

MEDICAL PRACTITIONERS REGISTRATION.

No. 3 of 1963.

An Ordinance to amend the *Medical Practitioners Registration Ordinance* 1930-1962.

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Medical Practitioners Registration Ordinance* 1963.*

(2.) The *Medical Practitioners Registration Ordinance* 1930-1962† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Medical Practitioners Registration Ordinance* 1930-1963.

Parts.

2. Section three of the Principal Ordinance is amended by inserting after the words—

“Part IV.—The Conduct of Medical Practice
(Sections 30-39B).”

the words—

“Part IVA.—Appeals (Section 39C).”

Definitions.

3. Section four of the Principal Ordinance is amended by inserting after the definition of “The Chairman” the following definition:—

“‘The Court of Petty Sessions’ means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance* 1930-1961;”.

Giving false
testimony.

4. Section sixteen of the Principal Ordinance is repealed.

Registration by
the Board.

5. Section twenty-two of the Principal Ordinance is amended—

(a) by omitting from sub-section (2.) the word “to”
(second occurring) and inserting in its stead the
word “with”;

* Made on 22nd March, 1963; notified in the *Commonwealth Gazette* and commenced on 4th April, 1963.

† Ordinance No. 13, 1930, as amended by No. 7, 1931; No. 23, 1933; No. 27, 1937; No. 2, 1939; No. 4, 1950; No. 9, 1954; No. 5, 1956; No. 13, 1958; and No. 2, 1962.

(b) by omitting paragraph (d) of sub-section (3.) and inserting in its stead the following paragraph:—

“ (d) his mental and physical condition is not such as would prevent him from practising as a medical practitioner; and ”; and

(c) by omitting from sub-section (4.) the words “ to be registered by entering in the Register his name and such other particulars as are prescribed ” and inserting in their stead the words “ who has applied for registration to be registered ”.

6. Section twenty-three of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 23. Where the Board refuses to register a person under this Ordinance, the Board shall, if the person so requests, furnish to him a statement in writing of the reason for the refusal.”.

Board
to furnish
statement of
reason for
refusal to
register
person.

7. Section thirty of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “ The Board ” (first occurring) and inserting in their stead the words “ Subject to this section, the Board ”;

Disciplinary
action.

(b) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section:—

“ (2.) The Board may, instead of removing from the Register the name of a person who is deemed by the Board to be guilty of an offence referred to in sub-paragraph (i), (ii) or (iii) of paragraph (e) of the last preceding sub-section—

(a) reprimand the person; or

(b) suspend the registration of the person for a period not exceeding twelve months.”; and

(c) by omitting paragraphs (a) and (b) of sub-section (5.) and inserting in their stead the following paragraphs:—

“ (a) advertising, otherwise than as permitted by the regulations, for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, such an advertisement;

“(b) canvassing or employing an agent or canvasser for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, the employment of an agent or canvasser for that purpose; and”.

Inquiry by Board.

8. Section thirty-one of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “any person” and inserting in their stead the words “a person or reprimanding, or suspending the registration of, a person”; and
- (b) by omitting from sub-section (2.) the words “who shall thereupon cease to practise”.

9. After section thirty-one of the Principal Ordinance the following sections are inserted:—

Board to record finding on which decision was based.

“31A. Where the Board—

- (a) reprimands a person;
 - (b) suspends the registration of a person; or
 - (c) removes the name of a person from the Register,
- the Board shall record the finding on which the decision was based and shall, if the person so requests, furnish to him a copy of the finding.

Publication of notice of decision of Board or a Court.

“31B.—(1.) The Chairman may, if he thinks fit, cause notice of a decision of the Board or of a Court on appeal from a decision of the Board—

- (a) reprimanding a person;
 - (b) suspending (otherwise than under sub-section (2.) of section thirty-one of this Ordinance) the registration of a person; or
 - (c) removing the name of a person from the Register,
- and the finding on which the decision was based to be published in the *Gazette*.

“(2.) Notice of a decision of the Board or of the Supreme Court and of the finding on which the decision was based shall not be published under the last preceding sub-section until—

- (a) the period within which an appeal may be brought against the decision has expired; and

(b) if an appeal is brought against the decision, judgment has been given on that appeal.

“(3.) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, or a fair extract from, or a fair abstract of, a notice published in the *Gazette* in pursuance of sub-section (1.) of this section.

“(4.) A publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.

“31c. For the purposes of this Ordinance, a registered medical practitioner whose registration is suspended shall be deemed during the period of the suspension not to be a registered medical practitioner.”.

Effect of suspension.

10. Section thirty-seven of the Principal Ordinance is amended by omitting the words “An unregistered person” and inserting in their stead the words “A person other than a registered medical practitioner.”.

Persons other than registered medical practitioners not to hold medical appointments.

11. Section thirty-eight of the Principal Ordinance is amended—

Signing of certificates.

(a) by omitting the words “An unregistered person” and inserting in their stead the words “A person other than a registered medical practitioner”; and

(b) by omitting the proviso to paragraph (b).

12. Section thirty-eight B of the Principal Ordinance is amended—

Withdrawal of approval.

(a) by omitting from sub-section (2.) the words “sub-sections (2.) and (3.) of section thirty and section thirty-one” and inserting in their stead the words “sections thirty-one and thirty-one A”; and

(b) by adding at the end thereof the following sub-section:—

“(3.) Where an approval given in respect of a person under the last preceding section has been suspended in pursuance of sub-section (2.) of section thirty-one of this Ordinance as applied by the last preceding sub-section, the person shall, for the purposes of sub-section (3.) of the last preceding section, be deemed during the period of the suspension not to be an approved qualified person.”.

13. After section thirty-nine B of the Principal Ordinance the following Part is inserted:—

“PART IVA.—APPEALS.

Appeals.

“39C.—(1.) Where the Board—

- (a) refuses to register a person under this Ordinance;
- (b) removes the name of a person from the Register in pursuance of Part IV.;
- (c) reprimands a person;
- (d) suspends (otherwise than under sub-section (2.) of section thirty-one of this Ordinance) the registration of a person;
- (e) refuses to approve a qualified person for the purposes of section thirty-eight A of this Ordinance; or
- (f) withdraws an approval of a qualified person for the purposes of section thirty-eight A of this Ordinance,

the person may appeal to the Supreme Court against the decision of the Board within twenty-one days after the decision was given.

“ (2.) An appeal under this section shall be in the nature of a re-hearing.

“ (3.) On the hearing of such an appeal, the Supreme Court may—

- (a) affirm, set aside or vary the decision of the Board;
- (b) give such judgment as to the Court seems proper; and
- (c) make such other order as justice requires.

“ (4.) Where the Supreme Court sets aside or varies a decision of the Board, the Court shall express in its decision the finding on which the decision was based.”.

**Power of
Minister to
determine
charges.**

14. Section forty-one of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2.) the words “The amount specified in any such order shall be a debt due to the Crown and may be sued for and recovered by action instituted by any officer authorized in writing by the Director-General in any Court of Petty Sessions as a civil debt recoverable summarily.”; and

(b) by inserting after sub-section (2.) the following sub-section:—

“(2A.) Where a person is, by virtue of such an order, liable to pay a pecuniary penalty, the amount of that penalty is a debt due to the Commonwealth and payable to the Director-General and may be sued for and recovered as a civil debt recoverable summarily by action instituted in the Court of Petty Sessions by an officer authorized in writing by the Director-General.”.
