

EXTRAORDINARY



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## GOVERNMENT OF FIJI

ALLIED HEALTH PRACTITIONERS DECREE 2011  
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IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO ESTABLISH THE ALLIED HEALTH PRACTITIONERS COUNCIL  
AND THE ALLIED HEALTH PRACTITIONERS SOCIETY AND FOR RELATED MATTERS.

## PART 1 -PRELIMINARY

*Short title and commencement*

- 1.—(1) This Decree may be cited as the Allied Health Practitioners Decree 2011.
- (2) This Decree comes into force on a date appointed by the Minister by notice in the *Gazette*.

*Interpretation*

- 2.—(1) In this Decree, unless the context otherwise requires—

"Allied Health" for the purposes of this Decree, includes but is not limited to the following professions—

- (a) Physiotherapy;
- (b) Nutrition and Dietetics;
- (c) Laboratory Technology; and
- (d) Environmental Health.

"Allied Health practitioner" for the purposes of this Decree, means a person who holds a degree, diploma or similar qualification in Dietetics and Nutrition, Laboratory Technology, Environmental Health and Physiotherapy;

"Allied Health student" means a person who is studying to become an Allied Health practitioner;

"Appeals Committee" means the Disciplinary Appeals Committee established by section 69;

"Association" according to the context means either—

- (a) Fiji Medical Laboratory Technologist Association; or
- (b) Fiji Physiotherapy Association;

"Board" means the Board of Management of the Society established under section 16;

"Certificate of Registration" means Certificate of Registration granted under section 53;

"code of conduct" means a code of conduct produced by the Council under section 7 sub-section (e) ;

"Committee" according to the context means either the—

- (a) Professional Disciplinary Committee;
- (b) Standards Committee;
- (c) Disciplinary Appeals Committee; or
- (d) a Committee set up by the Council under section 12;

"continuing professional development" means professional development and development in the Physiotherapy, Environmental Health, Laboratory Technology, Nutrition and Dietetics, as the case may be, which continues after qualification and registration;

"Council" means the Fiji Allied Health Practitioners Council established under PART 2;

"Disciplinary Committee" means the Professional Disciplinary Committee established by the Council under section 67;

"health services" means services provided by Allied Health practitioners;

"Institute" according to the context means either—

- (a) Fiji Institute of Environmental Health;
- (b) Fiji Institute of Nutrition and Dietetics;

"legal practitioner" means a person admitted and enrolled as a practitioner of the High Court of Fiji under the Legal Practitioners Decree 2009;

"Minister" means the Minister for Health;

"nominated contact address" of a registered person means an address notified by the person to the Registrar of the Society for the purpose of service of notice and documents under this Decree, and may be an electronic address;

"Practitioners Register" means the Allied Health Practitioners Register kept pursuant to section 58;

"Practising Certificate" means an annual practising certificate to practice as an Allied Health practitioner issued by the Fiji Allied Health Practitioners Council under PART 9;

"Provisional Permit" means a permit registered and issued by the Fiji Allied Health Practitioners Council in accordance with section 61;

"record" means—

- (a) a documentary record;
- (b) a record made by an electronic, electromagnetic, photographic or optical process; or
- (c) any other kind of record;

"Register" means the—

- (a) Nutrition and Dietetic Register;
- (b) Physiotherapy Register;
- (c) Laboratory Technology Register;
- (d) Environmental Health Register;
- (e) Dietetics and Nutrition Student Register;
- (f) Physiotherapy Student Register;
- (g) Laboratory Technologist Student Register; or
- (h) Environmental Health Officer Student Register,

as the case may be;

"registered practitioner" means an Allied Health practitioner who is registered under PART 8;

"registered person" means a person who is registered on a register kept under this Decree;

"registered student" means a student who has been registered on the appropriate Student Register;

"Registrar" means the person holding or acting in the office of Registrar of the Society under section 17;

"Student Register" means the Allied Health Student Register kept pursuant to section 59;

"Society" means the Fiji Allied Health Practitioners Society established under PART 3;

"temporary registration" means registration on a temporary basis, pursuant to section 62;

"vocational category" in relation to registration or a practising certificate, means a category of Allied Health profession for which additional qualification are required and which is declared by the Council, by notice in the *Gazette*, to be a vocational category;

"unprofessional conduct" includes, but is not limited to—

- (a) improper or unethical conduct in relation to professional practice;
- (b) incompetence or negligence in relation to the provision of Allied Health Practice Treatment;
- (c) the wilful or negligent disposal of records;
- (d) a contravention of or failure to comply with—
  - (i) a provision of this Decree;
  - (ii) codes of conduct or professional standard prepared or endorsed by a Council under this Decree;
  - (iii) conduct that constitutes an offence punishable by imprisonment for 1 year or more under some other written law of Fiji; or
- (e) conduct that brings or is likely to bring a profession under this Decree into disrepute.

(2) A reference in this Decree to unprofessional conduct includes —

- (a) unprofessional conduct committed before the commencement of this Decree; and
- (b) unprofessional conduct committed outside Fiji.

(3) A reference in this Decree to engaging in conduct includes a reference to neglecting or refusing to engage in such conduct.

#### *Objectives*

3.—(1) The objective of this Decree is to protect the health and safety of the public in relation to the practice of Physiotherapists, Dieticians and Nutritionists, Environmental Health Officers and Laboratory Technologists.

(2) This Decree aims to achieve these objectives by—

- (a) providing for the registration and licensing of Allied Health Practitioners and students; and
- (b) regulating the health services provided by Allied Health Practitioner's to ensure the maintenance of high standards of competence and conduct by practitioners and officers who provide Allied Health treatment and diagnosis.

## PART 2 - FIJI ALLIED HEALTH PRACTITIONERS COUNCIL

### *Establishment of the Fiji Allied Health Practitioners Council*

4.—(1) This section establishes the Fiji Allied Health Practitioners Council as a corporate body with a common seal.

(2) The Council-

- (a) may sue and be sued;
- (b) has all the powers of a natural person that are capable of being exercised by a corporate body; and
- (c) has the function and powers conferred by or under this Decree.

(3) If a document appears to bear the common seal of the Council, it is presumed, in the absence of proof to the contrary, that the common seal of the Council was duly affixed to the document.

*Composition of the Council*

5.—(1) The Council shall consist of 7 members appointed by the Minister, of whom—

- (a) the Permanent Secretary of Health, shall be the Chairperson;
- (b) the Deputy Secretary Hospital Services, shall be the Deputy Chairperson.

(2) Other members of the Council shall include;

- (a) the President of the Fiji Allied Health Practitioners Society;
- (b) a representative appointed by the Fiji National University from the College of Medicine, Nursing and Health Science;
- (c) a representative from the Medical and Dental Association; and
- (d) two other members appointed by the Minister for Health.

(3) A person appointed to the Council under section 5 does not need to be a registered medical practitioner or Allied Health practitioner, unless otherwise specified.

(4) In the absence of the Chairperson from a meeting of the Council, the Deputy Chairperson shall for the purpose of such meetings act as the Chairperson exercising all the powers of the Chairperson.

(5) If the Chairperson and Deputy Chairperson are both absent from a Council meeting then the meeting is to be cancelled.

(6) In each Council meeting the quorum shall be the Chairperson, or in his or her absence the Deputy Chairperson, and four members present in person.

(7) The Council may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meeting.

