



**THE HEALTH MEDICAL OFFICERS' ADVISORY COMMITTEE
REGULATIONS 1984**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of October 1984

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 12 (8) (a) of the Health Service Personnel Act 1983, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Health Medical Officers' Advisory Committee Regulations 1984.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Health Service Personnel Act 1983:

“Committee” means the Health Medical Officers' Advisory Committee:

“Conditions of employment” does not include remuneration:

“Health Service Tribunal” means the tribunal of that name established by section 51 of the State Services Conditions of Employment Act 1977:

“Medical officers” means—

(a) Medical practitioners employed in the Health Service; and

(b) Persons who, in their capacity as persons studying to qualify as medical practitioners, are employed in the Health Service:

“Member” means a member of the Committee:

“Public Sector Tribunal” means the tribunal of that name established by section 37 of the State Services Conditions of Employment Act 1977:

“State Services” has the same meaning as it has in section 4 of the State Services Conditions of Employment Act 1977.

3. Health Medical Officers' Advisory Committee—(1) The Committee to be appointed by the Minister pursuant to section 12 (7) of the Act and to be known as the Health Medical Officers' Advisory Committee shall consist of—

- (a) One person, being a Chief Executive of an area health board or a hospital board, to be appointed after consultation with the Hospital Boards' Association of New Zealand Incorporated:
- (b) One person, being a member or an employee of an area health board or a hospital board, to be appointed after consultation with the Hospital Boards' Association of New Zealand Incorporated:
- (c) One person, being a member or an employee of the Health Service Personnel Commission, nominated by the Chairman of that Commission:
- (d) Two persons, being officers of the Department of Health, nominated by the Director-General:
- (e) One person, being a Commissioner or an officer of the State Services Commission, nominated by the Chairman of that Commission:
- (f) Six persons to be appointed after consultation with the New Zealand Medical Association:
- (g) One other person, being a person who is not eligible for nomination for appointment under any of the preceding paragraphs of this subclause, who shall be appointed to be the Chairman of the Committee.

(2) The members specified in paragraphs (a), (b), (f), and (g) of subclause (1) of this regulation shall be appointed for a term of 3 years commencing on the date of their appointment, or on such other date as may be specified in their instruments of appointment.

(3) Notwithstanding subclause (2) of this regulation, every member shall, unless he sooner vacates his office under subclause (4) of this regulation, continue in office until his successor comes into office.

(4) Any member may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign his office by writing addressed to the Minister.

(5) Every member who ceases to be qualified for appointment in terms of that provision of subclause (1) of this regulation under which he was appointed shall cease to be a member of the Committee.

(6) If a member dies, or resigns, or is removed from office, or ceases to be a member in accordance with subclause (5) of this regulation,—

- (a) The vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made; and
- (b) If the vacancy is of a member specified in paragraphs (a), (b), (f), and (g) of subclause (1) of this regulation, the person appointed to fill the vacancy shall be appointed for a term of 3 years commencing on the date of his appointment or on such other date as may be specified in his instrument of appointment.

4. Deputies for members—(1) For every member, the Minister may appoint a deputy to act for that member at any meeting of the Committee from which that member is absent.

(2) Every person appointed as a deputy shall be similarly qualified for appointment as the member for whom he is to act.

(3) Where any person appointed under subclause (1) of this regulation attends a meeting of the Committee, he shall be deemed for the purposes of these regulations to be a member of the Committee.

5. Meetings of Committee—(1) Meetings of the Committee shall be held at such times and places as the Chairman from time to time appoints.

(2) The Chairman (or his deputy) shall preside at all meetings at which he is present.

(3) At every meeting of the Committee the quorum necessary for the transaction of business shall be 7 members, comprising—

(a) The Chairman (or his deputy); and

(b) At least 3 members appointed under any of paragraphs (a) to (e) of regulation 3 (1) of these regulations; and

(c) At least 3 members appointed under paragraph (f) of that provision.

(4) The Chairman shall notify the Minister of every recommendation made by the Committee (including any minority recommendation), and, in any case where the Committee is not unanimous, shall notify the Minister of the names of the members who agreed with each recommendation and those who did not.

(5) Except as provided in the foregoing provisions of this regulation, the Committee may regulate its procedure in such manner as it thinks fit.

6. Matters to be considered by Committee—Before making any recommendation to the Minister on the conditions of employment of medical officers, the Committee shall take into consideration the following matters:

(a) The necessity for promoting the efficient operation of area health boards and hospital boards and their institutions:

(b) Conditions of employment prevailing generally in the Health Service and any other branches of the State Services:

(c) All relevant policy decisions and pronouncements on conditions of employment made by the Health Service Tribunal and the Public Sector Tribunal.

7. Revocations—The following regulations are hereby revoked:

(a) The Hospital Board Employees (Conditions of Employment) Regulations 1959*:

(b) The Hospital Board Employees (Conditions of Employment) Regulations 1959, Amendment No. 1†:

(c) The Hospital Board Employees (Conditions of Employment) Regulations 1959, Amendment No. 2‡.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the membership of the Health Medical Officers' Advisory Committee, required by section 12 of the Health Service Personnel Act 1983. The regulations also prescribe certain procedural requirements, and the matters to be taken into account by the Committee in formulating its recommendations to the Minister on conditions of employment for medical officers.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 1 November 1984.
These regulations are administered in the Department of Health.