



ANALYSIS

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SCHEDULE

Schedule Added to Occupational Therapy Act 1949

1999, No. 134

An Act to amend the Occupational Therapy Act 1949

[14 October 1999

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Occupational Therapy Amendment Act 1999, and is part of the Occupational Therapy Act 1949 (“the principal Act”).

(2) This Act comes into force on the 7th day after the date on which it receives the Royal assent.

2. Interpretation—(1) Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Document’ has the same meaning as it has in the Official Information Act 1982:

“‘Electronic transmission’ includes facsimile, electronic mail, or other similar means of communication.”.

(2) Section 2 of the principal Act is amended by repealing the definitions of the terms “Board” and “Registrar”, and substituting the following definitions:

“‘Board’ means the Occupational Therapy Board continued by this Act:

“‘Registrar’ means the Registrar of Occupational Therapists appointed under section 8B.”

3. Sections relating to membership of Board substituted—The principal Act is amended by repealing section 4, and substituting the following sections:

4. Constitution of Board—(1) There continues to be a Board known as the Occupational Therapy Board.

“(2) The Board is a body corporate with perpetual succession and a common seal, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.

“(3) The Board consists of—

“(a) Three registered occupational therapists engaged in the practice of occupational therapy in New Zealand; and

“(b) Four other persons, of whom—

“(i) One (but not more than 1) may be a registered occupational therapist engaged in the practice of occupational therapy in New Zealand; and

“(ii) One (but not more than 1) may be a person involved in teaching occupational therapy.

“(4) Each member of the Board is appointed by the Minister by notice published in the *Gazette*.

4A. Term of office—(1) Each member takes office from a date specified for that purpose in the notice appointing the member or, if no date is specified in the notice, from the date on which the notice is published in the *Gazette*.

“(2) Each member is appointed for a term of 3 years or such shorter term as is specified in the notice of appointment, and

may be reappointed from time to time, but no person is eligible to be a member for more than 9 consecutive years.

“4B. Vacation of office—(1) Any member of the Board may at any time resign his or her office by giving a notice to that effect to the Minister.

“(2) A member of the Board is to be taken to have vacated his or her office if—

“(a) He or she dies; or

“(b) He or she is adjudged bankrupt under the Insolvency Act 1967.

“(3) Any member of the Board may be removed from office by the Minister, by notice given to the member, on the grounds of a mental or physical condition affecting performance of duty, or for neglect of duty, or misconduct, proved to the satisfaction of the Minister.

“(4) A member of the Board may be removed from office by the Minister, with the concurrence of the Board, by notice given to the member, on the ground that the member’s performance on the Board is inadequate.

“(5) The powers of the Board are not affected by any vacancy in its membership.

“4C. Further provisions relating to Board in Schedule—The provisions set out in the Schedule apply to the Board and its proceedings.”

4. New sections inserted—The principal Act is amended by inserting, after section 8, the following sections:

“8A. Fees and allowances—There may be paid to members of the Board, out of the funds of the Board, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Board from time to time determines.

“8B. Staff—(1) The Board must appoint a Registrar of Occupational Therapists and a Deputy Registrar, and may from time to time appoint such other officers, employees, or agents as it considers necessary for the efficient carrying out of its functions, duties, and powers.

“(2) An officer, employee, or agent appointed under subsection (1) is appointed on such terms and conditions as the Board agrees with the officer, employee, or agent.

“(3) The Deputy Registrar appointed under subsection (1) has all the powers, duties, and functions of the Registrar during a

vacancy in the office of Registrar or during the absence from duty of the Registrar.

“(4) The fact that the Deputy Registrar exercises a power, duty, or function is conclusive evidence of his or her authority to do so, and no person is required to inquire whether the occasion has arisen requiring or authorising the Deputy Registrar to do so.

“8C. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid to a superannuation scheme that is registered under the Superannuation Schemes Act 1989.

“8D. **Application of certain Acts to members and employees**—No person is to be taken to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, or by reason only of that person’s employment under section 8B.

“8E. **Funds of Board**—The funds of the Board consist of—

“(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money.