(8) A member who takes part in a Council meeting under sub-section (7) is taken to be present.

(9) The Permanent Secretary for Health shall appoint a public officer in the Ministry of Health or above the principal administrative level officer or equivalent to be the Secretary of the Council.

*Powers of the Council*

6.—(1) The Council has all the powers necessary to enable it to perform its function as set out in this section.

(2) Without limiting sub-section (1), the Council has the power, in accordance with this Decree, to—

- (a) decide to register, or refuse to register an applicant for registration;
- (b) decide to cancel a registration;
- (c) decide to impose, or remove conditions on a registration;
- (d) issue practising certificates under PART 9 and to revoke or suspend such certificates;
- (e) issue or endorse guidelines on continuing professional development for registered Allied Health practitioners;
- (f) issue codes of conduct or practice and professional standards for Allied Health practitioners and Allied Health practitioners students; or
- (g) exercise any other powers given to it under this Decree or any other written law.

*Functions of the Council*

7.—(1) The functions of the Fiji Allied Health Practitioners Council are—

- (a) to regulate the Allied Health practice in the public interest;
- (b) to consider the advice of relevant Committees under PART 10 or section 12 as the case may be, and after consultation with persons and bodies the Council considers appropriate—
  - (i) approve courses of education and training recognised for registration on the Allied Health student register;

- (ii) decide the requirement necessary for registration as an Allied Health practitioner generally and in each vocational category;
  - (iii) decide on the continuing professional development requirements to be met for obtaining and renewing an Allied Health practising certificate;
- (c) to decide on applications for registration from persons intending to become a registered Allied Health practitioner upon advice from the Fiji Allied Health Practitioners Society;
- (d) to issue, revoke and suspend the annual practising licences of Allied Health practitioners;
- (e) to prepare or endorse codes of conduct or professional standards for registered Allied Health practitioners, Allied Health students and Allied Health providers or persons who occupy positions of authority in corporate Allied Health services;
- (f) to confer and cooperate with the following entities about the education of persons in the practice of the profession—
- (i) educational institutions;
  - (ii) entities responsible for accrediting courses or accrediting institutions to educate persons for the profession;
- (g) to develop or adopt programs for the continuing professional education of registered persons and encourage their participation in the programme;
- (h) to develop or adopt training programs in the practice of the profession, that are relevant to a person's eligibility for registration;
- (i) to provide advice to the Minister for Health as the Council considers appropriate or as the Minister requests;
- (j) to carry out other functions assigned to the Council by or under this Decree, or by the Minister in writing.

(2) The Council must perform its functions under this Decree with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of Allied Health practice in Fiji.

*Allowances*

8. A Council member is entitled to be paid the fees and allowances decided by Minister with the approval of the Prime Minister.

*Terms and conditions of membership*

9.—(1) A member of the Council —

- (a) is appointed for a term, not exceeding 3 years specified in the instrument of appointment, and
- (b) at the expiration of a term of appointment, is eligible for reappointment.

(2) The Minister may remove a member of the Council listed under section 5 sub-section (2) from office if the member—

- (a) conducts himself or herself in a manner that brings the Allied Health practitioners profession into disrepute;
- (b) is absent at 3 consecutive meetings of the Council without reasonable excuse;
- (c) fails to carry out or becomes incapable of performing satisfactorily the duties of a Council member.

(3) The office of a member of the Council becomes vacant if the member—

- (a) dies;
- (b) completes a term of office and is not reappointed;
- (c) resigns by written notice to the Council;

- (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Council; or
- (e) is removed from office under sub-section (2).

*Disclosure of interest*

10.—(1) A member of the Council must, as soon as practicable after the relevant facts come to the person's knowledge, disclose to the Council any direct or indirect interest in an issue being considered, or about to be considered, by the Council.

(2) Unless the Council otherwise directs, the Council member having direct or indirect interests in an issue as set out in sub-section (1) must not—

- (a) be present when the Council or Committee considers the issue; or
- (b) take part in a decision of the Council or Committee regarding the issue.

(3) In accordance with sub-section (1) that Council member must not be present when the Council is considering whether to give a direction under sub-section (2).

(4) If because of this section a Council member is not present at a Council meeting for;

- (a) considering or deciding an issue; or
- (b) for considering or deciding whether to give a direction under sub-section (2); and
- (c) there would be a quorum if the member were present, the remaining persons present are sufficient to form a quorum of the Council meeting.

*Minister's Power to give directions in the public interest*

11. The Minister may give the Council a written general or special direction about a matter relevant to the performance of its functions under this Decree if the Minister is satisfied it is necessary to give the direction in the public interest.

*Committee*

12.—(1) The Council may establish committees of the Council to effectively and efficiently perform its functions.

(2) The Council is to decide the terms of reference of a Committee established under sub-section (1).

*Accounts and Report*

13.—(1) The Council shall—

- (a) keep proper books of accounts; and
- (b) cause to be prepared an annual report and its audited accounts to be laid at an annual meeting of the Society.

(2) The Council has the power to appoint an auditor to audit its accounts.

*Exemption of Liability*

14. A member of the Council is not personally liable for any act done in good faith relating to the performance or exercise of any function, power or duty under this Decree.

### PART 3 - FIJI ALLIED HEALTH PRACTITIONERS SOCIETY

*Establishment of the Fiji Allied Health Practitioners Society*

15.—(1) This section establishes the Fiji Allied Health Practitioners Society as a corporate body with perpetual succession and a common seal.

(2) The Allied Health Society shall consist of registered members of the—

- (a) Fiji Institute of Nutrition and Dietetics;
- (b) Fiji Institute of Environmental Health;
- (c) Fiji Physiotherapy Association; and
- (d) Fiji Medical Laboratory Technologist Association.



- (3) The Society has the power to—
- (a) sue and be sued in its corporate name;
  - (b) own, hold and dispose of movable or immovable property; or
  - (c) do any other thing a legal entity may do or suffer.

*Board of Management of the Society*

- 16.—(1) There is to be a Board of Management of the Society with its appropriate members and staff.
- (2) The Board of Management shall consist of—
- (a) the following members elected in accordance with section 20—
    - (i) President of the Society, having a minimum of 5 years experience as an Allied Health practitioner and is a member of any Association or Institute under this Decree; and
    - (ii) a Treasurer, having a minimum 2 years experience as an Allied Health practitioner and is a member of any Association or Institute under this Decree;
  - (b) a Secretary appointed by the Council, having a minimum of 3 years experience as an Allied Health practitioner and is a member of any Association or Institute under this Decree;
  - (c) the respective President's of the—
    - (i) Fiji Institute of Nutrition and Dietetics;
    - (ii) Fiji Institute of Environmental Health;
    - (iii) Fiji Physiotherapy Association; and
    - (iv) Fiji Medical Laboratory Technologist Association.
- (3) The Secretary of the Board of Management is to be appointed on terms and conditions determined by the Board.
- (4) The Secretary of the Board is to be a full time officer of the Society.

*Registrar of the Society*

- 17.—(1) There is to be a Registrar of the Society, who must not be a member of either Associations or Institutes registered under this Decree.
- (2) The Registrar of the Society is to be appointed by the Board of Management on terms and conditions determined by the Board.

