

EXTRAORDINARY



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## GOVERNMENT OF FIJI

NURSING DECREE 2011  
(DECREE NO. 41 OF 2011)

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IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO PROVIDE FOR THE REGISTRATION AND REGULATION OF NURSES,  
FOR THE EDUCATION OF NURSES, AND FOR RELATED PURPOSES.

## PART 1—PRELIMINARY

*Short title, commencement and application*

- 1.—(1) This Decree may be cited as the Nursing Decree 2011.
- (2) This Decree shall come into force on a date appointed by the Minister by notice in the *Gazette*.
- (3) This Decree shall bind the State,

*Interpretation*

2. In this Decree, unless the context otherwise requires—

“annual licence fee” means the fee to be paid for an annual licence certificate as prescribed under this Decree;

“certificate of registration” means a certificate of registration granted under this Decree;

“Chairperson” means the Chairperson of the Council or Committee as the context requires;

“Code of Conduct” means a Code of Conduct prescribed under this Decree;

“College” means the Fiji College of Nursing established under this Decree;

“Committee” means the Professional Conduct Committee;

“Council” means the Fiji Nursing Council established under section 3;

“health professional” means a—

- (a) medical practitioner;
- (b) dental practitioner;
- (c) registered midwife, nurse or nurse practitioner;

- (d) pharmacist or pharmaceutical chemist; or
  - (e) person qualified to provide physiotherapy, psychology, podiatric, occupational therapy, acupuncture, chiropractic, chiropody or osteopathy services;
- “student nurse” means a student studying to be a registered nurse;
- “member” means a member of the Council;
- “midwife” means a person who is registered as a midwife and who works in partnership with women to give the necessary support, care and advice during pregnancy, labour and postpartum period, to conduct births and to provide care for the newborn and the mother;
- “midwifery” means the practice of assisting a woman in childbirth;
- “nursing school” means any tertiary institution registered with the Higher Education Commission which offers accredited nursing course or courses;
- “practising certificate” means an annual practising certificate issued by the Registrar;
- “Register” means the Nursing Register to be kept and maintained under section 19 of the Decree;
- “nurse” means a person who is academically trained and skillfully qualified to deliver nursing care and services;
- “nurse practitioner” means a person who has successfully completed the Advanced Diploma in Nursing Practice and is registered as a nurse practitioner;
- “registered midwife” means a person who is registered under the Nursing Decree as a Registered Midwife;
- “registered nurse” means a person who is registered under the Nursing Decree as a Registered Nurse;
- “registered nurse practitioner” means a person who is registered under the Nursing Decree as a Registered Nurse Practitioner;
- “registered specialised nurse” means a person who is registered under the Nursing Decree as a Registered Specialised Nurse;
- “specialised nurse” means a fully-fledged Registered Nurse who has completed additional specific training on a recognised specialty and is registered as a Specialised Nurse;
- “Secretary” means the Secretary of the Fiji Nursing Council appointed under section 16; and
- “vocational category” in relation to registration or a practice licence, means a category of nursing practice for which additional qualifications are required and which is declared by the Council, by notice in the *Gazette*, to be a vocational category.

## PART 2— THE FIJI NURSING COUNCIL

### *Establishment and composition of the Council*

- 3.—(1) This section establishes the Fiji Nursing Council.
- (2) The Council shall consist of a chairperson and 10 other members, appointed by the Minister.
- (3) In appointing the 10 other members of the Council, the Minister shall ensure that they comprise of the following—
- (a) the Permanent Secretary for Health or his or her nominee who shall be the Chairperson;
  - (b) the Director Nursing Services who shall be the Registrar;
  - (c) the Head of School, Nursing & Health Sciences, College of Medicine, Fiji National University or his or her nominee;
  - (d) the Head of School, TSI Sangam School of Nursing or his or her nominee;
  - (e) the President of the Fiji College of Nursing or his or her nominee;
  - (f) the President of the Fiji Nursing Association or his or her nominee;
  - (g) a member, being a practising registered midwife;
  - (h) a member, being a registered nurse practitioner;

- (i) a member, being a registered nurse;
- (j) a medical practitioner who shall be nominated by the Medical Council; and
- (k) a member of the public.

(4) Members appointed under sub-section (g)–(k) shall hold office for a term up to 3 years and are eligible for re-appointment.

(5) Appointments to the Council must be published in the *Gazette*.

(6) The Chairperson and members of the Council may be removed by the Minister for inability to perform the functions of the Council (whether arising from infirmity of mind or body, absence, misbehaviour or any other cause) or may be otherwise removed by giving one month's notice or one month's remuneration in lieu of notice.

*Disqualification from membership*

4. No person may hold office as a member if the person—

- (a) has been declared bankrupt or has compounded with his or her creditors or who is or has applied to become bankrupt;
- (b) is, or has been, convicted of an indictable offence; or
- (c) is, or has been, found guilty by the Committee or convicted of an offence against this Decree or under any other written law.

*Vacation of office*

5.—(1) A member is taken to have vacated office if the member—

- (a) resigns from his or her position on the Council by signed notice of resignation delivered to the Minister; or
- (b) is absent without written notice and approval of the Chairperson from 3 consecutive meetings of the Council.

(2) A notice of resignation under subsection (1) (a) takes effect on the date of or stated in the notice.

*Remunerations*

6.—(1) A member of the Council who is not a public officer shall be entitled to be paid such remunerations and allowances as determined by the Minister.

(2) A professional person who is a member of the Council or of a Committee is not entitled to charge professional fee for his or her attendance at meetings or for advice given as such a member.

*Principles to guide the Council*

7. The Council shall—

- (a) protect the health and safety of the public needing healthcare services;
- (b) ensure that quality nursing services are provided to each member of the public seeking healthcare;
- (c) promote and safeguard the rights and interests of the public and the nursing profession in Fiji;
- (d) uphold and require high standards of efficiency and professional conduct of the nursing profession;
- (e) plan, develop and formulate policies, procedures and protocols relating to nursing professional matters;
- (f) support the development of training, education and examination of nurses and promote education in nursing issues to the general public;
- (g) promote the professional skills and competence of nurses in Fiji by supporting ongoing training and education and by fostering and supporting scholarship and leadership in subjects associated with nursing practice;
- (h) generally assist in the provision of teaching and training;
- (i) conduct, advise on, direct, encourage, support or provide for research in matters relating to any branch of nursing practice;

- (j) encourage the publication of journals, reports or research on matters relating to general nursing practice and allied subjects; and
- (k) advise on the establishment and maintenance of a quality assurance program for continuing nursing education and accredit or re-credit nurses of the same.

