

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

4th September, 1924.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Legislative Council, 7th October, 1924.

Hon. Sir Maui Pomare.

MEDICAL PRACTITIONERS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Alteration of designations.</p> <p>3. Appointments to Medical Council.</p> <p>4. Qualifications for registration under principal Act.</p> <p>5. Procedure for removal of name from New Zealand register after removal from British or other register.</p>	<p>6. Disciplinary powers of Council.</p> <p>7. No medical practitioner to resume practice after discharge from mental hospital without license from Council.</p> <p>8. Powers of Council to require attendance of witnesses, &c.</p> <p>9. Increased fees on registration or on alteration of registered qualifications.</p>
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A BILL INTITULED

AN ACT to amend the Medical Practitioners Act, 1914.

Title.

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

1. This Act may be cited as the Medical Practitioners Amendment Act, 1924, and shall be read together with and deemed part of the Medical Practitioners Act, 1914 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) Section two of the principal Act is hereby amended by repealing the definitions of the terms "Board," "Inspector-General," "Registrar," and "Registrar-General."

Alteration of designations.

(2.) The designation of the Medical Board under the principal Act is hereby altered, and that body shall hereafter be known as the Medical Council. All references in the principal Act or elsewhere to the Medical Board shall be read as references to the Medical Council.

(3.) All references in the principal Act to the Inspector-General of Hospitals shall hereafter be read as references to the Director-General of Health appointed under the Health Act, 1920.

(4.) The powers, duties, and functions conferred or imposed on the Registrar-General by the principal Act are hereby transferred to, and shall hereafter be exercised and performed by, the Director-General of Health. The references in the principal Act to the Registrar-General shall, where the context permits, be hereafter read as references to the Director-General of Health.

(5.) The powers, duties, and functions conferred or imposed on the Registrars of Births and Deaths for the cities of Auckland, Wellington, Christchurch, and Dunedin respectively with respect to the registration

of medical practitioners are hereby transferred to, and shall hereafter be exercised and performed by, the respective Medical Officers of Health having their offices in the said cities. All references in the principal Act to any such Registrar, save the reference in section seventeen thereof, shall hereafter be read as references to the appropriate Medical Officer of Health. 5

(6.) The Registrar-General, or any Registrar of Births and Deaths, having, in relation to the principal Act, the custody or control of any applications, objections, certificates, diplomas, registers, or other documents whatsoever shall, on the request in writing of the Director-General of Health, deliver the same to the Director-General or to a Medical Officer of Health. 10

Appointments to
Medical Council.

3. (1.) Of the members of the Medical Council to be appointed by the Governor-General, as provided in subsection two of section three of the principal Act,— 15

(a.) One shall be appointed on the recommendation of the New Zealand Branch of the British Medical Association :

(b.) One shall be that member of the Faculty of Medicine in the University of Otago who for the time being holds office as a member of the Board of Health pursuant to paragraph (e) of section seven of the Health Act, 1920. 20

(2.) Subsection three of section three of the principal Act (prescribing the term of office of members of the Council) shall be read subject to this section, and any member appointed under paragraph (b) of the *last preceding* subsection shall hold office while he is a member of the Board of Health and no longer. 25

(3.) Nothing in this section shall be construed to affect the membership of the Council as at the passing of this Act, but the first vacancies occurring in the membership after the passing of this Act shall be filled so as to comply with the provisions of this section. 30

Qualifications for
registration under
principal Act.

4. (1.) Section eight of the principal Act is hereby amended by adding to paragraph (d) the following proviso :—

“ Provided further that the Council may in any case, if it thinks fit, require that the holder of a foreign diploma, before being entitled to registration, shall pass to the satisfaction of the Council an examination in medicine and surgery to be prescribed and conducted by the Senate of the University of New Zealand.” 35

(2.) Notwithstanding anything in paragraph (b) or paragraph (c) of the said section eight, a person registered or eligible for registration in the United Kingdom, by virtue of a diploma or other qualification granted otherwise than by a university or institution in the United Kingdom, shall not be entitled as of right to registration in New Zealand, but the Council shall have the same power to refuse approval of any diploma or to require further examination as it has in the case of the holders of foreign diplomas applying for registration on the grounds mentioned in paragraph (d) of the said section. 40 45

Procedure for
removal of name
from New Zealand
register after
removal from
British or other
register.

5. (1.) If the Council is satisfied that any person registered in New Zealand on the grounds mentioned in paragraph (b) or paragraph (c) of section eight of the principal Act has since been removed for misconduct from any register of medical practitioners in the United Kingdom or elsewhere in His Majesty's dominions, or that any person registered in New Zealand on the grounds mentioned in paragraph (d) 50

of the said section eight has since been removed for misconduct from any register of medical practitioners in the country in which his foreign diploma was granted, it may, *with the consent in writing of the Attorney-General*, by writing under the hand of the Chairman, direct the removal of his name from the register, and the name shall be removed accordingly.

(2.) Notice of its intention to direct the removal of any name from the register pursuant to this section shall be given by the Council to the person affected, either personally or, if his whereabouts are unknown, by advertisement in such manner as the Council thinks sufficient, and his name shall not be removed from the register before the expiration of one month from the date of such notice.

