

**MEDICAL PRACTITIONERS (AMENDMENT) ACT,
1981, No. 55**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 55, 1981.

An Act to amend the Medical Practitioners Act, 1938, with respect to the registration of persons as medical practitioners and the qualifications therefor; and for other purposes. [Assented to, 22nd May, 1981.]

Medical Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Medical Practitioners (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to the provisions of Schedule 1, 2, 3, 4 or 5, commence on the day on which that Schedule commences.

(3) Section 7 (1), Schedules 1, 4 and 5 and Part 1 of Schedule 6 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 (2), Schedule 3 and Part 2 of Schedule 6 shall commence on such day (being a later day than that appointed and notified under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Section 8 and Schedule 2 shall commence on such day (being the same as, or different from, that appointed and notified under subsection (3) or (4)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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Principal Act.

3. The Medical Practitioners Act, 1938, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INTERNSHIPS.

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 37, 1938.

5. The Principal Act is amended in the manner set forth in Schedules 1–5.

Amendment of Act No. 52, 1972.

6. The Medical Practitioners (Amendment) Act, 1972, is amended—

- (a) by omitting section 2 (3);
- (b) by omitting section 7.

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Savings and transitional provisions.

7. (1) Part 1 of Schedule 6 has effect.
- (2) Part 2 of Schedule 6 has effect.

Former members of Board may be reappointed, etc.

8. On the commencement of this section, each person who held office as a member of the New South Wales Medical Board immediately before that commencement shall vacate his office and, subject to the Principal Act, as amended by this Act, is eligible to be re-appointed or re-nominated for appointment, as the case may require, under that Act, as so amended, as a member of that Board.

Validation.

9. (1) In this section—

“disciplinary tribunal” means the disciplinary tribunal referred to in section 28 of the Principal Act;

“investigating committee” means the investigating committee referred to in section 27A of the Principal Act;

“relevant period” means the period commencing with 2nd September, 1963, and ending with the commencement of this section;

“the commencement” means the commencement of this section.

(2) Any person who purported to act in the office of a member of the investigating committee at any time during the relevant period shall be deemed—

- (a) to have had the qualification required by section 27A (1) (a), (b) or (c), as the case may have required, of the Principal Act, as deemed to have been amended by subsection (7), for his appointment to that office; and

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(b) to have been duly appointed to that office,
but this subsection does not operate so as to enable the person to hold that office after the commencement.

(3) A person who, immediately before the commencement, purported to hold the office of a member of the investigating committee shall, on the commencement, be deemed—

- (a) to have the qualification required by section 27A (1) (a), (b) or (c), as the case may require, of the Principal Act, as deemed to be amended by subsection (7), for his appointment to that office; and
- (b) to be duly appointed to that office.

(4) Any act, matter or thing—

- (a) purporting to have been done or omitted to be done during the relevant period by the investigating committee or any person purporting to act as the chairman or any other member thereof; and
- (b) which could have lawfully been done or omitted to be done by the committee or the person purporting so to act if the committee had been duly constituted under the Principal Act when the act, matter or thing was done or omitted to be done,

is hereby validated.

(5) Any act, matter or thing—

- (a) done or omitted to be done by the disciplinary tribunal or any member thereof with respect to a complaint or charge purporting to have been, before the commencement, referred to it by the investigating committee; and
- (b) which could have lawfully been done or omitted to be done by the tribunal or member if the complaint or charge had been duly referred to it by the investigating committee in accordance with the Principal Act,

is hereby validated.

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(6) Subsections (4) and (5) do not operate so as to validate any act, matter or thing done or omitted to be done, before the commencement, by the investigating committee or the disciplinary tribunal with respect to the complaint or charge the subject of proceeding number S618 of 1981 in the Administrative Law Division of the Supreme Court.

(7) The reference to a stipendiary magistrate in section 27A (1) (a) of the Principal Act, as in force during the period commencing with 2nd September, 1963, and ending with the commencement of Schedule 1, shall be deemed to include, and to have always included, a reference to a person who has held the office of stipendiary magistrate.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR.

(1) Section 2—

- (a) From the matter relating to Part III, omit “32”, insert instead “32A”.
- (b) From the matter relating to Part VI, omit “51, 52”, insert instead “51-52”.

(2) (a) Section 3 (1), definition of “Registered”—

Omit “Act and includes ‘deemed to be so registered.’”, insert instead “Act.”.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (b) Section 3 (1), definition of “Registered medical practitioner”—

After the definition of “Registered”, insert :—

“Registered medical practitioner” means a person who is, for the time being, registered.

- (c) Section 3 (2)–(4)—

Omit section 3 (2), insert instead :—

(2) In this Act—

(a) a reference to making a recording in the Register includes a reference to amending, cancelling or deleting any such recording; and

(b) a reference to removal of the name of a person from the Register shall be construed as a reference to removal of that name from the Register pursuant to a provision of this Act.

(3) For the purposes of this Act, a person is domiciled in New South Wales if the person resides in that State and intends to permanently so reside.

(4) For the purposes of section 27 (1) of the Interpretation Act, 1897, a notice served by post on a person pursuant to this Act shall be treated as being properly addressed if it is addressed to the last address of the person known to the secretary to the Board.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(3) Section 13 (2)—

Omit “which any person is entitled to receive from the board or any certificate or license granted or”.

(4) Sections 15–23c—

Omit sections 15–23, insert instead :—

Full entitlement to registration.

15. (1) A person is entitled to be registered pursuant to this section if—

(a) he is the holder of the prescribed qualifications;

(b) he has the prescribed experience; and

(c) he satisfies the Board that he is of good character.

(2) For the purposes of subsection (1) (a), a person is the holder of the prescribed qualifications if—

(a) he is the holder of—

(i) a degree in medicine and a degree in surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

(ii) a degree in medicine granted after due examination by the University of Newcastle; or

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(b) he—

(i) is the holder of a prescribed degree; and

(ii) has a knowledge of the English language that, in the opinion of the Board, is adequate for the practice of medicine in New South Wales.

(3) For the purposes of subsection (2) (b) (i), a person is the holder of a prescribed degree if—

(a) where there is only one qualification specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule—he is the holder of that qualification granted by that university, college or other body;

(b) where there are 2 or more qualifications specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule, and neither those qualifications nor any combinations of them are shown as alternatives—he is the holder of all of those qualifications granted by that university, college or other body;

(c) where there are 2 or more qualifications specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule, and those qualifications or any combination of them are or is shown as alternatives or an alternative

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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—he is the holder of any such alternative qualification or any such alternative combination of qualifications, as the case may be, granted by that university, college or other body; or

- (d) where any 2 or more universities, colleges or other bodies are specified in Column One of Schedule One opposite any qualification or qualifications specified in Column Two of that Schedule—he is, subject to paragraphs (a), (b) and (c), the holder of that qualification or those qualifications granted by each of the universities, colleges or other bodies so specified.

(4) For the purposes of subsection (1) (b), a person has the prescribed experience if—

- (a) the Board is satisfied that he has, for a period of at least 12 months, or for periods amounting in the aggregate to at least 12 months, satisfactorily served as a medical officer—
- (i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or
- (ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,

and that he has, as such a medical officer, had satisfactory medical experience during a period of at least 6 months, or during periods amounting

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

in the aggregate to at least 6 months, and satisfactory surgical experience during a like period or periods; or

(b) the Board is satisfied that he—

(i) is unable, by reason of physical incapacity, to serve as a medical officer as referred to in paragraph (a); and

(ii) has, for a period of at least 12 months, or for periods amounting in the aggregate to at least 12 months, received special tuition of a nature and type approved by the Board in some branch of medicine or surgery approved by the Board.

(5) The Governor may, by proclamation published in the Gazette, amend Schedule One by inserting in Column One of that Schedule particulars of any university, college or other body outside New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by any such university, college or other body, or by omitting from that Schedule any particulars therein.

Limited entitlement to registration.

16. Subject to section 18 (3), a person is entitled to be registered pursuant to this section if—

(a) he has passed through a regular graded course of study of 5 or more years' duration in a school of medicine elsewhere than in New South Wales,

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

not being a school of medicine associated with any of the universities, colleges or other bodies listed in Column One of Schedule One;

(b) he is the holder of a degree or diploma that certifies to his ability to practise medicine, granted after due examination by the university, college or other body with which the school of medicine at which he passed through a course of study referred to in paragraph (a) is associated, being a university, college or other body which is recognised, in the country, State or Territory in which the school is situated, for the purpose of granting the degree or diploma;

(c) he—

(i) has obtained results satisfactory to the Board in the prescribed examinations; or

(ii) satisfies the Board that he should not, for the purpose of his being entitled to be so registered, be required to be so examined or should not be required to obtain those results;

(d) he—

(i) is domiciled in New South Wales; or

(ii) satisfies the Board that he should not, for the purpose of his being entitled to be so registered, be required to be so domiciled;

(e) he has a knowledge of the English language that, in the opinion of the Board, is adequate for the practice of medicine in New South Wales;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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- (f) he has the prescribed experience, within the meaning of section 15 (1) (b); and
- (g) he satisfies the Board that he is of good character.

Entitlement to conditional registration.

17. Where a person—

- (a) is entitled to have a degree or diploma conferred on him by a university, college or other body and would be entitled to be registered pursuant to section 15 or 16 if—
 - (i) he had had the degree or diploma conferred on him; and
 - (ii) where he does not have the prescribed experience (within the meaning of section 15 (1) (b))—he had had that experience; or

- (b) does not have that prescribed experience and would be entitled to be registered pursuant to section 15 or 16 if he had had that experience,

then, if the person would be entitled, in the circumstances referred to in paragraph (a) or (b), to be registered—

- (c) pursuant to section 15—he is entitled to be registered pursuant to this paragraph; or

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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- (d) pursuant to section 16—he is, subject to section 18 (3), entitled to be registered pursuant to this paragraph.

Restrictions on registration in certain cases.

18. (1) Where, at any time later than 6 months after the date on which a person is registered pursuant to section 16 or 17 (d), the Board, after holding an inquiry, is satisfied that he is—

(a) not domiciled; or

(b) not practising medicine,

in New South Wales, the Board shall, unless the Minister otherwise expressly approves, cause the name of that person to be removed from the Register, notwithstanding any condition imposed by the Board upon the duration of his registration under section 21 (3) (a) or 30.

(2) The president shall fix a time and place for the holding of an inquiry under subsection (1), and shall cause the registered medical practitioner concerned to be given at least 14 days' notice, personally or by post, of the time and place for the inquiry.

(3) Where the name of a person has been removed from the Register pursuant to subsection (1), an application under section 19 (2) for registration pursuant to section 16 or 17 (d), lodged by the person within 5 years

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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after his name has been so removed, shall not be considered by the Board unless the Board has granted its approval to the making of the application before it was so lodged.

Application for registration.

19. (1) In this section—

“application” means an application for registration;

“prescribed period”, in relation to an application, means—

- (a) the period of 3 months that next succeeds the lodging of the application with the secretary to the Board under subsection (2) (d); or
- (b) where a longer period is agreed upon by the Board and the applicant—that longer period.

(2) An application shall be—

- (a) in or to the effect of the form prescribed in respect of the application;
- (b) accompanied by the fee prescribed in respect of the application;
- (c) accompanied by such evidence as is required by the regulations in respect of the application; and

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(d) lodged with the secretary to the Board.

(3) Subject to section 18 (3), the Board shall consider and determine an application made in accordance with subsection (2).

(4) Where the Board does not consider and determine an application within the prescribed period, the Board shall, for the purposes of section 23C (1) (a), be deemed to have determined, under section 21 (1) (b), that the applicant is not entitled to be registered and to have dismissed the application.

(5) Unless the Board, after considering an application, decides to dispense with an inquiry under this subsection into the eligibility of the applicant to be registered, it shall hold the inquiry.

(6) The president shall fix a time and place for the holding of an inquiry under subsection (5), and shall cause the applicant concerned to be given at least 7 days' notice, personally or by post, of the time and place for the inquiry.

Provisional certificates.

20. (1) In this section, "provisional certificate" means a certificate issued under subsection (2) (b) (i) or (ii).

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(2) Where a person has, under section 19 (2), applied for registration to which he claims to be entitled pursuant to section 15 or 17 (c), the Board shall—

- (a) forthwith consider the application; and
- (b) if it is satisfied that the applicant has the competence to practise medicine, within the meaning of section 21, and is prima facie entitled to be registered—
 - (i) pursuant to section 15—under this subparagraph, issue a certificate to the applicant; or
 - (ii) pursuant to section 17 (c)—under this subparagraph, issue a certificate to the applicant,

being a certificate in a form approved by the Board and stating that the applicant is provisionally entitled to registration under this Act.

(3) A provisional certificate is in force from the time of its issue until the holder of the certificate has been given notice, personally or by post—

- (a) of a determination made under section 21 (1) by the Board with respect to the application in relation to which the certificate was issued; or
- (b) that the Board has cancelled the certificate under subsection (4),

whichever first occurs.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(4) The Board may, for such reason as to it seems proper, cancel a provisional certificate.

(5) Where the Board cancels a provisional certificate, it shall forthwith cause the holder of the certificate to be given notice, personally or by post, of its cancellation.

(6) While a provisional certificate is in force, the holder of the certificate shall be deemed to be a registered medical practitioner for the purposes of this Act and the regulations.

(7) For the purposes of section 21 (2) (b), the date upon which a person is registered shall be deemed to be, where the person was the holder of a provisional certificate immediately before he is registered, the date upon which the certificate was issued.

(8) The Board may authorise—

(a) the president or any other member; or

(b) the secretary to the Board,

to perform, on behalf of the Board, the duties imposed upon it by subsection (2).

(9) Any certificate issued under subsection (2)

(b) (i) or (ii) by a person authorised under subsection

(8) shall be deemed to have been so issued by the Board.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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Registration.

21. (1) Where, after it has considered an application for registration and the inquiry, if any, into the application has been held, the Board determines that the applicant—

(a) is entitled to be registered pursuant to section 15, 16 or 17 (c) or (d)—the Board shall register the applicant subject to such conditions, if any, as the Board imposes upon his registration under subsection (3) or section 30 (6) (c) (i); or

(b) is not entitled to be registered—the Board shall dismiss the application.