*Functions of the Council*

8. The Council's functions are to—

- (a) advise the Minister on the—
  - (i) organisations and developments of nursing and related matters;
  - (ii) regulation of nursing practice in the public interest;
  - (iii) nursing policies and any changes thereof; and
  - (iv) promotion and development of nursing education, standards and nursing practice;
- (b) determine and develop the scope of nursing practice and its related activities for endorsement by the Minister;
- (c) issue, suspend and revoke annual nursing practice licenses;
- (d) decide the requirements necessary for nursing registration;
- (e) determine the official nursing uniform in regards to nurses in public hospitals and badges used for other nursing cadre with the badges to be prescribed by the Minister;
- (f) determine and develop the Code of Conduct or professional standards, to be endorsed by the Minister, for registered nurses to give practical guidance to nurses, midwives, nurse practitioners and anyone else authorised to practise nursing;
- (g) provide advice to the Minister on nursing and related matters or as the Minister requests;
- (h) upon request by all parties promote a means of amicable settlement of professional differences;
- (i) decide on the continuing professional requirements to be met for obtaining or renewing a nursing practice licence;
- (j) ensure that nursing education providers offer Undergraduate Nursing Education;
- (k) carry out such other functions as required of it by this Decree and any other written law; and
- (l) perform any other function assigned to it by the Minister.

*Powers of the Council*

9. —(1) The Council has power to do all things necessary or convenient to be done for, or in connection with the performance of its functions under this Decree or in support of furthering the Principles in section 7.

(2) Without limiting subsection (1), the Council has, for or in connection with the performance of its functions, all reasonable powers and authority and may without limitation—

- (a) appoint suitably qualified Committees to assist it to perform its function;
- (b) publish any resources of the Council including any study, research or knowledge, or the practical application of any study, research or knowledge, developed by the Council or belonging to it (whether alone or jointly with another person);
- (c) consult with any university, college, other educational institution, hospital or other person or body in Fiji or another country in making provisions for the education and examination of persons practising, or intending to practise nursing;
- (d) participate in any—
  - (i) nationally coordinated program in relation to nursing education or nursing practice; or
  - (ii) program with other country approved by the Minister in relation to nursing education or nursing practice;
- (e) promote, consider and advise the Minister on the development of consistent policies and practices for the proper regulation of nursing;

- (f) assist nursing schools, when requested, in the development of curricula for nursing education; and
- (g) make arrangements with any university, college, other educational institution, hospital or other person or body for furthering the Council's functions.

(3) The Council must perform its functions under this Decree with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of nursing care in Fiji.

- (4) The Council may become a member of any body however organised which—
- (a) has among its objects nurses' education, training or research or any matter relating directly to the Council's functions; and
  - (b) in the Council's opinion, is engaged in the advancement of nursing education, training or research or any function of the Council.

*Power of the Minister to make rules*

10. The Minister may, with the recommendation of the Council, make rules for the purposes of this Decree including without limitation the following matters the—

- (a) conduct of the Council's affair; and
- (b) preparation and implementation of any Code of Conduct for nursing practice to give practical guidance to nurses, midwives, nurse practitioners and anyone else authorised to practise nursing.

PART 3—COUNCIL PROCEEDINGS

*Procedure of Council meetings*

11. Except as herein provided, the Council may regulate its own procedures.

*Times and venue of meetings*

12. Meetings of the Council are to be held at such times and places as determined by the Chairperson but no less than 3 times a year and at any other time when requested by five or more members, on urgent issues related to the Council's function.

*Presiding, quorum and voting at meetings*

13.—(1) The Chairperson shall preside at all meetings of the Council, and if the Chairperson is not present at a meeting, members present may for that particular meeting choose a member to preside as the acting Chairperson in the absence of the Chairperson.

(2) At a meeting, two thirds of the members shall constitute a quorum.

(3) Any issue raised or to be decided is to be done by a majority of the votes of the members present and voting, and in the event of a tied vote the Chairperson shall have a deliberative vote and a casting vote.

*Disclosure of interests*

14.—(1) If a Council member has a personal interest or any direct or indirect pecuniary interest in a matter being considered, or about to be considered, and the interest could conflict with the performance of the member's duties in relation to the matter, the member must immediately disclose the conflict to the meeting.

(2) The disclosure must be recorded in the minutes of the meeting, and unless the Council so determines, the member must not—

- (a) be present during any deliberation of the Council in relation to the matter; or
- (b) take part in or vote on any resolution before the Council in relation to the matter.

*Minister's power to give directions in the public interest*

15. The Minister may give the Council directions necessary or desirable in the public interest.

*Secretary of the Council*

16. The Permanent Secretary shall appoint a public officer to be the Secretary of the Council.

*Annual report, accounts and audits*

17.—(1) The Council must keep proper accounting records in relation to its financial affairs, and must have annual statements of accounts prepared in respect of each financial year.

(2) The accounts must be audited at least once in every year by an auditor approved by the Auditor-General and appointed by the Council.

(3) The Council must, on or before the 31st of December every year, deliver to the Minister a report on the administration of this Decree in relation to its responsibilities, and the work of the Council during the preceding financial year.

(4) The report must—

(a) include in relation to the relevant financial year—

- (i) the number of new registrations granted during the year, with the number of conditional, full and vocational registrations;
- (ii) the total number of registered nurses and registered student nurses, with the number of conditional, full and vocational registrations;
- (iii) the number and nature of complaints received by the Council against the registered nurses and registered student nurses;
- (iv) any other information that may be prescribed by way of regulations; and

(b) incorporate the audited accounts of the Council for the relevant financial year.

(5) The Minister must, within 28 days after receiving a report made under this section, have copies of the report laid before Cabinet.

*Exemption of liability*

18. A member of the Council is not personally liable for any act done in good faith and without gross or wilful negligence relating to the performance or exercise of any function, powers or duties exercised or performed by that member under this Decree.

## PART 4—REGISTRATION AND PRACTISING CERTIFICATE

*Division 1—Administration**Nursing Register*

19.—(1) The Registrar must keep the following—

- (a) Register of nurses;
- (b) Register of student nurses;
- (c) Register of midwives;
- (d) Register of nurse practitioners; and
- (e) Register of specialised nurses.

(2) The Registers must include, in relation to each person on the register—

- (a) the person's full name and nominated contact address;
- (b) the qualifications for registration held by the person;
- (c) relevant qualifications obtained after registration;
- (d) their licences and the conditions upon which each licence is issued; and
- (e) any other particulars as the Council may deem necessary.

(3) All nurses, student nurses, midwives and nurse practitioners must ensure that they are correctly registered by completing the relevant registration forms with information that is true and correct. A person who breaches this provision commits an offence and is liable to a fine not exceeding 10 penalty units.



(4) The Registrar must also keep an archival register of persons who have been removed from one of the registers mentioned in subsection (1) under this or any other written law and who have not been reinstated on that register.

(5) The archival register referred to in subsection (4) must not include any person who has died, but must include, in relation to each person on the register, a statement of—

- (a) the register from which the person was removed;
- (b) the reason for the removal of the person;
- (c) the date of the removal;
- (d) if the removal was consequent on suspension, the duration of suspension;
- (e) if the registration has been cancelled, the date of cancellation; and
- (f) if the person has been disqualified from being registered, the date and duration of the disqualification and any conditions attached to its removal.

(6) Information relating to a person who has been reinstated on either one of the registers mentioned in subsection (1) must be removed from the archival register.

