



## ANALYSIS

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	SCHEDULE
	Schedule Added to Medical Auxiliaries Act 1966

1999, No. 131

**An Act to amend the Medical Auxiliaries Act 1966**

[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 Medical Auxiliaries Amendment Act 1999, and is part of the Medical Auxiliaries Act 1966 (“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 repealing the definition of the term “Board”, and substituting the following definition:

“‘Board’ means a Board continued by this Act.”

(2) 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.”

**3. New sections relating to Boards substituted**—The principal Act is amended by repealing section 4, and substituting the following sections:

**4. Constitution of Medical Laboratory Technologists Board**—(1) There continues to be a Board known as the Medical Laboratory Technologists 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) Four registered medical laboratory technologists engaged in the practice of medical laboratory technology in New Zealand; and

“(b) Four other persons, of whom—

“(i) One (but not more than 1) may be a registered medical laboratory technologist; and

“(ii) One (but not more than 1) may be a pathologist.

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

**4A. Constitution of Medical Radiation Technologists Board**—(1) There continues to be a Board known as the Medical Radiation Technologists 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) Four registered medical radiation technologists engaged in the practice of medical radiation technology in New Zealand; and

“(b) Three other persons, of whom 1 (but not more than 1) may be a registered medical radiation technologist; and

“(c) Three further persons with experience in the use of radiation for diagnosis or treatment.

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

“4B. **Constitution of Podiatrists Board**—(1) There continues to be a Board known as the Podiatrists 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 podiatrists engaged in the practice of podiatry in New Zealand; and

“(b) Four other persons, of whom—

“(i) One (but not more than 1) may be a person engaged in the practice of podiatry; and

“(ii) One (but not more than 1) may be a person engaged in teaching podiatry.

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

“4C. **Term of office**—(1) Each member of every Board 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.

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

“(2) A member of a 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 a 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 a 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 a Board are not affected by any vacancy in its membership.

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

**4. Consequential repeals**—The principal Act is amended by repealing sections 6 to 12.

**5. New sections inserted**—The principal Act is amended by inserting, after section 12, the following sections:

“**12A. Fees and allowances**—There may be paid to members of each 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.

“**12B. Staff**—(1) Every Board must appoint a Secretary, 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.

“**12C. Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of a 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.

“**12D. 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 a Board or any committee appointed by a Board, or by reason only of that person’s employment under section 12B.

“12E. **Funds of Board**—The funds of every 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.

“12F. **Bank accounts**—(1) Every 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 a 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.

“12G. **Investment and borrowing**—(1) Money that belongs to a 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) Every Board may borrow money for the operations of the Board, and may use any of its assets as security for any money it borrows.

“12H. **Auditor**—Every Board must appoint a chartered accountant to audit the financial reports of the Board.

“12I. **Financial reports**—(1) Every 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 every Board ends on 31 March.

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

“12J. **Annual report**—(1) As soon as practicable after the end of each financial year, every 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.

“12K. **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 a 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 of 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) A 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 a 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.

“12L. **Seal**—(1) Every Board must provide for the safe custody of its common seal, which must be in such form as the Board decides.

“(2) The seal of the Board 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.

“12M. **Contracts**—(1) A contract or other enforceable obligation may be entered into by a 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)

**6. Register to be open for inspection**—Section 24 of the principal Act is amended by omitting the words “in Wellington”.

**7. Investigators**—The principal Act is amended by repealing section 25, and substituting the following section:

“(1) A Board may from time to time, either generally or in relation to any particular case or class of cases, appoint a suitable person, not being a member of the Board, to be an investigator and may at any time revoke the appointment.

“(2) There may be paid to an investigator appointed under subsection (1), 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.”

**8. Removal of name from register**—Section 27 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

“(3) A Board that orders the payment of costs and expenses under this section may recover those costs and expenses as a debt due to the Board.”

**9. Further disciplinary powers**—Section 31 of the principal Act is amended by adding the following subsections:

“(5) Subject to subsection (6), a Board may, instead of or in addition to, suspending a person under this section, impose a fine not exceeding \$10,000 on the person.

“(6) A Board may not impose a fine on a person in respect of a matter that constitutes an offence for which the person has been convicted by a court.”

**10. Offences by unregistered persons**—Section 32 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) Any person who acts in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.”

