



ANALYSIS

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1980, No. 122

An Act to amend the Medical Practitioners Act 1968

[22 December 1980]

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 Medical Practitioners Amendment Act 1980, and shall be read together with and deemed part of the Medical Practitioners Act 1968 (hereinafter referred to as the principal Act).

2. Disciplinary proceedings—(1) Section 42B of the principal Act (as inserted by section 18 of the Medical Practitioners Amendment Act 1979) is hereby amended by adding the following subsection:

“(3) Where the Divisional Disciplinary Committee is of the opinion, whether before or after it has completed its inquiry into any such charge, that the charge amounts to a charge of professional misconduct, the Divisional Disciplinary Committee shall cease to inquire into or deal with the charge and shall refer it to the Secretary of the Medical Practitioners Disciplinary Committee as a complaint under section 42A (1) of this Act.”

(2) Section 43 of the principal Act is hereby amended by inserting in subsection (2), after the words “professional misconduct”, the words “or conduct unbecoming a practitioner”.

(3) Section 52A (1) of the principal Act (as inserted by section 22 of the Medical Practitioners Amendment Act 1979) is hereby amended by omitting the expression "43B", and substituting the expression "42B".

3. Costs of administration of disciplinary proceedings—

(1) The principal Act is hereby amended by repealing section 50, and substituting the following section:

"50. (1) The Medical Council may from time to time, by resolution, impose on every registered medical practitioner a levy of such amount as it thinks fit, to be applied towards the costs and expenses of disciplinary proceedings under this Act and proceedings under section 34 of this Act for suspension from practice for disability, and the costs and expenses of and incidental to the exercise by the Council of its functions under section 23 (2) (a) of the Misuse of Drugs Act 1975:

"Provided that the Council may exempt any class of registered medical practitioner from payment of any levy imposed under this subsection.

"(2) The costs and expenses of and incidental to the performance by the Disciplinary Committee and the Divisional Disciplinary Committee of their functions under this Act shall be paid partly by the Association, partly out of money levied by the Medical Council under subsection (1) of this section, and partly out of money to be appropriated by Parliament for the purpose, in proportions to be agreed upon between the Council of the Association and the Minister with the approval of the Minister of Finance.

"(3) The costs and expenses of and incidental to the performance by the Medical Council of its functions under sections 34, 53, 55, 56, and 58 of this Act, and under section 23 (2) (a) of the Misuse of Drugs Act 1975, to the extent that they are not met by an order under section 58 of this Act, may be paid out of money levied by the Medical Council under subsection (1) of this section.

"(4) A registered medical practitioner who fails to pay any levy imposed under subsection (1) of this section shall not be entitled to receive an annual practising certificate for the year in respect of which the levy was imposed."

(2) Section 67 (2) of the principal Act is hereby amended by inserting, after the words "Subject to", the words "section 50 of this Act, and to".