*Notification of change and correction of error*

20.—(1) A person who is registered and whose registration details have changed must inform the Registrar in writing of the change. A person who breaches this provision is guilty of an offence and is liable to a fine not exceeding 20 penalty points.

(2) The Registrar must make such alterations to the particulars in the Register and properly record any changes notified to the Registrar or otherwise coming to his or her attention.

(3) The Registrar must as soon as practicable correct any entry in a register that is not, or has ceased to be, correct.

*Particulars of cancellations and correction to be recorded*

21. The Registrar must also record in the Register, and give effect to—

- (a) cancellations and suspensions of registrations;
- (b) restorations of registration; and
- (c) conditions of practise to which registrations are subject.

*Registers*

22. The Registrar is responsible to the Council for the form and maintenance of the registers.

*Inspection of register*

23. Any person may upon payment of the prescribed fee—

- (a) inspect an entry in the registry; or
- (b) upon payment of the prescribed fee obtain a copy of, or extract from, an entry in the register, certified correct by the Registrar.

*Division 2—Qualifications*

*Registration requirements and qualifications*

24.—(1) Subject to this Decree, an individual is eligible for registration on the registers mentioned in section 19 if he or she, on application to the Council, satisfied the Council that he or she has qualifications approved or recognised by the Council for the purposes of registration on that register.

(2) A person cannot be registered on any register unless that person is—

- (a) medically fit to provide proper and safe nursing care authorised by registration on that register; and
- (b) fit, proper and safe to practise nursing.

(3) An applicant whose language of instruction and assessment is not English must be required to demonstrate proficiency in written and spoken English to the satisfaction of the Council by interview, or by certification from an approved assessment body.

(4) Registration as a nurse does not itself entitle the registered person to work in Fiji in terms of immigration or business licensing laws.

*Qualifications for registration*

25.—(1) The Council must specify the academic or professional qualifications and clinical experience that are required for registration on the nursing register and inclusion in a vocational category.

(2) The Council must specify the nursing courses in Fiji that will be recognised for registration as a student nurse, as the case may be.

(3) The qualifications and courses must have been recognised by the Council and must be published in the *Gazette* and, if any, on the Council's website, if any.

(4) In specifying qualifications and courses under this section, the Council must be responsive to global developments in health care, nursing sciences, registration and licensing requirements for the nursing profession.

(5) A registered nurse who obtains any nursing degree, diploma or other qualification other than that by virtue of which the person was registered may apply to the Council to amend the register so far as it relates to the qualifications of that person.

(6) On such application, the—

- (a) Council must, if satisfied that the applicant is entitled to the degree, diploma or other qualification in respect of which the application is made and that it is sufficient standing to warrant it being entered in the appropriate register, direct the Registrar to amend register accordingly; and
- (b) Registrar must thereupon insert in that register particulars as to that degree, diploma or other nursing qualification.

*Division 3—Registration*

*Application for registration*

26.—(1) An application to be registered must be—

- (a) made to the Council in the approved manner and form;
- (b) supported by evidence of qualifications for registration required by the Council; and
- (c) accompanied by the prescribed fee.

(2) An applicant for registration must—

- (a) provide the Council with all documentary information that the Council specifies in order to enable the Council to determine application; and
- (b) if so required by the Council, attend an interview at a place and time specified by the Council.

(3) The Council may require an applicant for registration to—

- (a) submit a medical report or other evidence acceptable to the Council as to the applicant's medical fitness to provide nursing care of the kind authorised by registration on the register to which the application relates;
- (b) obtain additional qualifications or experience specified by the Council before the Council determines the application.

(4) The Council may require any further information from the applicant as to matters relevant to the application.

(5) The Council must not grant registration to a person unless satisfied that the person is—

- (a) medically fit to provide nursing care of the kind authorised by registration on the relevant register; and
- (b) a fit and proper person to be registered on the relevant register.

(6) The Council may delegate to a Committee its powers under this section, but a decision on registration may only be made by the full Council after receiving advice from the Committee.

(7) If an application for registration is refused, the Registrar must immediately advise the applicant, in writing of the refusal and its reasons.

*Vocational categories*

27.—(1) The Council must establish clear guidelines and qualifications for the various vocational categories recognised on its respective register.

(2) The nursing register must show the vocational category or categories in which each registered person is registered and the qualifications which the person has for that category or categories.

(3) A person cannot be registered in a vocational category unless the person is also registered on the nursing register.

(4) A registered person who wishes to apply for inclusion in a vocational category of a register must apply in the approved manner and pay the prescribed fee, if any.

(5) An individual registered on the nursing register is eligible for registration in a vocational category if he or she, on application to the Registrar, satisfies the Council that he or she has qualifications, clinical experience and achieved an appropriate level of competence and expertise approved or recognised by the Council for the purposes of registration on that register;

(6) An application for inclusion in a vocational category is to be processed and dealt with in the same manner as an application for registration, with necessary modifications.

*Action to be taken on registration*

28.—(1) Upon the registration of a person, the Registrar must make appropriate entries in the register.

(2) If a registration is temporary or conditional, the restrictions or conditions must be made in the register together with any conditions to which the registration is subject.

*Temporary registration*

29.—(1) A person who—

- (a) normally resides outside Fiji;
- (b) is qualified for registration as a registered nurse in Fiji; and
- (c) proposes to provide nursing care for a specified project in Fiji under the terms of an agreement between the Government and the person or another government or body,

may apply for temporary registration.

(2) An application for temporary registration must be made and processed in the same way as an application for full registration but the—

- (a) registration must have an expiry date no later than 6 months from the date of issue;
- (b) registration must specify the place and scope of nursing care to be provided; and
- (c) nursing care must be subject to appropriate approved supervision.

(3) If in any case the Registrar cancels the temporary registration of a person, the Registrar must immediately—

- (a) advise the person in writing of the cancellation; and
- (b) upon request provide the person with written reasons for the cancellation.

*Conditional registration*

30.—(1) If a person who applies for registration, or reinstatement of registration, on a particular register—

- (a) does not, in the opinion of the Council, have the necessary qualifications or experience required for full registration on that register; or
- (b) is not, in the opinion of the Council, medically fit to provide nursing care of the kind authorised by registration on that register,

the Council may grant conditional registration to the person.

- (2) Conditional registration may be conferred to enable a person to—
- (a) do whatever is necessary to become eligible for full registration;
  - (b) teach or to undertake relevant research or study in Fiji; or
  - (c) perform other specified nursing care activities that are required in the public interest.

(3) In registering a person under subsection (2), the Council may impose one or more of the following conditions on the registration—

- (a) a condition limiting the nursing care the person may provide;
- (b) a condition restricting the place or times at which the person may provide nursing care;
- (c) a condition limiting the period during which the registration will have effect;
- (d) a condition requiring that the person be supervised in the provision of nursing care by a particular person or by a person in a particular vocational category; or
- (e) any other condition the Council thinks fit.