“8F. **Bank accounts**—(1) The Board must open and maintain, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

“(2) All money received by the Board, or by a member or an officer or an employee of the Board, for the purposes of the Board, must, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

“(3) The withdrawal or payment of money from any such accounts must be authorised in such manner as the Board thinks fit.

“8G. **Investment and borrowing**—(1) Money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the Trustee Act 1956 as to the investment of trust funds.

“(2) The Board may borrow money for the operations of the Board, and may use any of its assets as security for any money it borrows.

“8H. **Auditor**—The Board must appoint a chartered accountant to audit the financial reports of the Board.

“8I. **Financial reports**—(1) The Board must cause accounting records to be kept that—

“(a) Correctly record and explain the transactions of the Board; and

“(b) Correctly record the assets and liabilities of the Board.

“(2) The financial year of the Board ends on 31 March.

“(3) As soon as practicable after the end of each financial year, the Board must cause to be prepared an income and expenditure statement showing the financial transactions of the Board for that year, together with a statement of financial position as at 31 March of that year.

“(4) As soon as practicable after the end of each financial year, the Board must submit its income and expenditure statement and statement of financial position to its auditor for audit.

“8J. **Annual report**—(1) As soon as practicable after the end of each financial year, the Board must deliver to the Minister a report on the operation of this Act during that financial year, and every such report must include the audited financial statements of the Board for that financial year.

“(2) Not later than the 16th sitting day of the House of Representatives after the date on which the Minister receives the annual report from the Board, the Minister must present a copy of the report to the House of Representatives.

“8K. **Statistical information**—(1) In this section, the term ‘statistical information’ does not include information about an identifiable individual.

“(2) The Minister may from time to time, by written notice to the Board, require the Board to supply the Minister with such statistical information as is specified in the notice relating to the discharge of the functions of the Board or any of its committees, or to any matters connected with those functions.

“(3) Any statistical information required by the Minister under this section must be supplied within such time as is specified in the notice or within such extended time as the Minister allows, and must be supplied in the manner and form notified to the Board by the Minister.

“(4) The Board is not required by this section to supply information that is not already in its possession.

“(5) If the Minister is satisfied that compliance with a requirement under this section would involve the Board in monetary expense, the Minister must, out of money

appropriated by Parliament, make a grant to the Board to enable it to meet that expense.

“8L. **Seal**—(1) The Board must provide for the safe custody of its common seal, which must be in such form as the Board decides.

“(2) The seal may be used only by the authority of a resolution of the Board, or of a committee of the Board, and every document to which the seal is affixed must be signed by 2 persons, each of whom is—

“(a) A member of the Board; or

“(b) A person authorised by the Board to sign that document or documents of that kind.

“(3) The seal of the Board must be judicially noticed in all courts and for all purposes.

“8M. **Contracts**—(1) A contract or other enforceable obligation may be entered into by the Board as follows:

“(a) An obligation which, if entered into by a natural person would be required to be by deed, must be entered into on behalf of the Board in writing under the common seal of the Board:

“(b) An obligation which, if entered into by a natural person would be required to be in writing, may be entered into on behalf of the Board in writing by a person acting under the Board’s express or implied authority:

“(c) An obligation which, if entered into by a natural person would not be required to be in writing, may be entered into on behalf of the Board in writing or orally by a person acting under the Board’s express or implied authority.

“(2) Paragraphs (b) and (c) of subsection (1) do not prevent the Board from entering into any obligation in accordance with paragraph (a) of that subsection.

“(3) Despite subsection (1), no obligation entered into by or on behalf of the Board, under the authority of a general or specific resolution of the Board, is invalid only because the obligation was not entered into in accordance with this section.”

Cf. 1959, No. 98, s. 3; 1993, No. 105, s. 180 (1)

5. Qualification of applicant for registration—

Section 10 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

“(2) For the purpose of satisfying itself under subparagraph (ii) or subparagraph (iii) of subsection (1)(c) that an applicant has undergone a course of training, or has acquired experience, sufficient to warrant his or her registration under this Act, the Board may examine, or appoint an examiner to examine, the applicant in the theory and practice of occupational therapy.

