

## New Zealand.



### ANALYSIS.

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1904, No. 31.

AN ACT to provide for the Better Training of Midwives, and to regulate the Practice of Midwifery. Title.  
[8th November, 1904.]

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

1. The Short Title of this Act is “The Midwives Act, 1904;” Short Title.  
 and it shall commence on the first day of January, one thousand nine hundred and five.

2. In this Act, if not inconsistent with the context,— Interpretation.

“Midwife” means a woman registered under this Act :

“Minister” means the Minister of the Crown for the time being in charge of hospitals :

“Prescribed” means prescribed by this Act or by regulations made thereunder :

“Registrar” means the Inspector-General of Hospitals.

3. The Registrar shall from time to time cause the names of all duly qualified midwives to be registered in a book to be kept by him at his office, called the “Register of Midwives.” Register of Midwives.

4. Every woman is entitled to be registered, on payment of the prescribed fee, who satisfies the Registrar that,— Who entitled to be registered.

(a.) At the commencement of this Act she had been for at least three years in *bona fide* practice as a midwife, and that she bears a good character: Provided that application for registration be made to the Registrar on or before the first day of January, one thousand nine hundred and six; or

- (b.) She holds a certificate in midwifery from any recognised training school in midwifery, or from the Obstetrical Society in London, or such other certificate as may be approved by the Registrar; or
- (c.) Holds a certificate under this Act.
- Maternity hospitals.** 5. There shall be established in New Zealand one or more State Maternity Hospitals, where pupil nurses can, on payment of the prescribed fee, be carefully instructed in all duties required for the welfare of mother and infant during and immediately after child-birth.
- Instruction to pupil nurses.** 6. Instruction shall be given to pupil nurses—
- (a.) By means of lectures and practical teaching in and outside of the hospital; and
- (b.) By a period of midwifery work.
- Examinations.** 7. Examinations of pupil nurses in the prescribed subjects shall be held at the prescribed times and places.
- Successful pupil nurses entitled to a certificate.** 8. Every pupil nurse who satisfies the examiners at any such examination as to her proficiency, and that she has attended lectures at a State Maternity Hospital, or other institution recognised by the Registrar as affording to its nurses sufficient training in midwifery, for a period of six months in the case of a nurse registered under "The Nurses Registration Act, 1901," or of twelve months in any other case, and has attended the prescribed number of cases of labour, is entitled to a certificate under this Act.
- Notice of practice as a midwife to be given.** 9. Every woman registered under this Act shall, not later than the thirty-first day of January in every year, or before commencing to practise as a midwife in any place, as the case may be, forward to the Registrar notice of her intention to practise or to continue the practice of midwifery, and of her place of abode; and the Registrar shall forthwith send particulars of such notice to the proper District Health Officer.
- Particulars in notice.** 10. Such notice shall contain such particulars as may be prescribed to secure the identification of the person giving it, and, after being recorded by the District Health Officer, be forwarded by him to the Registrar.
- District Health Officer to supervise midwives in his district.** 11. (1.) Every District Health Officer shall, on the commencement of this Act, be the local supervising authority over midwives within his district, and shall have power—
- (a.) To temporarily suspend any midwife from practice, in any case where such suspension appears necessary in order to prevent the spread of infection;
- (b.) To investigate charges of malpractice, negligence, or misconduct on the part of any midwife practising within his district, and in any case where a *prima facie* case is established to report the same to the Minister.
- (2.) He shall also report at once to the Minister the name of any midwife practising in his district who is convicted of any indictable offence.
- Minister may remove name from register.** 12. The Minister may, by writing under his hand, order to be removed from the register the name of any midwife convicted of any indictable offence, or who is proved to have been guilty of any malpractice or misconduct.

13. (1.) Any woman who thinks herself aggrieved by any decision of the Registrar in refusing to enter her name in the register, or of the Minister in removing her name from the register, may within three months after the date of the decision appeal to the Magistrate's Court in a summary way. Right of appeal.

(2.) The Court may make such order as it thinks just, and such order shall have effect accordingly.

14. (1.) The Registrar shall in the month of April in every year cause a copy of the register, corrected to the thirty-first day of March then last past, to be published in the *Gazette*. Register to be gazetted.

(2.) A copy of the *Gazette* containing such register shall be evidence that the women therein named are registered under this Act, and the absence of the name of any woman from such copy shall be *prima facie* evidence that she is not registered under this Act: Provided that, in the case of a woman whose name does not appear in such copy, a certificate under the hand of the Registrar of the entry of her name in the register shall be evidence that she is registered under this Act. Gazette evidence.

15. After the first day of January, one thousand nine hundred and seven, every woman is liable to a fine not exceeding twenty pounds who, not being registered under this Act, practises as a midwife, or takes or uses the name or title of a midwife (either alone or in combination with any other word or words), or any name, title, addition, or description implying that she is registered under this Act or is qualified to practise or is recognised by law as a midwife: Only registered midwives to practise.

Provided that nothing herein shall apply to any legally qualified medical practitioner, or to any woman rendering assistance in a case of emergency.

16. Every person is liable to twelve months' imprisonment who— Offences relating to the register.

(a.) Procures or attempts to procure a certificate under this Act by making or producing, or causing to be made or produced, any false or fraudulent declaration, certificate, or representation, either in writing or otherwise; or

(b.) Wilfully makes or causes to be made any falsification in any matter relating to the Register of Midwives.

17. Registration under this Act shall not confer on any woman any right or title to be registered under any Act relating to medical practitioners, or to assume any name, title, or designation implying that she is by law recognised as a medical practitioner, or that she is authorised to grant any medical certificate or any certificate of death or still-birth, or to undertake the charge of cases of abnormality or disease in connection with parturition. Registration not to carry right to medical practice.

18. The Governor may from time to time appoint fit persons to be— Appointments.

(a.) Examiners of pupil nurses under this Act; and

(b.) Matrons of maternity hospitals established under this Act.

19. The Governor may from time to time, by Order in Council gazetted, make regulations— Regulations.

(a.) Prescribing the subjects of examinations under this Act;

(b.) Providing for the regulation of maternity hospitals, and the training therein of pupil nurses;

- (c.) Fixing a scale of fees to be paid by patients who come to maternity hospitals for confinement, or who are attended as patients outside the hospital, by pupil nurses on their admission to any such hospital, and by midwives on registration ;
- (d.) Providing for the admission to maternity hospitals of women who are unable to pay the prescribed fees, and for their treatment and attendance as out-patients ;
- (e.) Regulating the use and non-use of any instrument and drug by midwives, and defining what shall be deemed to be malpractices by midwives ;
- (f.) Providing for the right of any society or person, on account of the gift or annual subscription of the prescribed amount, to nominate a patient at any maternity hospital free of cost.

Application of fees.

20. All patients' fees, fees of pupil nurses, and midwives' registration fees, and other moneys received under this Act, shall be paid into the Public Account and form part of the Consolidated Fund.

Registration of existing institutions.

21. The Registrar may cause any existing public or private hospital the managers whereof provide to his satisfaction for the instruction of pupil nurses, and comply with all other requirements of this Act and of the regulations made thereunder, to be registered (upon application) as a State Maternity Hospital, and may at any time cancel such registration in the case of any such hospital which fails to continue to comply with such requirements, or any of them.