

Nurses and Midwives Registration Amendment Act 1939

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An Act to provide for the Training and Registration of Nursing Aids, and to amend the Nurses and Midwives Registration Act, 1925.

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

1 Short Title.

This Act may be cited as the Nurses and Midwives Registration Amendment Act, 1939, and shall be read together with and deemed part of the Nurses and Midwives Registration Act, 1925 (hereinafter referred to as the principal Act).

Registration and Training of Nursing Aids

2 Meaning of expression “nursing aid”.

For the purposes of this Act the expression “nursing aid” means a person who, not being registered or qualified to be registered as a nurse under the principal Act, is qualified, by virtue of the special training afforded in accordance with this Act, to undertake nursing duties.

3 Register of Nursing Aids.

The Registrar under the principal Act shall keep in his office a Register of Nursing Aids, in which shall be entered the names and addresses of all persons registered as nursing aids in accordance with the provisions of this Act, together with such other particulars in relation thereto as may from time to time be prescribed.

4 Qualifications of applicants for registration as nursing aids.

- (1) Every person shall, on payment of the prescribed fee, be entitled to be registered under this Act as a nursing aid who satisfies the Board—
 - (a) That she is not less than nineteen years of age;
 - (b) That she has received, in an approved training-school for nursing aids, a prescribed or approved course of theoretical instruction and practical training, extending over a period not less than two years;
 - (c) That she has passed the prescribed examination for nursing aids; and
 - (d) That she is of good character and reputation.
- (2) The Board may approve as a training-school for nursing aids any hospital or other institution controlled or maintained by any Department of State or by any Hospital Board under the Hospitals and Charitable Institutions Act, 1926, or any private charitable institution in respect of which the Board is satisfied that its object or one of its principal objects is the reception and relief, without charge, of persons requiring medical or surgical treatment or suffering from disease.

5 Application to nursing aids of certain general provisions of principal Act.

**Ibid., Vol. V, p. 688
1933, No. 9**

Sections eighteen, twenty, twenty-one, twenty-two, twenty-five, twenty-seven, and twenty-eight of the principal Act, and sections three and four of the Nurses and Midwives Registration Amendment Act, 1933, shall apply to or in respect of nursing aids in the same manner as they apply to or in respect of nurses and other persons who are registered or apply for registration under the principal Act.

6 Applicant for registration as a nurse to receive credit for training as nursing aid.

Where any person who is registered as a nursing aid in accordance with this Act applies for registration as a nurse under Part II of the principal Act she shall be deemed to have satisfied the requirements of sub-paragraph (i) of paragraph (a) of subsection one of section ten of the principal Act if she satisfies the Board that, since her registration as a nursing aid, she has had an approved course of training as a nurse extending over a period not less than two years and three months.

7 Regulations.

The authority to make regulations conferred on the Governor-General by section twenty-nine of the principal Act is hereby extended to authorize the making of all such regulations as may be considered necessary for the purposes of the foregoing provisions of this Act, and, in particular, to authorize the making of regulations with respect to the training, registration, employment, duties, privileges, and uniforms of nursing aids.

Miscellaneous

8 Mental hospitals may be approved as training-schools for nurses.

In addition to the powers conferred on it by section two of the Nurses and Midwives Registration Amendment Act, 1930, the Board constituted under the principal Act may approve any public mental hospital as a training-school for nurses, in which, as the Board in its discretion may determine, the whole or a defined part of an approved course of training in theoretical and practical nursing may be provided.

9 Annual practising certificates for nurses and other persons registered under the principal Act.

- (1) In this section the term "year" means the period of twelve months beginning on the first day of March in any year and ending on the last day of February next following.
- (2) Notwithstanding anything to the contrary in the principal Act, no registered nurse, midwife, maternity nurse, or nursing aid shall in any year after the year

ending on the last day of February, nineteen hundred and forty, be entitled to practise her calling as such, unless she is the holder of an annual practising certificate issued in respect of that year.

- (3) Every person who practices her calling in breach of the last preceding subsection commits an offence and is liable on summary conviction to a fine of five pounds.
- (4) The Board constituted under the principal Act, on application made to it for the purpose by any person who is registered as a nurse, midwife, maternity nurse, or nursing aid, shall issue to her an annual practising certificate which shall be in force during the year in respect of which it is issued:
Provided that if at any time during the currency of any such certificate the holder thereof ceases to be registered as a nurse, midwife, maternity nurse, or nursing aid, as the case may be, the certificate shall be deemed to be cancelled.
- (5) Every person who is entitled to receive an annual practising certificate under this section shall be deemed to have obtained such certificate when she has duly applied to the Board for the same.
- (6) Nothing in this section shall require any person who is for the time being employed in any Department of the Public Service to be the holder of an annual practising certificate, but any such person who is qualified to receive such certificate may apply for and obtain the same.

10 Board may, on grounds of misconduct, suspend registration of persons registered under principal Act.

- (1) If the Board has reason to believe, in respect of any person registered as a nurse, or midwife, or maternity nurse, or nursing aid, that she has been guilty of any gross negligence or malpractice in respect of her calling or that she has been guilty of any grave impropriety or misconduct, whether in respect of her calling or not, it may cause to be served on her a notice specifying the grounds of its belief with sufficient particularity to enable her to answer the same, and requiring her to appear before the Board to show cause why she should not be suspended from the practice of her calling or be otherwise dealt with in accordance with this section.
- (2) If any person on whom a notice has been served under this section fails to appear before the Board in accordance with the terms of that notice, or, having appeared, fails to satisfy the Board that she has not been guilty of the acts or omissions alleged in the notice, the Board, if in its opinion it is expedient in the public interest to exercise the powers conferred on it by this subsection, may suspend her registration for any period not exceeding twelve months or may impose a penalty of such amount as it thinks fit, not exceeding ten pounds.
- (3) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Crown and shall be paid into the Public Account to the credit of the Consolidated Fund. If any such penalty is not paid

within the time specified by the Board in that behalf, or within such extended time as the Board may allow, the Board may suspend the registration of the person liable for the payment of the penalty until the penalty is paid.

- (4) While the registration of any person is suspended in accordance with this section she shall be deemed not to be registered.
- (5) From every decision or order of the Board given or made for the purposes of this section there shall be a right of appeal to a Board of Appeal constituted in accordance with the provisions of section twenty-two of the principal Act, and the provisions of that section shall, so far as applicable, apply to appeals under this section.

11 Provision for male nurses.

Nothing in the principal Act shall be construed to preclude the registration of qualified male persons as nurses.

12 Offences by unregistered persons.

- (1) Every person commits an offence and is liable to a fine of ten pounds who, not being registered as a nurse or as a nursing aid, wears the uniform or any distinctive part of the uniform prescribed for nurses or for nursing aids, as the case may be, or describes herself as a registered nurse or as a nursing aid, or uses any other designation or description that might cause any person reasonably to believe that she is registered as a nurse or as a nursing aid.

Consequential repeal.

- (2) Subsection three of section ten of the principal Act is hereby consequentially repealed.