*Registration of student nurses*

31.—(1) A person is not entitled to provide nursing care in Fiji as part of a course of study related to nursing, whether the course of study is being undertaken by the person in Fiji or elsewhere, unless the person is registered under this Decree as a student nurse.

(2) A person is eligible for registration as a student nurse on the relevant student nurse register if the person, on application to the Council, satisfies the Council that he or she—

- (a) requires registration on that register to enable—
  - (i) him or her to undertake a course of study that provides qualifications for registration on the register of nurses, nurse midwives or nurse practitioners; or
  - (ii) the person to provide nursing care as part of a course of study related to nursing care being undertaken by the person in a place outside Fiji;
- (b) is medically fit to provide nursing care of the kind authorised by registration on the relevant student nurse register; and
- (c) in other respects, is a fit and proper person to be registered on the relevant student nurse register.

(3) If a person who applies for registration or reinstatement of registration, on a student nurse register is not, in the opinion of the Council, medically fit to provide nursing care of the kind authorised by registration on that register, the Council may confer conditional student registration and impose one or more of the following conditions on the registration—

- (a) a condition limiting the nursing care that the person may provide;
- (b) a condition limiting the period during which the registration will have effect;
- (c) a condition requiring that the person be supervised in the provision of nursing care by a particular person or a particular class; or
- (d) other conditions the relevant Council thinks fit.

*Suspension of registration*

32. If the Council is satisfied that the ability of a registered nurse to continue to practise nursing is impaired to such an extent that a patient's health or safety could be at risk due to a medical condition or misconduct, the Council must instruct the Registrar by written notice given to the registered nurse practitioner to suspend that person's registration—

- (a) the notice must set out the reason for the suspension;
- (b) the suspension takes effect when the notice is served on the person; and
- (c) if the Council suspends the registration of a nurse because of the nurse's misconduct, the Council must immediately have the matter referred to the Committee to be investigated and heard.

*Review of suspension for health reasons*

33.—(1) If a registered person becomes aware that he or she may be medically unfit to provide medical treatment, the person must forthwith give written notice of that fact to the Registrar.

(2) The Council must then assess the medical condition of the registered person and take the necessary action as it sees fit.

(3) A person who fails to notify the Registrar as required under subsection (1) commits an offence and is liable to a fine of up to 50 penalty points.

*Requirement following cancellation or suspension of registration*

34. A registered nurse whose registration is cancelled or suspended must within 14 days after being notified of the cancellation or suspension, surrender to the Registrar their—

- (a) certificate of registration;
- (b) current annual licence certificate; and
- (c) any badge prescribed by the Minister under this Decree.

*Removal from register*

35.—(1) The Registrar must, on the written request of a registered person, remove the name of that person from the appropriate register.

(2) The Registrar must remove from the appropriate register the name of any person—

- (a) who dies;
- (b) who ceases a qualification required for registration on that register;
- (c) whose registration is suspended by the Council;
- (d) whose registration has been cancelled by the Committee;
- (e) who has failed to obtain renewal of the relevant licence for 3 years;
- (f) who fails to pay a fine imposed by the Council or the Committee within the time specified in the order imposing the fine;
- (g) who is found to be medically unfit to practise; or
- (h) who ceases for any other reason to be entitled to be registered on that Register.

(3) If a student nurse completes, or ceases to be enrolled in the course of study that formed the basis for the person's registration on a student nurse register, the Registrar must remove the person's name from the relevant student nurse register.

*Restoration and re-issue of registration*

36.—(1) A person who has been removed from a register—

- (a) on his or her application;
- (b) because of failure to obtain renewal of licence;
- (c) because of failure to pay a fine imposed on the person by the Council or the Committee; or
- (d) because the person had—
  - (i) ceased to hold a qualification required for registration on that register or otherwise ceased to be entitled to be registered on that register; or
  - (ii) ceased to be enrolled in the course of study that formed the basis for the person's registration on a student nurse register,

may apply to the Council at any time for reinstatement on that register.

(2) A person whose registration on a register has been suspended may apply to the Council for reinstatement on that register (but not, in the case of an order for suspension for a specified period made in disciplinary proceedings, until after the expiry of that period).

(3) If the Council, after considering all relevant circumstances, is satisfied that the person is qualified and fit to be registered, it may direct the Registrar that the person be re-registered.

(4) An application for reinstatement must be—

- (a) made to the Council in the approved manner and form; and
- (b) accompanied by the prescribed reinstatement fee.

(5) The relevant Council may require an applicant for reinstatement of registration to—

- (a) submit a medical report or other evidence acceptable to the Council as to the applicant's medical fitness to provide nursing care of the kind authorised by registration on the relevant register; or
- (b) obtain additional qualifications or experience specified by the Council before the Council determined the application.

(6) Subject to this section, the Registrar must reinstate on the appropriate register an applicant under this section of the Council so directs.

(7) If a person is re-registered, the Registrar must issue to the person—

- (a) an appropriate certificate of registration; and
- (b) a badge of the prescribed design.

(8) The Council may refuse to reinstate the applicant on the appropriate register until any complaint outstanding against the applicant under this Decree has been finally disposed of.

*Report to register of cessation of status as student*

37.—(1) The person in charge of an educational institution must, if a student nurse ceases to be enrolled in a course of study at the institution providing qualifications for registration on nursing register, within 3 months give written notice of that fact to the Registrar, who must amend the relevant student nurse register accordingly.

(2) A person registered on the student nurse register that completes, or ceases to be enrolled in the course of study that formed the basis for that registration must within 3 months give written notice of that fact to the Registrar, who must amend the student nurse register accordingly.

(3) A person who fails to notify the Registrar as required by subsection (1) and (2) is guilty of unprofessional conduct and is liable to a fine not exceeding 50 penalty points for subsection (1) and 10 penalty points for subsection (2).

*Division 4—Practising Certificates*

*Application for and issuance of practising certificates*

38.—(1) Every person admitted to practice as a nurse shall before commencing practice and thereafter, while continuing in practice, during the month of January in each and every year apply for and obtain from the Registrar a certificate certifying that that person is entitled to practice as a nurse according to the laws in Fiji.

(2) The application shall be in such form, accompanied by such fee, and set out such information and particulars as the Registrar may from time to time fix or require.

(3) Before issuing a practising certificate the Registrar may from time to time require such further and additional information and particulars in relation to any applicant as is necessary to ensure compliance with this Decree and any subsidiary legislation.

(4) The holder of a practising certificate who changes his or her place of work or residence shall forthwith give notice thereof in writing to the Registrar.

(5) The Registrar may, pursuant to any instruction from the Council at any time, cancel any practising certificate that has been obtained by fraud or misstatement, or that has been issued on the basis of information which is incorrect or untrue in some material particular.

(6) The Registrar may waive all or any part of the annual practising certificate fee payable by any nurse.

(7) Applications for renewals shall be lodged with the Registrar before the 31st of January each year.

(8) A registered nurse who fails to lodge a renewal application by the 31st of January in that year has the right to apply to the Registrar for extension of time which the Registrar may grant for a period not exceeding 60 days on payment of a penalty of one year's annual fee. After such period of 60 days, a renewal is subject to consent by the Council.