(2) The Board registers a person by causing to be recorded in the Register—

(a) his full name and address;

(b) subject to section 20 (7), the date upon which he is registered;

(c) particulars of the qualifications in respect of which he is entitled to be registered;

(d) particulars of the provision of this Act pursuant to which he is entitled to be registered; and

(e) any conditions imposed by the Board upon his registration under subsection (3) or section 30 (6) (c) (i).

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(3) Where the Board registers a person—

- (a) pursuant to section 16 or 17 (d)—it may, under this paragraph, impose upon his registration such conditions relating to the duration of his registration as it considers appropriate; or
- (b) pursuant to section 16 or 17 (c) or (d)—it may, under this paragraph, impose upon his registration such other conditions (being conditions relating to his practising medicine) as it considers appropriate.

(4) Notwithstanding subsection (1), but subject to any order made under section 23C, the Board shall not register an applicant for registration who has not, in his application, satisfied the Board that he has the competence to practise medicine, within the meaning of this section, unless the Board has held an inquiry under section 30 with respect to the applicant.

(5) Notwithstanding subsection (1), but subject to any order made under section 23C, the Board may refuse to register, and may dismiss an application for registration made by, any person who is otherwise entitled to be registered but—

- (a) who has been convicted in New South Wales of an offence or has been convicted elsewhere than in New South Wales by a court for or in respect of an act or omission that would, had the act or omission taken place in New South Wales, have constituted an offence;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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- (b) whose name has been, for any reason relating to his conduct in a professional respect, erased or removed from any register or roll established or kept under any law in any country, State or Territory providing for the registration or certification of medical practitioners under a public authority; or
- (c) who has been guilty of habitual drunkenness or of addiction to any deleterious drug.
- (6) The Board shall not refuse to register any person—
- (a) on the ground specified in subsection (5) (a), where the offence (from its trivial nature or from the circumstances under which it was committed) was not such as, in the opinion of the Board, renders the person unfit in the public interest to practise medicine; or
- (b) on the ground specified in subsection (5) (b), unless the reason for the erasure or removal was an act or omission of a nature relating to his conduct in a professional respect for which, if done or omitted to be done in New South Wales, the disciplinary tribunal would have been authorised under this Part to direct that the name of the person be removed from the Register if it had been recorded therein.
- (7) Upon determining an application for registration, the Board shall—
- (a) forthwith cause the applicant to be given notice, personally or by post, of its determination; and

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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- (b) where it determines that the applicant is entitled to be registered—issue to the applicant a certificate of registration in a form approved by the Board and stating the particulars recorded in the Register with respect to him.
- (8) A person has, within the meaning of this section, the competence to practise medicine if, in the opinion of the Board, he has sufficient physical capacity, mental capacity and skill so to practise.

The Register.

22. (1) The Board shall cause to be kept a register, to be called the "Register of Medical Practitioners for New South Wales".
- (2) Where a registered medical practitioner applies for particulars relating to him to be recorded in the Register in addition to those so recorded under section 21 (2), the Board may, upon payment of the prescribed fee, cause to be recorded in the Register such of those additional particulars as the Board approves.
- (3) The Register shall at all reasonable times be made available for inspection at the office of the Board by any person on payment of the prescribed fee.
- (4) The Board—
- (a) shall cause to be removed from the Register the name of any registered medical practitioner who has died;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(b) may cause to be removed from the Register the name of any registered medical practitioner who has requested the Board that his name be so removed; and

(c) shall make such other recordings in the Register as may be necessary for the purpose of maintaining the Register as an accurate record of the particulars relating to each registered medical practitioner.

(5) The name of a registered medical practitioner is removed from the Register by the making in the Register of such recording as the Board directs.

Removal of name from Register.

23. (1) Subject to section 20 (6) and this section, a registered person ceases to be registered when the Board has caused him to be given notice, personally or by post, that his name has been removed from the Register.

(2) The name of a person registered pursuant to section 15 or 16 shall, if it has not previously been removed from the Register, be deemed to be removed from the Register and he ceases to be registered—

(a) where he was registered pursuant to section 15 and the period of his registration is specified in a condition imposed upon his registration under section 30 (6) (c) (i) or (ii)—at the expiration of that period; or

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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- (b) where he was registered pursuant to section 16 and the period of his registration is specified in a condition imposed upon his registration under section 21 (3) (a) or 30 (6) (c) (i) or (ii)—at the expiration of that period.
- (3) The name of a person registered pursuant to section 17 (c) or (d) shall, if it has not previously been removed from the Register, be deemed to be removed from the Register and he ceases to be registered—
- (a) where he was registered pursuant to section 17 (c), at the expiration of—
- (i) except as provided in subparagraph (ii)—the period of 1 year commencing with the day upon which he was registered; or
 - (ii) where the period of his registration is specified in a condition imposed upon his registration under section 30 (6) (c) (i) or (ii)—that period; or
- (b) where he was registered pursuant to section 17 (d), at the expiration of—
- (i) except as provided in subparagraph (ii)—the period of 1 year commencing with the day upon which he was registered; or
 - (ii) where the period of his registration is specified in a condition imposed upon his registration under section 21 (3) (a) or 30 (6) (c) (i) or (ii)—that period.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(4) Where a person's name is removed from the Register otherwise than pursuant to subsection (2) or (3) or section 22 (4) (a) or (b), the Board shall cause that person to be given notice, personally or by post, that his name has been so removed.

(5) Any certificate issued to a person under section 21 (7) (b) shall, when his name has been removed from the Register, cease to be in force.

Surrender of certificates.

23A. (1) Where a certificate issued to a person under section 20 (2) (b) (i) or (ii) or 21 (7) (b) has ceased to be in force, the Board may, by notice in writing served personally or by post on the person, require him to furnish the certificate to the Board within a time specified in the notice.

(2) A person on whom a notice has been served under subsection (1) shall not, without reasonable cause, fail to comply with the requirements of the notice.

Penalty for an offence under this subsection : \$100.

Rights to practise medicine.

23B. (1) In this section, a reference to a conditionally registered person is a reference to a person who is—

(a) registered pursuant to section 17 (c) or (d); or

(b) the holder of a certificate issued under section 20 (2) (b) (ii), being a certificate that is in force.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
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(2) Subject to subsections (3) and (4), a registered medical practitioner may practise medicine.

(3) A registered medical practitioner to whom a condition imposed on his registration under section 21 (3) (b) or 30 (6) (c) (i) or (ii) applies shall not practise medicine in contravention of the condition.

(4) A conditionally registered person may not practise medicine except in, or in connection with, his exercise of any of the following powers :—

(a) he may accept appointment, hold office and, subject to the prescribed conditions, perform service as a medical officer—

(i) in any of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or

(ii) in any private hospital or other institution approved by the Board;

(b) he may, in the course of performing service as referred to in paragraph (a), sign any medical certificate of the cause of death of any deceased person;

(c) he may, where a proclamation under subsection (5) is in force and notwithstanding the prescribed conditions referred to in paragraph (a), perform such other medical services as are specified in respect of him in the proclamation.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(5) Where it appears to the Governor that, by reason of any emergency or of the occurrence of any epidemic, conditions have rendered it necessary or desirable in the public interest to do so, the Governor may, by proclamation published in the Gazette, authorise any conditionally registered person specified in the proclamation to perform such medical services as are so specified for such period, not exceeding 12 months, as is so specified.

(6) The Governor may, by proclamation published in the Gazette, revoke any proclamation in force under subsection (5).

(7) For the purposes of section 15 (4), any period of time during which a conditionally registered person performs medical services in accordance with subsection (4) (c) may be accepted by the Board as equivalent to a corresponding period of time during which that person has served as a medical officer as referred to in section 15 (4).

Appeals.

23c. (1) A person may appeal to the Supreme Court against a determination of the Board by reason of which the Board has—

- (a) under section 21 (1) (b) or (5) or 30 (6) (a), dismissed his application for registration;
- (b) under section 21 (1) (a), registered him pursuant to a provision of this Act other than that pursuant to which, in his application for registration, he claims to be entitled to be registered;

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (c) under section 21 (3) (a) or (b) or 30 (6) (c) (i) or (ii), imposed a condition upon his registration;
- (d) by its order made under section 30 (6) (b) (i), suspended him from practising medicine for a period; or
- (e) under section 30 (6) (b) (ii), caused his name to be removed from the Register.

(2) Where the determination in respect of which an appeal under subsection (1) is brought was made as a consequence of an inquiry held by the Board, the appeal shall be dealt with by way of rehearing.

(3) With respect to an appeal made under subsection (1) against a determination of the Board, the Supreme Court may, having regard to the merits of the case and the public welfare—

- (a) dismiss the appeal; or
- (b) order that the determination of the Board be revoked and be replaced by a different determination made by the Court and specified in the order,

and may make such further orders, ancillary to its dismissal of an appeal under paragraph (a) or any order made under paragraph (b), as it thinks proper.

(4) A determination made under subsection (3) (b) shall, except for the purposes of subsection (1), be deemed to be a determination of the Board.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(5) The decision of the Supreme Court made under subsection (3) with respect to an appeal shall be carried into effect.

(6) An appeal made under subsection (1) does not affect any determination with respect to which it has been made unless and until an order is made under subsection (3) (b).

(5) Section 24 (4), (4A), (4B), (5), (6)—

Omit the subsections.

(6) (a) Section 25 (1)—

Omit “under this Act” wherever occurring.

(b) Section 25 (1)—

Omit “so”.

(7) (a) Section 26 (1)—

Omit “any person registered under this Act has since been removed”, insert instead “the name of a person has, since he was registered, been erased or removed”.

(b) Section 26 (1)—

Omit “outside New South Wales”, insert instead “, State (other than New South Wales) or Territory”.

(c) Section 26 (1), proviso—

Omit “such person” wherever occurring, insert instead “a registered medical practitioner”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (d) Section 26 (1), proviso—
Omit “erasing”, insert instead “erasure”.
- (e) Section 26 (1), proviso—
Omit “affecting”, insert instead “relating to”.
- (f) Section 26 (1), proviso—
Omit “of Medical Practitioners for New South Wales
if registered therein”.
- (g) Section 26 (2)—
Omit “person” wherever occurring, insert instead
“registered medical practitioner”.
- (h) Section 26 (4)—
After section 26 (3), insert :—
(4) The Board shall cause to be carried
into effect any order made under subsection (3).
- (8) (a) Section 27 (1)–(1F)—
Omit section 27 (1) and (1A), insert instead :—
(1) Where a complaint that a person who,
as a registered medical practitioner—
(a) has been convicted in New South Wales of
an offence or has been convicted elsewhere
than in New South Wales by a court for or
in respect of an act or omission that would,
had the act or omission taken place in New
South Wales, have constituted an offence;

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;
- (c) has been guilty of misconduct in a professional respect; or
- (d) is not of good character,

is made to the investigating committee in accordance with subsection (1A) by any person, the investigating committee shall, subject to subsection (1C), investigate the complaint.

(1A) A complaint referred to in subsection (1) shall be—

- (a) made in writing;
- (b) accompanied by particulars, verified by statutory declaration, of the allegations upon which the complaint is founded; and
- (c) lodged with the secretary to the Board.

(1B) Where the investigating committee receives a complaint referred to in subsection (1), it may require the person by whom the complaint was made to furnish it with such further particulars, verified by statutory declaration, in respect of the complaint as it thinks fit.

(1C) Where—

- (a) a complaint is made to it otherwise than in accordance with subsection (1A);

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (b) the person by whom a complaint referred to in subsection (1) has been made fails to comply with a requirement made of him by the investigating committee under subsection (1B); or
- (c) the person against whom any such complaint was made has died or has otherwise ceased to be a registered medical practitioner since the act or omission giving rise to the complaint allegedly occurred,

the investigating committee may decide not to investigate the complaint.

(1D) Where—

- (a) a person is convicted in New South Wales of an offence, other than a prescribed offence; and
- (b) the court before which the person is convicted has reasonable grounds to believe the person is a registered medical practitioner,

that court shall cause a certificate of conviction in respect of the person to be furnished to the secretary to the Board.

(1E) Where a coroner has reasonable grounds to believe that the evidence given in any proceedings conducted before him indicates that a complaint referred to in subsection (1) could be made against a person, he may cause a transcript of that evidence to be furnished to the secretary to the Board.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (1F) Where the secretary to the Board receives a certificate of conviction, pursuant to subsection (1D), or a transcript of evidence, pursuant to subsection (1E), a complaint shall be deemed to have been made to the investigating committee under this section in respect of the person to whom the certificate or transcript relates.
- (b) Section 27 (2) (a) (i)—
Omit “duly qualified or registered, and who”, insert instead “a registered medical practitioner and”.
- (c) Section 27 (2) (a) (ii)—
Omit “an unqualified or unregistered person”, insert instead “a person who is not a registered medical practitioner”.
- (d) Section 27 (2) (a) (ii)—
Omit “said person were duly qualified and registered”, insert instead “person were a registered medical practitioner”.
- (e) Section 27 (2) (a)—
Omit “or” where lastly occurring.
- (f) Section 27 (2) (b)—
Omit “as a medical”, insert instead “as a registered medical”.
- (g) Section 27 (2) (b)—
Omit “(if any) which the board has authorised, in pursuance of paragraph (b) of subsection three of section fifteen of this Act, to be entered in respect of

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

such registered person in the register”, insert instead “in respect of which the Board has, pursuant to section 21 (2) or 22 (2), caused particulars to be recorded in the Register in respect of him”.

(h) Section 27 (2) (b)—

Omit “or” where lastly occurring.

(i) Section 27 (2) (c)—

Omit “cause to attend”, insert instead “cause, to attend”.

(j) Section 27 (2) (c)—

Before “medical” wherever occurring, insert “registered”.

(k) Section 27 (2) (c)—

Omit “aforesaid.”, insert instead “aforesaid;”.

(l) Section 27 (2) (d), (e)—

After section 27 (2) (c), insert :—

(d) commits, in New South Wales or elsewhere, an offence against section 129 of the Health Insurance Act 1973 of the Parliament of the Commonwealth of which he is convicted; or

(e) practises medicine contrary to any requirement made of him under section 23B (3) or (4).

