



ANALYSIS

Title	2. Part-time Deputy Medical Officers of Health
1. Short Title	

1975, No. 78

An Act to amend the Health Act 1956

[9 October 1975]

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—This Act may be cited as the Health Amendment Act 1975, and shall be read together with and deemed part of the Health Act 1956 (hereinafter referred to as the principal Act).

2. Part-time Deputy Medical Officers of Health—The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. (1) Notwithstanding anything in section 6 of this Act, but subject to subsection (3) of this section, the Minister may from time to time appoint any person who is employed or is to be employed as a medical officer by a Hospital Board, and who holds a special qualification in public health, to be a Deputy Medical Officer of Health in a part-time capacity.

“(2) No person appointed to be a Deputy Medical Officer of Health under subsection (1) of this section shall be deemed by reason of that appointment to be employed in the Public Service for the purposes of the State Services Act 1962 or in the Government service for the purposes of the Superannuation Act 1956.

“(3) No appointment shall be made under subsection (1) of this section except with the written consent of the person proposed to be appointed and pursuant to an agreement between the Minister and the Hospital Board employing that person, which agreement—

“(a) Apportions the periods of duty to be performed by that person between the service of the Hospital Board and service as a Deputy Medical Officer of Health; and

“(b) Provides for the payment by the Crown to the Hospital Board, towards the remuneration of that person, of such sums as may be agreed, or of sums calculated in such manner as may be agreed, between the Minister and the Board; and

“(c) Contains such other terms and conditions, if any, as the Minister or the Board may require.

“(4) Notwithstanding anything in the Hospitals Act 1957, or in any regulation or determination made under that Act, the Hospital Board employing a person, who is appointed to be a Deputy Medical Officer of Health under this section, shall grant to that person leave of absence on full pay, without deduction from the amount of such leave to which he may otherwise be entitled, to the extent necessary to enable him to perform the duties of that appointment.

“(5) Any agreement under subsection (3) of this section may be terminated by 3 months notice in writing given either by the Minister to the Hospital Board or by the Hospital Board to the Minister, and, on the expiration of any such notice, or on such earlier date as may be agreed between the Minister and the Board, the person appointed pursuant to that agreement shall cease to be a Deputy Medical Officer of Health appointed under this section, without prejudice to his reappointment under this section or to his appointment in any capacity under section 6 of this Act.

“(6) Any person appointed to be a Deputy Medical Officer of Health under this section may resign that appointment by giving 3 months notice in writing to the Minister.

“(7) Notwithstanding anything in subsection (5) or subsection (6) of this section, any person appointed to be a Deputy Medical Officer of Health under this section may be summarily dismissed by the Minister, if, in the opinion of the Minister, he has misconducted himself or is unfit to perform the duties of a Deputy Medical Officer of Health, and shall be so dismissed if he ceases to be registered as a medical

practitioner, or is suspended from practice as a medical practitioner, under the Medical Practitioners Act 1968.

“(8) No appointment of a person as a medical officer purporting to be made by a Hospital Board under the Hospitals Act 1957 shall be unlawful only by reason of the fact that, at the time of that appointment, the Board intends to make the services of that person available to the Minister for the purposes of this section.”

This Act is administered in the Department of Health.