“(3) There may be paid to an examiner appointed under subsection (2) and to an assessor for examinations appointed under regulations under this Act, out of the funds of the Board, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Board from time to time determines.”

6. Inspection of register—Section 14A of the principal Act is amended by omitting the words “at Wellington”.

7. Disciplinary powers of Board—(1) Section 25 (1) of the principal Act is amended by omitting the expression “\$500”, and substituting the expression “\$10,000”.

(2) Section 25 of the principal Act is amended by repealing subsection (7), and substituting the following subsections:

“(7) Every monetary penalty imposed by the Board under this section, and any sum ordered to be paid under subsection (1A), is recoverable as a debt due to the Board.

“(7A) If any monetary penalty or sum ordered to be paid by any person under subsection (1A) is not paid within the time specified by the Board for payment, or within such extended time as the Board allows, the Board may suspend the registration of that person until the penalty or sum is paid.”

8. Appeals from decisions of Board—Section 26 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) There may be paid to an assessor appointed under subsection (2), out of the funds of the Board, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Board from time to time determines.”

9. Offences by unregistered persons—Section 27 (1) of the principal Act is amended by omitting the expression “\$500”, and substituting the expression “\$10,000”.

10. New sections inserted—The principal Act is amended by inserting, after section 30, the following sections:

“30A. Board may prescribe fees—(1) The Board may from time to time, by notice in the *Gazette*, prescribe the fees payable in respect of the following matters:

“(a) An application for registration under this Act:

“(b) An addition or alteration to the register:

“(c) The issue of a practising certificate:

“(d) The issue of any other certificate, or a copy of any certificate:

“(e) The supply of a copy of any entry in the register:

“(f) Inspection of the register, or of any other documents kept by the Board that are open for inspection:

“(g) The supply to any occupational therapist of any documents, other than certificates of registration, required by him or her for the purpose of seeking registration overseas:

“(h) Examinations set or approved by the Board:

“(i) Any other matter that relates to anything the Board is required to do in order to carry out its functions.

“(2) Different fees may be prescribed under this section for different classes of occupational therapist.

“(3) Any notice prescribing any fee under this section may exempt any class or classes of person from liability to pay any such fee, and may provide for the waiver or refund of any such fee.

Cf. 1995, No. 95, s. 126

“30B. Disciplinary levy—(1) The Board may from time to time, by notice in the *Gazette*, impose on every registered occupational therapist a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

“(a) Inquiries or investigations into allegations or complaints against occupational therapists; and

“(b) Proceedings concerning discipline under this Act.

“(2) Any notice imposing any levy under this section may exempt from liability to pay such levy any class or classes of registered occupational therapist, and may provide for the waiver or refund of any such levy.

Cf. 1995, No. 95, s. 127

“30C. Further provisions relating to fees and levy—(1) Any notice under section 30A or section 30B may, by notice in the *Gazette*, be amended or revoked by the Board at any time.

“(2) Every notice under section 30A or section 30B comes into force on a date specified in the notice, being not less than 28 days after the date of publication of the notice in the *Gazette*.

“(3) Every notice under section 30A or section 30B is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

“(4) Every fee set under section 30A, and every levy imposed under section 30B, is payable, and recoverable as a debt due, to the Board.

“(5) Where any fee is payable to the Board under this Act, the Registrar may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable, until the fee is paid.”

Cf. 1995, No. 95, s. 128

11. New sections substituted—The principal Act is amended by repealing section 31, and substituting the following sections:

“31. Application of fees and payment of expenses incurred in administration of Act—(1) All fees, fines, and other money required to be paid under this Act are payable to the Board, and must be paid to the Registrar.

“(2) All fees, fines, and other money received by the Board must be applied by the Board as it considers appropriate in the performance of its functions and duties and the exercise of its powers.

“(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against a provision of this Act.