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(9) (a) Section 27A (1), (1A)—

Omit section 27A (1), insert instead :—

(1) There shall be an investigating committee which shall consist of—

- (a) a person who holds or has held the office of stipendiary magistrate appointed by the Minister on the nomination of the Chief Stipendiary Magistrate, who shall be the chairman of the committee;
- (b) a registered medical practitioner appointed by the Minister on the nomination of the Board, not being a registered medical practitioner who is a member of the Board;
- (c) a registered medical practitioner appointed by the Minister, not being a person who is—
 - (i) a member of the Board; or
 - (ii) an officer, servant or commissioner of the Commission; and
- (d) a person appointed by the Minister, not being a person who is—
 - (i) a member of the Board;
 - (ii) an officer, servant or commissioner of the Commission; or
 - (iii) a registered medical practitioner.

(1A) The powers, authorities, duties and functions of the investigating committee may be exercised and performed only at a meeting of the investigating committee at which—

- (a) the 2 persons appointed for the time being under subsection (1) (a) and (d); and

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(b) at least one of the 2 persons appointed for the time being under subsection (1) (b) and (c),

are present, but nothing in this subsection affects the operation of subsection (2).

(b) Section 27A (2)—

Omit "The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated."

(c) Section 27A (2A)—

Omit "or charge" wherever occurring.

(d) Section 27A (2A)—

Omit "registered" wherever occurring.

(e) Section 27A (3)—

Omit "or charge" wherever occurring.

(f) Section 27A (3)—

Omit "registered" wherever occurring.

(g) Section 27A (4), (4A), (4B)—

Omit section 27A (4), insert instead :—

(4) The proceedings of the investigating committee shall be held in the absence of the public.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(4A) The chairman shall, in the event of an equality of votes at a meeting of the investigating committee, have, in addition to a deliberative vote, a second or casting vote.

(4B) A decision supported by a majority of votes cast at a meeting of the investigating committee shall be the decision of the investigating committee.

(h) Section 27A (5)—

Omit “charge or”.

(i) Section 27A (5)—

Omit “a member”, insert instead “an officer or temporary employee”.

(j) Section 27A (5)—

Omit “or charge”.

(k) Section 27A (6)—

After section 27A (5), insert :—

(6) Where the investigating committee has, in respect of a complaint made to it, cautioned or reprimanded the person against whom the complaint was made, the person who made the complaint may appeal to the disciplinary tribunal against the decision of the investigating committee, in which case the tribunal shall proceed to hear the complaint as if it had been referred to the tribunal under subsection (3) (c).

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(10) (a) Section 28 (5)—

Omit “date” wherever occurring, insert instead “time”.

(b) Section 28 (5)—

Before “concerned”, insert “or former registered medical practitioner”.

(c) Section 28 (6)—

Before “concerned”, insert “or former registered medical practitioner”.

(d) Section 28 (6)—

Omit “or charge” wherever occurring.

(e) Section 28 (6)—

Omit “by subsection (1A) of section 27 or subsection (2A) of section 27A”, insert instead “, pursuant to section 27 (1F) or 27A (2A),”.

(f) Section 28 (6A)—

Omit “or charge” wherever occurring.

(g) Section 28 (6A)—

Before “concerned” wherever occurring, insert “or former registered medical practitioner”.

(h) Section 28 (6C)—

Omit “subsection (8) of section 29 shall be held in camera”, insert instead “section 29 (7) shall be held in the absence of the public”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (i) Section 28 (7)—
Omit “charge” wherever occurring, insert instead
“complaint”.
- (j) Section 28 (8A)—
Omit “or charge” wherever occurring.
- (k) Section 28 (8A)—
Omit “registered” wherever occurring.
- (l) Section 28 (8B)—
Omit “or charge” wherever occurring.
- (m) Section 28 (8B)—
Omit “registered” wherever occurring.
- (n) Section 28 (9) (b)—
Omit “charged”, insert instead “the subject of the
complaint”.
- (11) (a) Section 29 (1), (1A)—
Omit section 29 (1), insert instead :—
(1) Subject to subsections (1A) and (2),
where the disciplinary tribunal finds the subject-
matter of a complaint made against a person to have
been proved, it may—
(a) caution or reprimand him;
(b) by its order (if he is, when the order is
made, a registered medical practitioner)—
(i) suspend him from practising medi-
cine for a period not exceeding 3
years; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (ii) direct that his name be removed from the Register; or
- (c) by its order (whether or not he is, when the order is made, a registered medical practitioner) impose a fine upon him of an amount, not exceeding \$10,000, specified in the order,

or exercise any combination of the powers conferred on it by paragraphs (a)–(c).

(1A) The disciplinary tribunal may impose a fine upon a person under subsection (1) (c) only if it finds the person—

- (a) to have been guilty of misconduct in a professional respect; and
- (b) to have been so guilty otherwise than by reason only of the operation of section 27 (2) (d).

(b) Section 29 (2)—

Omit “any registered person has been so adjudged guilty, the tribunal shall not make an order suspending such person from practice”, insert instead “the disciplinary tribunal finds the subject-matter of a complaint made against a registered medical practitioner to have been proved, it shall not make an order suspending the registered medical practitioner from practising medicine”.

(c) Section 29 (2)—

Omit “person from practising his profession”, insert instead “registered medical practitioner from practising medicine”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(d) Section 29 (2A)—

Omit “paragraph (c)”, insert instead “paragraph (b) (ii)”.

(e) Section 29 (3)—

Omit “practice”, insert instead “practising medicine”.

(f) Section 29 (3)—

Omit “concerned shall be deemed not to be registered”, insert instead “to whom the order relates shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner”.

(g) Section 29 (4)—

Omit “Court from an adjudgment of guilt or from an order made pursuant to this section or against any refusal of the restoration of any name to the register”, insert instead :—

Court—

(a) by a registered medical practitioner or former registered medical practitioner—
from an adjudgment of guilt or any other finding, or from an order, made with respect to him pursuant to subsection (1) or (2B);
or

(b) by the person who made a complaint—
from any finding, or from an order, made pursuant to subsection (1) by the disciplinary tribunal in relation to the complaint, but only—

(i) upon a point of law; or

(ii) with respect to any penalty imposed;

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(h) Section 29 (4)—

Omit “Any such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.”, insert instead :—

An appeal under paragraph (a) shall be dealt with by way of rehearing.

(i) Section 29 (5)—

Before “of the”, insert “or former registered medical practitioner concerned”.

(j) Section 29 (5)—

Before “gives”, insert “or former registered medical practitioner”.

(k) Section 29 (5)—

Omit “the period”, insert instead “any period”.

(l) Section 29 (6)—

Omit “to have his name restored to the register”, insert instead “to be registered and, where a time has been so fixed, the person is not entitled to be registered before that time, notwithstanding section 15, 16 or 17 (c) or (d)”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(m) Section 29 (7)–(9)—

Omit section 29 (7) and (8), insert instead :—

(7) The disciplinary tribunal, after such investigation or inquiry as it thinks fit, may—

(a) by order, terminate any order of suspension under subsection (1) (b) (i) before the expiration of the period specified in the order of suspension; or

(b) subject to subsection (6), order—

(i) that a person whose name has been removed from the Register pursuant to this section be registered pursuant to the provision of this Act pursuant to which he was, immediately before his name was so removed, registered; and

(ii) that such conditions, if any, as the Board may impose upon his registration under section 21 (3) or 30 (6) (c) (i) and as are specified in the order be imposed upon his registration.

(8) Subject to subsection (5), the Board shall cause to be carried into effect any order made under this section.

(9) Where the Board carries into effect an order made by the disciplinary tribunal under—

(a) subsection (7) (b) (i)—the person referred to in that subparagraph shall, except for the purposes of section 23C (1), be deemed to be registered pursuant to a

Medical Practitioners (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
 REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

determination made by the Board under section 21 (1) (a) in accordance with the terms of the order; or

- (b) subsection (7) (b) (ii)—a condition that has been imposed in accordance with the terms of the order shall, except for the purposes of section 23c (1), be deemed to be a condition that has been imposed by the Board under section 21 (3) or 30 (6) (c) (i).

(n) Section 29 (10)—

Omit “practice”, insert instead “practising medicine”.

(o) Section 29 (10)—

Omit “or (8)”, insert instead “or (7)”.

(12) Sections 30, 31—

Omit the sections, insert instead :—

Inquiry into capacity.

30. (1) In this section, a reference to the competence of a person to practise medicine is a reference to his competence to practise medicine within the meaning of section 21.

(2) Subject to subsection (3), the Board may hold an inquiry in relation to the competence of an applicant for registration or a registered medical practitioner to practise medicine.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(3) The Board shall not hold an inquiry under subsection (2) unless it has caused at least 14 days' notice of the time and place for the inquiry to be served, personally or by post, on the applicant or registered medical practitioner in respect of whom it is to be held.

(4) Before it holds an inquiry under subsection (2) with respect to an applicant or a registered medical practitioner, the Board may, by notice in writing given to him personally or by post, require him to undergo, at the expense of the Board, a medical examination by such registered medical practitioner as the Board nominates, at any reasonable time and place specified in the notice.

(5) Where an applicant or a registered medical practitioner, without reasonable cause, refuses or fails to comply with the requirements of a notice given to him under subsection (4), the refusal or failure is prima facie evidence that he does not have the competence to practise medicine.

(6) Subject to subsection (10), where after an inquiry held under subsection (2), the Board—

(a) determines that an applicant for registration does not have the competence to practise medicine, the Board shall, notwithstanding section 21 (1), dismiss his application;

(b) determines that a registered medical practitioner does not have the competence to practise medicine, the Board may—

(i) by order, suspend him from practising medicine for such period as is specified in the order; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(ii) cause his name to be removed from the Register; or

(c) determines—

(i) that an applicant for registration has the competence to practise medicine only if his right so to practise is restricted, the Board shall, under this subparagraph; or

(ii) that a registered medical practitioner has the competence to practise medicine only if his right so to practise is restricted, the Board shall or (if his registration is already subject to conditions imposed upon it under subparagraph (i) or this subparagraph) may, under this subparagraph,

impose upon his registration such conditions relating to the duration of his registration or such other conditions relating to his practising medicine, or both, as it considers appropriate.

(7) Any—

(a) order made by the Board under subsection (6) (b) (i); or

(b) condition imposed by the Board under subsection (6) (c) (i) or (ii),

has effect when the Board has caused the applicant or registered medical practitioner to whom the order or condition purports to apply to be given notice, personally or by post, that the order has been made or the condition has been imposed, as the case may be.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(8) Where the Board has made an order pursuant to subsection (6) (b) (i), it may, by a further order, revoke the order but it may not alter or vary the order.

(9) While an order under subsection (6) (b) (i) is in force, the person suspended from practising medicine by the order shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner.

(10) The Board shall not exercise any of its powers under subsection (6) until—

(a) notice specifying the action it intends to take under that subsection has been personally served on the applicant or registered medical practitioner to whom the order relates; or

(b) the expiration of the prescribed period after notice specifying that action has been forwarded, in the prescribed manner, to the applicant or registered medical practitioner concerned,

whichever first occurs.

(11) Where a registered medical practitioner becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the prescribed person shall, in the prescribed manner and within the prescribed time, cause notice of that fact to be forwarded to the secretary to the Board.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.***Evidentiary provisions.**

31. A certificate, purporting to have been signed by the secretary to the Board, to the effect that—

- (a) a person specified in the certificate was or was not a registered medical practitioner at a time or during a period so specified;
- (b) the name of a person specified in the certificate was removed from the Register at a time so specified;
- (c) a person specified in the certificate was suspended from practising medicine from a time so specified and for a period so specified; or
- (d) a condition, particulars of which are set forth in the certificate, was, at a time or during a period so specified—
 - (i) imposed upon the registration of a person so specified; or
 - (ii) revoked,

shall, without proof of the signature of the person by whom the certificate purports to have been signed, be received by the investigating committee, the disciplinary tribunal and all courts as prima facie evidence of that fact.

(13) Section 32—

Omit “of Australia other than New South Wales, and does not engage in private practice as a medical practitioner”, insert instead “(other than New South Wales) or Territory of the Commonwealth and does not, otherwise than as a medical officer in that service, practise medicine”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(14) Section 32A—

After section 32, insert :—

Inquiries by the Board.

32A. (1) When the Board is holding an inquiry under this Part, the applicant or other person in relation to whom the inquiry is being held—

- (a) may appear before the Board; and
- (b) may be represented before the Board by a barrister or solicitor.

(2) For the purpose of any inquiry under this Part or of dealing with any application under this Part, the Board and the president or other member presiding at the inquiry or meeting at which the application is considered, as the case may be, shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the Board, or the president or other member so presiding, in the same way as it applies to a witness summoned before a royal commission.

(15) Section 39A—

Omit “under this Act”, insert instead “medical practitioners”.

(16) Section 41 (2)—

Omit “registered under this Act”, insert instead “a registered medical practitioner”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(17) (a) Section 41A (2)—

Omit “a person not registered under this Act”, insert instead “a person who is not a registered medical practitioner”.

(b) Section 41A (3)—

Omit “not registered under this Act, insert instead “who is not a registered medical practitioner”.

(18) Section 41B—

Omit “not registered under this Act”, insert instead “who is not a registered medical practitioner”.

(19) (a) Section 42 (1)—

Omit “Any person, not registered under this Act,”, insert instead “A person who is not a registered medical practitioner and”.

(b) Section 42 (1A)—

Omit the subsection, insert instead :—

(1A) A person shall not advertise himself, or hold himself out, to be a registered medical practitioner, doctor of medicine, physician, surgeon, legally or duly qualified medical practitioner, qualified medical practitioner or medical practitioner, unless he is a registered medical practitioner.

Penalty: \$800 or imprisonment for 12 months, or both.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(c) Section 42 (2) (a), (a1)—

Omit "Any person, not registered under this Act,"
wherever occurring, insert instead "A person who is
not a registered medical practitioner and".

(20) Section 44—

Omit "Any person not registered under this Act", insert
instead "A person who is not a registered medical
practitioner and".

(21) Section 45 (1)—

Before "medical" wherever occurring, insert "registered".

(22) (a) Section 47 (e)—

Omit "certificate granted or issued under this Act or
the Acts repealed by this Act, or in any license issued
under this Act", insert instead "certificate issued
under this Act".

(b) Section 47 (f)—

Omit "or license".

(c) Section 47 (g)—

Omit "or license or any certificate under the Acts
repealed by this Act".

(d) Section 47 (h)—

Omit "or license".