(9) If the Registrar has a reason to believe that the holder of a licence had obtained the licence by any false representation or that the conditions for holding the licence are not being met, the Registrar may report the fact to the Council with a view of disciplinary action being taken under Part 6.

(10) The Registrar must notify the holder of the licence of action under subsection (3) and must invite the holder to make appropriate representations to the Council.

*Refusal or cancellation of certificate*

39.—(1) The Registrar may refuse to issue a practising certificate or may cancel a practising certificate issued if the applicant—

- (a) is in any way in default under the provisions of this Decree or any rules of regulations made under it;
- (b) has practiced as a nurse during any period of suspension of that person's practising certificate;
- (c) is by reason of infirmity, injury or illness (whether mental or physical), unfit to carry on and conduct his or her practice and it is in the interest of clients or the public that the certificate should not be issued, or should be cancelled as the case may be;
- (d) has failed to pay the appropriate fee for the issue of a practising certificate.

(2) The Registrar shall promptly give notice in writing to any applicant whose application for a practising certificate is refused and to any person whose practising certificate is cancelled of such refusal or cancellation and, if so required by the applicant or holder the Registrar as the case may be shall within fourteen days after being so required state in writing the grounds for the refusal or cancellation.

(3) For the purposes of subsections (1) and (2) the Registrar may require an applicant for or the holder of a certificate to undergo such medical examination by such medical practitioner as may be specified by the Registrar and may hold such enquiry as the Registrar thinks fit.

(4) A refusal or failure to comply with the requirement of the Registrar made pursuant to this section may be regarded as evidence that that person is, by reason of infirmity, injury or illness (whether mental or physical) unfit to practice as a nurse.

*Registered persons to be indemnified against loss*

40. A registered person who is the subject of this Decree is not liable in a civil action liable for an act done, or omission made, honestly and without negligence on his or her part.

*Appeal*

41. Where the Registrar refuses or neglects to issue a certificate or the Registrar cancels or suspends a certificate, or grants a certificate subject to conditions, the applicant or the holder, as the case may be, may apply to the court or a Judge thereof who may make such order in the matter, excluding any order for damages or costs against the Registrar or the State.

## PART 5—COMMITTEES

### *Division 1—Professional Conduct Committee*

*Establishment*

42. This section establishes the Professional Conduct Committee.

*Appointment*

43.—(1) The Chairperson of the Committee shall be appointed by the Minister following consultations with the Attorney-General.

- (2) The Committee shall consist of the following members—
- (a) 1 legal practitioner of not less than 7 year's standing, who shall be the Chairperson of the Committee;
  - (b) 1 medical practitioner nominated to the Minister by the Fiji Medical Council;
  - (c) 1 registered nurse, chosen by the Minister from a list submitted by Fiji Nursing Association to the Minister as representatives for the nurses; and
  - (d) 2 members of the community chosen by the Minister for their upright character and standing.

*Terms and duration of appointment*

- 44.—(1) The appointment of a member of the Committee is for a term of up to 3 years.
- (2) A member is eligible for two further terms of up to 3 years.

*Powers and functions of the Committee*

45.—(1) The powers and functions of the Committee are to hear and determine any complaints of a wrongful act, professional negligence or misconduct, which might give cause for disciplinary action, referred to it by a member of the public or any person or professional body or group however organised with an interest in the matter and may order any further investigation to the complaints if need be.

(2) For the purpose of subsection (1), the Committee may receive oral or written evidence, summon persons, administer oaths and examine witnesses.

(3) A registered nurse who is subject to a complaint has the right to be given a fair hearing before the Committee and to appear and be heard personally or by Counsel at any hearing.

(4) The rules of evidence do not apply in such proceedings, and the Committee may inform itself as to any matter, act or thing in whatever manner it decides will assist it to be properly informed.

*Committee membership ceased*

46. A person who is a member of the Committee ceases to be a member if the person—
- (a) resigns by signed notice given to the Minister;
  - (b) ceases to be qualified to be appointed as a member;
  - (c) has been declared bankrupt; or
  - (d) is removed from office by the Minister.

*Disclosure of interests*

47. If a member of the Committee (including the chairperson) is, or is to be, a member of the Committee for the purposes of a hearing or proceedings and the member has acquired an interest (whether pecuniary or otherwise) that could conflict with the proper performance of the member's function in relation to the proceeding, the member must disclose their interest and take no further part in the matter.

*Acting Chairperson*

48. The Minister with the direction of the Attorney-General may appoint another legal practitioner with at least 7 years experience to act as Chairperson—

- (a) during the absence of the appointed Chairperson due to a conflict of interest or otherwise;
- (b) during a vacancy in the office; or
- (c) if the Chairperson for another reason, is unable to perform the duties of the office.

*Arrangement of business*

49. The Chairperson may from time to time give directions in relation to—
- (a) the arrangement of the business of the Committee; and
  - (b) the members who are to constitute the Committee for particular proceedings which may include a registered nurse.



*Constitution of Committee proceedings*

50.—(1) The Committee is to be constituted for the purposes of the hearing and determination of a proceeding by the Chairperson and 4 other members of whom one must be a registered nurse.

(2) The Committee may be constituted for the exercise of powers in relation to the hearing of a proceeding, or for purposes other than the hearing and determination of the proceeding.

*Member of Committee ceasing to be available*

51. If at the commencement of or during or having before the matter to which the proceeding relates has been determined, a member constituting the Committee (other than the Chairperson) ceases to be a member or not available for the purposes of the proceeding the Chairperson may make such order for the continuation of the hearing as he or she thinks fit.

*Division 2—Committees of the Council**Nursing Professional Standards Committee*

52.—(1) The Nursing Professional Standards Committee is hereby established.

(2) The Council is to ensure that the appropriate persons are appointed as members of the Nursing Professional Standards Committee.

(3) The Nursing Professional Standards Committee is to comprise of a—

- (a) representative of the College of Nursing, Fiji National University;
- (b) representative of the Council;
- (c) representative of the TSI School of Nursing; and
- (d) registered nurse nominated by the Minister.

(4) The functions of the Nursing Professional Standards Committee are to—

- (a) assist the Council by monitoring and evaluating every training course for student nurses, as the case may be, within tertiary education facilities in Fiji;
- (b) make recommendations to the Council concerning recognition of degrees awarded, in Fiji or elsewhere, as qualification for registration on the appropriate register;
- (c) make recommendations to the Council concerning the qualifications for full registration, conditional registration and vocational registration;
- (d) develop guidelines, to be considered and approved by the Council, for assessment of the clinical practice of registered persons;
- (e) refer to the Council any perceived need to change the status previously granted to any course of training or education;
- (f) establish broad guidelines for continuing professional education programmes;
- (g) examine continuing professional education programmes proposed by registered persons, and make recommendations to the Council concerning recognition of such programmes;
- (h) assess and determine the status to be given to persons completing such programmes managed by appropriate academic or professional bodies; and
- (i) perform any other appropriate function assigned to the Committee by the Council from time to time.