**11. Appeals from decisions of Boards**—(1) Section 35 (1) of the principal Act is amended by inserting, after the words “liability to pay”, the words “a fine or”.

(2) Section 35 of the principal Act is amended by repealing subsection (5), and substituting the following subsections:

“(5) There may be paid to the members of the Appeal Tribunal, out of the funds of the Board concerned, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Board from time to time determines.

“(5A) On any appeal under this section the Appeal Tribunal may order that—

“(a) The Board concerned pay to the appellant the costs incurred by the appellant in respect of the appeal;  
or

“(b) The appellant pay to the Board the costs incurred by the Board in respect of the appeal, including the costs and expenses of the Appeal Tribunal.

“(5B) Any costs ordered to be paid under subsection (5A) may be recovered in any court of competent jurisdiction as a debt due to the party entitled to the costs.”

**12. New sections substituted**—The principal Act is amended by repealing section 36, and substituting the following sections:

“**36. Board may prescribe fees**—(1) Every 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 an annual licence:

“(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 registered person 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) An application for an exemption from provisions of this Act or regulations made under this Act:

“(j) 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 registered person.

“(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

“36A. **Disciplinary levy**—(1) Every Board may from time to time, by notice in the *Gazette*, impose on every person who is registered in the register kept by the Board a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

“(a) The appointment of, and any investigation by, any investigator appointed under section 25; 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 person, and may provide for the waiver or refund of any such levy.

Cf. 1995, No. 95, s. 127

“36B. **Further provisions relating to fees and levy**—(1) Any notice under section 36 or section 36A may, by notice in the *Gazette*, be amended or revoked by the Board at any time.

“(2) Every notice under section 36 or section 36A 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 36 or section 36A 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 36, and every levy imposed under section 36A, is payable, and recoverable as a debt due, to the Board.

“(5) Where any fee is payable to a Board under this Act, the Secretary 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

**13. Exclusion of liability**—The principal Act is amended by repealing section 38, and substituting the following section:

“38. (1) Neither a Board, nor an investigator appointed under section 25, nor a committee appointed under clause 10 of the Schedule, 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 to be done 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, the hearing of any 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 a Board in respect of a power that is conferred solely by section 4 (2) or section 4A (2) or section 4B (2) or section 12B.

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

**14. Regulations**—(1) Section 40 (1) of the principal Act is amended by repealing paragraph (a).

(2) Section 40 (1) of the principal Act is amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Providing for the issue of annual licences:”.

(3) Section 40 (1) of the principal Act is amended by repealing paragraph (m).

**15. Repeals**—The following enactments are consequentially repealed:

- (a) The Medical Auxiliaries Amendment Act 1969:
- (b) So much of the Fourth Schedule of the Health Reforms (Transitional Provisions) Act 1993 as relates to sections 36 (1) and (2) of the principal Act:
- (c) Section 2 of the Medical Auxiliaries Amendment Act 1994.

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

**17. Revocations and savings**—(1) The following enactments are consequentially revoked:

- (a) Regulations 3, 9, and 9A of the Podiatrists Regulations 1982 (S.R. 1982/53), and the definitions of the terms “Board” and “Secretary” in regulation 2 of those regulations:
  - (b) Regulations 3, 11, and 12 of the Medical Laboratory Technologists Regulations 1989 (S.R. 1989/282), and the definitions of the terms “Board” and “Secretary” in regulation 2 of those regulations:
  - (c) Regulations 3, 16, and the Third Schedule of the Medical Radiation Technologists Regulations 1995 (S.R. 1995/32), and the definitions of the terms “Board” and “Secretary” in regulation 2 of those regulations.
- (2) Despite paragraph (a) of subsection (1), the fees specified in the Podiatrists Regulations 1982, 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 given, under section 36 of the principal Act, by the Podiatrists Board comes into force.
- (3) Despite paragraph (b) of subsection (1), the fees specified in the Medical Laboratory Technologists Regulations 1989, 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 given, under section 36 of the principal Act, by the Medical Laboratory Technologists Board comes into force.
- (4) Despite paragraph (c) of subsection (1), the fees specified in the Medical Radiation Technologists Regulations 1995, 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 given, under section 36 of the principal Act, by the Medical Radiation Technologists Board comes into force.