*Function of the Society*

- 18.—(1) The functions of the Society are as follows—
- (a) to provide administrative and secretariat services to, and as directed by, the Allied Health Practitioners Council and any committee established by the Council;
  - (b) to establish, maintain and publish the Allied Health Practitioners Register as required by this Decree;
  - (c) to receive and process application for registration on any of the registers and refer every application duly made to the Fiji Allied Health Practitioners Council;
  - (d) upon endorsement by the Council, register member to the corresponding relevant Register—
    - (i) Laboratory Technologist Register;
    - (ii) Physiotherapy Register;
    - (iii) Nutrition and Dietetics Register;
    - (iv) Environmental Health Register;
    - (v) Laboratory Technologist Student Register;
    - (vi) Physiotherapy Student Register;
    - (vii) Nutrition and Dietetics Student Register;
    - (viii) Environmental Health Student Register

- (e) to receive and process—
  - (i) applications from registered persons for practising certificates;
  - (ii) notification about Allied Health practice matters from members of the public, registered persons and health service providers; and
  - (iii) complaints about registered persons and refer them to the relevant Committee or Council
- (f) to implement decisions of the Fiji Allied Health Practitioners Council on registration, licensing, and disciplinary matters;
- (g) to refer disciplinary decisions of the Council to the Disciplinary Appeals Committee as appropriate;
- (h) to pass information received from applicants or other persons to the Allied Health Practitioners Council;
- (i) to convey the decisions of the Council to an applicant and other persons and to give appropriate publicity to them;
- (j) to maintain a website;
- (k) to communicate with Allied Health practitioners registration authorities in other jurisdictions, for the purpose of obtaining and supplying information about registered persons and applicants for registration; and
- (l) to perform other functions assigned to the Society by the Fiji Allied Health Practitioners Council from time to time in order to promote the objects of this Decree.

(2) The Society may obtain and pay for legal services, information technology services and other services for the better performance of its functions.

(3) The Society should be the normal channel for resolving failures of communication and frivolous complaints arising between—

- (a) members of the public and registered persons or Allied Health practitioners;
- (b) registered persons or Allied Health practitioners and the Council or Committee.

(4) The Society must ensure that the practice of each Allied Health practitioner within each Association and Institute is provided in accordance with the codes of conduct issued by the Council and that the business of each Association or Institute and committee is conducted with dispatch and transparency.

(5) The Society is responsible, through the Board, to each of the professions and to the public and must maintain fair and consistent dealings with all registered persons.

#### *Funding of the Society*

19. The Society is to be funded by money provided by each Association and Institute in proportion to the income that is estimated to be received by the Associations and Institutes from the fees of registered persons.

#### *Elections*

20.—(1) An election conducted to choose persons for appointment to the Board of Management of the Society under section 16 sub-section (2)(a) must be conducted in accordance with this section.

(2) The President of the Society must prepare a voting list for an election as soon as practicable after a vacancy arises.

(3) Every person who—

- (a) is registered as a Laboratory Technologist, Physiotherapist, Nutritionist and Dietician or Environmental Health Officer, as the case may be; and
- (b) holds a valid practising certificate,

when the voting list for an election is prepared, is entitled to vote at the Elections.

(4) The President of the Society must—

- (a) send to the nominated contact address of every person entitled to vote at the election an invitation to submit one nomination for the vacancy within 14 days;
- (b) send to every person entitled to vote a ballot paper listing all the valid nominees and inviting the person to mark and return the ballot paper within 7 days;
- (c) count the valid votes received and declare the person with the highest number of votes to be duly elected; and
- (d) inform the Council of the result of the election.

(5) If a casual vacancy occurs of a member chosen by an election, the following rules govern the appointment of a person to fill the vacancy—

- (a) if the vacancy occurs within 12 months after the member's election, the Council or presiding member must appoint the person who obtained the second most votes at that election;
- (b) if that person is no longer qualified for appointment or is unavailable or unwilling to be appointed, the Council may appoint any registered practitioner for appointment.

(6) The person appointed under sub-section (5) shall hold office for the balance of the predecessor's term.

(7) A registered practitioner who is qualified in terms of the relevant position may nominate himself or herself for a vacancy.

(8) Every registered member of the Society shall have a voting right.

(9) The President of the Society or any person performing and exercising the powers of the President in his or her absence shall have an original vote and in the event of equality of votes, a casting vote.

#### PART 4-FIJI MEDICAL LABORATORY TECHNOLOGIST ASSOCIATION

##### *Continuation of the Fiji Medical Laboratory Technologist Association*

21.—(1) This section continues the existence of the Fiji Medical Laboratory Technologist Association as a corporate body with perpetual succession and a common seal,

(2) A person who is a member of the Fiji Medical Laboratory Technologist Association at the commencement of this Decree continues to be a member of the Association unless and until the person's membership is terminated in accordance with the rules of the Association.

##### *Powers of the Association*

22.—•(!) The Association —

- (a) will have power to hold real and personal property; and
- (b) may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Decree.

(2) The Association may —

- (a) acquire, hold, develop, or dispose of property of all kinds, whether real or personal and derive capital or income from such property for all or any of the objects of the Association;
- (b) raise or borrow money for all or any of the objects of the Association in the manner and upon the security from time to time as determined by the Association;
- (c) invest and deal with moneys of the Association not immediately required in the manner from time to time as determined by the Association;
- (d) pay the whole or any part of the expenses incurred by members in attending meetings of the Association or of any committee appointed by the Association;
- (e) pay all costs and other payments incidental to or connected with the discharge of any function of the Association; or
- (f) do all such other things as are incidental or conducive to the attainment of the objects of the Association or any of them.

*Objectives of the Association*

23.—(1) The objectives of the Fiji Medical Laboratory Technologist Association are to—

- (a) maintain and improve the standards of conduct and expertise of the laboratory technologist profession in Fiji;
- (b) **promote** the welfare and to **preserve** and maintain the integrity and status of the laboratory technologist profession;
- (c) represent the views, interests and wishes of the laboratory technologist profession;
- (Y) represent, protect and assist members of the laboratory technologist profession in Fiji as regards conditions of practice and otherwise;
- (e) to represent, protect and assist members of the laboratory technologist profession in Fiji as regards conditions of employment with the Government;
- (f) settle points of practice and to provide means for the amicable settlement of professional differences;
- (g) protect and assist the public and the laboratory technologist profession in all matter touching, incidental to laboratory practice;
- (h) assist needy members and former members of the Association or their relatives and the relatives of deceased members;
- (i) cultivate a generous professional spirit among laboratory technologist practitioners by encouraging meetings of members of the association and persons connected with matters of laboratory interest;
- (j) submit names of members to the Fiji Allied Health Practitioners Society for registration and licensing; and
- (k) promote excellence in laboratory technologist practice in any manner which the Association thinks fit in the interest of the profession and of the country.

(2) The Association is the negotiating body for its members as regards terms and conditions of employment in the public sector.

*Rules of the Association*

24.—(1) The Association may make rules for—

- (a) the election of officers for the Association;
- (b) the summoning and conduct of meetings of the Association;
- (c) admission to and termination of membership;
- (d) categories of membership related to division of laboratory practice;
- (e) categories of membership, including associate membership for medical technologist laboratory students; and
- (f) all other matters that are necessary or expedient to ensure the efficient functioning of the Association.

*Membership*

25. Every Medical Laboratory practitioner or student must be a member of the Association.

*Subscription*

26.—(1) Every member of the Association shall pay an annual subscription to the Association as prescribed by the Minister in the Regulations.

