



ANALYSIS

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1982, No. 36

An Act to amend the Medical Practitioners Act 1968

[5 November 1982]

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 and commencement—(1) This Act may be cited as the Medical Practitioners Amendment Act 1982, and shall be read together with and deemed part of the Medical Practitioners Act 1968 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. Constitution of Medical Council of New Zealand—Section 3 (2) of the principal Act is hereby amended by adding the following paragraph:

“(f) One person, not being a registered medical practitioner, to be appointed by the Governor-General on the advice of the Minister.”

3. Finance and contracts—Section 14 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

“(5A) The Council shall, in each year, publish to practising registered medical practitioners an audited statement of accounts and an annual report.”

4. Qualification for conditional registration—Section 15 (1) (b) of the principal Act (as substituted by section 5 (1) of the Medical Practitioners Amendment Act 1979) is hereby amended—

(a) By omitting the words “, diploma, or other qualification”:

(b) By omitting the words “or institution”.

5. Temporary registration of practitioners visiting New Zealand—Section 33 of the principal Act is hereby amended—

(a) By inserting in subsection (2), after the words “hospital or other institution”, the words “or with a general practitioner”:

(b) By inserting in that subsection, after the words “hospital, or institution”, the words “or with the general practitioner”:

(c) By inserting in subsection (5) (as substituted by section 13 (2) of the Medical Practitioners Amendment Act 1979), after the words “hospital or institution”, the words “or general practitioner”:

(d) By inserting in subsection (7), after the words “hospital, or institution”, the words “or with the general practitioner”.

6. Probationary registration—(1) Section 33A of the principal Act (as inserted by section 8 (1) of the Medical Practitioners Amendment Act 1970) is hereby amended by repealing subsection (1) (b) (iii).

(2) Section 33A of the principal Act (as so inserted) is hereby further amended by inserting in subsection (1), after paragraph (b) (as amended by subsection (1) of this section), the following paragraph:

“(c) Has sufficient knowledge and experience to practise efficiently medicine and surgery in a hospital or other institution or with a general practitioner,—”.

(3) Section 33A of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) The Council may, before issuing a certificate of probationary registration to any applicant under subsection (1) of this section, require the applicant to undertake and pass an examination set by the Council for the purpose of satisfying itself that the applicant has sufficient knowledge and experience to practise efficiently medicine and surgery in a hospital or other institution or with a general practitioner and that his command of the English language in relation to the practice of medicine and surgery is reasonable; and for the purposes of this subsection, the Council may conduct such oral, written, and practical examinations as it thinks fit.”

7. Appeals from decisions of Disciplinary Committee—Section 53 of the principal Act is hereby amended by adding the following subsection:

“(6) Notwithstanding anything in subsection (5) of this section, on any appeal under this section the Council may make an order—

“(a) For the payment by one party of the costs and expenses incurred by the other party in respect of the appeal:

“(b) In respect of an appeal that is not proceeded with, for the payment by the appellant of the costs and expenses incurred by the Council or by the respondent or both in preparing for the appeal;—
and in any such case the costs so awarded may be recovered in any Court of competent jurisdiction as a debt due by the party against whom they are awarded to the party or the Council in whose favour they are awarded.”

8. Disciplinary powers of Council—(1) Section 58 of the principal Act is hereby amended by inserting, after subsection (2A) (as inserted by section 23 (4) of the Medical Practitioners Amendment Act 1979), the following subsection:

“(2B) Notwithstanding anything in subsection (2) of this section, the Council may, without making any finding under subsection (1) of this section, order the person concerned to pay any costs and expenses of and incidental to the inquiry by the Council and any investigation made by the Penal Cases Committee, if the Council considers that any such inquiries were justified and that it is just that such costs and expenses be imposed.”

(2) Section 58 of the principal Act is hereby further amended by inserting, after subsection (9), the following subsection:

“(9A) Notwithstanding anything in subsection (9) of this section, on an application made to it under that subsection the Council may if it thinks fit, instead of re-registering the applicant, issue to him a certificate of probationary registration entitling him to practise as a medical practitioner for such period as the Council thinks fit in such hospital or institution or with such general practitioner as may be specified in the certificate; and in any such case the provisions of subsections (5) to (13) of section 33A of this Act shall apply as if the certificate had been issued under that section.”

(3) Section 58 of the principal Act is hereby further amended by inserting in subsection (11) (b), before the words “or subsection (10A)” (as inserted by section 12 (2) of the Medical Practitioners Amendment Act 1970), the words “or subsection (2B)”.

9. Other persons not to sue for fees—Section 72 of the principal Act is hereby amended by omitting the word “section”, and substituting the word “action”.

10. Council may supply evidence for registration overseas—The principal Act is hereby amended by inserting, after section 74, the following section:

“74A. (1) The Council may supply to any medical practitioner such documents as it thinks fit for the purpose of enabling him to seek registration as a medical practitioner outside New Zealand.

“(2) Every medical practitioner who requests any such document from the Council shall pay to the Council such fee (if any) as may be prescribed for the document.”

This Act is administered in the Department of Health.