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(e) Section 47 (i)—

Omit "or license".

(f) Section 47 (i)—

Omit "under this Act".

(g) Section 47—

Omit "a misdemeanour", insert instead "an offence".

(23) Section 51A—

After section 51, insert :—

Recovery of fines.

51A. Any fine imposed on a person under section 29 may be recovered as a debt due to the Crown together with costs by proceedings brought in any court of competent jurisdiction.

(24) Schedule Two—

Omit the Schedule.

Medical Practitioners (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD.

(1) (a) Section 5 (2)-(4)—

Omit the subsections, insert instead :—

(2) The Board shall consist of 17 members.

(3) The members of the Board shall be—

- (a) a commissioner or an officer of the Commission, appointed for the time being as such a member by order of the Commission;
- (b) a barrister or solicitor nominated by the Minister;
- (c) 2 registered medical practitioners nominated by the Minister, at least 1 of whom shall be so nominated from among 3 registered medical practitioners whose names were last submitted to the Minister as a panel for the purposes of this paragraph by the Ethnic Affairs Commission of New South Wales;
- (d) 3 registered medical practitioners nominated by The New South Wales Branch of the Australian Medical Association;
- (e) a registered medical practitioner nominated by the Senate of the University of Sydney;
- (f) a registered medical practitioner nominated by the Council of the University of New South Wales;
- (g) a registered medical practitioner nominated by the Council of the University of **Newcastle**;
- (h) a registered medical practitioner nominated by the New South Wales Higher Education Board;
- (i) a registered medical practitioner nominated by The Royal Australasian College of Physicians, New South Wales State Committee;

Medical Practitioners (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD—
continued.

- (j) a registered medical practitioner nominated by The Australian College of Obstetricians and Gynaecologists, New South Wales State Committee;
 - (k) a registered medical practitioner nominated by the Royal Australasian College of Surgeons, New South Wales State Committee;
 - (l) a registered medical practitioner nominated by The Royal Australian College of General Practitioners, New South Wales Faculty;
 - (m) a registered medical practitioner nominated by The Royal Australian College of Medical Administrators, New South Wales State Committee; and
 - (n) a registered medical practitioner nominated by The Royal Australian and New Zealand College of Psychiatrists, New South Wales Branch.
- (4) A person nominated pursuant to subsection (3) (c)–(n) is disqualified from acting as a member for any period during which he is not a registered medical practitioner.
- (b) Section 5 (6)—
Omit “a period of five years from the date of his appointment”, insert instead “the period, not exceeding 5 years, specified in the instrument by which he is appointed”.
- (2) Section 10 (1)—
Omit “seven”, insert instead “9”.
-

Medical Practitioners (Amendment).

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS.

(1) Section 15 (4A)—

After section 15 (4), insert :—

(4A) Notwithstanding subsection (4), a person who has not been registered, pursuant to this section or section 16, before the commencement of Schedule 3 to the Medical Practitioners (Amendment) Act, 1981, has the prescribed experience, for the purposes of subsection (1) (b), only if—

(a) he has, for a period of, or for periods totalling, not less than 2 years, performed service as a medical officer—

(i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or

(ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,

at a standard satisfactory to the Board; and

(b) he has, while so performing service as a medical officer—

(i) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of medicine (other than surgery) as is satisfactory to the Board; and

(ii) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of surgery as is satisfactory to the Board,

Medical Practitioners (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS—*continued.*

or, where the Board is satisfied that he is unable, by reason of any incapacity, to comply with paragraphs (a) and (b)—if he has, for a period of, or for periods totalling, not less than 2 years, received special tuition of a nature and type approved by the Board in respect of him in such branches of medicine and surgery as are so approved.

(2) (a) Section 23 (3) (a) (i)—

Omit “1 year”, insert instead “2 years”.

(b) Section 23 (3) (b) (i)—

Omit “1 year”, insert instead “2 years”.

SCHEDULE 4.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3 (1), definition of “Country”—

Omit the definition.

(b) Section 3 (1), definition of “Medicine”—

After the definition of “Investigating committee”,
insert :—

“Medicine” includes surgery.

(2) (a) Section 35 (2)—

Before “medical”, insert “registered”.

Medical Practitioners (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(b) Section 35 (2)—

Omit “claimed has”, insert instead “claimed, has”.

(c) Section 35 (2)—

Omit “party”, insert instead “person”.

(3) (a) Section 36 (1)—

Omit the subsection, insert instead :—

(1) Within the 6 months next following the service upon any person of a bill for the professional services of a registered medical practitioner, that person or that person’s spouse may apply in the prescribed manner to the committee to review the bill.

(b) Section 36 (4) (b)—

Before “medical”, insert “registered”.

(c) Section 36 (4) (e)—

Before “medical”, insert “registered”.

(d) Section 36 (5)—

After section 36 (4), insert :—

(5) A reference in subsection (1) to a person’s spouse includes a reference to a person not legally married to the person but who ordinarily lives with the person as the person’s spouse on a permanent and bona fide domestic basis.

Medical Practitioners (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (4) (a) Section 41 (3)—
Omit “medical diploma”, insert instead “qualification”.
- (b) Section 41 (3)—
Omit “British or foreign country”, insert instead “country, State (other than New South Wales) or Territory”.
- (c) Section 41 (3)—
Omit “possession”, insert instead “country, State or Territory”.
- (5) Section 42 (2) (b)—
After “himself”, insert “, or hold himself out,”.
- (6) (a) Section 49 (1)—
Omit “or registered chiropractor or osteopath”, insert instead “, registered chiropractor, registered osteopath or ambulance officer”.
- (b) Section 49 (3)—
After section 49 (2), insert :—
(3) In subsection (1), “ambulance officer” means an officer, employee or servant of the Commission appointed or employed to carry out duties relating to the provision of ambulance services or a person appointed by the Commission to be an honorary ambulance officer.

Medical Practitioners (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

(7) (a) Section 50A—

Omit “or the secretary”, insert instead “, the secretary”.

(b) Section 50A—

Omit “, bona”, insert instead “or a person appointed under section 27A (5) to be nominal complainant, bona”.

(c) Section 50A—

After “secretary,”, insert “the person so appointed”.

(8) (a) Section 53 (1) (h)—

Omit “prescribed;”, insert instead “prescribed; or”.

(b) Section 53 (1) (i)—

Omit the paragraph, insert instead:—

- (i) regulating or prohibiting the exhibition or publication of any matter that relates to the practice of medicine or any branch of medicine or part of the practice thereof.

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

(1) (a) Section 3 (1), definition of “Member”—

Omit “board”, insert instead “Board”.

Medical Practitioners (Amendment).

 SCHEDULE 5—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
 LAW REVISION—*continued.*

(b) Section 3 (1), definition of “President”—

Omit “board”, insert instead “Board”.

(2) Section 3A—

After section 3, insert :—

Certain references in Acts, etc.

3A. A reference in any Act in force at or after the commencement of this section, in any instrument made under any such Act or in any other instrument to—

(a) a legally or duly qualified medical practitioner;

(b) a qualified medical practitioner; or

(c) a medical practitioner,

shall, except in so far as the context or subject-matter otherwise indicates or requires, be deemed to be a reference to a registered medical practitioner.

(3) (a) Sections 5 (1), 6 (2), 7 (d), 10 (1), (2), 12 (1), 13 (1), 24 (1A), (1B), 25 (1), (2), (4), 26 (1), (2), 27 (2) (a), 28 (1), (3), (10), 34 (2), 47, 48, 50A, 53 (1) (a), (2)—

Omit “board” wherever occurring, insert instead “Board”.

(b) Section 5 (1)—

Omit “paragraph (a) of subsection (3)”, insert instead “subsection (3) (a)”.

(c) Section 5 (6)—

Omit “of the board”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (d) Section 5 (6)—
Omit “paragraph (a) of subsection three of this section”, insert instead “subsection (3) (a)”.
- (e) Section 5 (6)—
Omit “such”, insert instead “a”.
- (f) Section 5 (7)—
Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- (g) Section 5 (7)—
Omit “of the board” wherever occurring.
- (h) Section 5 (7)—
Omit “any such”, insert instead “that”.
- (i) Section 5 (8)—
Omit “of the board”.
- (j) Section 5 (8)—
Omit “a public servant or a member”, insert instead “an officer or temporary employee of the Public Service or any other service of the State of New South Wales or a commissioner or officer”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(4) (a) Section 7 (c)—

Omit the paragraph, insert instead :—

- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(b) Section 7 (d)—

Omit “four”, insert instead “4”.

(c) Section 7 (g)—

Omit “seventy”, insert instead “70”.

(5) Section 9 (2)—

Omit “paragraph (a) of subsection three of section five of this Act, the member”, insert instead “section 5 (3) (a), a person”.

(6) (a) Section 11—

Omit “board” where firstly occurring, insert instead “Board”.

(b) Section 11—

Omit “of the board” where lastly occurring.

(c) Section 11—

Omit “seven”, insert instead “7”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (7) (a) Section 12 (2)—
Omit “board” where firstly and lastly occurring, insert instead “Board”.
- (b) Section 12 (2)—
Omit “thereof”.
- (c) Section 12 (2)—
Omit “of the board” where lastly occurring.
- (8) (a) Section 13 (1)—
Omit “1902, as amended by subsequent Acts”, insert instead “1979”.
- (b) Section 13 (2)—
Omit “board” where firstly, secondly, thirdly and fifthly occurring, insert instead “Board”.
- (9) Section 13A—
Omit “1902”, insert instead “1979”.
- (10) (a) Section 24 (1)—
Omit “to section thirty-two of this Act”, insert instead “section 32”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Sections 24 (1), (1A), (1B), (2), (3), 25 (2), (3), 28 (5), (6), (6A), 29 (3), (5), (6), (10), 35 (1), 40 (1), 41 (1), 41A (2), (4), 42 (2) (b), 44, 50, 53 (1)—

Omit “registered person” wherever occurring, insert instead “registered medical practitioner”.

- (c) Section 24 (1)—

Omit “the thirtieth day of”, insert instead “30th”.

- (d) Section 24 (1)—

Omit “the first day of October next following the said thirtieth day of June”, insert instead “1st October next following”.

- (e) Section 24 (1A)—

Omit “the thirty-first day of”, insert instead “31st”.

- (f) Section 24 (1A)—

Omit “the first day of October next following the said thirty-first day of May”, insert instead “1st October next following”.

- (g) Section 24 (1A)—

Omit “the thirtieth day of June next following the said thirty-first day of May”, insert instead “30th June next following that 31st May”.