(2) No fee shall be payable by a registered person applying to become a member of the Society.

*Resignation*

27. A member of the Association shall be allowed to resign his or her membership by submitting a written notice to the Association 2 weeks prior to his or her resignation.

*Expulsion*

28.—(1) A member of the Association who is found guilty of professional misconduct, may be expelled from the Association.

(2) A member of the Association may be suspended if the member fails to pay the annual subscription after notice of payment was given to the member.

(3) A suspended member of the Association shall forfeit his or her rights and privileges but the loss of membership shall be without prejudice to any debt or liability, which the suspended member owes to the Association.

(4) A member who is suspended from the Association has the right to re-apply to the Council for re-admission.

#### PART 5-FIJI INSTITUTE OF NUTRITION AND DIETETICS

##### *Continuation of the Fiji Institute of Nutrition and Dietetics*

29.—(1) This section continues the existence of the Fiji Institute of Nutrition and Dietetics as a corporate body with perpetual succession and a common seal.

(2) A person who is a member of the Fiji Institute of Nutrition and Dietetics at the commencement of this Decree continues to be a member of the Association unless and until the person's membership is terminated in accordance with the rules of the Institute.

##### *Powers of the Institute*

30.—(1) The Institute—

- (a) will have power to hold real and personal property; and
- (b) may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Decree,

(2) The Institute may—

- (a) acquire, hold, develop, or dispose of property of all kinds, whether real or personal and derive capital or income from such property, for all or any of the objects of the Institute;
- (b) raise or borrow money for all or any of the objects of the Institute in the manner and upon the security from time to time as determined by the Institute;
- (c) invest and deal with moneys of the association not immediately required in the manner from time to time as determined by the Institute;
- (d) pay the whole or any part of the expenses incurred by members in attending meetings of the Institute or of any committee appointed by the Institute;
- (e) pay all costs and other payments incidental to or connected with the discharge of any function of the Institute; and
- (f) do all such other things as are incidental or conducive to the attainment of the objectives of the Institute or any of them.

##### *Objective of the Institute*

31.—(1) The objectives of the Fiji Institute of Nutrition and Dietetics are to—

- (a) maintain and improve the standards of conduct and expertise of the Nutrition and Dietetic profession in Fiji;
- (b) promote the welfare and to preserve and maintain the integrity and status of the Nutrition and Dietetic profession;
- (c) represent the views, interests and wishes of the Nutrition and Dietetic profession;
- (d) represent, protect and assist members of the Nutrition and Dietetic profession in Fiji as regards conditions of practice and otherwise;
- (e) represent, protect and assist members of the Nutrition and Dietetic profession in Fiji as regards conditions of employment with the Government;
- (f) settle points of practice and to provide means for the amicable settlement of professional differences;
- (g) protect and assist the public and the Nutrition and Dietetic profession in all matters touching or incidental to the Nutrition and Dietetic practice;
- {70 (h) assist needy members and former members of the Institute or their relatives and the relatives of deceased members;
- (i) cultivate a generous professional spirit among Nutrition and Dietetic practitioners by encouraging meetings of members of the Institute and persons connected with matters of nutrition and dietetic interest;

- (j) submit names of members to the Fiji Allied Health Practitioners Society for registration and licensing; and
- (k) promote excellence in nutrition and dietetic practice in any manner which the Institute thinks fit in the interest of the profession and of the country.

(2) The Institute is the negotiating body for its members as regards terms and conditions of employment in the public sector.

*Rules of the Institute*

32.—(1) The Institute may make rules for the—

- (a) election of officers for the Institute;
- (b) summoning and conduct of meetings of the Institute;
- (c) admission to and termination of membership from the Institute;
- (d) categories of membership related to division of the Nutrition and Dietetic practice;
- (e) categories of membership, including associate membership for Nutrition and Dietetic students; and
- (f) all other matters that are necessary or expedient to ensure the efficient functioning of the Institute.

(2) Until any new or amendment rules are made under sub-section (1), the rules of the Fiji Institute of Nutrition and Dietetics in force immediately prior to the commencement of this Decree shall continue to exist as the rules of the Fiji Institute for Nutrition and Dietetics.

*Membership*

33. Every Nutrition and Dietetic practitioner and student must be a member of the Institute.

*Subscription*

34.—(1) Every member of the Institute shall pay an annual subscription to the Institute as prescribed by the Minister in the Regulations.

(2) No fee shall be payable by a registered person applying to become a member of the Society.

*Resignation*

35. A member of the Institute shall be allowed to resign his or her membership by submitting a written notice to the Institute 2 weeks prior to his or her resignation.

*Expulsion*

36.—(1) A member of the Institute who is found guilty of professional misconduct may be expelled from the Institute.

(2) A member of the Institute may be suspended if the member fails to pay the annual subscription after notice of payment was given to the member.

(3) A suspended member of the Institute shall forfeit his or her rights and privilege but the loss of membership shall be without prejudice to any debt or liability, which the suspended members owe to the Institute.

(4) A member who is suspended from the Institute has the right to re-apply to the Council for re-admission.

**PART 6-FIJI INSTITUTE OF ENVIRONMENTAL HEALTH**

*Fiji Institute of Environmental Health*

37. The Fiji Environmental Health Institute is hereby established as a corporate body with perpetual succession and a common seal.

*Powers of Institute*

38.—(1) The Institute—

- (a) will have power to hold real and personal property; and
- (b) may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Decree.

- (2) The Institute may<sup>^</sup>
- (a) acquire, hold, develop, or dispose of property of all kinds, whether real or personal and derive capital or income from such property, all or any of the objects of the Institute;
  - (b) raise or borrow money for all or any of the forgoing objects in the manner and upon the security from time to time determined by the Institute;
  - (c) invest and deal with moneys of the Institute not immediately required in the manner from time to time be determined by the Institute;
  - (d) pay the whole or any part of the expenses incurred by members in attending meetings of the Institute or of any committee appointed by the Institute;
  - (e) pay all costs and other payments incidental to or connected with the discharge of any function of the Institute; or
  - (f) do all such other things as are incidental or conducive to the attainment of the objects Institute or any of them.

*Objectives of the Institute*

- 39.—(1) The objectives of the Fiji Institute of Environmental Health are to—
- (a) maintain and improve the standards of conduct and expertise of the Environment Health profession in Fiji;
  - (b) promote the welfare and to preserve and maintain the integrity and status of the Environmental Health profession;
  - (c) represent the views, interests and wishes of the Environmental Health profession;
  - (d) represent, protect and assist members of the Environmental Health profession in Fiji as regards condition of practice and otherwise;
  - (e) represent, protect and assist members of the Environmental Health profession in Fiji as regards condition of employment with the Government;
  - (f) settle points of practice and to provide means for the amicable settlement of professional differences;
  - (g) protect and assist the public and the Environmental Health profession in all matter touching, incidental to Environmental Health practice;
  - (h) assist needy members and former members of the Institute or their relatives and the relatives of the deceased members;
  - (i) cultivate a generous profession spirit among Environmental Health practitioners by encouraging meetings of members of the Institute and persons connected with matters of Environmental Health interest;
  - (j) submit names of members to the Fiji Allied Health Practitioners Society for registration and issuance of practicing certificates; and
  - (k) promote excellence in Environmental Health practice in any manner which the Institute thinks fit in the interest of the profession and of the country.