(5) The Nursing Professional Standards Committee's responsibility for monitoring of continuing professional education may be delegated to appropriate specialist bodies, but the Committee must monitor these bodies and set general guidelines on matters such as the number of hours, feedback questionnaires and distribution of points between interactive and private educational activity claims.

(6) The Nursing Professional Standards Committee must establish guidelines on appropriate matters, including, but not limited to the—

- (a) number of hours to be spent in continuing professional education for the renewal of the licence; and
- (b) distribution of points between interactive and private educational activity claims.

- (7) The procedure of the Nursing Professional Standards Committee shall be established by the Council.

*Other Committees*

- 53.—(1) The Council may establish committees to—
- (a) advise the Council or the Registrar on any matter; or
  - (b) carry out functions on behalf of the Council.
- (2) The presiding member to a committee must be a member of the Council.
- (3) Subject to subsection (3), a committee of the Council may include persons who are not members of the Council but have appropriate expertise in the intended work of the committee.
- (4) The term of office of a person appointed to a committee under this section is decided by the Council.
- (5) The procedure of the committee shall be established by the Council.
- (6) Unless powers are delegated to a committee by the Council, a committee has an advisory role only and does not exercise any of the powers of the Council in this Decree.

PART 6—DISCIPLINARY, INVESTIGATIONS AND PROCEEDINGS

*Causes for disciplinary action*

- 54.—(1) There is proper cause for disciplinary action against a registered person if, without limitation—
- (a) the person's registration or licence or licence renewal was improperly obtained;
  - (b) the person fails to comply with any condition imposed by virtue of this Decree on the person's registration or practising licence;
  - (c) the person commits professional misconduct;
  - (d) there has been, in connection with the provision of nursing services by the registered nurse, a failure to comply with a Code of Conduct under this Decree; or
  - (e) negligence, malpractice, misconduct or mistake is alleged.
- (2) When inviting a person to attend a hearing conducted pursuant to this Part, the Council must inform the person of the person's rights and obligations, of the procedures to be adopted and of the consequences of not attending.

*Notifications*

- 55.—(1) If a—
- (a) registered person or health professional who has professional dealing with a registered nurse;
  - (b) hospital that has entered into an arrangement with a registered nurse under which that person provides nursing services at the hospital;
  - (c) person in charge of an education institution at which a student nurse is enrolled in a course of study providing qualifications for registration on the student nurse register; or
  - (d) member of the public,
- is of the opinion that the registered nurse or student nurse might have engaged in unprofessional conduct or may have engaged in conduct which is or might cause for disciplinary action under this Decree, the person or hospital may give written notice to the Council setting out the reasons for that opinion.
- (2) On receiving notification under this section and before informing the Committee of it, the Council may investigate the matter which is the subject of the notification and if appropriate, intervene to facilitate a resolution between the parties.
- (3) If, as a result of the Council's intervention or otherwise, the person or hospital giving notice withdraws the notification, the Council must inform the Committee but no action will be taken of it, unless the Committee otherwise directs.
- (4) If the notification is not withdrawn and if it discloses a cause for disciplinary action, the Council must assist the person or hospital giving notice to formulate a complaint on the basis of the notification and section 55 applies.

*Complaints*

56.—(1) Any person with a grievance may file a complaint against a registered nurse with the Council in the approved manner or form on any matter relating to section 54, and such complaint must contain the reasons for it.

(2) Upon receiving a complaint, the Council must refer the complaint to the Committee with the necessary documentation and its investigation report on the matter.

(3) Upon receiving a complaint, the Committee must—

(a) inquire into the subject matter of the complaint; and

(b) ensure that all necessary documentation and evidence are available to ensure a fair and just decision is made,

unless it considers the complaint frivolous or vexatious and decides to take no further action on it.

(4) If the necessary documentation and evidence are not made available to the Committee, the Committee may order the Council to provide the same within 30 days from when the order was received.

(5) Failure by the Council to provide the necessary documentation and evidence may result in the Committee dismissing the matter.

*Referral of charge to the Committee*

57.—(1) If the Chairperson of the Council is satisfied that a complaint is based on the contravention of the Code of Conduct or of this Decree or that there is otherwise substance in the complaint, he or she shall order the Council to inform the person that a charge has been laid, and the matter will be heard by the Committee.

(2) The information sent to the person by the Council under subsection (1) is to contain or be accompanied by sufficient particulars to inform the Committee and the same person of the charge.

*Venue and arrangement of hearings*

58. Hearings shall be held at such times and places as the Chairperson of the Committee directs.

*Proceedings before Committee*

59.—(1) A charge referred to the Committee for hearing and determination is to be filed with the Council for entry into the Council's records and immediate transmission to the Chairperson of the Committee.

(2) The Chairperson of the Committee is to take all steps necessary to have a Committee constituted to hear and determine the charge and for proceedings to be conducted expeditiously as possible.

(3) At least 14 days before the day fixed for the hearing, the Committee must give written notice to the person charged of the charge, its particulars and the day and time of the hearing.

(4) The proceedings shall be conducted in an informal manner as possible, consistent with the requirements of natural justice and not open to the public.

(5) At the hearing—

(a) a barrister or a solicitor or a person employed by the Council may appear for the purpose of adducing evidence or assisting the Committee; and

(b) the person charged is entitled to be represented by a—

(i) barrister;

(ii) solicitor; or

(iii) person nominated by the person charged as the person's agent.

(6) Any person who lodged a complaint is entitled to be represented by a—

(a) barrister;

(b) solicitor; or

(c) person nominated by the first person's agent.

(7) In conducting the hearing, the Committee—

- (a) must observe natural justice;
- (b) must proceed quickly with as little formality and technicality as is consistent with the fair and proper hearing of the charge;
- (c) is not bound by rules or practice about evidence; and
- (d) may inform itself on any matter as the Committee considers appropriate.

(8) If a party to whom notice has been given under subsection (3) does not attend at the time and place fixed by the notice, the Committee may proceed to hear and determine the matter in the absence of that party.

(9) Subject to subsection (6), the Chairperson may give directions about the procedure to be followed in a hearing.

*Powers of the Committee in relation to witnesses, etc.*

60.—(1) For the purpose of proceedings before the Committee, the Committee may—

- (a) by summons signed on behalf of the Committee by the Chairperson of the Committee, require the attendance before the Committee of any person whom the Committee thinks fit to call before it;
- (b) by summons signed on behalf of the Committee by the Chairperson of the Committee, require the production of any relevant documents, records or equipment and, in the case of a document or record that is not in the English language, require the production of—
  - (i) a written translation of the document or record into English; and
  - (ii) a certificate signed by a translator approved by the Committee certifying that the translation accurately reproduces in English the contents of the document or record;
- (c) require any person to make oath or affirmation (which may be administered by any member of the Committee) to answer truthfully questions put by any member of the Committee or any person appearing before the Committee; or
- (d) require any person appearing before the Committee (whether summoned to appear or not) to answer any questions put by any member of the Committee or by any person appearing before the Committee.