- (h) Section 24 (1A) (a) (i)—

Omit “seventy”, insert instead “70”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (i) Section 24 (1A) (a)—
Omit “the said first day of” wherever occurring, insert instead “that 1st”.
- (j) Section 24 (1B)—
Omit “fourteen”, insert instead “14”.
- (k) Sections 24 (1B), (2), (3), 25 (1), (2), (3), (4), 26 (2), (3), 29 (2), 47 (a), 53 (1) (d)—
Omit “register” wherever occurring, insert instead “Register”.
- (l) Section 24 (3)—
Omit “the said thirtieth day of June”, insert instead “30th June”.
- (m) Section 24 (3)—
Omit “a person”, insert instead “a medical practitioner”.
- (n) Section 24 (3)—
Omit “the first day of”, insert instead “1st”.
- (o) Section 24 (3)—
Omit “the thirtieth day of”, insert instead “30th”.
- (p) Section 24 (3)—
Omit “the said thirtieth day of September”, insert instead “that 30th September”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (11) (a) Section 25 (3)—
Omit “two of this section”, insert instead “(2)”.
- (b) Section 25 (4)—
Omit “one of this section”, insert instead “(1)”.
- (c) Section 25 (4)—
Omit “two of this section”, insert instead “(2)”.
- (12) (a) Section 26 (1)—
Omit “register” where secondly occurring, insert
instead “Register”.
- (b) Section 26 (1), proviso—
Omit “register” where firstly occurring, insert instead
“Register”.
- (c) Section 26 (1), proviso—
Omit “of this Act”.
- (d) Section 26 (2)—
Omit “two”, insert instead “2”.
- (13) (a) Section 27 (2)—
Omit “registered person” where firstly and secondly
occurring, insert instead “registered medical prac-
titioner”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 27 (2) (a)—
Omit “of Australia”.
- (c) Section 27 (2) (b)—
Omit “license” wherever occurring, insert instead
“licence”.
- (14) (a) Section 27A (2)—
Omit “fourteen”, insert instead “14”.
- (b) Section 27A (2)—
Omit “four hundred dollars”, insert instead “\$400”.
- (c) Section 27A (2A)—
Omit “the provisions of”.
- (15) (a) Section 28 (1)—
Omit “four”, insert instead “4”.
- (b) Section 28 (2)—
Omit “seven”, insert instead “7”.
- (c) Section 28 (5)—
Omit “seven”, insert instead “7”.
- (d) Section 28 (6B)—
Omit “four hundred dollars”, insert instead “\$400”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 28 (8)—
Omit the subsection, insert instead :—
(8) For the purpose of an inquiry under this section, the disciplinary tribunal and the chairman shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the disciplinary tribunal or chairman in the same way as it applies to a witness summoned before a royal commission.
- (f) Section 28 (8A) (b)—
Omit “paragraph (a) or (b) of subsection (3) of section 27A”, insert instead “section 27A (3) (a) or (b)”.
- (g) Section 28 (8A)—
Omit “paragraph (c) of subsection (3) of section 27A”, insert instead “section 27A (3) (c)”.
- (h) Section 28 (9) (b)—
Omit “of this subsection”.
- (16) (a) Section 29 (4)—
Omit “subsection (6A) of section 28”, insert instead “section 28 (6A)”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 29 (5)—
Omit “twenty-one”, insert instead “21”.
- (c) Section 29 (6)—
Omit “register” where firstly and secondly occurring,
insert instead “Register”.
- (17) Section 33—
Omit “of this Act”.
- (18) (a) Section 34 (2)—
Omit “three members”, insert instead “3 persons”.
- (b) Section 34 (2) (a)—
Omit “two”, insert instead “2”.
- (c) Section 34 (2) (b)—
Omit “one”, insert instead “1”.
- (d) Section 34 (3)—
After “members”, insert “of the committee”.
- (e) Section 34 (4)—
Omit “two”, insert instead “2”.
- (f) Section 34 (4)—
After “members” where firstly and lastly occurring,
insert “of the committee”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (19) Section 35 (2)—
Omit “six”, insert instead “6”.
- (20) Section 36 (2)—
Omit “one of this section”, insert instead “(1)”.
- (21) (a) Section 37—
Omit “Section thirty-six and subsection two of section thirty-five of this Act”, insert instead “Sections 35 (2) and 36”.
- (b) Section 37—
Omit “-1929”.
- (22) Section 39—
Omit the section.
- (23) (a) Section 39A—
Omit “subsections two and four of section 41A, section 41B and paragraphs (a) and (a1) of subsection two of section forty-two, of this Act”, insert instead “sections 41A (2) and (4), 41B and 42 (2) (a) and (a1)”.
- (b) Section 39A—
Omit “forty-three of this Act”, insert instead “43”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (24) (a) Section 40 (1) (a)—
Omit “-1937”.
- (b) Section 40 (2)—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 40 (2)—
Omit “two years”, insert instead “2 years”.
- (25) Section 41 (1)—
Omit “four hundred dollars”, insert instead “\$400”.
- (26) (a) Section 41A (2)—
Omit “three of this section”, insert instead “(3)”,.
- (b) Section 41A (2)—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 41A (2)—
Omit “two years”, insert instead “2 years”.
- (d) Section 41A (2)—
Omit “twenty-seven of this Act”, insert instead “27”.
- (e) Section 41A (3)—
Omit “two of this section”, insert instead “(2)”.
- (f) Section 41A (3)—
Omit “twenty-eight”, insert instead “28”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (g) Section 41A (3)—
Omit “, as amended by subsequent Acts”.
- (h) Section 41A (3)—
Omit “subsection one of section twenty-nine”, insert
instead “section 29 (1)”.
- (i) Section 41A (4) (c)—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (j) Section 41A (4) (c)—
Omit “two years”, insert instead “2 years”.
- (27) (a) Section 42 (1)—
Omit “eight hundred dollars”, insert instead “\$800”.
- (b) Section 42 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 42 (2) (a)—
Omit “of this Act”.
- (d) Section 42 (2) (a)—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (e) Section 42 (2) (a)—
Omit “two years”, insert instead “2 years”.
- (f) Section 42 (2) (a1)—
Omit “of this subsection”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (g) Section 42 (2) (a1)—
Omit “eight hundred dollars”, insert instead “\$800”.
- (h) Section 42 (2) (a1)—
Omit “twelve”, insert instead “12”.
- (i) Section 42 (2) (b)—
Omit “eight hundred dollars”, insert instead “\$800”.
- (j) Section 42 (2) (b)—
Omit “twelve”, insert instead “12”.
- (k) Section 42 (3)—
Omit “two of this section”, insert instead “(2)”.
- (28) (a) Section 43 (1) (a)—
Omit “forty-two of this Act”, insert instead “42”.
- (b) Section 43 (1) (b)—
Omit “of this subsection”.
- (c) Section 43 (1)—
Omit “eight hundred dollars”, insert instead “\$800”.
- (d) Section 43 (1)—
Omit “twelve”, insert instead “12”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 43 (1A)—
Omit “subsection two or four of section 41A or paragraph (a) or (a1) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a) or (a1)”.
- (f) Section 43 (1B)—
Omit “subsection two or four of section 41A or paragraph (a) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a)”.
- (g) Section 43 (2)—
Omit “forty-two of this Act”, insert instead “42”.
- (h) Section 43 (2)—
Omit “eight hundred dollars”, insert instead “\$800”.
- (i) Section 43 (2)—
Omit “twelve”, insert instead “12”.
- (j) Section 43 (2)—
Omit “the said section”, insert instead “section 42”.
- (29) (a) Section 44—
Omit “six”, insert instead “6”.
- (b) Section 44—
Omit “four hundred dollars”. insert instead “\$400”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(30) (a) Section 45 (1)—

Omit “one hundred dollars”, insert instead “\$100”.

(b) Section 45 (2)—

Omit “one of this section”, insert instead “(1)”.

(c) Section 45 (3)—

Omit “the fifteenth day of July, one thousand nine hundred and thirty-eight”, insert instead “15th July, 1938”.

(31) (a) Section 47 (c)—

Omit “license”, insert instead “licence”.

(b) Section 47 (e)—

Omit “license” where firstly occurring, insert instead “licence”.

(c) Section 47—

Omit “three”, insert instead “3”.

(32) Section 49 (2)—

Omit “one of this section”, insert instead “(1)”.

(33) (a) Section 50 (1)—

Omit “practise”, insert instead “practice”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(b) Section 50 (2)—

Omit “one of this section”, insert instead “(1)”.

(c) Section 50 (2)—

Omit “two hundred dollars”, insert instead “\$200”.

(34) Section 52—

Omit “stipendiary magistrate or any two justices in petty sessions”, insert instead “court of petty sessions comprised of a stipendiary magistrate sitting alone”.

(35) (a) Section 53 (2)—

Omit “paragraph (a), paragraph (b) or paragraph (e) of subsection one of this section”, insert instead “subsection (1) (a), (b) or (e)”.

(b) Section 53 (3) (a)—

Omit “paragraph (g) or paragraph (h) of subsection one of this section”, insert instead “subsection (1) (g) or (h)”.

(c) Section 53 (3) (a)—

Omit “four hundred dollars”, insert instead “\$400”.

(d) Section 53 (3) (b)—

Omit “fifty dollars”, insert instead “\$50”.

Medical Practitioners (Amendment).

SCHEDULE 6.

(Sec. 7.)

SAVINGS AND TRANSITIONAL PROVISIONS.

PART 1.

Interpretation: Pt. 1.

1. In this Part, "the commencement" means the commencement of this Part.

Saving of certain applications.

2. Any application for registration or for renewal of registration that was made, under section 18 of the Principal Act, before the commencement and that has not been disposed of before the commencement shall be deemed to be an application for registration made pursuant to section 19 of the Principal Act, as amended by this Act.

Saving of registration.

3. (1) Any person who was, immediately before the commencement, registered under the Principal Act otherwise than—

- (a) pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act; or
- (b) by reason of the operation of section 18A (3) (d), 20 (2), 21 (2) or (3) (a), 21A (11) or 21c (7) of that Act,

shall, on the commencement, be deemed to be registered pursuant to section 15 of the Principal Act, as amended by this Act.

(2) Any person who was, immediately before the commencement, registered under the Principal Act pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act shall, on the commencement, be deemed to be registered pursuant to section 16 of the Principal Act, as amended by this Act.

Certain persons deemed registered.

4. (1) The holder of a certificate of conditional registration—

- (a) granted under section 18A (1) of the Principal Act; or

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) renewed under section 18A (4) of that Act, being a certificate that was in force immediately before the commencement, shall, on the commencement, be deemed—
- (c) to be registered under the Principal Act, as amended by this Act, pursuant to section 17 (c) of that Act, as so amended; and
- (d) for the purpose of section 21 (2) (b) of that Act, as so amended, to have been registered on the date—
- (i) except as provided in subparagraph (ii)—upon which that certificate was granted; or
 - (ii) where the certificate has been renewed—upon which it was last renewed.
- (2) The holder of a certificate of regional registration—
- (a) issued under section 21A of the Principal Act and in force immediately before the commencement; and
 - (b) pursuant to which he was deemed to be registered under section 21A (11) of that Act, as so in force, for purposes connected with or relating to the practice of medicine and surgery within a specified region,
- shall, on the commencement, be deemed to be registered under the Principal Act, as amended by this Act, pursuant to section 16 of that Act, as so amended, subject to conditions imposed by the Board under section 21 of that Act, as so amended, and—
- (c) specifying that his registration pursuant to this clause shall, subject to the Principal Act, as so amended, cease to have effect when it would have done so under section 21A (14) of that Act, had this Act not been enacted; and
 - (d) specifying that he may not practise medicine (within the meaning of the Principal Act, as so amended) except for purposes connected with or relating to the practice of medicine within the region referred to in paragraph (b).

Saving of certain certificates.

5. (1) Any certificate—
- (a) issued pursuant to section 15 (2) or 21A (10) of the Principal Act; or

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) granted under section 18A (1) of that Act,

being a certificate that was in force immediately before the commencement, whether or not (if the certificate was granted under section 18A (1) of that Act) it has been renewed, shall, on the commencement, be deemed to be a certificate of registration issued under section 21 (7) (b) of the Principal Act, as amended by this Act.

(2) Any—

(a) certificate of conditional registration granted under section 18A (2) of the Principal Act; or

(b) certificate of provisional registration granted under section 20 (1) of that Act,

being a certificate that was in force immediately before the commencement, shall, on the commencement, be deemed to be respectively a provisional certificate issued under section 20 (2) (b) (ii) or (i) of the Principal Act, as amended by this Act.

Saving of certain licenses.

6. (1) Notwithstanding the amendments made to Part III of the Principal Act by this Act, where, immediately before the commencement, a person was the holder of a license issued to him in accordance with section 21c (4) or (4A) of the Principal Act (whether or not it had been renewed), sections 17 and 21c (4), (4A), (5), (5A), (5B), (6), (7) and (8) of that Act, as then in force, shall—

(a) on and from the commencement, continue to apply to and in respect of the person; and

(b) so apply as if—

(i) the references, in section 21c (6), to sections 17 (6) and (7) and 30 of that Act were references to those provisions as in force immediately before the commencement;

(ii) the references, in section 21c (8), to sections 27, 27A, 28 and 29 of that Act were references to those sections, as amended by this Act; and

(iii) the reference, in section 21c (8), to section 30 of that Act were a reference to that section as in force immediately before the commencement, but only while the person holds a license that has effect under section 21c.

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) In the application, for the purposes of subclause (1), of section 17 (1) (g) of the Principal Act, as in force immediately before the commencement, and in the application of that paragraph as in force at any other time after 1st September, 1963, and before the commencement, for all other purposes, the reference in that paragraph to section 21c (4) or (4A) of the Principal Act shall be deemed to include, and to have always included, a reference to section 21c (3) of that Act.

(3) Where, by reason of the operation of subclause (1), a person becomes entitled to be registered under the Principal Act, he shall be deemed to be so entitled pursuant to section 15 of that Act, as amended by this Act, and the provisions of Part III of that Act, as so amended, other than section 21 (4), shall apply to and in respect of his registration in the same way as they apply to and in respect of the registration of a person who, after the commencement, becomes entitled to be registered under that Act, as so amended, pursuant to section 15, otherwise than by reason of the operation of subclause (1).

Saving of certain proclamations.

7. A proclamation that—

- (a) was published in the Gazette under section 17 (1A) (a) of the Principal Act before the commencement; and
- (b) amended Schedule One to that Act,

shall, on the commencement, be deemed to be a proclamation published under section 15 (5) of that Act, as amended by this Act.

Continuation of certain proceedings.

8. (1) Any appeal commenced under section 19 of the Principal Act which has not been disposed of before the commencement shall, on the commencement, be deemed to be an appeal commenced under section 23c of the Principal Act, as amended by this Act, and may be continued under that Act, as so amended.

(2) Any proceedings (including proceedings relating to an appeal) with respect to a complaint or charge that were—

- (a) commenced under Part III of the Principal Act; and

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) not finally disposed of,

before the commencement, shall, on the commencement, be deemed to be proceedings with respect to a complaint duly commenced under that Act, as amended by this Act, and may be continued under Part III of that Act, as so amended.

(3) Notwithstanding subclause (2) and section 29 (1) of the Principal Act, as amended by this Act, where a person is, after the commencement, found by the disciplinary tribunal, within the meaning of that Act, as so amended, to have been guilty of misconduct in a professional respect by reason only of an act or omission which occurred before the commencement, the disciplinary tribunal may not impose any fine upon the person.

Saving of certain regulations.

9. (1) A regulation in force under the Principal Act immediately before the commencement shall, on the commencement, be deemed to have been made under the Principal Act, as amended by this Act, if it could have been made under the Principal Act, as so amended, had that Act, as so amended, been in force when it was made, whether or not it could only have been so made if a reference in the regulation to a provision of the Principal Act were a reference to the corresponding provision of the Principal Act, as so amended.

(2) A reference in a regulation deemed to be made under the Principal Act, as amended by this Act, by the operation of subclause (1), to a provision of the Principal Act shall be construed as a reference to the corresponding provision of the Principal Act, as so amended.

Saving of certain orders and notices.

10. (1) An order made under section 30 (1) of the Principal Act and in force immediately before the commencement shall, on the commencement, be deemed to be an order made under section 30 (6) of the Principal Act, as amended by this Act.

(2) A notice forwarded under section 30 (2) of the Principal Act before the commencement shall be deemed to have been forwarded under section 30 (11) of the Principal Act, as amended by this Act.

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Saving of certain references.

11. On and from the commencement, a reference in any Act or other instrument to a registered person within the meaning of the Principal Act shall be construed as a reference to a registered medical practitioner within the meaning of the Principal Act, as amended by this Act.

Certain recordings authorised.

12. For the purpose of giving effect to clauses 3 and 4, the secretary to the Board may make such recordings in the Register kept under the Principal Act as the Board directs.

PART 2.

Interpretation: Pt. 2.

1. In clause 2, "appointed day" means the day on which this Part commences.

Transitional provision.

2. Notwithstanding section 15 (4A) of the Principal Act, as amended by this Act, any person—

- (a) who, during the period of 2 years immediately preceding the appointed day—
 - (i) had commenced to serve as a medical officer in a hospital or institution referred to in section 15 (4) (a) (i) or (ii) of the Principal Act as in force immediately before the appointed day; or
 - (ii) had commenced to receive special tuition within the meaning of section 15 (4) (b) (ii) of that Act, as so in force; and

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) who, if Schedule 3 had not been enacted, would have been, within the period of 2 years next following the commencement of—

(i) his service as such a medical officer; or

(ii) his receipt of that special tuition,

as the case may be, entitled to be registered pursuant to a provision of the Principal Act, as amended by this Act,

shall be entitled to be registered pursuant to that provision, as if Schedule 3 had not been enacted.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd May, 1981.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1981

Medical Practitioners (Amendment)

SCHEDULES

SCHEDULE 1

(b) who, if Schedule 1 had not been enacted, would have been entitled to practise as a medical practitioner in the State during the period of 3 years next following the commencement of this Act, but who, by reason of the provisions of this Act, is not entitled to practise as a medical practitioner in the State during that period.