(2) The Institute is the negotiating body for its members as regards terms and condition of employment in the public sector.

*Rules of the Institute*

- 40.—(1) The Institute may make rules for—
- (a) the election of officers for the Institute;
  - (b) the summoning and conduct of meetings of the Institute;
  - (c) admission to and termination of membership;
  - (d) categories of membership related to the division of Environmental Health practice;
  - (e) categories of membership, including associate membership for Environmental Health students;
  - (f) all other matters that are necessary or expedient to ensure the efficient functioning of the Institute.

(2) Until any new or amendment rules are made under sub-section (1), the rules of the Fiji Institute of Environmental Health in force immediately prior to the commencement of this Decree are the rules of the Fiji Institute of Environmental Health.

*Membership*

41.—(1) Every Environmental Health officer and student must be a member of the Institute.

(2) A person who is a registered member of other medical professions who is committed to the welfare, advancement and promotion of the objectives of the Institute may be admitted as an associate member except that such member is not eligible to hold any office or vote at any meeting of the management of the Institute.

(3) The Institute shall, at an Annual General Meeting and on the recommendation of the Council, elect any number of persons as it thinks fit as honorary member of the Institute.

*Subscription*

42.—(1) Every member of the Institute shall pay annual subscriptions prescribed by the Minister.

(2) No fee shall be payable by a registered person applying to become a member of the Society.

*Resignation*

43. A member of the Institute shall be allowed to resign his or her membership by submitting a written notice of resignation to the Institute two weeks prior to his or her intended resignation.

*Expulsion*

44.—(1) A member of the Institute, other than a life, associate or honorary member, who is found guilty of professional misconduct may be expelled from the Institute,

(2) A suspended member of the Institute shall forfeit his or her rights and privilege but the loss of membership shall be without prejudice to any debt or liability, which the suspended members owe to the Institute.

(3) A member who is suspended from the Institute has the right to re-apply to the Council for re-admission.

PART 7-FIJI PHYSIOTHERAPY ASSOCIATION

*Fiji Physiotherapy Association*

45.—(1) The Fiji Physiotherapy Association is hereby established as a corporate body with perpetual succession and a common seal.

(2) Membership of the Association is open to every Physiotherapist and Physiotherapy student.

*Powers of the Association*

46.—(1) The Association—

- (a) continues to have power to hold real and personal property; and
- (b) may sue and be sued in matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Decree.

(2) The Association may—

- (a) acquire, hold, develop, or dispose of property of all kinds, whether real or personal and derive capital or income from such property, for all or any of the objects of the Association;
- (b) raise or borrow money for all or any of the foregoing objects in the manner and upon the security from time to time determined by the Association;
- (c) pay the whole or any part of the expenses incurred by members in attending meetings of the Association or of any committee appointed by the Association;
- (d) invest and deal with moneys of the Association not immediately required in the manner from time to time determined by the Association;
- (e) pay all costs and other payments incidental to or connected with the discharge of any function of the Association; and
- (f) do all such other things as are incidental or conducive to the attainment of the objects of the Association or any of them.



*Objectives of the Association*

47.—(1) The objectives of the Fiji Physiotherapy Association are to —

- (a) maintain and improve the standards of conduct and expertise of the physiotherapy profession in Fiji;
- (b) promote the welfare and to preserve and maintain the integrity and status of the physiotherapy profession;
- (c) represent the views, interests and wishes of the physiotherapy profession;
- (d) represent, protect and assist members of the physiotherapy profession in Fiji as regards condition of practice and otherwise;
- (e) represent, protect and assist members of the physiotherapy profession in Fiji as regards condition of employment with the Government;
- (f) settle points of practice and to provide means for the amicable settlement of professional differences;
- (g) protect and assist the public and the physiotherapy profession in all matter touching, incidental to physiotherapy practice;
- (h) assist needy members and former members of the Association or their relatives and the relatives of the deceased members;
- (i) cultivate a generous professional spirit among physiotherapy practitioners by encouraging meetings of members of the association and persons connected with matters of physiotherapy interest;
- (j) submit names of members of the Fiji Allied Health Practitioners Society for registration and issuance of practising certificates; and
- (k) promote excellence in physiotherapy practice in any manner which the Association thinks fit in the interest of the profession and of the country.

(2) The Association is the negotiating body for its members in regard to terms and condition of employment in the public sector.

*Rules of the Association*

48.—(1) The Association may make rules for—

- (a) the election of officers for the Association;
- (b) the summoning and conduct of meetings of the Association;
- (c) admission to and termination of membership;
- (d) categories of membership related to division of physiotherapy practice;
- (e) categories of membership, including associate membership for Physiotherapy students; and
- (f) all other matters that are necessary or expedient to ensure the efficient functioning of the Association.

(2) Until any new rules are made under sub-section (1), the rules of the Fiji Physiotherapy Association in force immediately prior to the commencement of this Decree are the rules of the Association.

*Membership*

49. Every Physiotherapist and Physiotherapy student must be a member of the Association.

*Subscription*

50.—(1) Every member of the Association shall pay annual subscriptions prescribed by the Minister in the Regulations.

(2) No fee shall be payable by a registered person applying to become a member of the Society.

*Resignation*

51. A member of the Association shall be allowed to resign by submitting his or her written notice of resignation to the Association two weeks prior to resignation.

*Expulsion*

52.—(1) A member of the Association, other than a life, associate or honorary member, who is found guilty of professional misconduct, may be expelled from the Association.

(2) A member of the Association may be suspended if the member fails to pay the annual subscription after notice of payment was given to the member.

(3) A suspended member of the Association shall forfeit his or her rights and privilege but the loss of membership shall be without prejudice to any debt or liability, which the suspended member owes to the Association.

(4) A member who is suspended from the Association has the right to re-apply to the Council for re-admission.

#### PART 8-REGISTRATION OF ALLIED HEALTH PRACTITIONERS

##### *Certificate of Registration*

53. Persons registered under the relevant Associations or Institutes are entitled to apply for registration and be issued with a Certificate of Registration by the Council, if the applicant has satisfied the conditions and requirements set out in this Decree.

##### *Registration Requirements*

54.—(1) An applicant is eligible for registration if the applicant—

- (a) has completed the appropriate course of studies in any of the registered occupations and holds a qualifying certificate from the Fiji National University ( College of Medicine, Nursing and Health Science) or from any other recognised institution in Australia, New Zealand and the United Kingdom or any other country approved by the Fiji Allied Health Practitioners Council;
- (b) has passed other examination conducted by the relevant Association or Institute;
- (c) has successfully completed to the satisfaction of the Society, additional course of study or training recommended and approved by the Council.

(3) In deciding whether an applicant is a fit and proper person to be registered, the Society, before submission to the Council, may have regard to the following—

- (a) applicants mental and physical health;
- (b) the applicants criminal history;
- (c) for an applicant who holds, or has held, any certificate or approval issued under this Decree —
  - (i) if the certificate or approval was affected by the imposition of a condition;
  - (ii) the nature of the condition and the reason for its imposition;
  - (iii) if the certificate or approval was affected by its suspension or cancellation; and
  - (iv) the reason for the suspension or cancellation; or
  - (v) any other issue relevant to the applicant's ability to competently and safely practice in the profession.