“31A. Exclusion of liability—(1) Neither the Board, nor a committee appointed under section 23 (9) or section 25 or clause 10 of the Schedule by the Board, nor a Board of Appeal constituted under section 26, nor any member, officer, agent or employee of any of those bodies, is under any criminal or civil liability in respect of—

“(a) Any act done or omitted in the course of the exercise or intended exercise of any of their functions, duties, or powers under this Act; or

“(b) Any words spoken or written at, or for the purposes of, a hearing or an inquiry or other proceedings under this Act; or

“(c) Anything contained in any notice given under this Act.

“(2) Subsection (1) does not exclude the liability of any body or person for anything done or omitted in bad faith or without reasonable care.

“(3) Subsection (1) does not exclude the liability of the Board in respect of the exercise of a power that is conferred solely by section 4 or section 8B.

“(4) No person is under any civil liability or subject to any disciplinary jurisdiction in respect of any notice given under section 23, unless the notice was given in bad faith or without reasonable care.

“(5) To avoid any doubt, this section does not affect the right of any person to apply, in accordance with law, for judicial review.”

12. Schedule added—The principal Act is amended by adding the Schedule set out in the Schedule of this Act.

13. Consequential amendments to principal Act—(1) Sections 3, 3A, 5 to 7, and 32 (2) (e) of the principal Act are consequentially repealed.

(2) Section 23 (9) of the principal Act is amended by omitting the expression “under subsection (2) of section 5 of this Act”.

14. Revocation and saving—(1) Regulation 21 of the Occupational Therapy Regulations 1964 (S.R. 1964/81) is consequentially revoked.

(2) Despite subsection (1), the fees specified in the Occupational Therapy Regulations 1964, as in force before the commencement of subsection (1), continue to be payable in respect of the matters specified in those regulations until the close of the day before the date on which the first notice under section 30A of the principal Act comes into force.

15. Transitional provisions relating to membership of Board—(1) Despite section 3, the persons holding office immediately before the commencement of this Act as members of the Board established under section 4 of the principal Act (as in force immediately before the commencement of this Act)—

(a) Continue to hold office; and

(b) Are to be regarded as members of the Board continued under section 4 of the principal Act (as enacted by this Act); but

(c) Cease to be members of the Board—

(i) When the first persons take office under section 4 of the principal Act (as enacted by this Act);

or

(ii) If no appointments are made under section 4 of the principal Act (as enacted by this Act) before the expiry of the period of 1 year beginning on the commencement of this Act, on the expiry of that period.

(2) The prohibition contained in section 4A (2) of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

(a) Continues to hold office under this section; or

(b) Holds office under an appointment made within 1 year beginning on that commencement.

(3) Subsection (1) is subject to section 4B of the principal Act.

(4) Subsection (1) does not apply to the persons holding the offices specified in paragraphs (a) and (b) of section 4 (2) of the principal Act (as in force immediately before the commencement of this Act), and those persons cease to be members of the Board on the commencement of this Act.

Cf. 1995, No. 95, s. 150

16. Repeals—The following enactments are consequentially repealed:

(a) The Occupational Therapy Amendment Act 1959:

(b) Sections 3 and 4 of the Occupational Therapy Amendment Act 1964:

(c) Sections 4 and 6 (2) of the Occupational Therapy Amendment Act 1972:

(d) Section 2 of the Occupational Therapy Amendment Act 1980:

(e) So much of the Fourth Schedule of the Health Reforms (Transitional Provisions) Act 1993 as relates to sections 3, 3A (2), 4 (2), 4 (3), 5 (2), 5 (3), and 6 (5) of the principal Act:

(f) Section 3 (4) of the Occupational Therapy Amendment Act 1994.

SCHEDULE

Section 12

SCHEDULE ADDED TO OCCUPATIONAL THERAPY ACT 1949

"SCHEDULE

Section 4C

"PROVISIONS APPLYING IN RESPECT OF OCCUPATIONAL THERAPY BOARD

1. Chairman and Deputy Chairman—(1) At its first meeting in each year, the Board must elect 1 of its members to be its Chairman, and another to be its Deputy Chairman.

(2) A member who holds the office of Chairman or Deputy Chairman continues in office until his or her successor is elected, and is eligible for re-election (subject to section 4B).

