
**Medical Practitioners Registration
(Amendment) Ordinance 1982**

No. 30 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 25 June 1982.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

J. J. CARLTON
Minister of State for Health

An Ordinance to amend the *Medical Practitioners Registration Ordinance 1930*

Short title

1. This Ordinance may be cited as the *Medical Practitioners Registration (Amendment) Ordinance 1982*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Medical Practitioners Registration Ordinance 1930*.²

Interpretation

4. Section 4 of the Principal Ordinance is amended by omitting "in pursuance of section twenty-two of this Ordinance, and 'registration' has a corresponding meaning;" from the definition of "registered" and substituting "under this Ordinance;"

Repeal

5. Section 20 of the Principal Ordinance is repealed.

Registration by the Board

6. Section 22 of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:

“(4) Subject to this Ordinance, where a person applies for registration under this section, the Board shall cause the person to be registered.”

7. After section 22 of the Principal Ordinance, the following sections are inserted:

Registration of eminent medical practitioners

“22A. (1) A person, other than a person who is entitled to apply for registration under section 22, may apply to the Board for registration as a medical practitioner if he is entitled to practise as a medical practitioner in a place outside Australia.

“(2) An application under sub-section (1) shall be in writing signed by the applicant and shall --

- (a) set out particulars of—
 - (i) the qualifications of the applicant in medicine and surgery;
 - (ii) the training undertaken by the applicant in the practice of medicine and surgery;
 - (iii) the experience of the applicant as a medical practitioner; and
 - (iv) the places in which the applicant has practised as a medical practitioner; and
- (b) state whether the applicant’s right to practise as a medical practitioner in any place has, at any time, been suspended or cancelled.

“(3) An application under sub-section (1) shall be lodged with the Board together with a testimonial, diploma, licence or certificate testifying to each of the qualifications of the applicant.

“(4) Where an application is made to the Board under sub-section (1) and the Board is satisfied that

- (a) the applicant is entitled to apply for registration as a medical practitioner under sub-section (1);
 - (b) the reputation and status of the applicant in the medical profession are such that it would be in the public interest and of benefit to the medical profession if the applicant were to practise as a medical practitioner in the Territory; and
 - (c) the applicant has paid the prescribed fee,
- the Board shall cause the applicant to be registered.

Particulars to be entered in Register

“23. (1) The registration of a person shall be effected by entering in the Register

- (a) the name of the person;
- (b) the person’s professional address or addresses in the Territory or, if he has no professional address in the Territory, his place of residence, whether within or outside the Territory;

- (c) particulars of the person's qualifications;
- (d) the registration number allotted to the person;
- (e) the date of registration; and
- (f) such other particulars, if any, as are prescribed.

“(2) An entry in the Register shall be signed by the Chairman or, in his absence, by the Deputy Chairman.”

8. Section 24 of the Principal Ordinance is repealed and the following sections are substituted:

Certificate of registration

“24. (1) Where a person is registered as a medical practitioner the Board shall cause to be issued to him a certificate of registration under the hand of the Chairman or Deputy Chairman.

“(2) A certificate of registration issued under sub-section (1) is evidence that the person specified in the certificate was registered on the date specified in the certificate.

“(3) Where a certificate issued under sub-section (1) has been destroyed or lost, the Board shall, on payment of the prescribed fee, cause to be issued to the registered medical practitioner a duplicate certificate.

“(4) Where

- (a) the Board has given to a person notice in writing that his registration has been cancelled; and
- (b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

the person shall deliver his certificate of registration to the Chairman.

“(5) A person who fails to comply with sub-section (4) is guilty of an offence punishable, on conviction, by a fine not exceeding \$100.

“(6) A notice for the purpose of paragraph (4) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(7) It is a defence to a prosecution for an offence against sub-section (4) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate.

Medical practitioners to notify address and pay annual fee

“24A. (1) A registered medical practitioner shall, on or before 1 July in each year—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the prescribed fee.

“(2) Where a registered medical practitioner does not comply with the provisions of sub-section (1), the Board shall cause to be sent to the medical practitioner a notice requiring him to comply with the provisions of paragraphs (1) (a) and (1) (b) within one month of the date of the notice and advising him that if he does not do so his registration will be cancelled.

