or as a psychopaedic nurse, he is entitled to be registered as a general and obstetric nurse—

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

(3) After the 31st day of December 1977, no person shall by reason of qualifications obtained in New Zealand be registered in that part of the register relating to registered obstetric nurses, but the provisions of this subsection shall not affect the provisions of this Act relating to—

- (a) The restoration of the name of any person to that part of the register; or
- (b) The amendment of that part of the register.

(4) For the purposes of this section, a person shall be deemed to have passed a prescribed examination if he has been accredited with passing that examination in accordance with any regulations, rules, or practice governing a school of nursing, in the case of an examination conducted by the school, or in accordance with regulations for the time being in force under this Act, in the case of any other prescribed examination.

Cf. 1945, No. 7, ss. 10 (a), 11 (1) (a), 12 (a), 13 (a), 14 (1) (a), 14A (1) (a), 15A (1) (a); 1960, No. 18, ss. 5, 6, 7; 1965, No. 35, s. 4; 1967, No. 105, s. 3 (2); 1971, No. 78, s. 17; 1975, No. 117, s. 4

18. Persons qualified overseas—(1) Except as otherwise provided in this Act, any person who satisfies the Council that he—

- (a) Has successfully completed, elsewhere than in New Zealand, a course of instruction as a nurse belonging to a class which is equivalent to one or more classes of nurses registered under this Act or to the class of nurses enrolled under this Act, in accordance with a programme recognised by the Council as being satisfactory for the purposes of this subsection; and

(b) Undertook the programme in an institution so recognised—
 shall be entitled to be registered in the part or parts of the register which the Council considers to be appropriate to his case, or to be enrolled, as the case may require.

(2) Except as otherwise provided in this Act, any person who is not eligible for registration or enrolment under subsection (1) of this section but who—

(a) Satisfies the Council that he has successfully completed, elsewhere than in New Zealand, a course of instruction as a nurse belonging to a class which is equivalent to one or more classes of nurses registered under this Act or to the class of nurses enrolled under this Act;

(b) Undergoes, to the Council's satisfaction, such further instruction and passes such examinations (if any) as may be specified by the Council; and

(c) Satisfies the Council that he has a reasonable command of the English language—

shall be entitled to be registered in the part or parts of the register which the Council considers to be appropriate to his case, or to be enrolled, as the case may require.

Cf. 1945, No. 7, ss. 10 (b), 11 (1) (b), 12 (b), 13 (b), 14 (1) (b), 14A (1) (b), 15A (1) (b), 15B; 1960, No. 18, s. 6; 1965, No. 35, ss. 4, 5; 1967, No. 105, s. 3 (2); 1971, No. 78, s. 18

19. Limitations as to age and character of applicants—
 No person shall be registered or enrolled under this Act unless the Council is satisfied that—

(a) The person is of good character and reputation, and is a fit and proper person to be registered or enrolled in accordance with his application; and

(b) In the case of an applicant for enrolment, the person has attained the age of 17 years and 6 months.

Cf. 1945, No. 7, s. 16; 1957, No. 15, s. 2; 1960, No. 18, s. 8; 1963, No. 56, s. 6; 1965, No. 35, s. 6; 1971, No. 78, s. 19

20. Applications for registration and enrolment—

(1) Except as may be provided by regulations for the time being in force under this Act, every application for registration or enrolment under this Act shall be made in writing addressed to the Council. Every application shall be accompanied by such fee as may be prescribed. 5

(2) No entry of the name of any person shall be made in the register or the roll except pursuant to a direction of the Council.

Cf. 1945, No. 7, s. 17; 1971, No. 78, s. 20 10

21. Applications to be considered by Council—(1) At its first meeting after any application under section 20 of this Act has been submitted to it or as soon thereafter as practicable, the Council shall consider the application, and shall give such directions to the registrar in respect of it as it thinks fit and as are authorised by or under this Act. 15

(2) Before giving any such directions the Council may, if it thinks fit, examine on oath or otherwise the person making the application, or any person objecting to it, or any other person, with respect to the application; and for the purposes of any such examination the chairman may administer an oath to any person. 20

(3) The Council may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application before the Council, or with respect to any objection to any such application. 25

Cf. 1971, No. 78, s. 21

22. Registration and enrolment—(1) If the Council, after considering any application under section 21 of this Act, considers that the applicant is entitled to be registered or enrolled in the manner specified in the application, it shall so direct, and the registrar shall thereupon register or enrol that person in that manner, and shall notify him accordingly. 30

(2) If the Council, after so considering any such application, considers that the applicant is not entitled to be registered or enrolled in the manner specified in the application, it shall direct accordingly, and the registrar shall thereupon refuse to register or enrol that person in that manner. 35

(3) If the Council refuses to direct the registration or enrolment of an applicant, it shall cause the applicant to be notified in writing of the reasons for its refusal. 40

Cf. 1945, No. 7, s. 11 (2); 1971, No. 78, s. 22

23. Certificates and badges—(1) Every registered or enrolled nurse shall, on payment of the prescribed fee (if any), be entitled to receive a certificate of registration or enrolment, as the case may require, issued by or under the authority 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 Council bearing his name.

(2) Any person whose name is removed from the register or roll under Part IV of this Act, or whose registration or enrolment is suspended under this Act, shall if required to do so by the Council, deliver to the registrar, within 14 days after the date on which he receives written notice that his name has been so removed or that he has been so suspended, every certificate and badge which has been issued to him under this section and which he has not so delivered before that date.

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$20 who fails to comply with the provisions of subsection (2) of this section.

Cf. 1945, No. 7, s. 18 (1); 1967, No. 105, s. 2 (2); 1971, No. 78, s. 23

24. Additional qualifications—(1) Any registered or enrolled nurse who obtains any degree, certificate, diploma, licence, or other qualification approved by the Council for the purposes of this section, other than that by virtue of which he is registered or enrolled, may apply to the Council to amend the register or roll, as the case may require, so far as it relates to the qualifications of that person; and on any such application the Council, if it is satisfied that the applicant is entitled to the degree, certificate, diploma, licence, or other qualification in respect of which the application is made, shall direct the registrar to amend the register or roll accordingly, and the registrar shall thereupon, on payment of the prescribed fee (if any), insert in the register or roll accordingly particulars of the degree, certificate, diploma, licence, or other qualification.

(2) The Council may, for the purpose of approving any degree, certificate, diploma, licence, or other qualification under this section, require the course of instruction or programme or examination relating to the course or programme to be such as may be approved or prescribed by the Council.

(3) The Council may at any time revoke any approval given for the purposes of this section.

(4) The provisions of this section shall, with the necessary modifications, apply in any case where the nurse holds, at the time of his application for registration or enrolment, any degree, certificate, diploma, licence, or other qualification in addition to that by virtue of which he is registered or enrolled. 5

Cf. 1945, No. 7, s. 19; 1971, No. 78, s. 24

25. Revision of register and roll—(1) The registrar may at any time, and shall if the Council so directs, send to any registered or enrolled nurse, by registered letter addressed to him at his last known address, an inquiry as to whether or not he desires to have his name retained in the register or roll, or has ceased to practise. 10
15

(2) If no reply is received to the letter within 6 months after it has been posted, or if the letter is not delivered and is returned to the registrar, the registrar shall, if the Council so directs, remove from every part of the register in which it appears or from the roll, as the case may require, the name of the nurse to whom the letter was sent. 20

(3) If the Council has reason to believe that any registered or enrolled nurse has died, it may direct the registrar to remove the name of that person from the register or roll, and the registrar shall remove that name accordingly from every part of the register in which it appears or from the roll, as the case may require. 25

(4) Any person whose name has been removed from the register or roll under this section may apply to the registrar to have his name restored to the register or roll; and, on proof to the satisfaction of the Council that his name has been so removed, it shall direct the registrar to restore to the register or roll accordingly the name of that person. 30

Cf. 1971, No. 78, s. 25

26. Rectification of incorrect registration or enrolment—(1) If any person has been registered or enrolled by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered has been registered, or if any person not entitled to be enrolled has been enrolled, the Council shall order the name of that person to be removed from the material part 35
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of the register or from the roll, as the case may require; and the registrar shall thereupon amend the register or roll accordingly.