(2) On the receipt of the application for the issue of a summons under this section, the Chairperson of the Committee may without referring the matter to the full Committee, issue a summons on behalf of the Committee.

(3) A person who appears as a witness at a hearing by the Committee may be entitled to be paid the allowance prescribed by by-law for attendance at the hearing.

(4) A person who—

- (a) fails, without reasonable excuse, to comply with a summons issued to attend, or to produce documents, records or equipment before the Committee;
- (b) having been served with a summons to produce—
  - (i) a written translation of the document or record into English; and
  - (ii) a certificate signed by a translator approved by the Committee certifying that the translation accurately reproduces in English the contents of the document or record,

fails, without reasonable excuse, to comply with the summons;

- (c) misbehaves before the Committee, wilfully insults the Committee or one or more of the members in the exercise of the member's official duties, or wilfully interrupts the proceedings of the Committee; or
- (d) refuses to be sworn or to affirm or refuses or fails to answer truthfully a relevant question when required to do so by the Committee,

commits an offence and is liable to a fine not exceeding 100 penalty units.

*Duty of witness at inquiry*

61.—A person appearing as a witness at a hearing by the Committee must—

- (a) take an oath, or make an affirmation, when required to do so by the Chairperson; or
- (b) answer a question when required to do so by the Chairperson subject to the right to refuse on the grounds of possible self-incrimination.

*Inspection of documents*

62.—(1) When a document or thing is produced to the Committee at a hearing, the Committee may—

- (a) examine the document or thing; and
- (b) make copies of, or take extracts from, the document, or photograph the thing, if it is relevant to the hearing.

(2) The Committee may take possession, and retain for as long as is reasonably necessary, a document or thing produced at the hearing.

(3) While it retains possession of a document or thing, the Committee may permit a person otherwise entitled to possession of the document or thing to—

- (a) examine the document or thing; or
- (b) make copies of, or take extracts from, the document, or photograph the thing,

at such reasonable time and place as the committee determines.

*Obstruction to Committee's function*

63. It is an offence to obstruct or hinder, attempt to obstruct or hinder, or attempt to improperly influence, the conduct of a Committee hearing.

*Removal from Committee hearing*

64.—(1) The Chairperson may order a person to leave a hearing if the person obstructs or hinders, attempts to obstruct or hinder, or attempts to improperly influence, the conduct of the hearing.

(2) If a person is ordered to leave a hearing, the person must immediately do so.

(3) If the person does not immediately leave the hearing, the Chairperson may authorise a person to remove the offender from the hearing.

(4) In carrying out the authority, the authorised person must use only such force as is reasonable and necessary.

(5) The offender must not resist the authorised person carrying out the authority.

*Evidence and findings in other proceeding*

65. In the course of a hearing, the Committee may—

- (a) receive in evidence a transcript of evidence taken in a proceeding before a court, tribunal or other body constituted under the laws of Fiji or a foreign country, and draw conclusions of fact from the evidence that it considers proper; and
- (b) adopt, as it considers proper, findings, decisions, judgements, or reasons for judgement, of the court, tribunal or body that may be relevant to the proceedings before the Committee.

*Health assessment*

66.—(1) If the Committee believes, on medical evidence, that a person against whom a charge has been laid is suffering from—

- (a) an addiction to alcohol or drugs; or
- (b) another medical condition or legal impediment,

that impairs the person's ability to practise nursing, midwifery or as a nurse practitioner, the Chairperson may, by written notice, direct the person to be assessed by a health professional recommended by the Committee.

(2) The Council must bear the cost of the assessment unless the Committee orders otherwise.

- (3) The health professional must give a written report of the assessment to the Council.
- (4) The report may be used in evidence at the hearing of the charge by the Council.
- (5) The Committee may require the health professional to appear before it and answer questions about the report.

*Action by Committee*

67.—(1) If, on the hearing of a charge against a person, the Committee finds or proves the contravention of the Code of Conduct, the Committee may activate any of the following—

- (a) take no action;
- (b) caution the person;
- (c) reprimand the person;
- (d) order the imposition of conditions (including limited registration) under which the person may continue to practise as a registered nurse;
- (e) order that the person's registration or the person's authorisation to practise nursing, midwifery, or as a nurse practitioner be suspended for such period (not longer than 2 years) as the Council considers appropriate;
- (f) order the cancellation of the person's registration or the revocation of the person's license to practise midwifery, nurse practitioner or nursing, and set conditions under which the person may reapply for registration to be authorised;
- (g) order that the person pay an amount not exceeding 200 penalty points; or
- (h) order the imposition of such other conditions as the council considers appropriate, including, for example, conditions under which a person may reapply for registration as a nurse or authorisation to practise midwifery, nurse practitioner or nursing.

(2) If conditions are imposed for a period, or a suspension is ordered for a period—

- (a) the matter must be reviewed by the Committee at the end of the period to determine whether further action shall be taken; and
- (b) the Committee may, on reviewing the order, continue the order for a period (not longer than 2 years).

(3) If, on the hearing of the charge, the Committee does not find the charge proved, it must dismiss the charge.

(4) All costs in relation to hearing before the Committee are payable by the State, unless the Committee orders, on finding the charge proved, that the cost of the proceeding be paid by the person against whom the charge was made, or if the Committee finds the complaint to be patently unjustified, frivolous, or malicious by the complainant.

(5) A pecuniary penalty or amount of costs, ordered by the Committee to be paid under this section is—

- (a) payable immediately or, if the Committee allows time for payment, on expiry of the time allowed; and
- (b) to be paid to the allocated account at the Ministry of Health.

*Right of appeal to High Court*

68.—(1) Any decision of the Committee, in the exercise of its disciplinary powers, may be appealed in the High Court.

(2) An appeal against a decision of the Committee on a complaint may be instituted by the Council or the person, the subject of the Committee's decision. The person applying for appeal may also apply to the court to have the implementation of the decision of the Committee put on hold until the decision of the court.

(3) An appeal must be instituted within 30 days of the date of the decision appealed against, but the court may, if satisfied that it is just and reasonable in the circumstances to do so, extend that period (whether or not it has expired).

(4) The court, on an appeal under this section—

- (a) is not bound by the rules of evidence but may inform itself as it thinks fit; and
- (b) must act accordingly to natural justice, equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(5) The court may make such order as it deems fit in relation to the decision, the subject of the appeal, and any matter arising from it.

## PART 7—THE FIJI COLLEGE OF NURSING

### *Establishment of the College*

69. The Fiji College of Nursing is hereby established to coordinate and facilitate the continuing professional development of registered nurses.

