

COOK ISLANDS
NURSES ACT 1986

ANALYSIS

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1986, No. 2

An Act to provide for the registration of nurses and to regulate their practice.

(16 July 1986)

BE IT ENACTED by the Parliament of the Cook Islands Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Nurses Act 1986.

2. Interpretation - In this Act, unless the context otherwise requires -

"Council" means the Nurses Council established under section 3;

"Matron" means the person appointed as Matron from time to time pursuant to the Public Service Act 1975;

"Minister" means the Minister of Health;

"Register" means the Register of Nurses to be established pursuant to section 4;

"Registrar" means the person appointed pursuant to section 3(1)(e);

"Traditional health attendant" means a person who is generally accepted as a person having some expertise in midwifery.

3. Establishment of Nurses Council - (1) There is hereby established a Nursing Council consisting of -

- (a) The Director General of Health;
- (b) The Matron;
- (c) The President of the Cook Islands Nurses Association for the time being;
- (d) A practicing nurse nominated by the Cook Islands Nurses Association;
- (e) A Registrar nominated by the Cook Islands Nurses Association and appointed by the Minister;
- (f) One member from the Education Department appointed by the Minister;
- (g) One member from the public appointed by the Minister.

(2) The member appointed to the Council under the provisions of paragraph (d) of subsection (1) shall hold office for two years and may be reappointed.

(3) The Council shall appoint a Chairman and Deputy Chairman from among its members and shall govern its own procedure and make provision for a quorum.

(4) It shall be lawful for the Council to appoint committees and to delegate all or any of its powers to any such committee.

(5) The Council shall be a body corporate with perpetual succession and a common seal.

4. Functions of the Council - (1) It shall be the function of the council -

- (a) To establish and keep in such manner and in such parts as the Council considers desirable a register of nurses;
- (b) To arrange for and regulate courses of training for nurses and the examination of such persons seeking admission to the register;
- (c) To make such provisions for the issue of certificates to nurses registered under this Act, and wearing of such badges and uniforms by persons as the Council considers expedient;
- (d) To regulate, supervise and restrict within due limits the practices of nurses whether

registered or not;

(e) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act.

(2) A certificate under the seal of the Council authenticated by the signature of the Chairman and the Registrar stating that any person is or was at any date, or was not at any date, duly registered under this Act shall be conclusive evidence in any court of law of the facts stated in such certificate.

5. Admission to the register - (1) It shall be a condition of admission of a person to the register that such person -

(a) Has undergone a course of training approved or prescribed by the Council in an institution approved by the Council and has passed to the satisfaction of the Council. Provided that in the case of the person who was practicing as a nurse in the Cook Islands at the commencement of this Act the Council may, if satisfied as to the efficiency and good character of such person, admit such person to the register without such training and examination; or

(b) Is or has been registered as a nurse in a country where the standard of training and examination is not lower than that required by the Council pursuant to paragraph (a); or

(c) Possesses such special qualifications as in the opinion of the Council justifies the admission of such person to the appropriate part of the register.

(2) Every person seeking admission to the register shall satisfy the Council as to her good character.

6. Only registered persons to practice - (1) Subject to subsection (2), any person who, not being a nurse aid, trainee, community nurse, or registered nurse, nurses a person for gain or who not being a registered midwife attends to a woman in child birth otherwise than -

(a) Under the direction and personal supervision of a duly qualified medical practitioner or registered midwife; or

(b) In the case of sudden or urgent necessity, is guilty of an offence and upon conviction is liable a fine of \$100.

(2) Nothing in this section shall apply to a traditional health attendant where no qualified medical practitioner or registered nurse is available.

7. Offences - Any person who takes or uses, any name title description uniform or badge implying that such person is registered as a nurse when not so registered is guilty of an offence and upon conviction shall be liable to a fine of \$100.00.

8. Rules - The Council may, subject to the approval of the Minister, make rules -

- (a) Making such provisions as the Council deems expedient for the purpose of enabling it to carry out the duties imposed upon it by provisions of this Act;
- (b) Prescribing fees for the examination, registration and practising certificate of nurses;
- (c) Prescribing the conditions under which a person whose name has been struck off the register may be readmitted thereto;
- (d) Prescribing badges and uniforms.

9. Power of the Council to remove names from the register - (1) If a registered nurse is convicted in the Cook Islands or elsewhere of an offence, punishable by a term of imprisonment for more than one year or, after due inquiry and after hearing a person whose conduct is in question, the Council is satisfied that a registered nurse has been guilty of serious misconduct in a professional respect, the Council may make an order removing the name of such person from the register.

(2) A person whose conduct is the subject of inquiry under this section shall be entitled to be present during such inquiry and to be represented by a barrister or solicitor.

(3) At the conclusion of such inquiry the Council shall record its finding and the reasons therefore and may make an order accordingly and shall forthwith notify the person concerned in writing of such finding and order and if required supply her with a copy of its finding and the reasons therefore.

(4) Any person aggrieved by the removal of her name from the register may within 3 months after the date on which notice is given to her by the Council that her name has been so removed appeal against the removal to the High Court and on such appeal the High Court may give such directions and make such order on the matter as it thinks proper, including an order as to costs of the appeal and any order of the High Court shall be final and binding on the parties and without further appeal.

10. Application - Nothing in this Act relating to nurses shall apply to a medical practitioner duly registered under the provisions of the Medical and Dental Practises Act 1976.

11. Consequential amendment - Part 1 to the Schedule of the Ministry of Health Act 1984 is amended by adding thereto the "Nurses Act 1986".

This Act is administered by the Ministry of Health.