(2) If any particulars appearing in the register or roll in respect of the qualifications of any person who is registered or enrolled are proved to the satisfaction of the Council to be, or are to the knowledge of the Council, false or erroneous in any respect, the Council shall order the registrar to remove those particulars from the material part of the register or from the roll; as the case may require, or otherwise amend the register or roll, and the registrar shall thereupon amend the register or roll accordingly.

(3) The provisions of subsection (2) of this section shall apply notwithstanding that at the time when the entry in the register or roll was made the person actually possessed the qualifications particulars of which appear in the register or roll, or that at that time the entry was otherwise correct.

Cf. 1945, No. 7, s. 23 (1); 1971, No. 78, s. 26

27. Removal of name after removal overseas—(1) If the Council is satisfied that the name of a registered or enrolled nurse has, since the date of his registration or enrolment, been removed from any register or roll of nurses in the country in which his foreign degree, certificate, diploma, licence or other qualification was granted, it may, by writing under the hand of the chairman, direct his name to be removed from the register or roll, as the case may require, in New Zealand; and the name shall accordingly be removed from every part of the register in which it appears, or from the roll, as the case may require.

(2) Notice of its intention to direct any name to be removed from the register or roll pursuant to this section shall be given by the Council to the person affected, either personally or, if his address is unknown, by advertisement in such manner as the Council thinks sufficient; and his name shall not be removed from the register or roll before the expiration of one month after the date of the notice.

Cf. 1971, No. 78, s. 27

28. Change of name, and removal of name on request—(1) When it appears to the satisfaction of the Council that a registered or enrolled nurse has changed his name, or that the name of any registered or enrolled nurse is incorrectly stated in the register or roll, the registrar shall, on payment of the prescribed fee (if any), correct any entry in the register or roll relating to that nurse accordingly. 5

(2) No fee shall be payable where the correction of the register or roll is rendered necessary by reason of a mistake made by the Council or the registrar or any of the Council's officers or employees. 10

(3) The Council may at any time, if it thinks fit, on the application of any registered or enrolled nurse, cause the name of that nurse to be removed from the register or any part of the register, or from the roll, as the case may require. 15

Cf. 1945, No. 7, s. 23 (2); 1963, No. 56, s. 8; 1971, No. 78, s. 28

29. Amendment of register or roll to avoid duplication—

(1) If a registered general and obstetric nurse, or a registered psychiatric nurse, or a registered psychopaedic nurse, becomes registered as a comprehensive nurse, the registrar shall remove his name from the part of the register relating to general and obstetric nurses, or to psychiatric nurses, or to psychopaedic nurses, as the case may require. 20

(2) If a registered general nurse becomes registered as a general and obstetric nurse, or as a comprehensive nurse, the registrar shall remove his name from the part of the register relating to general nurses. 25

(3) If a registered obstetric nurse becomes registered as a general and obstetric nurse, or as a midwife, or as a comprehensive nurse, the registrar shall remove his name from the part of the register relating to obstetric nurses. 30

(4) If an enrolled nurse becomes registered as a general nurse, or as a general and obstetric nurse, or as a comprehensive nurse, the registrar shall remove his name from the roll. 35

30. Provisional certificates—(1) Notwithstanding anything to the contrary in this Act, where it appears to the registrar that a person who has applied for registration or enrolment is qualified for registration or enrolment, the registrar may grant to that person a provisional certificate which shall entitle him, while the certificate is in force, to 44

practise such calling as he would have been entitled to practise if he had been registered or enrolled pursuant to the application pending consideration by the Council of that person's application.

5 (2) Every provisional certificate shall, unless it has been cancelled or has lapsed, remain in force for the period specified in it, not in any case exceeding 3 months, but the certificate may from time to time be renewed for a further period not exceeding 3 months.

10 (3) The holder of a provisional certificate shall, while the certificate is in force, be deemed for all purposes to be registered or enrolled, as the case may require, 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 Council or may, without any such direction, refuse to renew any such certificate.

Cf. 1945, No. 7, s. 23A; 1963, No. 56, s. 9; 1971, No. 78, s. 29

20 **31. Temporary visitors to New Zealand**—(1) Notwithstanding anything in this Act, if the Council is satisfied that any person is or will be visiting New Zealand for the purpose of giving instruction in nursing, and that—

(a) He is qualified for registration or enrolment under this Act; or

25 (b) He is the holder of a qualification granted outside New Zealand and recognised by the Council as evidence that the holder has, for the purposes of this section, sufficient knowledge of and experience in the class of nursing to which the qualification relates—

30 the Council may, if it thinks fit, issue to him a certificate of temporary registration or enrolment entitling him to practise the calling in respect of which he is so qualified for registration or enrolment or is the holder of a qualification,
35 as the case may be, for such period as may be determined by the Council and specified in the certificate.

(2) Notwithstanding anything in this Act, if the Council is satisfied that any person is or will be visiting New Zealand for the purpose of obtaining experience as a nurse, or
40 of carrying out research in nursing—

(a) In the Department of Health; or

(b) In any hospital or other institution, or in any organisation, or under other circumstances, approved by the Council for the purposes of this section,—
the Council may in its discretion, on payment of the prescribed fee (if any), issue to that person a certificate of temporary registration or enrolment if it is satisfied that— 5

- (c) The person is qualified for registration or enrolment, as the case may require, under this Act; or
- (d) The person is the holder of a qualification granted outside New Zealand and recognised by the Council as evidence that the holder has, for the purposes of this section, sufficient knowledge of and experience in the class of nursing to which the qualification relates. 10

(3) A temporary certificate issued under subsection (2) of this section shall entitle the person to whom it is issued to practise the calling in respect of which the certificate was issued in the Department of Health, or in the hospital, other institution, or organisation, or under the other circumstances, specified in the certificate, for such period as may be determined by the Council and be so specified. 15 20

(4) The provisions of sections 19 to 22 of this Act shall apply to every application for temporary registration or enrolment under this section.

(5) The Council may from time to time, in its discretion, extend the period specified in any certificate under this section, if it is satisfied that the circumstances in which it was issued still exist. Where any such extension is granted, the certificate shall be surrendered by the holder to the registrar who may cause the extension to be endorsed on the certificate or issue a new certificate. 25 30

(6) During the period specified in any certificate issued under subsection (1) of this section, or any extension of that period, the holder of the certificate shall, unless it has been cancelled under this section, be deemed for all purposes to be registered or enrolled, as the case may require, in respect of the calling so specified. 35

(7) During the period specified in any certificate issued under subsection (2) of this section, or any extension of that period, the holder of the certificate shall, unless it has been cancelled under this section, be deemed for all purposes to be registered or enrolled, as the case may require, in respect 40

of the calling in respect of which the certificate was issued while he is practising that calling in the Department, hospital, other institution, or organisation, or under the other circumstances, specified in the certificate, but not otherwise.

- 5 (8) The registrar may cancel any such certificate at any time on the direction of the Council.

Cf. 1971, No. 78, s. 30

32. Suspension from practice for disability—(1) If it appears to the Council that—

- 10 (a) Any registered or enrolled nurse is unable, because of mental or physical disability, to practise satisfactorily the calling in respect of which he is registered or enrolled; and

- 15 (b) Because the nurse may attempt to practise that calling, it is desirable in the public interest to prevent him from doing so—

the Council may require the nurse to submit himself for a medical examination at the expense of the Council by a medical practitioner.