### *Objects of the College*

70. The objects for which the College is established are to—

- (a) maintain and improve the professional skills and competence of registered nurses in Fiji by promoting ongoing training, education and research;
- (b) advise the Council on and coordinate appropriate specialised nursing training courses for registered nurses;
- (c) explore and coordinate with donor and central agencies on scholarships for formal postgraduate nursing courses;
- (d) protect and preserve the interests and aspirations of registered nurses and nursing as a profession having regards to the terms and conditions of employment and health and safety of their members as well as to represent their complaints and views to appropriate authority for consideration;
- (e) assist and provide the means necessary in carrying into effect the issues raised in paragraph (c); and
- (f) associate, affiliate and federate with any association, college or organisation having the same or similar objects as the College;

### *Vesting of assets and liabilities*

71. All assets and liabilities of the College shall, on the commencement of this Decree, be vested in the College, including any levy or money received.

### *Council of the College*

72.—(1) The council of the College shall consist of—

- (a) the President;
- (b) a Vice President;
- (c) a Secretary;
- (d) a Treasurer;
- (e) an Assistant Secretary; and
- (f) financial members committee,

to be elected at an Annual General Meeting of the College.

(2) The council of the College shall have power to—

- (a) exercise the functions, duties and powers of the College given to it in accordance with this Decree or any other written law; and
- (b) manage the affairs of the College.

### *Members of the College*

73.—(1) Membership of the College is open to all registered nurses.

(2) The Secretary of the College must establish a register for Fellows and members of the College and ensure that it is published and revised annually.

(3) Every registered nurse, who is a member of the College, is entitled to be issued with a certificate of membership.

*Life, etc members*

74.—(1) The College has the power to admit a person not being a registered person as—

- (a) life members;
- (b) associate members; or
- (c) honorary members of the College.

(2) Any member of the College who has continuously been a member for a period of more than 15 years shall, on attainment of 55 years of age, be eligible to apply to the College to be a life member.

(3) A person who is a registered member of other nursing profession, who is committed to the welfare, advancement and promotion of the objectives of the College, may be admitted as associated members except that such member is not eligible to hold any office or vote at any meeting of the College.

(4) The College shall, at an Annual General Meeting and on the recommendation of the College, elect any number of persons as it thinks fit as honorary members of the College.

*Subscriptions*

75.—(1) Every member of the College shall pay annual subscriptions to the College, except for honorary and life members who are exempt from payment of any fees or subscription unless they wish to do so.

(2) No application fee shall be payable by a registered nurse or person applying to become a member of the College.

*Expulsion*

76.—(1) A member of the College, other than a life, associate or honorary member, who is found guilty of professional misconduct, may be expelled from the College.

(2) A member of the College may be suspended if the member fails to pay his or her annual subscription after notice for payment was given to the member.

(3) A suspended member of the College shall forfeit his or her rights and privileges but the loss of membership shall be without prejudice to any debt or liability which the suspended member owes to the College.

(4) A member who is suspended from the College has the right to re-apply to the council for re-admission.

*Committees*

77. The College has the power to appoint any committee to carry out any general or special function given to it by the council.

*Power to make rules and procedure*

78. The College may make rules of procedure to give effect to the provisions of this Part, and in particular the—

- (a) authentication of any document;
- (b) election;
- (c) removal of officers;
- (d) resignation of officers;
- (e) filling of vacancies;
- (f) annual subscription; and
- (g) procedures determining membership.

*Voting right*

79. Every member present at a general meeting of the College shall have a voting right, except the President or any person performing and exercising the powers of the President in his absence who shall have an original vote and in the event of equality of votes, a casting vote.



*Accounts and reports*

- 80.—(1) The College shall keep proper books of accounts.
- (2) The College has the power to and shall appoint an auditor to audit its accounts.
- (3) The College shall cause to prepare an annual report and its audited accounts shall be laid at an annual general meeting of the College.

## PART 8—MISCELLANEOUS

*Offences and penalties*

81. Any registered nurse who commits an offence under this Decree, which does not have any fines or imprisonment provision made in the relevant section, is liable upon conviction to a fine not exceeding 200 penalty units or to a term of imprisonment not exceeding 12 months or both.

*Liability*

82. A member of the Committee, the Registrar or any officer, employee or agent of the Committee and council of the College is not personally liable for any act done in good faith, in accordance with the provisions of this Decree.

*Regulations*

83.—(1) The Minister may make regulations to supplement the objects of and to give effect to this Decree, including but not limited to—

- (a) the training, examination and registration of nursing practice;
- (b) the practice of registered nurses;
- (c) the imposition of conditions, limitations or restrictions of registrations;
- (d) regulating the use of the word nurse and cognate expressions and advertising in relation to nursing services;
- (e) the canvassing or soliciting of work or business by, for or on behalf of nurses or midwives or nurse practitioners;
- (f) the matters in respect of which fees are payable for the purpose of this Decree;
- (g) the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;
- (h) regulating nursing practice and determining the activities that constitute, or are included in nursing practice;
- (i) administrative processes associated with investigation conducted under this Decree;
- (j) keeping of practice records, examination, qualification, experience and other requirements for registration;
- (k) advertising by nurses, midwives and nurse practitioners, including the ways in which they may advertise or must not advertise;
- (l) the allowances payable under this Decree and the purposes for which they are payable;
- (m) the issue, suspension and cancellation of registration and annual license certificates;
- (n) standards for nurse education and qualification;
- (o) prescribing the badges to be issued to nurses and regulating the issue and use of badges;
- (p) regulating the use of any titles, letters or words in relation to nursing qualification or practice;
- (q) penalties and costs that may be imposed by the Council or the Committee; and
- (r) any other matter which the Minister believes to be necessary or desirable for the purposes of this Decree.

(2) The Nurses, Midwives and Nurse Practitioners (Nurse Practitioners) Rules 1999 in force immediately prior to the commencement of this Decree shall, to the extent that they are not inconsistent with this Decree, continue in force as if they were made pursuant to sub-section (1).

*Repeal, savings and transitional*

84.—(1) The Nurses and Midwives Act [Cap. 256] is hereby repealed.

(2) Nothing in this Decree shall affect the validity of any proceedings for an offence under the Nurses and Midwives Act [Cap. 256] which has been commenced or conducted prior to the commencement of this Decree.

(3) When imposing sentences for any offence under the Nurses and Midwives Act [Cap. 256] which was committed prior to the commencement of this Decree, the court shall apply the penalties prescribed for that offence by the Nurses and Midwives Act [Cap. 256].

(4) Any order, award or decision made by the Nurses, Midwives and Nurse Practitioners Board, subject to the Nurses and Midwives Act [Cap. 256], shall continue to be effective and valid in accordance with that written law until such time as they are appealed, renewed or expired.

(5) The Council shall, immediately upon the commencement of this Decree, obtain from the Nurses, Midwives and Nurses Practitioners Board, any information or documentation in the possession or obtained by the Nurses, Midwives and Nurses Practitioners Board.

(6) In order to obtain the information or documentation mentioned in subsection (5), the Council or any person authorised by the Council may enter the premises to locate and obtain any such information or documentation, and may take such other steps as are reasonably necessary to obtain such information and documentation.

Given unto my hand this 11th day of September 2011.

EPELI NAILATIKAU  
President of the Republic of Fiji