(c) who, if Schedule 1 had not been enacted, would have been entitled to practise as a medical practitioner in the State during the period of 3 years next following the commencement of this Act, but who, by reason of the provisions of this Act, is not entitled to practise as a medical practitioner in the State during that period.

3. (1) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

(2) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor

Government House,
Sydney, 22nd May 1981.

3. (1) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

(2) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

4. (1) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

(2) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

5. (1) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

(2) The provisions of this Act shall apply to any person who is a medical practitioner in the State at the commencement of this Act, and to any person who becomes a medical practitioner in the State after the commencement of this Act.

MEDICAL PRACTITIONERS (AMENDMENT) BILL, 1981

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Medical Practitioners Act, 1938 ("the Act"), so as to—

- (a) repeal and re-enact with substantial modifications the provisions of the Act relating to the registration of persons as medical practitioners, with the effect of—
 - (i) requiring certain persons who have not obtained certain prescribed qualifications to meet stricter criteria relating to their knowledge of medicine, practical experience and domicile if they are to be registered under the Act;
 - (ii) removing from the Act the provisions relating to certificates of conditional registration, certificates of registration for post-graduate teaching or receiving post-graduate tuition or for research work in medicine or surgery, certificates of regional registration and licenses;
 - (iii) providing for the registration of persons under the Act subject to conditions, including (in certain circumstances) conditions restricting their rights to practise medicine;
 - (iv) prohibiting persons from being registered under the Act unless the New South Wales Medical Board ("the Medical Board") considers that they have sufficient physical capacity, mental capacity and skill to practise medicine; and
 - (v) as from a date to be proclaimed, extending from 1 year to 2 years the period of internship to be served by certain persons before they may be registered under the Act.

(Schedules 1 (4) and 3);

(b) vary the disciplinary provisions of the Act, with the effect of—

- (i) deeming a registered medical practitioner who commits an offence under section 129 of the Health Insurance Act 1973 of the Parliament of the Commonwealth of which he is convicted to be guilty of misconduct in a professional respect within the meaning of the Act; and

- (ii) empowering the disciplinary tribunal under the Act to impose a fine of up to \$10,000 upon certain persons who it finds have, as registered medical practitioners, been guilty of misconduct in a professional respect
(Schedule 1 (8) (1) and (11));
- (c) alter the constitution of the investigating committee under the Act so that it will be comprised of a stipendiary magistrate, 2 registered medical practitioners, one of whom shall be nominated by the Medical Board, and a person who is not a registered medical practitioner (Schedule 1 (9) (a));
- (d) extend the circumstances in which certain appeals may be made under the Act, with the effect that—
- (i) where a person makes a complaint to the investigating committee and that committee fails to refer the complaint to the disciplinary tribunal, the complainant may appeal to that tribunal which shall proceed to hear the complaint as if it had been referred to it by that committee; and
 - (ii) a complainant may appeal to the Supreme Court from any finding or order of the disciplinary tribunal made with respect to his complaint, but only upon a point of law or with respect to any penalty imposed
- (Schedule 1 (9) (k) and (11) (g));
- (e) empower the Medical Board to impose appropriate conditions upon the right of any registered medical practitioner to practise medicine if he is found, after due inquiry by the Medical Board, to have the competence to practise medicine only if his right to practise medicine is restricted (Schedule 1 (12));
- (f) provide that the membership of the Medical Board, as from a date to be proclaimed, shall be increased from 13 to 17 and that a quorum for a meeting of the Medical Board shall be increased from 7 to 9 members (Schedule 2);
- (g) permit the spouse of a person to apply for the review under the Act of a bill rendered the person for the professional services of a medical practitioner (Schedule 4 (3));
- (h) empower the Governor to make regulations with respect to the content of advertisements relating to the practice of medicine (Schedule 4 (8));
and
- (i) make certain other provisions of a minor or ancillary nature or for the purpose of statute law revision.

The Bill also contains provisions of a saving or transitional nature (Schedule 6).

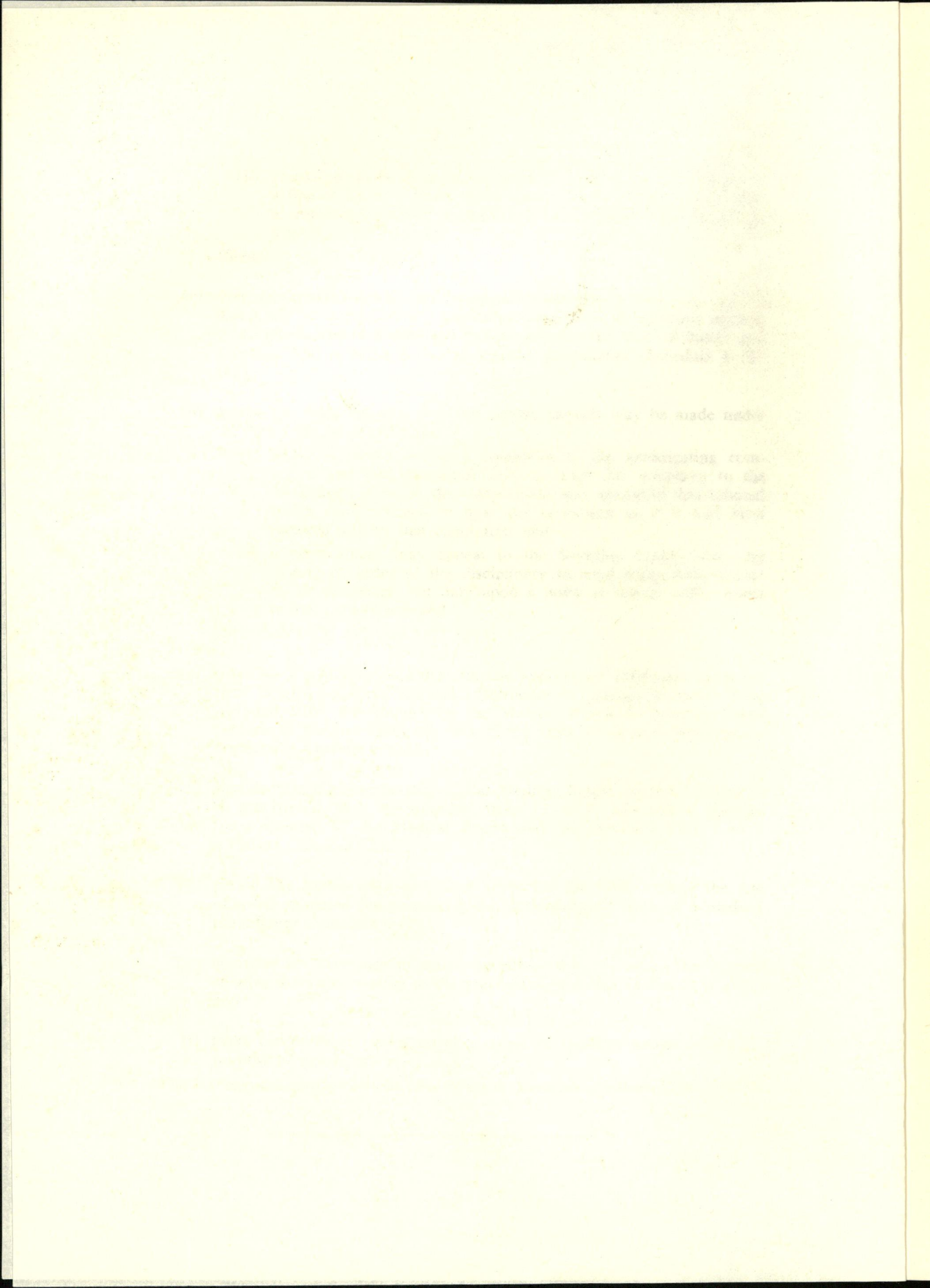
REPORT ON THE PRACTICES OF THE HOSPITALS

The following is a summary of the findings of the investigation into the practices of the hospitals. The data was collected from a series of interviews with hospital administrators, medical staff, and patients. The findings are presented in a series of tables and charts, which are included in the appendix. The data shows that there is a significant variation in the practices of the hospitals, and that there is a need for standardization of practices across the industry. The findings also indicate that there is a need for further research into the practices of the hospitals, and that there is a need for the development of best practices for the industry.

APPENDIX

The following tables and charts are included in the appendix. They provide a detailed view of the data collected during the investigation. The tables are arranged in a logical order, and the charts are placed at the end of each table. The data is presented in a clear and concise manner, and is easy to understand.

The following is a list of the tables and charts included in the appendix. The list is arranged in a logical order, and the tables and charts are listed in a clear and concise manner. The list is as follows:



MEDICAL PRACTITIONERS (AMENDMENT) BILL, 1981

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

2 Short title.

1. This Act may be cited as the Medical Practitioners (Amendment) Act, 1981.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the day of the assent to this Act.

No. , 1981.

A BILL FOR

An Act to amend the Medical Practitioners Act, 1938, with respect to the registration of persons as medical practitioners and the qualifications therefor; and for other purposes.

[MR K. J. STEWART—25 March, 1981.]

10 and notified under subsection (3) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 8 and Schedule 2 shall commence on such day (being the same as, or different from, that appointed and notified under subsection (2) or (4)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Medical Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 Short title.

1. This Act may be cited as the "Medical Practitioners (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(5), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to the provisions of Schedule 1, 2, 3, 4 or 5, commence on the day on which that Schedule commences.

(3) Section 7 (1), Schedules 1, 4 and 5 and Part 1 of Schedule 6 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 (2), Schedule 3 and Part 2 of Schedule 6 shall commence on such day (being a later day than that appointed and notified under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Section 8 and Schedule 2 shall commence on such day (being the same as, or different from, that appointed and notified under subsection (3) or (4)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Medical Practitioners (Amendment).

Principal Act.

3. The Medical Practitioners Act, 1938, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR.

10 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO INTERNSHIPS.

15 SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 37, 1938.

20 5. The Principal Act is amended in the manner set forth in Schedules 1–5.

Amendment of Act No. 52, 1972.

6. The Medical Practitioners (Amendment) Act, 1972, is amended—

- 25 (a) by omitting section 2 (3);
(b) by omitting section 7.

*Medical Practitioners (Amendment)***Savings and transitional provisions.**

7. (1) Part 1 of Schedule 6 has effect.

(2) Part 2 of Schedule 6 has effect.

Former members of Board may be reappointed, etc.

5 8. On the commencement of this section, each person who held
office as a member of the New South Wales Medical Board
immediately before that commencement shall vacate his office and,
subject to the Principal Act, as amended by this Act, is eligible to
be re-appointed or re-nominated for appointment, as the case may
10 require, under that Act, as so amended, as a member of that Board.

SCHEDULE 1.

(Sec. 5.)

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR.**

15 (1) Section 2—

(a) From the matter relating to Part III, omit “32”, insert
instead “32A”.

(b) From the matter relating to Part VI, omit “51, 52”,
insert instead “51–52”.

20 (2) (a) Section 3 (1), definition of “Registered”—

Omit “Act and includes ‘deemed to be so registered.’”,
insert instead “Act.”.

(b) Section 3 (1), definition of “Registered medical
practitioner”—

25 After the definition of “Registered”, insert :—

“Registered medical practitioner” means a person
who is, for the time being, registered.

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(c) Section 3 (2)—(4)—

5

Omit section 3 (2), insert instead :—

(2) In this Act—

10

(a) a reference to making a recording in the Register includes a reference to amending, cancelling or deleting any such recording; and

15

(b) a reference to removal of the name of a person from the Register shall be construed as a reference to removal of that name from the Register pursuant to a provision of this Act.

(3) For the purposes of this Act, a person is domiciled in New South Wales if the person resides in that State and intends to permanently so reside.

20

(4) For the purposes of section 27 (1) of the Interpretation Act, 1897, a notice served by post on a person pursuant to this Act shall be treated as being properly addressed if it is addressed to the last address of the person known to the secretary to the Board.

25

(3) Section 13 (2)—

Omit "which any person is entitled to receive from the board or any certificate or license granted or".

Medical Practitioners (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

(4) Sections 15–23C—

5 Omit sections 15–23, insert instead :—

Full entitlement to registration.

15. (1) A person is entitled to be registered pursuant to this section if—

- (a) he is the holder of the prescribed qualifications;
- (b) he has the prescribed experience; and
- (c) he satisfies the Board that he is of good character.

(2) For the purposes of subsection (1) (a), a person is the holder of the prescribed qualifications if—

- (a) he is the holder of—
 - (i) a degree in medicine and a degree in surgery, granted after due examination by the University of Sydney or the University of New South Wales; or
 - (ii) a degree in medicine granted after due examination by the University of Newcastle; or

(b) he—

- (i) is the holder of a prescribed degree; and
- (ii) has a knowledge of the English language that, in the opinion of the Board, is adequate for the practice of medicine in New South Wales.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (3) For the purposes of subsection (2) (b) (i),
a person is the holder of a prescribed degree if—
- (a) where there is only one qualification specified in
10 Column Two of Schedule One opposite the name
of any university, college or other body specified
in Column One of that Schedule—he is the
holder of that qualification granted by that
university, college or other body;
- (b) where there are 2 or more qualifications specified
15 in Column Two of Schedule One opposite the
name of any university, college or other body
specified in Column One of that Schedule, and
neither those qualifications nor any combinations
of them are shown as alternatives—he is the
20 holder of all of those qualifications granted by
that university, college or other body;
- (c) where there are 2 or more qualifications specified
25 in Column Two of Schedule One opposite the
name of any university, college or other body
specified in Column One of that Schedule, and
those qualifications or any combination of them
are or is shown as alternatives or an alternative
—he is the holder of any such alternative quali-
fication or any such alternative combination of
30 qualifications, as the case may be, granted by
that university, college or other body; or
- (d) where any 2 or more universities, colleges or
35 other bodies are specified in Column One of
Schedule One opposite any qualification or
qualifications specified in Column Two of that
Schedule—he is, subject to paragraphs (a), (b)
and (c), the holder of that qualification or those
qualifications granted by each of the universities,
colleges or other bodies so specified.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (4) For the purposes of subsection (1) (b), a person has the prescribed experience if—
- (a) where there is only one qualification specified in Column Two of Schedule One opposite the name (a) the Board is satisfied that he has, for a period of at least 12 months, or for periods amounting in the aggregate to at least 12 months, satisfactorily served as a medical officer—
- 10 (i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or
- 15 (ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,
- and that he has, as such a medical officer, had satisfactory medical experience during a period of at least 6 months, or during periods amounting in the aggregate to at least 6 months, and satisfactory surgical experience during a like period or periods; or
- 20 (b) the Board is satisfied that he—
- 25 (i) is unable, by reason of physical incapacity, to serve as a medical officer as referred to in paragraph (a); and
- (ii) has, for a period of at least 12 months, or for periods amounting in the aggregate to at least 12 months, received special tuition of a nature and type approved by the Board in some branch of medicine or surgery approved by the Board.
- 30

Medical Practitioners (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—continued.**

- 5 (5) The Governor may, by proclamation published
in the Gazette, amend Schedule One by inserting in
Column One of that Schedule particulars of any university,
college or other body outside New South Wales, and in
10 Column Two of that Schedule, opposite those particulars,
particulars of any qualification in medicine or surgery
granted by any such university, college or other body, or
by omitting from that Schedule any particulars therein.