- 20 (2) The requirement to submit to a medical examination shall be communicated to the nurse by a notice in writing, under the hand of the chairman or registrar and served on the nurse; and the notice shall specify—

- 25 (a) The name and address of the medical practitioner by whom the Council has arranged to have the examination conducted; and

- (b) The time by which the examination is to take place (being a reasonable time, and in any event being not less than 7 days, after the notice is served on the nurse).

- 30 (3) Where a medical practitioner examines a nurse pursuant to this section, the medical practitioner shall as soon as practicable after the examination make a written report to the registrar as to the mental and physical condition
35 of the nurse so far as it affects the capacity of the nurse to practise satisfactorily the calling in respect of which he is registered or enrolled.

(4) Where—

- 40 (a) The Council has served a notice on a nurse in accordance with subsection (2) of this section;

- (b) The time specified in the notice for the medical examination has expired, or the registrar has sooner received the written report of the medical practitioner in respect of the nurse;

- (c) In every case where the registrar has received the report, the Council has considered the report and all relevant circumstances;
- (d) The Council has given the nurse a reasonable opportunity to be heard on the matter; and 5
- (e) After the requirements of paragraphs (a) to (d) of this subsection have been complied with, the Council is satisfied that—
- (i) The nurse is unable, because of mental or physical disability, to practise satisfactorily the calling in respect of which he is registered or enrolled; 10
- and
- (ii) Because the nurse may attempt to practise that calling, it is necessary in the public interest to prevent him from doing so— 15

the Council may suspend the nurse from practice.

(5) Any such suspension may be revoked at any time by the Council.

(6) Any such suspension, or revocation of a suspension, shall be communicated to the nurse by notice in writing, under the hand of the chairman or registrar and served on the nurse; and shall take effect on being served. 20

(7) While a nurse is suspended under this section from practice, he shall be deemed for the purposes of this Act, other than Part IV, not to be registered in any part of the register and not to be enrolled. 25

Cf. 1945, No. 7, s. 29; 1963, No. 56, s. 11; 1971, No. 78, s. 31 (1), (2), (3), (4), (5)

33. Limited practice in cases of disability—(1) Where—

- (a) Paragraphs (a) to (d) of section 32 (4) of this Act have been complied with in respect of a registered or enrolled nurse; and 30
- (b) The Council is satisfied as to the matters specified in paragraph (c) (i) of section 32 (4) of this Act, but considers that it would nevertheless not be contrary to the public interest to allow the nurse to practise his calling under the special conditions described in subsection (3) of this section— 35

the Council may, instead of suspending the nurse under section 32 (4) of this Act, suspend the nurse under this section from all practice of the calling in respect of which he is registered or enrolled, except practice in accordance with subsection (3) of this section. 40

(2) Where, in the case of a nurse who is for the time being suspended from practice under section 32 (4) of this Act, the Council considers that although the suspension should not be revoked, it would nevertheless not be contrary to the public interest to allow the nurse to practise his calling under the special conditions described in subsection (3) of this section, the Council may permit the nurse to practise the calling in respect of which he is registered or enrolled, in accordance with subsection (3) of this section, so long as the suspension remains in effect.

(3) For the purposes of subsections (1) and (2) of this section, a nurse may practise the calling in respect of which he is registered or enrolled—

(a) In a hospital or other institution; or

(b) With an organisation—

for the time being specified by the Council, and in accordance with such conditions (if any) as the Council may from time to time think fit to impose.

(4) Any suspension under this section may be revoked at any time by the Council.

(5) A suspension, or revocation of a suspension, under this section, or permission given under this section, shall be communicated to the nurse by notice in writing, under the hand of the chairman or registrar and served on the nurse; and shall take effect on being served.

(6) A nurse on whom notice is served under subsection (5) of this section may practise the calling in respect of which he is registered or enrolled in accordance with subsection (3) of this section, but not otherwise.

Cf. 1945, No. 7, s. 29; 1963, No. 56, s. 11; 1971, No. 78, s. 31 (7), (8)

34. Duty to notify suspected disability—If the medical superintendent or other person in charge of any hospital or other institution or organisation in which a registered or enrolled nurse is employed has reason to believe that the nurse is unable, because of mental or physical disability, to practise satisfactorily the calling in respect of which he is registered or enrolled, the medical superintendent or other person in charge shall forthwith inform the Council of the matter, setting out the reasons for his belief.

Cf. 1945, No. 7, s. 29; 1963, No. 56, s. 11; 1971, No. 78, s. 31 (8)

35. Offences as to registration and enrolment—Every person commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding 12 months, who, for the purpose of obtaining registration or enrolment under this Act (either for himself or for any other person)— 5

- (a) Either orally or in writing, makes any declaration or representation which to his knowledge is false or misleading in a material particular; or
- (b) Produces to the Council or makes use of any document knowing it to contain any such declaration or representation; or 10
- (c) Produces to the Council or makes use of any document knowing that it is not genuine.

Cf. 1945, No. 7, s. 22; 1971, No. 78, s. 32

PART III

15

SCHOOLS OF NURSING AND NURSING PROGRAMMES

36. Approval of schools of nursing—(1) Subject to any regulations for the time being in force under this Act, the Council may, with the concurrence of the Minister, approve any institution controlled or maintained by any Department of State, or by any hospital board, as a school of nursing for persons seeking to be registered in any capacity or capacities specified by the Council or for persons seeking to be enrolled. 20

(2) The approval of any school of nursing under this section may, in the discretion of the Council, be so limited that only a defined part of the prescribed nursing programme may be taken at that school. 25

(3) Subject to any regulations for the time being in force under this Act, the approval of any school of nursing by the Council may be at any time revoked by the Council with the concurrence of the Minister. 30

(4) If a hospital board is dissatisfied with any decision of the Council in refusing to approve the institution controlled or maintained by the board as a school of nursing, or in revoking any such approval, the board may, within 3 months after the date of the notification of the Council's decision, apply to the Administrative Division of the Supreme Court for an order that the decision of the Council be reversed; and thereupon the Court may, after having regard to any regulations for the time being in force under this Act relating to the approval of schools of nursing, make such order as it thinks just, and the Council shall be bound by the terms of the order. 35 40

(5) Nothing in this section shall prevent the enactment of regulations prescribing qualifications for registration or enrolment which do not include the undertaking of a nursing programme at a school of nursing.

- 5 (6) In this section, "institution" includes any department of an institution.

Cf. 1945, No. 7, s. 24; 1960, No. 18, s. 11; 1965, No. 35, s. 7; 1971, No. 78, s. 33

- 10 **37. Inclusion of one nursing programme in another nursing programme**—For the purposes of qualification for registration in any capacity under this Act, the prescribed nursing programme required to be undertaken for registration in one capacity may include a nursing programme required to be undertaken for registration in another capacity, and
15 references in this Act to the prescribed nursing programme shall be construed accordingly:

Provided that in any such case the examinations to be prescribed for registration in any such capacity shall be substantially equivalent to those prescribed in relation to any
20 separate nursing programme for registration in the other capacity.

Cf. 1945, No. 7, s. 25A; 1957, No. 15, s. 3; 1971, No. 78, s. 34

- 25 **38. Credit for previous achievement**—(1) Where a person has undergone, either in New Zealand or elsewhere, any period of instruction in a subject included in a nursing programme prescribed in respect of the calling in which he seeks to be registered or enrolled, the Council may from time to time, in its discretion, direct that it shall not be necessary
30 for that person to undertake such portion or portions of the prescribed programme as the Council may determine.

(2) In giving any direction under this section, the Council may make such modifications and impose such conditions as it thinks fit in respect of the programme to be undertaken
35 by the person in respect of whom the direction is given.

(3) Every person in respect of whom any direction has been given under this section shall, when he has completed the nursing programme as modified by any such direction and has complied with any conditions imposed by the Council under this section, be deemed for the purposes of the
40 provisions of this Act relating to qualifications for registration or enrolment, as the case may require, to have undertaken the prescribed nursing programme.

