

ACT NO. 17 OF 2017

I assent.

J. K. KONROTE
President

[28 April 2017]

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.”.

Passed by the Parliament of the Republic of Fiji this 26th day of April 2017.