

BILL NO. 12 OF 2017

A BILL

FOR AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONER ACT
2010

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Medical and Dental Practitioner (Amendment) Act 2017.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Medical and Dental Practitioner Act 2010 is referred to as the “Principal Act”.

Section 34 amended

2. Section 34 of the Principal Act is amended by inserting the following new subsections after subsection (5)—

“(6) Notwithstanding subsections (1) and (2), a person may apply in writing to the Minister for an exemption from registration.

(7) The Minister may exempt a person from registration upon consideration of the following—

- (a) whether the person is registered or licensed in another jurisdiction;
- (b) whether the person's qualifications and experience do not require supervision;
- (c) whether there is a need, in the public or national interest, for medical or dental practitioners of that person's qualifications and experience; and
- (d) any additional information or documentation related to the person's application as the Minister considers necessary.

(8) An application made under subsection (6) must be accompanied by an approved fee.

(9) Upon the granting of an exemption under subsection (7), the Minister must issue a written directive to the relevant Council to issue a certificate of registration or practice licence or both, as the case may be, to the person subject to terms and conditions as the Minister considers necessary.

(10) A person granted an exemption must comply with such disciplinary rules, guidelines and procedures issued for the profession or as issued by the relevant Council.

(11) The relevant Council must comply with the written directive issued under subsection (9).

(12) Any relevant Council which contravenes any directive issued under subsection (9) commits an offence and is liable upon conviction to a fine not exceeding \$10,000 and the members of the relevant Council are severally liable upon conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 2 years or both.

(13) Where an exemption is refused, the Minister must inform the person in writing of the decision including the reasons for the decision.”.

Section 36 amended

3. Section 36 of the Principal Act is amended by inserting the following new subsection after subsection (3)—

“(4) Notwithstanding subsection (2), a person may apply in writing to the Minister for an exemption from temporary registration.

(5) The Minister may exempt a person from temporary registration upon consideration of the following—

- (a) whether the person is registered or licensed in another jurisdiction;
- (b) whether the person's qualifications and experience do not require supervision;

- (c) whether there is a need, in the public or national interest, for medical or dental practitioners of that person's qualifications and experience; and
 - (d) any additional information or documentation related to the person's application as the Minister considers necessary.
- (6) An application made under subsection (4) must be accompanied by an approved fee.
- (7) Upon the granting of an exemption under subsection (5), the Minister must issue a written directive to the relevant Council to issue a certificate of registration or practice licence or both, as the case may be, to the person subject to terms and conditions as the Minister considers necessary.
- (8) A person granted an exemption must comply with such disciplinary rules, guidelines and procedures issued for the profession or as issued by the relevant Council.
- (9) The relevant Council must comply with the written directive issued under subsection (7).
- (10) Any relevant Council which contravenes any directive issued under subsection (7) commits an offence and is liable upon conviction to a fine not exceeding \$10,000 and the members of the relevant Council are severally liable upon conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 2 years or both.
- (11) Where an exemption is refused, the Minister must inform the person in writing of the decision including the reasons for the decision.”.

Office of the Attorney-General
Suvavou House
Suva
April 2017

MEDICAL AND DENTAL PRACTITIONER (AMENDMENT) BILL 2017

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Medical and Dental Practitioner Act 2010 (**‘Act’**) provides for *inter alia* the registration of medical and dental practitioners in Fiji.
- 1.2 Under the Act, a person who has not previously been registered in Fiji and whose application for registration has been accepted is granted provisional registration for 4 months during which the person must be supervised by a designated medical or dental practitioner.
- 1.3 A similar requirement for supervision is also required for medical or dental practitioners who are temporarily registered.
- 1.4 However, this is problematic and time consuming for medical practices and hospitals that intend to provide medical services urgently to patients, particularly to those patients who have to travel to other countries to receive medical treatment that can be provided in Fiji by such medical or dental practitioners.
- 1.5 The Medical and Dental Practitioner (Amendment) Bill 2017 (**‘Bill’**) seeks to amend the Act to empower the Minister to exempt medical or dental practitioners who have acquired the necessary qualifications, skills and experience in their respective medical fields from general or temporary registration.
- 1.6 The Bill will also help Fiji meet medical and dental requirements in the private and public health systems.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister.

- 2.2 Clause 2 of the Bill amends section 34 of the Act by providing that a medical or dental practitioner may make a written application to the Minister for an exemption from general registration, and such application must be accompanied by an approved fee.
- 2.3 Clause 2 also sets out factors which the Minister must consider before making a decision where the Minister may either issue directives to a relevant Council to issue a certificate of registration or practice licence, or inform and give reasons to the person where an exemption is refused.
- 2.4 Clause 3 of the Bill amends section 36 of the Act and provides for the exemption from temporary registration by setting out provisions similar to those provisions for exemption from general registration.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for health and medical services.

A. SAYED-KHAIYUM
Attorney-General