(4) Nothing in this section shall be deemed to render it unnecessary for any person to pass any prescribed examination.

(5) This section shall be read subject to any regulations made under paragraph (i) of section 60 (1) of this Act or the corresponding provisions of any previous enactment. 5

Cf. 1945, No. 7, s. 27; 1957, No. 15, s. 4; 1971, No. 78, s. 35.

39. Experimental programmes—(1) If the Council considers that it would be advantageous for a scheme to be undertaken on a trial basis, the Council may, with the approval of the Minister, by resolution adopt the scheme for such period as may be specified in the resolution and in relation to such schools of nursing as may be so specified, being schools of nursing appearing to the Council to be suitable for the purpose of carrying out the scheme. 10 15

(2) In this section, "scheme" means a nursing programme and examinations to be undergone and passed by persons seeking registration in any capacity or enrolment where either—

(a) The programme and examinations comprising the scheme differ from, but appear to the Council to be no less efficient than, the programme and examinations prescribed for registration in that capacity or for enrolment, as the case may require; or 20

(b) No programme and examinations are prescribed for registration in that capacity or for enrolment, as the case may require, but the Council considers that the programme and examinations comprising the scheme are such as to maintain proper standards of training. 25 30

(3) A scheme comprising a nursing programme and examinations adopted by a resolution of the Council under this section shall provide that, during the period for which it is adopted, persons who, to the satisfaction of the Council, undergo the programme and who pass the examinations shall, notwithstanding anything in any regulations for the time being in force under this Act, be entitled to registration in the capacity to which the scheme relates, or enrolment, as the case may require. 35

(4) Any scheme adopted under this section may contain such incidental and supplementary provisions (including provisions for charging fees in respect of the sitting of examinations specified in the scheme) as appear to the Council to be requisite or expedient for the purposes of the scheme. 40

(5) The period for which a scheme is adopted under this section may from time to time, with the approval of the Minister, be extended by resolution of the Council for such period as may be specified in the resolution.

- 5 (6) Any scheme adopted under this section may from time to time, with the approval of the Minister, be extended by resolution of the Council to apply to any other school or schools of nursing specified in the resolution.

Cf. 1971, No. 78, s. 36; 1975, No. 117, s. 5 (1)

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PART IV

DISCIPLINE

- 15 **40. Complaints against nurses**—(1) Except as otherwise provided by rules made under section 12 of this Act, every person who seeks to complain to the Council of the conduct of any registered or enrolled nurse shall make the complaint to the registrar.

(2) Every such complaint (other than a complaint made by a Court) shall be in writing.

- 20 (3) When the registrar has received any complaint under this section, he shall notify the convener of the Penal Cases Committee of the complaint; and the convener may require that the complaint be supported by such statutory declarations as he may require, or decide that the matter need not proceed further, or forthwith proceed in accordance with section 41
25 of this Act.

(4) If the convener decides that the matter need not proceed further, he shall report the substance of the complaint and the reasons for his decision to the other members of the Penal Cases Committee.

- 30 (5) Without limiting the provisions of subsection (1) of this section, a complaint may be made under this section by any person in the service of the Crown acting in his official capacity.

Cf. 1971, No. 78, s. 37

- 35 **41. Penal Cases Committee to investigate complaint**—

- (1) Except where the convener of the Penal Cases Committee decides that the matter need not proceed further, the convener shall, upon being notified of the complaint in accordance with section 40 of this Act, and having received any
40 statutory declarations that he may require, cause the Penal Cases Committee to investigate the complaint and determine whether any further action shall be taken in respect of it.

(2) Before the Penal Cases Committee decides whether or not further action shall be taken in respect of the complaint—

- (a) The convener shall post or deliver to the nurse concerned a notice specifying the substance of the complaint with sufficient particularity to enable that nurse to answer it and inviting him within such period (being not less than 14 days) as may be specified in the notice, to give the convener any written explanation he may wish to offer and to advise the convener if he wishes to be heard by the committee; and
- (b) The Penal Cases Committee shall allow the time specified in the notice to elapse, and shall give the nurse concerned reasonable opportunity to be heard, either personally or by counsel or otherwise, and shall give due consideration to any explanation made.

(3) Where at the conclusion of any such investigation the majority of the Penal Cases Committee considers that further inquiry should be made by the Council in relation to the subject-matter of the complaint, the committee shall frame an appropriate charge and refer it to the chairman of the Council who shall thereupon convene a meeting of the Council for the purpose of hearing the charge.

(4) Every charge that is referred to the chairman of the Council pursuant to subsection (3) of this section shall be prosecuted at the hearing by the Penal Cases Committee, and the committee and the nurse against whom the charge has been made may for that purpose be represented by counsel or otherwise.

(5) No member of the Penal Cases Committee shall act as a member of the Council or of any other committee of the Council at the hearing of, or deliberation and adjudication on, any charge arising out of a complaint which has been referred to the Penal Cases Committee under this section.

(6) Notwithstanding anything in subsections (1) to (5) of this section, if any member of the Penal Cases Committee has reason to believe that a registered or enrolled nurse might have been guilty of professional misconduct, the committee may investigate the matter of its own motion, without any complaint under section 40 of this Act having been made, and subsections (2) to (5) of this section shall apply in any such case with any modifications that may be necessary.

Cf. 1971, No. 78, s. 38

42. Disciplinary powers of Council—(1) If any registered or enrolled nurse—

- 5 (a) Is convicted by any Court in New Zealand of any offence for which the maximum punishment is not less than 2 years' imprisonment; or
- (b) After due inquiry is found by the Council to have been guilty of professional misconduct,—
- the Council may, if it thinks fit, impose in respect of that nurse any one of the penalties specified in subsection (2) of
- 10 this section:

Provided that if the Council suspends or censures a nurse, it may also fine him under paragraph (c) of that subsection.

- (2) Where the Council is empowered to impose a penalty on any nurse, it may by writing under the hand of the chair-
- 15 man—

(a) Subject to subsection (4) of this section, order the name of that nurse to be removed from the register or roll, as the case may require, and subject to the provisions of this Act, that nurse shall thereupon

20 cease to be registered or enrolled accordingly:

(b) Subject to subsection (4) of this section, order that the nurse be suspended from practice for a period not exceeding 12 months:

(c) Impose a fine on the nurse not exceeding \$100:

25 Provided that no such fine may be imposed under this paragraph in any case where the Council is proceeding under paragraph (a) of subsection (1) of this section, or where the Council is inquiring into any act or omission which constitutes an offence

30 for which the person has been convicted by any Court and which is punishable by imprisonment or fine:

(d) Order that the nurse be censured.

(3) The Council may, by writing under the hand of the

35 chairman, order any such nurse to pay any costs and expenses of and incidental to the inquiry by the Council and any investigation made by the Penal Cases Committee.

(4) A person shall not be suspended from practice, nor shall the name of any person be removed from the register or

40 roll under paragraph (a) of subsection (1) of this section by reason of any offence committed before the date of his registration or enrolment, as the case may be, if at that date the Council was aware of his conviction in respect of the offence.

(5) If any university or institution, having granted to any person a degree, certificate, diploma, licence, or other qualification that may be entered on the register or roll under this Act, exercises any power conferred by law of removing the name of that person from the rolls or register in which the degree, certificate, diploma, licence, or other qualification is recorded and notifies to the Council the fact of the removal,— 5

- (a) The registrar shall make a note of the fact in the register or roll, as the case may require; and
- (b) If the university or institution notifies to the Council the findings of fact on which the decision to remove the name was based, the findings may (if the Council thinks fit) be treated for the purposes of any inquiry under this section as conclusive evidence of the facts found. 10 15

(6) Every fine imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Council.