“(3) A notice under sub-section (2) shall be posted to the medical practitioner at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his last-known place of residence.

“(4) Where a medical practitioner to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice the Board shall cancel his registration.

“(5) Where a medical practitioner whose registration has been cancelled under sub-section (4)

(a) notifies the Board of his professional address or addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and

(b) pays the prescribed fee referred to in paragraph (1) (b),

within 12 months after the date on which his registration was so cancelled, the Board shall re-register the medical practitioner.

Change of address to be notified

“24B. Where—

(a) a change occurs in an address of a registered medical practitioner entered in the Register under sub-section 23 (1) or notified to the Board under section 24A; or

(b) a registered medical practitioner establishes a professional address, or an additional professional address, in the Territory,

the registered medical practitioner shall, within one month of the change or establishment, as the case may be, notify the Chairman in writing accordingly.

Penalty: \$100.”.

Repeal

9. Section 25 of the Principal Ordinance is repealed.

10. Section 26 of the Principal Ordinance is repealed and the following section substituted:

Alteration of Register

“26. (1) The Board shall cause to be removed from the Register the name of a registered medical practitioner who has died.

“(2) Subject to this section, the Board shall, at the request of a registered medical practitioner, enter in the Register particulars of any qualifications of the medical practitioner in medicine or surgery in addition to the qualifications that entitled the medical practitioner to registration.

“(3) Subject to this section, the Board may, from time to time, at the request of a person or of its own accord, make such other alterations to particulars in the Register as are necessary.

“(4) Subject to sub-section (5), the Board shall not—

- (a) enter particulars of qualifications in the Register under sub-section (2); or
- (b) make other alterations to particulars in the Register at the request of a person under sub-section (3),

unless the Board is satisfied that the prescribed fee has been paid.

“(5) The prescribed fee is not payable where the Board enters particulars of qualifications of a person in the Register under sub-section (2) and that entry is made at the same time as the registration of the person is effected in accordance with section 23.”.

Repeal

11. Sections 27 and 28 of the Principal Ordinance are repealed.

12. Section 28A of the Principal Ordinance is repealed and the following section substituted:

Special registration

“28A. (1) This section applies to a person who—

- (a) holds a qualification granted in a place outside Australia that would entitle him to practise as a medical practitioner in that place; and
- (b) is visiting the Territory in connection with research into, or dissemination of knowledge of the theory and practice of, medicine.

“(2) Upon application on behalf of a person to whom this section applies by—

- (a) a hospital or a university, college of advanced education or other educational institution; or
- (b) a professional association whose objects include the promotion of research into, or dissemination of knowledge of the theory and practice of, medicine,

and on payment of the prescribed fee, the Board may grant special registration to the person.

“(3) Special registration granted under this section—

- (a) shall remain in force for such period, not exceeding one year, as the Board specifies;
- (b) may be renewed, on payment of the prescribed fee, for a further period of not more than one year; and
- (c) may be granted subject to such restrictions and conditions as the Board thinks fit.”.

13. Section 29 of the Principal Ordinance is repealed and the following sections are substituted:

Provisional registration

“29. (1) Upon application by a person who has lodged an application for registration with the Board under section 22 or 22A, and upon payment of the prescribed fee, the Chairman may grant provisional registration to the person.

“(2) Provisional registration granted under this section shall, subject to sub-section (3), remain in force for a period of 3 months from the date of the grant and shall not be renewed.

“(3) Where, within the period of 3 months referred to in sub-section (2), the Board makes a decision on the application under section 22 or 22A, as the case may be, the provisional registration ceases to be in force.

Temporary registration

“29A. (1) Subject to this section, upon application by a person who—

- (a) is registered as a medical practitioner in a State or another Territory; and
- (b) wishes to carry on the practice of medicine in the Territory on behalf of a registered medical practitioner,

the Chairman may, if he is satisfied that the person—

- (c) is a fit and proper person to carry on the practice of medicine in the Territory; and
- (d) has paid the prescribed fee,

grant temporary registration to the person.