##### *Application for Registration*

55.—(1) An application for registration must be made to the Council;

- (a) in the prescribed form obtained from the relevant Association or Institute and accompanied by the prescribed fee; and
- (b) accompanied by satisfactory evidence of relevant qualification and any other prescribed documents.

(2) Information in the application must, if the prescribed form requires, be verified by a Statutory Declaration.

##### *Processing and Consideration of an Application for Certificate of Registration*

56.—(1) The Council may, on receipt of any application, direct the Registrar of the Society on further steps to be taken in effecting the registration of the applicant.

(2) The Council may, before considering an application for registration, examine the applicant or any person objecting to the application.

(3) The Council has the power, for the purpose of sub-section (2), to administer oaths.

(4) The Council may, after considering an application, grant or refuse to grant the application for a certificate of registration.

*Registers*

57. The Registrar of the Society must keep and maintain the following registers—

- (a) Allied Health Practitioners Register, which shall include;
  - (i) Physiotherapy Register;
  - (ii) Laboratory Technologist Register;
  - (iii) Nutrition and Dietetic Register;
  - (iv) Environment Health Register;
- (b) Allied Health Student Register, which shall include;
  - (i) Physiotherapy Student Register;
  - (ii) Laboratory Technologist Student Register;
  - (iii) Nutrition and Dietetic Student Register;
  - (iv) Environmental Health Student Register.

*Allied Health Practitioners Register*

58.—(1) The Allied Health Practitioners Register must include, in relation to each person on the Register—

- (a) persons full name and nominated contact address;
- (b) qualification for registration held by the person;
- (c) relevant qualification obtained after registration;
- (d) record of a fee paid for annual subscription and annual practising certificate; or
- (e) any other information prescribed by the Regulations, and may include any other information the Council thinks fit.

(2) The Allied Health Practitioners Register shall be divided into the following parts—

- (a) Part I shall contain the names of persons provisionally or temporarily registered in the individual discipline, recognised as Allied Health practitioners;
- (b) Part II shall contain the names of persons duly registered and issued with practising certificates to practice as Allied Health practitioners;
- (c) Part III shall contain the names of registered persons with whom the Council is satisfied, taking into account their experiences and postgraduate qualifications, are eligible to be regarded or have been approved, as consultants or specialists in each discipline.

*Allied Health Student Register*

59. The Allied Health Student Register must include, in relation to each person on the Register—

- (a) the student's full name and nominated contact address;
- (b) the name of the institute or university the student is undertaking studies in; and
- (c) any other information prescribed by the Regulations, and may include any other information the Council thinks fit.

*Maintenance of Register*

60.—(1) For the purpose of keeping the registers up to date, a registered person shall, within 30 days or other prescribed period, notify the Registrar of any—

- (a) change in address or any other relevant information in respect of the registered person; or
- (b) additional training or higher qualification achieved,

any registered person failing to adhere with sub-section (1) (a) and (b) is liable to a fine prescribed by the Council.

(2) The Registrar is responsible to the Council for the form and maintenance of the registers.

(3) The Registrar must as soon as practicable correct any entry in a Register that is not, or has ceased to be correct.

(4) The registers must be kept available for investigation by any person during ordinary office hours at the office of the Society and the registers or extracts of the registers may be made available to the public by electronic means.

(5) A person may, on payment of the prescribed fee, obtain a copy of, or any part of a register.

*Provisional Permit*

61.—(1) If a person who applies for registration, or reinstatement of registration, on a particular register—

- (a) does not, in the opinion of the Council, have the necessary qualifications or experience required for full registration on that register; or
- (b) is not, in the opinion of the Council, medically fit to provide the health services of the kind authorised by registration on that register,

the Council may grant provisional registration to the person.

(2) A permit issued under sub-section (1) shall in the first instance be for the duration of 3 months only.

(3) Provisional registration may be conferred to enable a person to—

- (a) do whatever is necessary to become eligible for full registration;
- (b) teach or to undertake relevant research or study in Fiji; or
- (c) perform other specified health service activities that are required in the public interest.

(4) In registering a person under sub-section (3), the Council may impose one or more of the following conditions on the registration—

- (a) a condition limiting the nursing care the person may provide;
- (b) a condition restricting the place or times at which the person may provide health services;
- (c) a condition limiting the period during which the registration will have effect;
- (d) a condition requiring that the person be supervised in the provision of health services by a particular person or by a person in a particular vocational category; or
- (e) any other condition the Council thinks fit.

(5) The holder of the permit is entitled to do anything consistent with the terms and condition of the permit as if he or she was duly issued with a certificate of registration.

(6) The Council may—

- (a) suspend or cancel a provisional permit; or
- (b) vary or extend it for a further period of up to 6 months only.

*Temporary Registration*

62. The Council may, with or without condition, register an applicant under this Decree if the person will reside temporarily in Fiji for a period of less than 24 months.

*Removal from a Register*

63.—(1) The Registrar must, on the written request of a registered person, remove the name of that person from the appropriate register.

(2) The Registrar must remove from the appropriate register the name of any person who—

- (a) dies;
- (b) ceases to hold the qualification required for registration on that register;
- (c) has failed to obtain renewal of the practising certificate for three years;
- (d) fails to pay a fine imposed by the Fiji Allied Health Practitioners Council or Society within the specified time in the order imposing the fine;

- (e) is found to be medically unfit to practice;
- (f) ceases for any other reason to be entitled to be registered on that register; or
- (g) whose registration has been suspended by the Fiji Allied Health Practitioners Council.

(3) If a Laboratory Technologist student, Physiotherapy student, Nutritionist and Dietetic student or Environmental Health student fails to complete, or ceases to be enrolled in, the course of study that formed the basis for the person's registration on a student register, the Registrar must remove the person's name from the relevant student register.

*Reinstatement of Register*

64.—(1) A person who has been removed from a Register-

- (d) on his or her application;
- (b) because of failure to obtain renewal of a practising certificate;
- (c) because of failure to pay a fine imposed on the person by the Allied Health Practitioners Council or Society ; or
- (d) because the person had ceased to—
  - (i) hold a qualification required on that register or otherwise ceased to be entitled to be registered on the register;
  - (ii) be enrolled in the course of study that formed the basis for the persons registration on a student register;

may apply to the Council at anytime for reinstatement on that register.

(2) A person whose registration has been suspended may apply to the Council for reinstatement on that register, but not, in the case of an order for suspension for a specified period made in disciplinary proceedings, until after the expiry,

(3) An application for reinstatement must be—

- (a) made to the Council in the approved manner and form; and
- (b) accompanied by the prescribed reinstatement fee.

(4) Subject to this section, the Registrar must reinstate on the appropriate register, an applicant under this section as the Council directs.

(5) The Council may refuse to reinstate the applicant on the appropriate register, until any complaint outstanding against the applicant, under this Decree, has been fully disposed of.

PART 9-PRACTISING CERTIFICATES

*Application for and issuance of practising certificates*

65.—(1) Every person qualified to practice as a Physiotherapist, Nutritionist, Dietician, Laboratory Technologist or Environmental Health Officer shall, before commencing practice and thereafter, while continuing in practice, during the month of January in each and every year, apply for and obtain from the Council, a certificate certifying that that person is entitled to practice as an Allied Health practitioner.

(2) The application shall be in such form, accompanied by such fee, and set out such information and particulars as the Council may from time to time fix or require according to Regulations.