(7) Subject to subsection (11) of this section, while any order of suspension from practice under this section remains in force, the person shall be deemed for the purposes of this Act, other than this Part, not to be registered or enrolled; but forthwith on the expiry of the order his rights and privileges as a registered or enrolled person shall be revived as from the date of the expiry. 20 25

(8) Subject to subsections (9) and (10) of this section, any person whose name has been removed from any part of the register or from the roll under this section, or from the corresponding register under the corresponding provisions of any previous enactment, may apply to the Council for the restoration of his name to the register or roll, as the case may be; and the provisions of sections 19 to 22 of this Act shall, so far as they are applicable and with the necessary modifications, apply in respect of every such application. 30

(9) In any order under this section directing the name of any person to be removed from the register or roll, the Council, and (in the event of an appeal against any such order) the Supreme Court, may fix a time after which the person whose name is so removed may apply to have his name restored to the register or roll, as the case may be. 35 40

(10) If neither the Council nor the Supreme Court fixes any such time, the Council may refuse to consider any such application for such time as it thinks fit.

(11) In any case where a person is registered in more than one part of the register, an order that his name be removed from the register or that he be suspended from practice may be limited to a specified part or specified parts of the register or to a specified calling or specified callings, as the case may require; and subsections (4), (7), (8), (9), (10), and (12) of this section shall apply to any such order with such modifications as may be necessary.

(12) An order that the name of a person be removed from the register or roll, or an order of suspension or censure, shall not take effect, and no fine or costs or expenses shall be payable, in any case until the expiry of a period of 28 days after the notification by the Council to the person affected of the making of the order. If within the said period of 28 days the person gives due notice of appeal, the order shall not take effect, and no fine or costs or expenses shall be payable, unless and until it is confirmed by the Supreme Court or the appeal is withdrawn or for any reason dismissed by that Court.

Cf. 1945, No. 7, ss. 33 (1), (2), (7), (8); 1971, No. 78, s. 39

43. Procedure—(1) Before the Council exercises any power under section 42 of this Act, there shall be served on the person concerned a notice containing a copy of the charge framed by the Penal Cases Committee, or if there is no such charge, a notice stating that the Council has reason to believe that a ground exists entitling the Council to exercise its powers under that section, specifying the ground with sufficient particularity to enable the person to answer the same. Every such notice shall specify the time, date, and place for the hearing of the matter by the Council.

(2) A notice under subsection (1) of this section may require the person to whom it is addressed to notify the Council in writing, not later than some specified date before the date proposed for the hearing of the matter, as to whether or not he intends to appear before the Council at the hearing. If he fails to notify his intention as required by the notice or notifies the Council that he does not intend to appear, he shall not be entitled to appear and be heard except by leave of the Council granted on such conditions as to the payment of costs or otherwise as the Council thinks fit.

(3) With the prior written consent of a person on whom a notice has been served under this section, and who has notified the Council that he intends to appear, a committee of the Council may hear and determine the matter:

Provided that the determination of the committee shall be of no effect until it has been confirmed by the Council, which shall have power to determine—

- (a) That no penalty be imposed; or
- (b) To reduce any penalty determined by the committee by suspending registration or enrolment for a specified period or imposing a fine, instead of removing the name of the person from the register or roll; or
- (c) To reduce any period of suspension of registration or enrolment or any fine; or
- (d) To substitute a fine for a period of suspension; or
- (e) To substitute a censure for any of the said penalties; or
- (f) In the case of a person registered in more than one part of the register, to limit the removal of his name to a part or parts of the register or to limit his suspension to one or more registrable callings; or
- (g) To rescind or modify any order to pay costs and expenses.

(4) Sections 44 to 48 of this Act shall apply in respect of any proceedings before a committee under subsection (3) of this section as if they were proceedings before the Council, and for that purpose the committee and the chairman of the committee shall have the powers and discretions respectively conferred on the Council and the chairman of the Council by sections 45, 47, and 48 of this Act.

(5) In all proceedings under this Part of this Act, the Council shall observe the rules of natural justice, and may receive evidence notwithstanding that it would not be admissible in a Court of law.

(6) The decision of a majority of the members of the Council present at any proceedings held under this Part of this Act shall be the decision of the Council.

(7) Unless the Council otherwise directs, proceedings held under this Part of this Act shall not be open to the general public.

(8) Every order, decision, or determination of the Council under this Part of this Act shall be reduced to writing, shall contain a statement of the reasons on which it is based, and shall be signed by the chairman of the Council.

- 5 (9) A copy of every order, decision, or determination of the Council under this Part of this Act shall be served by the registrar on the nurse in respect of whom it was made.

Cf. 1945, No. 7, ss. 33 (3), (4), (5); 1971, No. 78, s. 40

10 **44. Appointment of legal assessor—**(1) For the purposes of advising the Council on questions of law and procedure arising in proceedings under this Part of this Act, the Council may appoint an assessor, who shall be a barrister or solicitor, to attend the proceedings.

15 (2) The Council shall pay to the assessor, by way of remuneration and expenses for his services in respect of the proceedings, such sum as may be agreed upon between the assessor and the Council.

(3) Subject to any order made by the Council, all such remuneration and expenses shall be paid by the Council.

20 Cf. 1971, No. 78, s. 41

25 **45. Witnesses—**(1) The Council and the Penal Cases Committee, by notice in writing under the hand of the chairman of the Council or the convener of the Penal Cases Committee, as the case may require, may summon any person to attend and give evidence before it at any inquiry or investigation under this Act, and to produce all books and documents in that person's custody or under his control relating to the subject-matter of any such inquiry or investigation.

30 (2) The Council or Penal Cases Committee may require any such evidence to be given on oath, and either orally or in writing, and for that purpose the chairman of the Council or the convener of the Penal Cases Committee, as the case may require, may administer an oath to any person.

35 (3) Every person who, without lawful justification, refuses or fails to give evidence when summoned to do so by the Council or the Penal Cases Committee or to answer truly and fully any question put to him by the Council or committee, or to produce to the Council or committee any book or document required of him, commits an offence and is liable on
40 summary conviction to a fine not exceeding \$100.

Cf. 1971, No. 78, s. 42

46. Immunity of witnesses and counsel—Witnesses and counsel shall have the same privileges and immunities in relation to inquiries and investigations before the Council or the Penal Cases Committee, as if they were proceedings in a Court of law. 5

Cf. 1971, No. 78, s. 43

47. Witnesses' expenses—(1) Every witness giving evidence or intending to give evidence at the hearing of any inquiry or investigation under this Part of this Act shall be entitled in the discretion of the Council or the Penal Cases Committee to such sum for his expenses and loss of time as the Council or committee may determine. 10

(2) Subject to any order made by the Council or committee as to the payment of costs or expenses, all such witnesses' expenses shall be paid by the Council. 15

Cf. 1971, No. 78, s. 44

48. Adjournments—Without prejudice to any other provision of this Act, the Council may from time to time adjourn the hearing of any proceedings pending before it under this Part of this Act and may postpone any finding or judgment until a further meeting of the Council. 20

Cf. 1945, No. 7, s. 33 (6); 1971, No. 78, s. 45

PART V

APPEALS TO SUPREME COURT

49. Matters on which appeals lie—(1) Any person who is dissatisfied with— 25

- (a) Any decision of the Council, under any regulations for the time being in force under this Act, prohibiting him from sitting any examination; or
- (b) Any refusal of the Council of an application by him for registration or enrolment; or 30
- (c) Any decision of the Council refusing to restore his name to the register or to any part of the register or to the roll, under Part II of this Act; or
- (d) Any order of the Council directing his name to be removed from the register or any part of the register or from the roll, or directing his registration or enrolment to be suspended; or 35
- (e) Any order of the Council imposing a fine on him; or
- (f) Any order of the Council censuring him; or 40

- (g) Any order of the Council requiring him to pay any costs and expenses of and incidental to any inquiry; or
- 5 (h) Any decision of the Council amending or refusing to amend the particulars of his registration or enrolment; or
- (i) Any decision of the Council refusing to revoke his suspension under section 32 (5) or section 33 (4) of this Act; or
- 10 (j) Any refusal of the Council to consider an application for the restoration of his name to the register or roll under section 42 of this Act—

may, within 28 days after notice of the refusal, decision, or order has been communicated to him by the registrar, appeal to the Supreme Court against the refusal, decision, or order, as the case may be.