(3) A member who holds the office of Chairman or Deputy Chairman may—

(a) At any time be removed from the office of Chairman or Deputy Chairman by the Board; or

(b) At any time resign his or her office by giving a notice to that effect to the Registrar.

(4) If a person who holds the office of Chairman or Deputy Chairman ceases to be a member of the Board, the Board must elect 1 of its members to fill that vacancy in the office of Chairman or Deputy Chairman as soon as reasonably practicable.

Cf. 1995, No. 95, Second Schedule, cl. 1

2. Deputy Chairman may act for Chairman—(1) The Deputy Chairman of the Board has and may exercise or perform all the functions, duties, and powers of the Chairman if—

(a) The Chairman of the Board is at any time incapable of acting as Chairman because of illness, absence, or any other reason; or

(b) There is a vacancy in the office of Chairman.

(2) The Deputy Chairman is, while acting for the Chairman, to be regarded as the Chairman of the Board.

(3) No act done by the Deputy Chairman while acting for the Chairman and no act done by the Board while the Deputy Chairman is acting for the Chairman, may in any proceedings be questioned on the ground that the occasion entitling the Deputy Chairman to act had not arisen or had ceased.

Cf. 1995, No. 95, Second Schedule, cl. 2

3. Meetings—(1) Meetings of the Board are held at—

(a) Times appointed by the Board; and

(b) Subject to clause 8, places appointed by the Board.

(2) The Registrar must give each member of the Board notice of a meeting of the Board, but the Registrar is not required to give notice to a member who is absent from New Zealand.

(3) At any meeting of the Board, the quorum necessary for the transaction of business is 4 members.

(4) For the purposes of determining the quorum, a member who is a representative under clause 4 may be counted only once.

(5) A meeting of the Board at which the quorum is present is competent to perform or exercise any of the functions, duties, and powers exercisable by the Board.

Cf. 1995, No. 95, Second Schedule, cl. 8

SCHEDULE—*continued*SCHEDULE ADDED TO OCCUPATIONAL THERAPY ACT 1949—*continued*“SCHEDULE—*continued*”“PROVISIONS APPLYING IN RESPECT OF OCCUPATIONAL THERAPY BOARD—
continued”

4. Members representing other members—(1) A member of the Board may be represented by another member of the Board (that other member is in this clause referred to as “a representative”).

(2) A member may, by written notice to the Registrar, appoint a representative to represent the member on the Board, for 1 or more specific meetings that have been called or are proposed to be called, whenever the member is absent or unable to act as a member of the Board.

(3) The appointment of a representative ceases if—

(a) The person who appointed the representative revokes, by written notice, the appointment; or

(b) The person who appointed the representative ceases to be a member of the Board; or

(c) The representative ceases to be a member of the Board.

(4) A notice referred to in subclauses (2) or (3) may be delivered by hand or sent by mail or electronic transmission.

(5) Subject to subclause (6), a representative may vote on behalf of the member whom he or she represents, and has and may exercise all the powers, rights, privileges, and duties of that member.

(6) A representative may not, in his or her capacity as representative,—

(a) Act as Chairman or Deputy Chairman of the Board; or

(b) Vote on any matter arising under sections 23 or 25; or

(c) Witness the affixing of the seal of the Board.

(7) The voting and other powers that a person has as a representative are in addition to the powers that the person has as a member of the Board.

Cf. 1993, No. 22, Second Schedule, cl. 5

5. Chairman to preside at meetings—(1) The Chairman of the Board presides at each meeting of the Board if he or she is present and willing to preside.

(2) If the Chairman is not present or willing to preside at a meeting of the Board, the Deputy Chairman, if present and willing to preside, presides.

(3) If neither the Chairman nor the Deputy Chairman is present and willing to preside at a meeting of the Board, the members present must elect a member who is present to preside at that meeting.

Cf. 1995, No. 95, cl. 9

6. Voting at meetings—(1) All questions arising at any meeting of the Board are decided by a majority of the votes cast by the members present.

(2) The person presiding at the meeting has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.

(3) No member of the Board is entitled to be present or vote or otherwise participate in the capacity of a member of the Board at any part of a meeting of the Board where any matter relating to the member’s registration, suspension, competence, fitness to practise, or discipline under this Act is being considered.