(3) In accordance with sub-section (2), an application for a practising certificate or for renewal of a practising certificate must be accompanied by the following documents—

- (a) evidence of satisfactory participation in an approved programme of continuing professional development relevant to the person's vocational category;
- (b) evidence that the person is entitled to work as a registered person in Fiji in terms of business licensing law and immigration law if appropriate; and

- (c) a return, in the approved form, containing appropriate information relating to—
- (i) the provision by the person of health services and treatment, as the case may be, during the preceding year; and
  - (ii) any other matter relevant to the person's eligibility for a practising certificate under this Decree.

(4) In the case of newly registered practitioners who do not hold and have not been issued with a practising certificate, the documentary evidence accompanying an application must include—

- (a) the relevant certificates or qualifications pertaining to the successful completion of an Allied Health student's course of study; and
- (b) proof and records of the person's qualification and practice in the relevant Allied Health profession outside Fiji.

(5) Before issuing a practising certificate the Council may from time to time require any further additional information and particulars in relation to any applicant as is necessary to ensure compliance with this Decree and any subsidiary legislation.

(6) The Council must notify the holder of the practising certificate of action under sub-section (5) and must invite the holder to make appropriate representations to the Council.

(7) The holder of a practising certificate who changes his or her place of work or residence shall forthwith give notice thereof in writing to the Registrar.

(8) The Council may at any time cancel any practising certificate that has been obtained by fraud or misstatement, or that has been issued on the basis of information which is incorrect or untrue in some material particular.

(9) The Council may waive all or any part of the annual practising certificate fee payable by any practitioner.

(10) A practising certificate must not be granted for a term that extends beyond the period of temporary or provisional registration, but may be extended if the temporary registration is renewed or the provisional registration is confirmed, as the case maybe.

(11) Applications for renewals shall be lodged with the Council before the 31st of January each year.

(12) A registered practitioner who fails to lodge a renewal application by the 31st of January in that year has the right to apply to the Council for extension of time which the Council may grant for a period not exceeding 60 days on payment of a penalty of one year's annual fee. After such period of 60 days, a renewal is subject to consent by the Council.

(13) If the Council has a reason to believe that the holder of a practising certificate had obtained the certificate by any false representation or that the conditions for holding that certificate are not being met, the matter may be reported to the Professional Disciplinary Committee with a view of disciplinary action being taken.

*Refusal or cancellation of certificate*

66.—(1) The Council may refuse to issue a practising certificate or may cancel a practising certificate issued if the applicant—

- (a) is in any way in default under the provisions of this Decree or any rules or Regulations made under it;
- (b) has practiced as a practitioner or officer during any period of suspension of that person's practising certificate;
- (c) is subject to a disciplinary charge for professional misconduct or charge for any offence for which a penalty of imprisonment may be imposed;
- (d) is by reason of infirmity, injury or illness (whether mental or physical), unfit to carry on and conduct his or her practice and it is in the interest of clients or the public that the certificate should not be issued, or should be cancelled as the case may be; or
- (e) has failed to pay the appropriate fee for the issue of a practising certificate.

(2) The Council shall promptly give notice in writing to any applicant whose application for a practising certificate is refused and to any person whose practising certificate is cancelled of such refusal or cancellation and, if so required by the applicant or holder the Council as the case may be shall within fourteen days after being so required state in writing the grounds for the refusal or cancellation.

(3) For the purposes of sub-sections (1) and (2) the Council may require an applicant for or the holder of a certificate to undergo such medical examination by such medical practitioner as may be specified by the Council and may hold such enquiry as the Council thinks fit.

(4) A refusal or failure to comply with the requirement of the Council made pursuant to this section may be regarded as evidence that that person is, by reason of infirmity, injury or illness (whether mental or physical) unfit to practice as an Allied Health practitioner.

## PART 10-DISCIPLINARY COMMITTEES

### *Professional Disciplinary Committee*

67.—(1) The Council must establish a Professional Disciplinary Committee consisting of seven members appointed by the Council, of whom—

- (a) four must be registered practitioners appointed by the Council, representing each Association and Institute under this Decree;
- (b) two must be people who are not registered practitioners; and
- (c) one person from the Ministry of Health Corporate Unit nominated by the Permanent Secretary of Health.

(2) When appointing the Professional Disciplinary Committee, the Council must designate one of the members as presiding member of the Committee.

(3) A quorum of the Disciplinary Committee is four members, two of whom must be registered persons.

(4) Members of the Disciplinary Committee may—

- (a) be appointed for a term of 5 years after which they cannot be re-appointed;
- (b) resign by writing to the presiding member of the Council;
- (c) be dismissed for cause by the Council .

(5) A Committee member who is appointed pursuant to sub-section (1) (a) ceases to be a member if he or she ceases to be a registered practitioner.

(6) The functions of the Disciplinary Committee are to -

- (a) receive notification and complaints concerning registered members;
- (b) initiate and monitor assessment of the health of registered persons where appropriate;
- (c) negotiate working agreements of Allied Health practitioners;
- (d) monitor compliance with conditions agreed or imposed by the Council;
- (e) conduct investigation to determine whether any prima facie case of unprofessional conduct exists;
- (f) decide and enforce with the approval of the Council, disciplinary action or actions in the case of a finding of unprofessional conduct;
- (g) receive and refer any appeals relating to decisions on disciplinary actions to the Disciplinary Appeals Committee; and
- (h) perform any other function assigned to the Committee by the Council from time to time.

(7) The Committee's function of regulating unethical and negligent practitioners and the discipline of unprofessional conduct should be carried out in accordance with principles of natural justice.

*Standards Committee*

68.—(1) The Council must establish a Standards Committee consisting of six members appointed by the Council, of whom—

- (a) four members each being a registered Physiotherapist, Laboratory Technologist, Nutritionist or Dietician and an Environmental Health Officer, as the case may be;
- (b) a person from the College of Medicine, Nursing and Health Science nominated by the Fiji National University; and
- (c) a person from the training unit of the Ministry of Health nominated by the Permanent Secretary.

(2) When appointing a Standards Committee, the Council must designate one of the members as presiding member of the Committee.

(3) A quorum of a Standards Committee is four members, two of whom must be registered persons.

(4) Members of the Standards Committee may —

- (a) be appointed for a term of 5 years after which they cannot be re-appointed;
- (b) resign by writing to the presiding member of the Council;
- (c) be dismissed for cause by the Council.

(5) A Committee member who is appointed pursuant this section ceases to be a member if he or she ceases to be a registered practitioner.

(6) The functions of the Standards Committee are as follows—

- (a) monitor every training course for students studying Physiotherapy, Laboratory Technology, Nutrition and Dietetics and Environment Health, within tertiary education facilities in Fiji;
- (b) make recommendations to the Council concerning the recognition of degrees awarded, in Fiji or elsewhere, as qualification for registration on the appropriate register;
- (c) make recommendations to the Council concerning the qualifications for registration;
- (d) refer to the Council any need to change the status previously granted to any course of training and education;
- (e) make recommendations to the Council on the continuing professional development requirements for obtaining and renewing practising certificates;
- (f) examine and make recommendations to the Council concerning the continuing professional development programmes proposed by registered persons;
- (g) develop guidelines for assessment of the clinical and technical practice of registered persons, especially for those in independent and private practice;
- (It) assess and determine the status to be given to persons completing such programmes managed by appropriate academic or professional bodies; and
- (i) perform any other appropriate function assigned to the Committee by the Council from time to time.