15 (2) For the purpose of this section and of section 50 of this Act, any decision of a committee of the Council appointed to exercise on behalf of the Council any function or power conferred on the Council under Part II of this Act shall be deemed to be a decision of the Council.

(3) Every such appeal shall be heard and determined by the Administrative Division of the Supreme Court.

Cf. 1971, No. 78, s. 46

25 **50. Decisions in respect of appeals under this Part—**

(1) The Court shall as soon as practicable hear any appeal under this Part of this Act, and may confirm, reverse, or modify the decision of the Council, and in the case of an appeal against any decision of the Council under section 42 or section 43 of this Act, may substitute a different penalty for any penalty imposed by the Council, or may make such other order as it thinks just.

30 (2) Nothing in this section shall be construed to give the Court power to review any part of the Council's decision

35 other than the part against which the appellant has appealed.

Cf. 1971, No. 78, s. 47

PART VI

ANNUAL PRACTISING CERTIFICATES

51. Annual practising certificates—(1) In this section, “year” means the period of 12 months beginning on the 1st day of April in any calendar year and ending on the last day of March next following. 5

(2) No person registered or enrolled under this Act shall in any year be entitled to practise the calling in respect of which he is registered or enrolled unless he is the holder of an annual practising certificate issued in respect of that year. 10

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$50 who practises his calling in contravention of subsection (2) of this section.

(4) The Council, on application made to it for the purpose by any person who is registered or enrolled under this Act and on payment of the prescribed fee, shall issue to him an annual practising certificate, which shall be in force during the year in respect of which it is issued: 15

Provided that if at any time during the currency of any such certificate its holder ceases to be so registered or enrolled 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 the certificate when he has duly applied for it to the Council and has paid the prescribed fee. 25

(6) Subject to subsection (7) of this section, this section shall apply with respect to the practice of a calling in the service of the Crown as well as to the practice of that calling otherwise than in the service of the Crown. 30

(7) Nothing in this section shall apply with respect to—

(a) Any person in so far as he is rendering nursing aid to any person in an emergency; or

(b) Any person holding a provisional certificate for the time being in force under section 30 of this Act; or 35

(c) Any person holding a certificate of temporary registration or enrolment for the time being in force under section 31 of this Act.

(8) Any applicant for an annual practising certificate may be required, in any form prescribed for the purpose, to supply such personal particulars relating to the applicant, and such information as to the present employment of the applicant and as to the intention of the applicant to continue in 40

practice, as may be specified in the form; and if any such form is not fully and properly completed the Council may refuse to issue the certificate for which application is made.

- (9) Any regulations prescribing a fee for the purposes of this section may prescribe an additional fee payable by persons who have not applied for annual practising certificates in respect of either of the 2 years immediately preceding the year in respect of which the application is made, and who would have been required to obtain a certificate in respect of either of those preceding years if they had then been registered or enrolled and practising their profession.

Cf. 1945, No. 7, s. 28; 1951, No. 81, s. 21; 1971, No. 78, s. 48

PART VII

MISCELLANEOUS PROVISIONS

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52. Restrictions on use of titles—(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$200, who—

- (a) Not being registered, takes or uses the name or title of any class of registered person, either alone or in combination with any other words or letters, or any name, title, addition, or description, implying that he is registered or is recognised by law as registered or is qualified to be registered; or
- (b) Being a person whose name is included in any part of the register, takes or uses any name, title, addition, or description, or otherwise does any act of any kind falsely implying that his name is included in some other part of the register; or
- (c) Knowing that some other person is not registered, and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is registered; or
- (d) Not being enrolled, takes or uses the name or title of an enrolled person, either alone or in combination with any name, title, addition, or description, implying that he is enrolled or is recognised by law as enrolled or is qualified to be enrolled; or
- (e) Knowing that some other person is not enrolled, and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is enrolled; or

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(f) With intent to deceive, makes use of any certificate of registration or of enrolment or badge issued to him or to any other person.

(2) Subject to subsections (3) and (4) of this section, every person who, not being registered or enrolled, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, with intent to cause any other person to believe that he is specially qualified to practise nursing or any class of nursing, commits an offence and is liable on summary conviction to a fine not exceeding \$100.

(3) Without prejudice to subsection (1) of this section, nothing in subsection (2) of this section shall prevent—

(a) A Karitane nurse or a dental nurse from taking or using the name or title of nurse; or

(b) A female assistant of a medical practitioner or dentist from taking or using the name or title of nurse-receptionist.

(4) Without prejudice to subsection (1) of this section, nothing in this section shall prevent a person specified, or belonging to a class specified, in any regulations for the time being in force under paragraph (v) of section 60 (1) of this Act, from using in circumstances so specified, names of titles so specified or the word “nurse” qualified in such other way as may be required or permitted by any such regulations.

(5) In this section—

(a) “Karitane nurse” means a person who has undergone the course of training and passed the examinations for Karitane nurses conducted by the Royal New Zealand Society for the Health of Women and Children Incorporated;

(b) “Dental nurse” means a person employed in the Department of Health as a dental nurse.

Cf. 1945, No. 7, ss. 36, 37; 1971, No. 78, ss. 49, 51

53. Prohibition on unauthorised use of badges—Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$100, who—

(a) Not being a registered or enrolled nurse, wears any badge of a kind approved by the Council under this Act, or wears any imitation of any such badge; or

- (b) Being a registered or enrolled nurse, wears a badge approved by the Council under this Act of a kind which he is not entitled to wear, or wears any imitation of any such badge.

5 Cf. 1945, No. 7, s. 18 (2); 1971, No. 78, s. 50

54. Offences relating to obstetric nursing—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200, who—

10 (a) Carries out obstetric nursing in any case where a medical practitioner has not undertaken responsibility for the care of the patient; or

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

(2) Nothing in subsection (1) of this section shall prevent—

20 (a) Any person from carrying out obstetric nursing in an emergency; or

25 (b) Any person specified, or belonging to a class specified, in any regulations for the time being in force under paragraph (w) of section 60 (1) of this Act, from carrying out obstetric nursing to such extent, and in such areas and circumstances, and subject to such conditions, as may be prescribed.

(3) For the purposes of this section, the expression “carries out obstetric nursing”, in relation to any person, means that he—

30 (a) Attends a pregnant woman in a nursing capacity for the purpose of providing an ante-natal service or ante-natal advice; or

(b) Attends a woman in childbirth, or during the next succeeding 14 days, in a nursing capacity.

35 Cf. 1945, No. 7, s. 35; 1971, No. 78, s. 52; 1975, No. 117, s. 6

55. Protection of Council, committees, and other persons—

40 Neither the Council, nor any committee of the Council, nor any member or employee of any of them, shall be under any criminal or civil liability whatsoever in respect of anything done or omitted to be done or of any words spoken or written at or for the purposes of the hearing of any inquiry, investiga-

tion, appeal, or other proceedings under this Act, unless it is proved to the satisfaction of the Court before which any proceedings are taken that the Council, committee, member, or employee, as the case may be, has acted in bad faith.