Limited entitlement to registration.

16. Subject to section 18 (3), a person is entitled to be
registered pursuant to this section if—

- 15 (a) he has passed through a regular graded course of
study of 5 or more years' duration in a school of
medicine elsewhere than in New South Wales,
not being a school of medicine associated with
20 any of the universities, colleges or other bodies
listed in Column One of Schedule One;
- (b) he is the holder of a degree or diploma that
certifies to his ability to practise medicine,
granted after due examination by the university,
college or other body with which the school of
25 medicine at which he passed through a course of
study referred to in paragraph (a) is associated,
being a university, college or other body which
is recognised, in the country, State or Territory
in which the school is situated, for the purpose
30 of granting the degree or diploma;
- (c) he—
- (i) has obtained results satisfactory to the
Board in the prescribed examinations; or

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (ii) satisfies the Board that he should not, for the purpose of his being entitled to be so registered, be required to be so examined or should not be required to obtain those results;
- 10 (d) he—
- (i) is domiciled in New South Wales; or
- (ii) satisfies the Board that he should not, for the purpose of his being entitled to be so registered, be required to be so domiciled;
- 15 (e) he has a knowledge of the English language that, in the opinion of the Board, is adequate for the practice of medicine in New South Wales;
- (f) he has the prescribed experience, within the meaning of section 15 (1) (b); and
- 20 (g) he satisfies the Board that he is of good character.
- Entitlement to conditional registration.**
17. Where a person—
- 25 (a) is entitled to have a degree or diploma conferred on him by a university, college or other body and would be entitled to be registered pursuant to section 15 or 16 if—
- (i) he had had the degree or diploma conferred on him; and

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (ii) where he does not have the prescribed
experience (within the meaning of
section 15 (1) (b))—he had had that
experience; or
- 10 (b) does not have that prescribed experience and
would be entitled to be registered pursuant to
section 15 or 16 if he had had that experience,
then, if the person would be entitled, in the circumstances
referred to in paragraph (a) or (b), to be registered—
- 15 (c) pursuant to section 15—he is entitled to be
registered pursuant to this paragraph; or
- (d) pursuant to section 16—he is, subject to section
18 (3), entitled to be registered pursuant to this
paragraph.

Restrictions on registration in certain cases.

- 20 18. (1) Where, at any time later than 6 months after
the date on which a person is registered pursuant to section
16 or 17 (d), the Board, after holding an inquiry, is
satisfied that he is—
- (a) not domiciled; or
- 25 (b) not practising medicine,
in New South Wales, the Board shall, unless the Minister
otherwise expressly approves, cause the name of that
person to be removed from the Register, notwithstanding
any condition imposed by the Board upon the duration of
his registration under section 21 (3) (a) or 30.

Medical Practitioners (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

5 (2) The president shall fix a time and place for the holding of an inquiry under subsection (1), and shall cause the registered medical practitioner concerned to be given at least 14 days' notice, personally or by post, of the time and place for the inquiry.

10 (3) Where the name of a person has been removed from the Register pursuant to subsection (1), an application under section 19 (2) for registration pursuant to section 16 or 17 (d), lodged by the person within 5 years after his name has been so removed, shall not be considered by the Board unless the Board has granted its approval to the making of the application before it was so lodged.

Application for registration.

19. (1) In this section—

“application” means an application for registration;

20 “prescribed period”, in relation to an application, means—

25 (a) the period of 3 months that next succeeds the lodging of the application with the secretary to the Board under subsection (2) (d); or

(b) where a longer period is agreed upon by the Board and the applicant—that longer period.

(2) An application shall be—

30 (a) in or to the effect of the form prescribed in respect of the application;

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) accompanied by the fee prescribed in respect of the application;
- (c) accompanied by such evidence as is required by the regulations in respect of the application; and
- (d) lodged with the secretary to the Board.
- 10 (3) Subject to section 18 (3), the Board shall consider and determine an application made in accordance with subsection (2).
- 15 (4) Where the Board does not consider and determine an application within the prescribed period, the Board shall, for the purposes of section 23c (1) (a), be deemed to have determined, under section 21 (1) (b), that the applicant is not entitled to be registered and to have dismissed the application.
- 20 (5) Unless the Board, after considering an application, decides to dispense with an inquiry under this subsection into the eligibility of the applicant to be registered, it shall hold the inquiry.
- 25 (6) The president shall fix a time and place for the holding of an inquiry under subsection (5), and shall cause the applicant concerned to be given at least 7 days' notice, personally or by post, of the time and place for the inquiry.

Provisional certificates.

20. (1) In this section, "provisional certificate" means a certificate issued under subsection (2) (b) (i) or (ii).

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (2) Where a person has, under section 19 (2),
applied for registration to which he claims to be entitled
pursuant to section 15 or 17 (c), the Board shall—
- (a) forthwith consider the application; and
- 10 (b) if it is satisfied that the applicant has the com-
petence to practise medicine, within the meaning
of section 21, and is prima facie entitled to be
registered—
- (i) pursuant to section 15—under this
subparagraph, issue a certificate to the
applicant; or
- 15 (ii) pursuant to section 17 (c)—under this
subparagraph, issue a certificate to the
applicant,
being a certificate in a form approved by the
Board and stating that the applicant is provision-
ally entitled to registration under this Act.
- 20 (3) A provisional certificate is in force from the
time of its issue until the holder of the certificate has been
given notice, personally or by post—
- 25 (a) of a determination made under section 21 (1)
by the Board with respect to the application in
relation to which the certificate was issued; or
- (b) that the Board has cancelled the certificate under
subsection (4),
whichever first occurs.
- 30 (4) The Board may, for such reason as to it seems
proper, cancel a provisional certificate.

Medical Practitioners (Amendment)

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued*.

5 (5) Where the Board cancels a provisional certificate, it shall forthwith cause the holder of the certificate to be given notice, personally or by post, of its cancellation.

10 (6) While a provisional certificate is in force, the holder of the certificate shall be deemed to be a registered medical practitioner for the purposes of this Act and the regulations.

15 (7) For the purposes of section 21 (2) (b), the date upon which a person is registered shall be deemed to be, where the person was the holder of a provisional certificate immediately before he is registered, the date upon which the certificate was issued.

(8) The Board may authorise—

- (a) the president or any other member; or
- (b) the secretary to the Board,

20 to perform, on behalf of the Board, the duties imposed upon it by subsection (2).

(9) Any certificate issued under subsection (2) (b) (i) or (ii) by a person authorised under subsection (8) shall be deemed to have been so issued by the Board.

25 **Registration.**

21. (1) Where, after it has considered an application for registration and the inquiry, if any, into the application has been held, the Board determines that the applicant—

30 (a) is entitled to be registered pursuant to section 15, 16 or 17 (c) or (d)—the Board shall

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 register the applicant subject to such conditions, if any, as the Board imposes upon his registration under subsection (3) or section 30 (6) (c) (i); or
- (b) is not entitled to be registered—the Board shall dismiss the application.
- 0 (2) The Board registers a person by causing to be recorded in the Register—
- (a) his full name and address;
- (b) subject to section 20 (7), the date upon which he is registered;
- 15 (c) particulars of the qualifications in respect of which he is entitled to be registered;
- (d) particulars of the provision of this Act pursuant to which he is entitled to be registered; and
- 20 (e) any conditions imposed by the Board upon his registration under subsection (3) or section 30 (6) (c) (i).
- (3) Where the Board registers a person—
- (a) pursuant to section 16 or 17 (d)—it may, under this paragraph, impose upon his registration such conditions relating to the duration of his registration as it considers appropriate; or
- 25 (b) pursuant to section 16 or 17 (c) or (d)—it may, under this paragraph, impose upon his registration such other conditions (being conditions relating to his practising medicine) as it
- 30 considers appropriate.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (4) Notwithstanding subsection (1), but subject
to any order made under section 23C, the Board shall not
register an applicant for registration who has not, in his
application, satisfied the Board that he has the competence
to practise medicine, within the meaning of this section,
10 unless the Board has held an inquiry under section 30 with
respect to the applicant.

(5) Notwithstanding subsection (1), but subject
to any order made under section 23C, the Board may refuse
to register, and may dismiss an application for registration
made by, any person who is otherwise entitled to be
15 registered but—

(a) who has been convicted in New South Wales of
an offence or has been convicted elsewhere than
in New South Wales by a court for or in respect
of an act or omission that would, had the act or
20 omission taken place in New South Wales, have
constituted an offence;

(b) whose name has been, for any reason relating to
his conduct in a professional respect, erased or
removed from any register or roll established or
kept under any law in any country, State or
25 Territory providing for the registration or certifi-
cation of medical practitioners under a public
authority; or

(c) who has been guilty of habitual drunkenness or
of addiction to any deleterious drug.
30

(6) The Board shall not refuse to register any
person—

(a) on the ground specified in subsection (5) (a),
where the offence (from its trivial nature or from

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 the circumstances under which it was committed)
was not such as, in the opinion of the Board,
renders the person unfit in the public interest to
practise medicine; or

10 (b) on the ground specified in subsection (5) (b),
unless the reason for the erasure or removal was
an act or omission of a nature relating to his
conduct in a professional respect for which, if
done or omitted to be done in New South Wales,
15 the disciplinary tribunal would have been
authorised under this Part to direct that the
name of the person be removed from the Register
if it had been recorded therein.

(7) Upon determining an application for registra-
tion, the Board shall—

20 (a) forthwith cause the applicant to be given notice,
personally or by post, of its determination; and

25 (b) where it determines that the applicant is entitled
to be registered—issue to the applicant a cer-
tificate of registration in a form approved by
the Board and stating the particulars recorded
in the Register with respect to him.

(8) A person has, within the meaning of this
section, the competence to practise medicine if, in the
opinion of the Board, he has sufficient physical capacity,
mental capacity and skill so to practise.

30 **The Register.**

22. (1) The Board shall cause to be kept a register,
to be called the "Register of Medical Practitioners for New
South Wales".

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (2) Where a registered medical practitioner applies for particulars relating to him to be recorded in the Register in addition to those so recorded under section 21 (2), the Board may, upon payment of the prescribed fee, cause to be recorded in the Register such of those additional particulars as the Board approves.

10 (3) The Register shall at all reasonable times be made available for inspection at the office of the Board by any person on payment of the prescribed fee.

(4) The Board—

15 (a) shall cause to be removed from the Register the name of any registered medical practitioner who has died;

20 (b) may cause to be removed from the Register the name of any registered medical practitioner who has requested the Board that his name be so removed; and

25 (c) shall make such other recordings in the Register as may be necessary for the purpose of maintaining the Register as an accurate record of the particulars relating to each registered medical practitioner.

(5) The name of a registered medical practitioner is removed from the Register by the making in the Register of such recording as the Board directs.

Removal of name from Register.

30 23. (1) Subject to section 20 (6) and this section, a registered person ceases to be registered when the Board has caused him to be given notice, personally or by post, that his name has been removed from the Register.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (2) The name of a person registered pursuant to section 15 or 16 shall, if it has not previously been removed from the Register, be deemed to be removed from the Register and he ceases to be registered—

10 (a) where he was registered pursuant to section 15 and the period of his registration is specified in a condition imposed upon his registration under section 30 (6) (c) (i) or (ii)—at the expiration of that period; or

15 (b) where he was registered pursuant to section 16 and the period of his registration is specified in a condition imposed upon his registration under section 21 (3) (a) or 30 (6) (c) (i) or (ii)—at the expiration of that period.

20 (3) The name of a person registered pursuant to section 17 (c) or (d) shall, if it has not previously been removed from the Register, be deemed to be removed from the Register and he ceases to be registered—

(a) where he was registered pursuant to section 17 (c), at the expiration of—

25 (i) except as provided in subparagraph (ii)—the period of 1 year commencing with the day upon which he was registered; or

30 (ii) where the period of his registration is specified in a condition imposed upon his registration under section 30 (6) (c) (i) or (ii)—that period; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) where he was registered pursuant to section 17
(d), at the expiration of—
- (i) except as provided in subparagraph (ii)
—the period of 1 year commencing with
the day upon which he was registered;
or
- 10 (ii) where the period of his registration is
specified in a condition imposed upon
his registration under section 21 (3) (a)
or 30 (6) (c) (i) or (ii)—that period.
- 15 (4) Where a person's name is removed from the
Register otherwise than pursuant to subsection (2) or (3)
or section 22 (4) (a) or (b), the Board shall cause that
person to be given notice, personally or by post, that his
name has been so removed.
- 20 (5) Any certificate issued to a person under section
21 (7) (b) shall, when his name has been removed from
the Register, cease to be in force.

Surrender of certificates.

- 25 23A. (1) Where a certificate issued to a person under
section 20 (2) (b) (i) or (ii) or 21 (7) (b) has ceased
to be in force, the Board may, by notice in writing served
personally or by post on the person, require him to furnish
the certificate to the Board within a time specified in the
notice.
- 30 (2) A person on whom a notice has been served
under subsection (1) shall not, without reasonable cause,
fail to comply with the requirements of the notice.

Penalty for an offence under this subsection : \$100.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (c) he may, where a proclamation under subsection (5) is in force and notwithstanding the prescribed conditions referred to in paragraph (a), perform such other medical services as are specified in respect of him in the proclamation.