(7) The Committee's responsibility for monitoring of continuing professional education may be delegated to appropriate specialist bodies, but the committee must monitor these bodies.

*Disciplinary Appeals Committee*

69.—(1) This section establishes the Disciplinary Appeals Committee consisting of—

- (a) a legal practitioner who has practiced for at least 5 years, appointed by the Minister, after consultation with the Attorney General, as the Chairperson; and
- (b) two other members of each Association and Institute appointed by the Minister, on the advice of the Council.

(2) The Appeals Committee has the power to hear and determine an appeal made to it in relation to any disciplinary decision made by the Professional Disciplinary Committee.



(3) The Appeals Committee is to notify the Council and the interested parties regarding result of their decision on the appeal.

(4) A decision made by the Appeals Committee relating to sub-section(2) shall be final and binding on all other Associations, Institutes, the Allied Health Society, the Council and any other relevant body or organisation.

*Complaints*

70.—(1) A person has the right to file a complaint with the Council on any matter relating to any professional conduct or practice of a registered person.

(2) A registered person has the right to file a complaint with the Council on any matter relating to professional or standard conduct of practice of his or her work place.

(3) Upon receiving a complaint the Council has the power—

- (a) to dismiss the complaint if it is satisfied that the complaint is trivial, frivolous or vexatious;
- (b) write directly to the Institution or Association and the registered member concerned of their decision; or
- (c) upon its discretion, refer the complaint to the relevant Committee.

(4) A decision to dismiss a complaint under sub-section (3) (a) shall be communicated to the complainant.

*Right of Appeal*

71.—(1) A registered person who is aggrieved by the decision of the Council under section 70 sub-section 3(a) has the right to appeal to the Disciplinary Appeals Committee, within the prescribed period.

(2) If no time is prescribed under sub-section (1), the period is 30 days from the date notice of the decision was sent to the registered person.

*Procedure of the Committee*

72.—(1) The procedures of the Professional Disciplinary Committee, Standards Committee and Disciplinary Appeals Committee, except as otherwise provided by or under this Decree, is to be governed by PART 8 to the extent appropriate.

(2) The quorum of a Committee is a majority of its members unless the Council otherwise directs when appointing the committee.

(3) The Committee, on the approval of the Council, may make other rules or procedures regarding standard polices and standard operating procedures concerned with or relating to the Allied Health practitioners or students.

(4) The Council may direct a Committee to change or to adopt new procedures, if the Council considers it necessary to achieve efficient and accountable operation of the Committee business.

(5) The Council may remove a member from any Committee if the member—

- (a) ceases to be qualified for the appointment;
- (b) conducts himself or herself in a manner that brings the profession of Allied Health practitioner's into disrepute;
- (c) is absent for 3 consecutive meetings of the Committee without reasonable excuse; or
- (d) fails to carry out or becomes incapable of performing satisfactorily the duties of a committee member.

*Powers of the Committee*

73.—(1) The powers of the Professional Disciplinary Committee, Standards Committee and Disciplinary Appeals Committee are to hear and determine any complaints of Professional and Standards failures reported to it by the Council.

(2) For the purpose of sub-section (1), the Committee may receive oral or written evidence, summon persons, administer oath and examine witnesses.

(3) Each Committee has the power to appoint one or more investigators to conduct investigations regarding complaints referred to it by the Council.

(4) The Committee with the approval of the Council may grant such powers as are necessary for investigators appointed under sub-section (3) to carry out investigations.

(5) The Registrar may be appointed as an investigator for a particular matter if the Committee is satisfied that there will no conflict of interest.

(6) A registered person who is subject to a complaint has the right to be given a fair hearing before the relevant committee.

(7) If the relevant committee is satisfied on the evidence presented before it that the registered person is guilty of unprofessional misconduct or a standards misconduct, the committee has the power to make one or more of the following decisions to—

- (a) reprimand the person;
- (b) impose restriction or condition on the certificate of registration or practising certificates;
- (c) suspend the person from practising for a certain period;
- (d) impose a fine not exceeding 10 penalty points on the practitioner; or
- (e) cancel the registration of the person.

(8) The Committee may order a party to pay cost.

(9) A notification of a decision made under sub-section (7) must be made in writing to the Council, Society, Registrar and all other relevant parties involved in the initial complaint as determined by the Committee.

(10) Any fine ordered by the Committee under sub-section (7) (d) shall be paid to the Society and such fine may be recovered by the Society as debt.

## PART 11 ^OFFENCES AND PENALTIES

### *Offences and Penalties*

74.—(1) Any person who—

- (a) carries on the business as an Allied Health practitioner without registration; or
- (b) being a registered person, acts or practices as an Allied Health practitioner without a valid practising certificate; or
- (c) without the consent of the Council—
  - (i) directly or indirectly acts as an agent for any person other than a qualified Allied Health practitioner;
  - (ii) knowingly employs, engages or remunerates in connection with his or her practice a person who, to his or her knowledge, has been suspended from practice as a consequence of disciplinary action taken against him or her;
  - (iii) knowingly employs, engages or remunerates in connection with his or her practice a person who to his or her knowledge has had his or her certificate of registration cancelled or his or her name struck off the Register upon being found guilty of unprofessional conduct or professional misconduct; or
  - (iv) knowingly conceals his or her disqualification from practice by reason of suspension, cancellation of certificate of registration or striking off his or her name from the register, seeks or accepts employment or remuneration from another practitioner whichever is applicable, without disclosing to that practitioner the fact of his or her disqualification;

commits an offence and liable on conviction to a fine not exceeding 10 penalty points or to a term of imprisonment of five years or both.

(2) Any person who is convicted of an offence against sub-section (1) may, in addition to a penalty imposed under that section have his or her registration cancelled by the Council.

(3) A person who, by fraud or any other dishonest means, procures registration or reinstatement of registration (whether for himself or herself or for another person) commits an offence and is liable on conviction to a fine not exceeding 10 penalty points or to a term of imprisonment of five years, and have his registration cancelled by the Council.

*Council, Society, Association and Committee members not Liable*

75. A member of the Council, Board of Management of the Society, management of any Association or Institute and Committee appointed by any of the bodies, or any officer, employee or agent of the Council, Society, Association, Committee and Council is not personally liable for any act done in good faith in accordance with the provisions of this Decree.

PART 12-MISCELLANEOUS

*Regulations*

76. The Minister may make Regulations to give effect to this Decree to—

- (a) regulate the training, examination and registration of Allied Health practitioners emerging profession in each individual discipline;
- (b) regulate the practice of emerging Allied Health practitioners;
- (c) prescribe subscription fees, annual practising certificate fees and any fees necessary under this Decree;
- (d) provide codes of conduct for Allied Health practitioners;
- (e) provide for conditions, limitations or restrictions of registration;
- (f) regulate the use of the name or title of individual Allied Health discipline;
- (g) impose penalties not exceeding 10 penalty points or imprisonment not exceeding 5 years for offences under Regulations; and
- (h) provide for any other matters necessary for this Decree.

*Savings and Transitional*

11. Any practitioner who, prior to the coming into force of this Decree, has been or is a qualified Allied Health practitioner and has his or her practice in Fiji, must within 12 months after the coming into force of this Decree, apply to the Council for registration under PART 8.

Given under my hand this 16th day of November 2011.

EPELI NAILATIKAU  
President of the Republic of Fiji