Cf. 1971, No. 78, s. 53

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56. Liability for medical fees—Where any nurse in his capacity as such obtains or seeks the assistance of a medical practitioner, with the consent of the patient if the patient is capable of giving such consent, the nurse 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 himself. 10

Cf. 1945, No. 7, s. 31; 1971, No. 78, s. 54

57. Appointment of nurses by hospital boards—(1) Except with the approval of the Minister, given on a recommendation made by the Council on special grounds to be specified in the recommendation— 15

- (a) A hospital board shall not appoint any person to the staff of any institution under the control of the hospital board to carry out the duties of any class of persons whose registration is provided for under this Act unless the person appointed is registered under this Act as a person of the appropriate class; and 20
- (b) A hospital board shall not appoint any person to the staff of any institution under the control of the hospital board to carry out the duties of any person of the class for whom enrolment is provided for under this Act unless the person appointed is registered or enrolled under this Act. 25 30

(2) Nothing in this section shall be construed to restrict the employment in any such institution of persons undertaking a prescribed nursing programme or a nursing programme which is approved by the Council or the Minister for the purposes of this section. 35

Cf. 1945, No. 7, s. 32; 1971, No. 78, s. 55

58. Functions of Medical Officer of Health in relation to midwives and obstetric nurses—

(1) Every Medical Officer of Health shall be charged with the supervision of all registered midwives and registered obstetric nurses engaged in the practice of their calling (whether on their own account or otherwise) within his district, and may temporarily suspend any such midwife or obstetric 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.

(2) Subsection (1) of this section shall not apply in respect of any midwife or obstetric nurse employed by a hospital board.

(3) For the purposes of section 54 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 midwife or a registered obstetric nurse, as the case may require, during the period of suspension.

(4) In this section, "registered obstetric nurse" includes a registered comprehensive nurse or a registered general and obstetric nurse to the extent that he "carries out obstetric nursing" within the meaning of that expression in section 54 of this Act.

Cf. 1945, No. 7, s. 30; 1971, No. 78, s. 56; 1975, No. 117, s. 7

59. Certificate of registrar to be evidence—A certificate under the hand of the registrar to the effect that any person was or was not registered or enrolled, or the holder of an annual practising certificate or of a provisional certificate or a certificate of temporary registration or enrolment, at any particular time or during any period specified in the certificate of the registrar, or as to any entry in the register or roll, or as to any act or proceeding of the Council or any committee of the Council, shall for all purposes be sufficient evidence of the matters specified in it in the absence of proof to the contrary.

Cf. 1945, No. 7, s. 39; 1971, No. 78, s. 57

60. Regulations—(1) The Governor-General may from time to time, by Order in Council made on the advice of the Minister given after consultation by the Minister with the Council, make regulations for all or any of the following purposes:

- (a) Prescribing or providing for the Council to prescribe the forms of and the methods of keeping the register and the roll: 5
- (b) Prescribing or providing for the Council to prescribe forms of application, certificates, and other documents for the purposes of this Act and requiring the use of such forms: 10
- (c) Prescribing the manner in which notices may be served under this Act and the times at which they shall be deemed to have been served: 15
- (d) Prescribing the fees payable in respect of—
 - (i) Any application under this Act:
 - (ii) Examinations, registration and enrolment, and temporary registration and enrolment:
 - (iii) The restoration of names after their removal from the register or roll: 20
 - (iv) Any other alteration of or addition to the register or roll:
- (e) Prescribing fees for—
 - (i) The issue of certificates of registration and enrolment, provisional certificates, temporary certificates, annual practising certificates, and any other certificates under this Act: 25
 - (ii) The issue of copies of certificates:
 - (iii) Inspections of the register and the roll: 30
 - (iv) Supplying to nurses any documents obtained by them from the Council for the purpose of seeking registration or enrolment overseas:
- (f) Exempting or providing for the exemption of any nurse or class of nurse from liability to pay any such fees: 35
- (g) Authorising the refund or remission, in such circumstances as in accordance with the regulations the Council thinks fit, of any fees payable under this Act: 40
- (h) Regulating the procedure of the Council:
- (i) Prescribing the nursing programmes to be undertaken for the purposes of qualification for registration in any capacity or for enrolment under this Act, and providing for the Council to prescribe the 45

- 5 period within or throughout which any such programme shall be undertaken, and prescribing a shorter programme or shorter period, or providing for the modification of any programme or period,
- 10 in respect of persons or classes of persons seeking registration in any such capacity or enrolment who are registered in any other capacity or are enrolled or who have undertaken the whole or any part of a prescribed nursing programme for the whole or any part of a prescribed period:
- (j) Regulating the conduct of examinations under this Act, and prescribing the subject-matter of any such examinations:
- 15 (k) Providing for the exemption of persons from any particular examination or any particular subject or subjects in any examination:
- (l) Prescribing or authorising the Council to prescribe the number of occasions on which a person may sit for any such examination or subject or subjects:
- 20 (m) Prescribing the minimum age, not exceeding the minimum age specified in section 19 of this Act, of candidates for examination for enrolment under this Act:
- 25 (n) Prohibiting persons who are not, in the opinion of the Council, of good character and reputation and fit and proper persons to be registered in the class for which an examination is held, or enrolled (in the case of an examination for enrolment), from sitting that examination:
- 30 (o) Prescribing the circumstances in which, and the conditions subject to which, a candidate may be accredited with passing a prescribed examination:
- (p) Prescribing the conditions under which a hospital or other institution or department of an institution may be approved as a school of nursing and the circumstances in which any such approval may be revoked:
- 35 (q) Prescribing, or authorising the Council to prescribe, the number of persons who may be undertaking a prescribed nursing programme at any one time, or accepted for that purpose in any one year, in any
- 40 school of nursing:

- (r) Prescribing, in relation to a particular class or particular classes of persons seeking registration or enrolment under this Act, qualifications obtainable in New Zealand, other than the undertaking of a prescribed nursing programme and passing of a prescribed examination, entitling them to registration or enrolment under section 17 of this Act: 5
- (s) Providing for the further nursing education and examination of registered persons or any class of registered persons or enrolled persons for the purpose of enabling them to obtain additional qualifications, and for the issue of diplomas or certificates to persons who undergo any such nursing education or pass any such examination: 10
- (t) Prescribing the minimum educational qualifications which must be held by any person or class of person before he begins to undertake a prescribed nursing programme or will be accepted for that purpose in any school of nursing: 15
- (u) Providing for the inspection of schools of nursing by persons appointed by the Council for that purpose, prescribing the functions, powers, and duties of persons so appointed, and prescribing the functions, powers, and duties of the Council in respect of such inspections: 20
- (v) Specifying, for the purposes of section 52 (4) of this Act, the persons or classes of persons who may use specified names or titles or the word "nurse", and prescribing the circumstances in which and the conditions subject to which any such name, title, or word may be used: 25
- (w) Specifying, for the purposes of paragraph (b) of section 54 (2) of this Act, the persons or classes of persons who may carry out obstetric nursing, and prescribing the extent to which, the areas and circumstances in which, and the conditions subject to which, such nursing may be carried out by any such person: 30
- (x) Prescribing offences in respect of any contravention or non-compliance with any regulations made under this Act, and the amount of the fines that may be imposed in respect of any such offences, not exceeding \$100, and, where the offence is a continuing one, a further amount not exceeding \$10 for every day or part of a day during which the offence has continued: 35 40 45

(y) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

(2) Without limiting subsection (1) of this section, regulations may be made under this section in relation to the practice of their profession (whether on their own account or otherwise) by members of any class of nurses for all or any of the following purposes:

- (a) Safeguarding the health of patients:
- 10 (b) Preventing the occurrence or spread of any infection:
- (c) Prohibiting or restricting the use by nurses or members of any particular class of nurses, except by medical direction or under medical supervision, or except in circumstances to be defined by regulations, of any instruments or drugs in the performance of their duties:
- 15 (d) Prescribing methods and procedures to be followed in respect of all or any of the preceding matters:
- (e) Prescribing precautions to be taken and requirements to be complied with in respect of all or any of the preceding matters:
- 20 (f) Requiring the keeping of charts, registers, and records in respect of patients who are not for the time being accommodated in a hospital:
- 25 (g) Requiring information to be given to the Medical Officer of Health, or to such other officer of the Department of Health as may be prescribed, in respect of all or any of the preceding matters and in respect of the condition, treatment, or death of any patient who is not for the time being, or who was not at the time of his death, accommodated in a hospital.
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(3) For the purposes of enabling persons to become enrolled nurses in different fields of nursing, such separate or alternative nursing programmes and different periods within or throughout which any such programme shall be undertaken, as are from time to time required, may be prescribed under paragraph (i) of subsection (1) of this section in respect of—

- 40 (a) Persons seeking to be so enrolled; or
- (b) Any particular school or class of school of nursing.