Cf. 1995, No. 95, cl. 10

SCHEDULE—*continued*SCHEDULE ADDED TO OCCUPATIONAL THERAPY ACT 1949—*continued*“SCHEDULE—*continued*“PROVISIONS APPLYING IN RESPECT OF OCCUPATIONAL THERAPY BOARD—
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7. Resolution assented to by members—(1) The Chairman of the Board may circulate, by letter or electronic transmission, to each member of the Board a document setting out a draft resolution and requesting each member to assent to the resolution within a specified period of at least 3 clear days.

(2) If a majority of the members of the Board, by letter or electronic transmission, signs or assents to a resolution circulated under subclause (1), the resolution is as valid and effective as if it had been passed at a meeting of the Board duly called and constituted.

(3) Any such resolution may consist of several documents that are similar in form, each signed or appearing to have been sent by 1 or more members.

(4) Every such resolution must be tabled at the next meeting of the Board held after the date on which the resolution takes effect.

Cf. 1995, No. 95, Second Schedule, cl. 11

8. Teleconference meetings—(1) The contemporaneous linking together by telephone or videolink or other means of communication of a number of members, being not less than the quorum stated in clause 3 (3), whether or not 1 or more of those members are out of New Zealand, is to be taken as constituting a meeting of the Board to which the provisions of this Act apply, if the following conditions are met:

(a) Notice must have been given, by letter or telephone or electronic transmission, to every member of the Board entitled to receive notice of a meeting of the Board; and

(b) Each member taking part in the meeting must—

(i) Be linked by telephone or videolink or other means of communication for the purposes of the meeting; and

(ii) At the commencement of the meeting acknowledge, to all the other members taking part, the member's presence for the purpose of a meeting of the Board; and

(iii) Be able throughout the meeting to hear each of the other members taking part; and

(iv) On any vote, individually express his or her vote to the meeting.

(2) A member may not stop participating in a meeting held under this clause by disconnecting the member's telephone or videolink or other means of communication without the express consent of the person presiding at the meeting.

(3) A minute of the proceedings at a meeting held under this clause is sufficient evidence of those proceedings, and the observance of all necessary formalities, if certified as a correct minute by the person presiding at the meeting.

Cf. 1995, No. 95, Second Schedule, cl. 12

9. Procedure—(1) The Board must observe the rules of natural justice but, subject to that requirement, may receive as evidence any statement,

SCHEDULE—*continued*SCHEDULE ADDED TO OCCUPATIONAL THERAPY ACT 1949—*continued*“SCHEDULE—*continued*”“PROVISIONS APPLYING IN RESPECT OF OCCUPATIONAL THERAPY BOARD—
continued”

document, information, or matter, whether or not it would be admissible in a court of law.

(2) Subject to this Act and any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

Cf. 1995, No. 95, Second Schedule, cl. 13

10. Appointment of committees—The Board may from time to time appoint 1 or more committees of the Board, and—

- (a) Any such committee may include or consist of persons who are not members of the Board; and
- (b) The Board must regulate the procedure of each such committee in such manner as it thinks fit; and
- (c) The Board may at any time discharge, alter, or reconstitute any such committee

Cf. 1995, No. 95, Second Schedule, cl. 14

11. Delegation—(1) The Board may from time to time, by written notice, delegate any of its functions, duties, or powers (other than powers of decision concerning discipline under this Act) to any committee appointed under clause 10.

(2) Unless otherwise provided in the delegation, a delegate may exercise a function, duty, or power of the Board delegated to it under this clause in the same manner and with the same effect as if the delegate were the Board, but may not further delegate the function, duty, or power.

(3) Any delegation under this clause may be revoked at any time, and the delegation of a function, duty, or power does not prevent the Board from exercising the function, duty, or power itself.

(4) Every delegate purporting to act under any delegation under this clause is, until the contrary is proved, presumed to be acting in accordance with the terms of the delegation.

Cf. 1995, No. 95, Second Schedule, cl. 15

This Act is administered in the Ministry of Health.