**18. Transitional provisions relating to membership of Boards**—(1) Despite section 3, the persons holding office immediately before the commencement of this Act as members of a Board constituted under regulations made under 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 Boards continued under section 4 or sections 4A or 4B (as the case may require) of the principal Act (as enacted by this Act); but

(c) Cease to be members of the Board concerned—

(i) When the first persons take office as members of the Board concerned under the principal Act (as amended by this Act); or

(ii) If no appointments are made under the principal Act (as amended 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 4C (2) of the principal Act against being a member of a 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 as a member of the Board concerned under an appointment made within 1 year beginning on that commencement.

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

(4) Subsection (1) does not apply to any officer of the Ministry of Health who is a member of a Board under a regulation revoked by section 17 (1), and any such officer ceases to be a member of the Board on the commencement of this Act.

**19. Transitional provisions relating to deficit by Podiatrists Board**—(1) In this section, unless the context otherwise requires,—

“Deficit” means the amount by which expenditure exceeds income:

“Expenditure” means the expenditure incurred, before the commencement of this Act, in respect of the functions of the Podiatrists Board:

“Income” means the money received under section 36 (3) of the principal Act (as in force immediately before the commencement of this Act):

“Memorandum account” means the account maintained by the Crown to record the difference between income and expenditure.

(2) If the memorandum account shows a deficit as at the commencement of this Act, that deficit is to be treated as an interest free loan by the Crown to the Podiatrists Board (as continued by section 4B of the principal Act).

(3) On each of the first 3 anniversaries of the commencement of this Act, the Podiatrists Board must pay to the Crown an instalment that is equal to a third of the deficit referred to in subsection (2).

(4) Any amount that is not paid in accordance with subsection (3) is recoverable as a debt due to the Crown.

(5) Nothing in subsection (3) prevents the Podiatrists Board from repaying the whole or part of the deficit before an instalment becomes payable.

(6) Despite subsection (3), the Minister and the Podiatrists Board may agree in writing that the Board is to pay either the first or the second instalment after the date on which the instalment is payable under that subsection.

(7) Nothing in subsection (6) authorises the repayment of the whole, or any part, of the deficit later than the third anniversary of the commencement of this Act.

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## SCHEDULE

Section 16

## SCHEDULE ADDED TO MEDICAL AUXILIARIES ACT 1966

## "SCHEDULE

Section 4E

## "PROVISIONS APPLYING IN RESPECT OF BOARDS

**1. Chairman and Deputy Chairman**—(1) At its first meeting in each year, every 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 4D).

(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 appropriate Secretary.

(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 a 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 every Board are held at—

(a) Times appointed by each Board; and

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

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

(3) At meetings of Boards, the quorum necessary for the transaction of business is—

(a) Four members for the Medical Laboratory Technologists Board and the Podiatrists Board; and

(b) Five members for the Medical Radiation Technologists Board.

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

SCHEDULE—*continued*SCHEDULE ADDED TO MEDICAL AUXILIARIES ACT 1966—*continued*“SCHEDULE—*continued*”“PROVISIONS APPLYING IN RESPECT OF BOARDS—*continued*”

(5) A meeting of a 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

**4. Members representing other members**—(1) A member of a 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 appropriate Secretary, 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 Part III; 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 each 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 a 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 a 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

SCHEDULE—*continued*SCHEDULE ADDED TO MEDICAL AUXILIARIES ACT 1966—*continued*“SCHEDULE—*continued*”“PROVISIONS APPLYING IN RESPECT OF BOARDS—*continued*”

registration, suspension, competence, fitness to practise, or discipline under this Act is being considered.

Cf. 1995, No. 95, cl. 10

**7. Resolution assented to by members**—(1) The Chairman of a 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 of a Board, being not less than the appropriate 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



SCHEDULE—*continued*SCHEDULE ADDED TO MEDICAL AUXILIARIES ACT 1966—*continued*“SCHEDULE—*continued*”“PROVISIONS APPLYING IN RESPECT OF BOARDS—*continued*”

**9. Procedure**—(1) Each Board must observe the rules of natural justice but, subject to that requirement, may receive as evidence any statement, 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, each Board may regulate its procedure in such manner as it thinks fit.

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

**10. Appointment of committees**—Each 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) Each Board must regulate the procedure of each committee that it appoints in such manner as it thinks fit; and
- (c) Each body may at any time discharge, alter, or reconstitute any committee that it has appointed.

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

**11. Delegation**—(1) Each 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 section 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. 14

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This Act is administered in the Ministry of Health.

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