Cf. 1945, No. 7, ss. 15A (2), 27 (6), 41; 1951, No. 81, s. 22 (1); 1957, No. 15, s. 4; 1965, No. 35, s. 8; 1967, No. 105, s. 3 (4); 1971, No. 78, s. 58

61. Consequential amendments—(1) In every enactment that is in force at the commencement of this Act, unless the context in any case otherwise requires,—

- (a) Every reference to a registered nurse or a registered general nurse shall hereafter be read as including a reference to a person registered as a general nurse or as a general and obstetric nurse or as a comprehensive nurse within the meaning of this Act: 5
- (b) Every reference to a registered maternity nurse shall hereafter be read as a reference to a registered obstetric nurse within the meaning of this Act: 10
- (c) Every reference to a registered male nurse shall hereafter be read as including a reference to a male person registered as a comprehensive nurse, or as a general nurse, or as a general and obstetric nurse, within the meaning of this Act: 15
- (d) Every reference to a registered community nurse shall hereafter be read as a reference to an enrolled nurse within the meaning of this Act: 20
- (e) Every reference to a registered comprehensive nurse, or to a registered midwife, or to a registered psychiatric nurse, or to a registered psychopaedic nurse, or to an enrolled nurse, shall hereafter respectively be read as including a reference to a nurse so registered or enrolled within the meaning of this Act: 25
- (f) Every reference to a student nurse or to a similar description of nurse shall hereafter be read as including a reference to a nursing student, and to a nursing student for enrolment, and to a comprehensive nursing student, and to a general nursing student, and to a general and obstetric nursing student, and to a midwifery student, and to an obstetric nursing student, and to a psychiatric nursing student, and to a psychopaedic nursing student respectively: 30 35
- (g) Every reference in any Act, Order in Council, Proclamation, notice, regulation, rule, agreement, deed, instrument, or other document whatsoever to the Nurses and Midwives Board shall hereafter continue to be read as a reference to the Nursing Council of New Zealand. 40

(2) In subsection (1) of this section, unless the context in any case otherwise requires, references to provisions in any other enactment referring to a registered or enrolled nurse of any description and to a student nurse mean respectively
5 nurses registered or enrolled in New Zealand and persons studying to be nurses in New Zealand.

62. Transitional provisions—(1) Notwithstanding any provision to the contrary in this Act or any other enactment—

- 10 (a) That part of the register which, immediately before the commencement of this Act, related to registered maternity nurses shall on the commencement of this Act become the part of the register which relates to registered obstetric nurses; and every person whose
15 name appeared in that register immediately before the commencement of this Act shall on the commencement of this Act be deemed to be a registered obstetric nurse;
- (b) Every person who immediately before the commencement of this Act was registered as a general nurse, and as a maternity nurse, and either as a psychiatric
20 nurse or as a psychopaedic nurse, shall on the commencement of this Act be deemed to be a registered comprehensive nurse;
- (c) Every person who immediately before the commencement of this Act was registered as a general nurse, and as a maternity nurse, but neither as a psychiatric
25 nurse nor as a psychopaedic nurse, shall on the commencement of this Act be deemed to be a registered general and obstetric nurse;
- 30 (d) Every person who immediately before the commencement of this Act was registered as a male nurse shall on the commencement of this Act be deemed to be a registered general nurse;
- 35 (e) Every person who immediately before the commencement of this Act was registered as a community nurse shall on the commencement of this Act be deemed to be an enrolled nurse;

- (f) The nursing programmes that immediately before the commencement of this Act were the prescribed nursing programmes for persons seeking to be registered as general nurses and for persons seeking to be registered as maternity nurses, and the examinations so prescribed at that time for persons seeking to be registered as general nurses, and for persons seeking to be registered as maternity nurses, shall become on the commencement of this Act, until other provision is made in that behalf, the nursing programme and examinations prescribed for persons seeking to be registered as general and obstetric nurses; 5
- (g) The nursing programme and examinations that immediately before the commencement of this Act were the prescribed nursing programme and examinations for persons seeking to be registered as maternity nurses shall become on the commencement of this Act, until other provision is made in that behalf, the nursing programme and examinations prescribed for registered general nurses seeking to be registered as general and obstetric nurses; and 10
- (h) The nursing programme and examinations that immediately before the commencement of this Act were the prescribed nursing programme and examinations for persons seeking to be registered as community nurses shall on the commencement of this Act, until other provision is made in that behalf, become the nursing programme and examinations prescribed for persons seeking to become enrolled nurses. 15
- (2) On the commencement of this Act, the registrar shall as soon as practicable and without further authority than this section do everything that is necessary to give effect to subsection (1) of this section; and every person who under that subsection becomes or is deemed to be a registered nurse of any class shall hereafter continue to be so registered until he ceases to be so registered, or is deemed not to be so registered, under the provisions of this Act. 20
- (3) The members of the Council specified in paragraphs (f) and (g) of section 4 (1) of this Act shall succeed respectively the members specified in the paragraphs (f) and (g) of section 4 (1) of the Nurses Act 1971 immediately prior to the commencement of this Act; and accordingly, notwithstanding any provision to the contrary in this Act, the following transitional provisions shall apply: 25
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5 (a) Every person who immediately prior to the commencement of this Act was a member of the Council specified in paragraph (f) or paragraph (g) of section 4 (1) of that Act shall continue in office as if this
10 Act had not come into force, until, under section 4 (1) of that Act, his term of office would have expired or he sooner vacates his office:

10 (b) The first persons to be appointed as members of the Council under paragraphs (f) and (g) of section 4 (1) of this Act shall come into office as their respective predecessors cease to hold office.

15 (4) Nothing in subsection (3) of this section shall prevent the reappointment of any member of the Council who is eligible to hold office as a member under paragraph (f) or paragraph (g) of section 4 (1) of this Act.

20 (5) The persons who immediately prior to the commencement of this Act held office as the registrar and deputy registrars, and all other persons who at that time were employees or agents of the Council shall from the commencement of this Act continue to hold such office or to be so employed on the same terms and conditions, as if they had been appointed or engaged under this Act.

25 (6) Notwithstanding any provision to the contrary in this Act, every training school approved by the Nurses and Midwives Board under the Nurses and Midwives Act 1945 or under any corresponding former enactment, and in existence as such immediately prior to the commencement of this Act, shall be deemed to have been duly approved as a school of nursing under this section.

30 (7) Notwithstanding anything to the contrary in this Act, every scheme comprising a nursing programme and examinations adopted by the Council and being conducted at the Auckland Technical Institute, the Wellington Polytechnic, the Christchurch Technical Institute, and the Nelson Polytechnic, at the commencement of this Act, shall be deemed to
35 have been adopted by the Council under section 39 of this Act, and no such scheme, or registration or enrolment under this Act which results from the scheme, shall be held to be invalid by reason only that this section was not in force on
40 the date on which the scheme was adopted by the Council.

Cf. 1971, No. 78, ss. 4 (2), 16 (5), 33 (6); 1975, No. 117, s. 5 (2)

63. Repeals and revocations—(1) The following enactments are hereby repealed:

(a) The Nurses Act 1971:

(b) The Nurses Amendment Act 1975.

(2) Paragraphs (a) to (e) (inclusive) of regulation 12 of 5
the Nurses Regulations 1973 are hereby revoked.

Cf. 1971, No. 78, s. 60