“(2) Temporary registration granted under this section shall remain in force for a period of 3 months from the date of the grant and, subject to this section, may, upon application by the person to whom temporary registration was granted, and on payment of the prescribed fee, be renewed for a further period of 3 months.

“(3) Temporary registration shall not be granted or renewed under this section where the applicant has been temporarily registered for a total period of 6 months during the period of 24 months immediately preceding the date of his application for temporary registration or renewal, as the case may be.

Effect of special, &c., registration

“29B. Subject to paragraph 28A (3) (c), a person who has been granted special, provisional or temporary registration shall, while the registration is in force, be deemed to be registered as a medical practitioner for the purposes of Part IV.”

Cancellation or suspension of registration

14. Section 30 of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

- “(1) The Board may order the cancellation of the registration of a person
- (a) whose registration has been obtained by fraud or misrepresentation;
 - (b) whose qualification is withdrawn or cancelled by the body which granted it;
 - (c) who, being a person whose registration is suspended, is convicted of an offence against section 34 or 38;
 - (d) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee;
 - (e) who is convicted in the Territory or elsewhere of an offence punishable by imprisonment for one year or longer or any other offence that, in the opinion of the Board, renders him unfit to practise as a medical practitioner; or
 - (f) who is guilty of unprofessional conduct.

“(2) The Board may order the suspension, for such period as it thinks fit, of the registration of a person---

- (a) whose registration in a State or another Territory is suspended on a ground other than the non-payment of a fee; or
- (b) who is found by the Board to have been guilty of habitual drunkenness or addiction to a drug.

“(3) In the case of a person to whom paragraph (1) (e) or (f) applies, the Board may, instead of cancelling the registration of the person

- (a) order the suspension of the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

“(4) In the case of a person to whom paragraph (2) (b) applies, the Board may, instead of suspending the registration of the person, reprimand the person.”.

Inquiry by Board

15. Section 31 of the Principal Ordinance is amended by omitting paragraph (1) (a) and substituting the following paragraph:

- “(a) cancelling the registration of a person:”.

Publication of notice of decision

16. Section 31B of the Principal Ordinance is amended by omitting paragraph (1) (a) and substituting the following paragraph:

- “(a) cancelling the registration of a person:”.

Repeal

17. Section 32 of the Principal Ordinance is repealed.

Withdrawal of approval

18. Section 38B of the Principal Ordinance is amended by omitting from sub-section (1) "paragraph (b), (c), (d) or (e) of sub-section (1) of section thirty of this Ordinance" and substituting "paragraph 30 (1) (b), (c), (d), (e) or (f)".

Appeal

19. Section 39C of the Principal Ordinance is amended—

(a) by omitting paragraph (b) and substituting the following paragraph:

"(b) cancelling the registration of a person;"

(b) by omitting paragraph (e) and substituting the following paragraph:

"(e) refusing to grant, or to renew, special registration; or"; and

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

"(2) Application may be made to the Tribunal for a review of a decision of the Chairman refusing to grant temporary registration to a person or refusing to renew a temporary registration."

Heading to Part V

20. The heading to Part V of the Principal Ordinance is omitted and the following heading substituted:

"PART V—MISCELLANEOUS".

21. After section 39C of the Principal Ordinance the following section is inserted in Part V:

Inspection of Register

"40. (1) A person may, on payment of the prescribed fee—

(a) inspect an entry in the Register; or

(b) obtain a certified copy of an entry in the Register.

"(2) The Board may, on request by the registration authority of a State, Territory or place outside Australia and without payment by the registration authority of a fee, forward a certified copy of the Register to that registration authority.

"(3) In this section, 'registration authority' means a person or body empowered by or under the law of a State, Territory or place outside Australia to register or license medical practitioners pursuant to that law."

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 28 June 1982.
2. 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; No. 2, 1962; No. 3, 1963; No. 1, 1964; No. 19, 1966; Nos. 14 and 15, 1967; No. 21, 1969; No. 34, 1970; No. 44, 1973; No. 17, 1975; No. 40, 1976; No. 65, 1977; Nos. 43 and 46, 1978; Nos. 26 and 38, 1979; No. 47, 1980; No. 48, 1981.