(3.) Any person whose name has been removed from the register by direction of the Council acting or purporting to act under the authority of this section may appeal to the Supreme Court, which may make such order in the matter as it thinks just, having regard to the merits of the case and to the public welfare.

6. (1.) If the Council has reason to ~~suspect~~ *believe* that any registered medical practitioner has been guilty of grave impropriety or infamous conduct in a professional respect, it may cause to be served on him a notice specifying, with sufficient particularity to enable the medical practitioner to answer the same, the grounds of its ~~suspicious~~ *belief*, and requiring him to appear before the Council at a time and place to be specified, to show cause why he should not be suspended from the practice of his profession or be otherwise dealt with in accordance with this section.

Disciplinary powers of Council.

New.

(1A.) No medical practitioner shall be deemed guilty of grave impropriety or infamous conduct in a professional respect by reason only of his having adopted and practised any theory of medicine or surgery if in so doing he has acted honestly and in good faith.

(2.) If the medical practitioner fails to appear before the Council in accordance with the terms of the notice, or, having appeared, fails to satisfy the Council either that he has not been guilty of the alleged impropriety or infamous conduct or that his conduct has not been of such a nature as to render the exercise of the powers of the Council under this section expedient in the interests of the public, the Council may, by writing under the hand of the Chairman,

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suspend the medical practitioner from practice for a period not exceeding *twelve* months in any case, or may impose a penalty not exceeding *fifty* pounds.

New.

impose a penalty upon the medical practitioner not exceeding *fifty pounds*, or, with the consent in writing of the Attorney-General, suspend the medical practitioner from practice for a period not exceeding *twelve months*. In giving or withholding consent under this subsection the Attorney-General shall consider only the gravity and nature of the impropriety or conduct charged, apart from the question whether the medical practitioner has in fact been guilty of such impropriety or conduct.

(3.) Every monetary penalty imposed by the Council under this section shall be recoverable as a debt due to His Majesty, and shall be paid into the Public Account and form part of the Consolidated Fund.

(4.) While any order of suspension from practice under this section remains in force the medical practitioner shall be deemed not to be a registered medical practitioner, but forthwith on the expiry of such order his rights and privileges as a registered medical practitioner shall be revived as from the date of such expiry. 5

(5.) There shall be a right of appeal to the Supreme Court from an order of suspension or the imposition of a penalty under this section, and on any such appeal the Court may make such order as it thinks proper, having regard to the merits of the case and to the public welfare. 10

New.

(5A). An order of suspension shall not take effect in any case till the expiration of twenty-one days after the notification by the Council to the medical practitioner of the making of such order. If, within the said period of twenty-one days, the medical practitioner gives due notice of appeal to the Supreme Court such order shall not take effect unless and until it is confirmed by the Supreme Court or the appeal is for any reason dismissed by that Court: 15

Provided that unless the Supreme Court otherwise orders, the period of suspension named in the order shall commence on the day when the order commences to have effect. 20

(6.) The powers conferred on the Council by this section are in addition to its powers under section twenty-two of the principal Act, and it shall not be obligatory on the Council to take any steps under this section before proceeding to exercise the powers conferred by the said section twenty-two. 25

No medical practitioner to resume practice after discharge from mental hospital without license from Council.

7. (1.) If any medical practitioner is at the passing of this Act or hereafter becomes an inmate of an institution under the Mental Defectives Act, 1911, whether as a patient or as a voluntary boarder, he shall not thereafter resume the practice of his profession as a medical practitioner without a license in that behalf granted by the Council. 30

(2.) Any medical practitioner who has applied for a license under this section, and to whom the Council has refused to grant a license, shall have the same right of appeal to the Supreme Court as if an order of suspension from practice under the *last preceding* section had been made by the Council, and the Supreme Court may deal with such appeal as if it were an appeal from an order of suspension. 35

(3.) Any medical practitioner to whom this section relates, who carries on the practice of his profession without having obtained a license from the Council, commits an offence, and is liable on summary conviction to a fine of *one hundred* pounds, and to a further fine of *twenty* pounds for every day during which such offence continues. Until the issue of a license as herein provided, a medical practitioner to whom this section relates shall be deemed not to be a registered medical practitioner. 40 45

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Powers of Council to require attendance of witnesses, &c.

8. For the purposes of the principal Act the Council may conduct such inquiries as it thinks fit (whether of its own motion or by direction of the Minister of Health) into any matter relative to the registration of medical practitioners or to the conduct in a professional respect of any 50

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5 registered medical practitioner, and for the purposes of any such inquiry shall have power to require the attendance of witnesses, to administer oaths, and to hear evidence in the same manner in all respects as if it were a Commission appointed under the Commissions of Inquiry Act, 1908.

9. The Schedule to the principal Act is hereby amended by omitting so much thereof as relates to the deposit of diplomas or other evidence of qualification, and to the alteration of or addition to qualifications, and substituting the following:—

Increased fees on registration or on alteration of registered qualifications.

	£	s.	d.
“On deposit of diploma or other evidence of qualification ..	5	0	0
“On alteration of or addition to qualification in register ..	2	0	0”