

BILL NO. 2 OF 2018

A BILL

FOR AN ACT TO AMEND THE MEDICINAL PRODUCTS ACT 2011

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Medicinal Products (Amendment) Act 2018.

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

Section 10 amended

2. Section 10 of the Medicinal Products Act 2011 is amended by—

(a) deleting subsection (1) and substituting the following—

“(1) Every meeting of the Board shall be chaired by the chairperson or in the absence of the chairperson, by the deputy chairperson, or in the absence of the chairperson and the deputy chairperson, by the member appointed to preside at the meeting by the members present.”;

(b) in subsection (4) after “powers of the chairperson”, inserting “and in the absence of the chairperson and the deputy chairperson from any meeting of the Board, the presiding member shall, for the purposes of such meeting, act as the chairperson exercising all powers of the chairperson”;

- (c) in subsection (5), deleting “his or her absence, the deputy chairperson” and substituting “the absence of the chairperson, the deputy chairperson, or in the absence of the chairperson and the deputy chairperson, the presiding member.”; and
- (d) deleting subsection (6).

March 2018

MEDICINAL PRODUCTS (AMENDMENT) BILL 2018

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Medicinal Products Act 2011 (**‘Act’**) aims to protect the health and safety of the public by regulating medicinal products, devices, poisons and other similar products.
- 1.2 Section 4 of the Act establishes the Fiji Medicinal Products Board (**‘Board’**) which must consist of 12 members.
- 1.3 Section 10 of the Act further deals with the procedures of the Board. These procedures have conflicting provisions which have caused some confusion in terms of Board proceedings.
- 1.4 Section 10(1) of the Act allows Board members to choose a member to preside at a meeting in the absence of the presiding member and the deputy presiding member.
- 1.5 However, sections 10(5) and 10(6) of the Act state that the quorum at any Board meeting must include the chairperson, or in his or her absence, the deputy chairperson and four members and that the meeting must be cancelled if both the chairperson and deputy chairperson are absent.
- 1.6 Therefore, the Medicinal Products (Amendment) Bill 2018 (**‘Bill’**) seeks to amend section 10 of the Act to allow Board meetings to proceed in such circumstances where both the chairperson and the deputy chairperson are absent.

2.0 FEATURES OF THE BILL

- 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 appointed by the Minister by notice in the Gazette.

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2.2 Clause 2 of the Bill amends section 10 of the Act to correct conflicting provisions. Currently the Act stipulates that if the chairperson and deputy chairperson are both absent from a Board meeting then the meeting must be cancelled.

2.3 The proposed amendment allows Board meetings to be held even in the absence of the chairperson and the deputy chairperson. In the event the chairperson and deputy chairperson are absent from a Board meeting, the members present may appoint a member to preside at that particular meeting.

2.4 The proposed amendment further provides that the presiding member may exercise all powers of the chairperson for the purposes of such Board meetings.

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