10 (5) Where it appears to the Governor that, by reason of any emergency or of the occurrence of any epidemic, conditions have rendered it necessary or desirable in the public interest to do so, the Governor may, by proclamation published in the Gazette, authorise any conditionally registered person specified in the proclamation to perform such medical services as are so specified for such period, not exceeding 12 months, as is so specified.

15 (6) The Governor may, by proclamation published in the Gazette, revoke any proclamation in force under subsection (5).

20 (7) For the purposes of section 15 (4), any period of time during which a conditionally registered person performs medical services in accordance with subsection (4) (c) may be accepted by the Board as equivalent to a corresponding period of time during which that person has served as a medical officer as referred to in section 15 (4).

Appeals.

25 23c. (1) A person may appeal to the Supreme Court against a determination of the Board by reason of which the Board has—

30 (a) under section 21 (1) (b) or (5) or 30 (6) (a), dismissed his application for registration;

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) under section 21 (1) (a), registered him pursuant to a provision of this Act other than that pursuant to which, in his application for registration, he claims to be entitled to be registered;
- 10 (c) under section 21 (3) (a) or (b) or 30 (6) (c) (i) or (ii), imposed a condition upon his registration;
- (d) by its order made under section 30 (6) (b) (i), suspended him from practising medicine for a period; or
- 15 (e) under section 30 (6) (b) (ii), caused his name to be removed from the Register.
- (2) Where the determination in respect of which an appeal under subsection (1) is brought was made as a consequence of an inquiry held by the Board, the appeal shall be dealt with by way of rehearing.
- 20 (3) With respect to an appeal made under subsection (1) against a determination of the Board, the Supreme Court may, having regard to the merits of the case and the public welfare—
- 25 (a) dismiss the appeal; or
- (b) order that the determination of the Board be revoked and be replaced by a different determination made by the Court and specified in the order,
- 30 and may make such further orders, ancillary to its dismissal of an appeal under paragraph (a) or any order made under paragraph (b), as it thinks proper.

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued*.AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued*.

- 5 (4) A determination made under subsection (3)
(b) shall, except for the purposes of subsection (1), be
deemed to be a determination of the Board.
- (5) The decision of the Supreme Court made
under subsection (3) with respect to an appeal shall be
carried into effect.
- 10 (6) An appeal made under subsection (1) does
not affect any determination with respect to which it has
been made unless and until an order is made under sub-
section (3) (b).
- (5) Section 24 (4), (4A), (4B), (5), (6)—
- 15 Omit the subsections.
- (6) (a) Section 25 (1)—
Omit “under this Act” wherever occurring.
- (b) Section 25 (1)—
Omit “so”.
- 20 (7) (a) Section 26 (1)—
Omit “any person registered under this Act has since
been removed”, insert instead “the name of a person
has, since he was registered, been erased or removed”.
- (b) Section 26 (1)—
- 25 Omit “outside New South Wales”, insert instead
“, State (other than New South Wales) or Territory”.
- (c) Section 26 (1), proviso—
Omit “such person” wherever occurring, insert instead
“a registered medical practitioner”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (d) Section 26 (1), proviso—
5 Omit “erasing”, insert instead “erasure”.
- (e) Section 26 (1), proviso—
Omit “affecting”, insert instead “relating to”.
- (f) Section 26 (1), proviso—
10 Omit “of Medical Practitioners for New South Wales
if registered therein”.
- (g) Section 26 (2)—
Omit “person” wherever occurring, insert instead
“registered medical practitioner”.
- (h) Section 26 (4)—
15 After section 26 (3), insert :—
(4) The Board shall cause to be carried
into effect any order made under subsection (3).
- (8) (a) Section 27 (1)–(1F)—
20 Omit section 27 (1) and (1A), insert instead :—
(1) Where a complaint that a person who,
as a registered medical practitioner—
(a) has been convicted in New South Wales of
25 an offence or has been convicted elsewhere
than in New South Wales by a court for or
in respect of an act or omission that would,
had the act or omission taken place in New
South Wales, have constituted an offence;

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SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;
- (c) has been guilty of misconduct in a professional respect; or
- 10 (d) is not of good character,

10 is made to the investigating committee in accordance with subsection (1A) by any person, the investigating committee shall, subject to subsection (1C), investigate the complaint.

13 (1A) A complaint referred to in subsection (1) shall be—

- 15 (a) made in writing;
- (b) accompanied by particulars, verified by statutory declaration, of the allegations upon which the complaint is founded; and
- 20 (c) lodged with the secretary to the Board.

20 (1B) Where the investigating committee receives a complaint referred to in subsection (1), it may require the person by whom the complaint was made to furnish it with such further particulars, verified by statutory declaration, in respect of the complaint as it thinks fit.

25 (1C) Where—

- (a) a complaint is made to it otherwise than in accordance with subsection (1A);

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) the person by whom a complaint referred to in subsection (1) has been made fails to comply with a requirement made of him by the investigating committee under subsection (1B); or
- 10 (c) the person against whom any such complaint was made has died or has otherwise ceased to be a registered medical practitioner since the act or omission giving rise to the complaint allegedly occurred,
- 15 the investigating committee may decide not to investigate the complaint.
- (1D) Where—
- 20 (a) a person is convicted in New South Wales of an offence, other than a prescribed offence; and
- (b) the court before which the person is convicted has reasonable grounds to believe the person is a registered medical practitioner,
- 25 that court shall cause a certificate of conviction in respect of the person to be furnished to the secretary to the Board.
- 30 (1E) Where a coroner has reasonable grounds to believe that the evidence given in any proceedings conducted before him indicates that a complaint referred to in subsection (1) could be made against a person, he may cause a transcript of that evidence to be furnished to the secretary to the Board.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (1F) Where the secretary to the Board receives a certificate of conviction, pursuant to subsection (1D), or a transcript of evidence, pursuant to subsection (1E), a complaint shall be deemed to have been made to the investigating committee under this section in respect of the person to whom the certificate or transcript relates.
- 10 (b) Section 27 (2) (a) (i)—
Omit “duly qualified or registered, and who”, insert instead “a registered medical practitioner and”.
- 15 (c) Section 27 (2) (a) (ii)—
Omit “an unqualified or unregistered person”, insert instead “a person who is not a registered medical practitioner”.
- 20 (d) Section 27 (2) (a) (ii)—
Omit “said person were duly qualified and registered”, insert instead “person were a registered medical practitioner”.
- (e) Section 27 (2) (a)—
Omit “or” where lastly occurring.
- 25 (f) Section 27 (2) (b)—
Omit “as a medical”, insert instead “as a registered medical”.
- 30 (g) Section 27 (2) (b)—
Omit “(if any) which the board has authorised, in pursuance of paragraph (b) of subsection three of section fifteen of this Act, to be entered in respect of

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 such registered person in the register”, insert instead
“in respect of which the Board has, pursuant to
section 21 (2) or 22 (2), caused particulars to be
recorded in the Register in respect of him”.
- (h) Section 27 (2) (b)—
Omit “or” where lastly occurring.
- 10 (i) Section 27 (2) (c)—
Omit “cause to attend”, insert instead “cause, to
attend”.
- (j) Section 27 (2) (c)—
Before “medical” wherever occurring, insert
15 “registered”.
- (k) Section 27 (2) (c)—
Omit “aforesaid.”, insert instead “aforesaid;”.
- (l) Section 27 (2) (d), (e)—
After section 27 (2) (c), insert :—
- 20 (d) commits, in New South Wales or elsewhere,
an offence against section 129 of the Health
Insurance Act 1973 of the Parliament of the
Commonwealth of which he is convicted; or
- 25 (e) practises medicine contrary to any requirement
made of him under section 23B (3) or (4).

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(9) (a) Section 27A (1), (1A)—

5 Omit section 27A (1), insert instead :—

(1) There shall be an investigating committee which shall consist of—

10 (a) a stipendiary magistrate appointed by the Minister on the nomination of the Chief Stipendiary Magistrate, who shall be the chairman of the committee;

15 (b) a registered medical practitioner appointed by the Minister on the nomination of the Board, not being a registered medical practitioner who is a member of the Board;

20 (c) a registered medical practitioner appointed by the Minister, not being a person who is—
(i) a member of the Board; or
(ii) an officer, servant or commissioner of the Commission; and25 (d) a person appointed by the Minister, not being a person who is—
(i) a member of the Board;
(ii) an officer, servant or commissioner of the Commission; or
(iii) a registered medical practitioner.

30 (1A) The powers, authorities, duties and functions of the investigating committee may be exercised and performed only at a meeting of the investigating committee at which—

(a) the 2 persons appointed for the time being under subsection (1) (a) and (d); and

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) at least one of the 2 persons appointed for the time being under subsection (1) (b) and (c),
- are present, but nothing in this subsection affects the operation of subsection (2).
- 10 (b) Section 27A (2)—
Omit "The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated."
- 15 (c) Section 27A (2A)—
Omit "or charge" wherever occurring.
- (d) Section 27A (2A)—
Omit "registered" wherever occurring.
- (e) Section 27A (3)—
Omit "or charge" wherever occurring.
- 20 (f) Section 27A (3)—
Omit "registered" wherever occurring.
- (g) Section 27A (4), (4A), (4B)—
Omit section 27A (4), insert instead:—
- 25 (4) The proceedings of the investigating committee shall be held in the absence of the public.

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (4A) The chairman shall, in the event of an equality of votes at a meeting of the investigating committee, have, in addition to a deliberative vote, a second or casting vote.
- 10 (4B) A decision supported by a majority of votes cast at a meeting of the investigating committee shall be the decision of the investigating committee.
- (h) Section 27A (5)—
Omit “charge or”.
- (i) Section 27A (5)—
15 Omit “a member”, insert instead “an officer or temporary employee”.
- (j) Section 27A (5)—
Omit “or charge”.
- (k) Section 27A (6)—
20 After section 27A (5), insert :—
- (6) Where the investigating committee has, in respect of a complaint made to it, cautioned or reprimanded the person against whom the complaint was made, the person who made the complaint may appeal to the disciplinary tribunal against the decision of the investigating committee, in which case the tribunal shall proceed to hear the complaint as if it had been referred to the tribunal under subsection (3) (c).

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (10) (a) Section 28 (5)—
5 Omit “date” wherever occurring, insert instead “time”.
- (b) Section 28 (5)—
Before “concerned”, insert “or former registered
medical practitioner”.
- (c) Section 28 (6)—
10 Before “concerned”, insert “or former registered
medical practitioner”.
- (d) Section 28 (6)—
Omit “or charge” wherever occurring.
- (e) Section 28 (6)—
15 Omit “by subsection (1A) of section 27 or subsection
(2A) of section 27A”, insert instead “, pursuant to
section 27 (1F) or 27A (2A),”.
- (f) Section 28 (6A)—
Omit “or charge” wherever occurring.
- (g) Section 28 (6A)—
20 Before “concerned” wherever occurring, insert “or
former registered medical practitioner”.
- (h) Section 28 (6c)—
25 Omit “subsection (8) of section 29 shall be held in
camera”, insert instead “section 29 (7) shall be held
in the absence of the public”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (i) Section 28 (7)—
5 Omit “charge” wherever occurring, insert instead
“complaint”.
- (j) Section 28 (8A)—
Omit “or charge” wherever occurring.
- (k) Section 28 (8A)—
10 Omit “registered” wherever occurring.
- (l) Section 28 (8B)—
Omit “or charge” wherever occurring.
- (m) Section 28 (8B)—
Omit “registered” wherever occurring.
- 15 (n) Section 28 (9) (b)—
Omit “charged”, insert instead “the subject of the
complaint”.
- (11) (a) Section 29 (1), (1A)—
Omit section 29 (1), insert instead :—
20 (1) Subject to subsections (1A) and (2),
where the disciplinary tribunal finds the subject-
matter of a complaint made against a person to have
been proved, it may—
(a) caution or reprimand him;
25 (b) by its order (if he is, when the order is
made, a registered medical practitioner)—
(i) suspend him from practising medi-
cine for a period not exceeding 3
years; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (ii) direct that his name be removed
from the Register; or

(c) by its order (whether or not he is, when the
order is made, a registered medical prac-
titioner) impose a fine upon him of an
10 amount, not exceeding \$10,000, specified
in the order,

or exercise any combination of the powers conferred
on it by paragraphs (a)-(c).

(1A) The disciplinary tribunal may impose
15 a fine upon a person under subsection (1) (c) only
if it finds the person—

(a) to have been guilty of misconduct in a
professional respect; and

(b) to have been so guilty otherwise than by
20 reason only of the operation of section 27
(2) (d).

(b) Section 29 (2)—

Omit “any registered person has been so adjudged
25 guilty, the tribunal shall not make an order suspending
such person from practice”, insert instead “the
disciplinary tribunal finds the subject-matter of a
complaint made against a registered medical prac-
titioner to have been proved, it shall not make an
order suspending the registered medical practitioner
from practising medicine”.

30 (c) Section 29 (2)—

Omit “person from practising his profession”, insert
instead “registered medical practitioner from
practising medicine”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (d) Section 29 (2A)—
5 Omit “paragraph (c)”, insert instead “paragraph (b) (ii)”.
- (e) Section 29 (3)—
Omit “practice”, insert instead “practising medicine”.
- (f) Section 29 (3)—
10 Omit “concerned shall be deemed not to be registered”, insert instead “to whom the order relates shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner”.
- (g) Section 29 (4)—
15 Omit “Court from an adjudgment of guilt or from an order made pursuant to this section or against any refusal of the restoration of any name to the register”, insert instead :—
- 20 Court—
- (a) by a registered medical practitioner or former registered medical practitioner—
25 from an adjudgment of guilt or any other finding, or from an order, made with respect to him pursuant to subsection (1) or (2B);
or
- (b) by the person who made a complaint—from any finding, or from an order, made pursuant to subsection (1) by the disciplinary tribunal in relation to the complaint, but
30 only—
- (i) upon a point of law; or
(ii) with respect to any penalty imposed,

Medical Practitioners (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (h) Section 29 (4)—
Omit “Any such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.”, insert instead :—
An appeal under paragraph (a) shall be dealt with by way of rehearing.
- 10 (i) Section 29 (5)—
Before “of the”, insert “or former registered medical practitioner concerned”.
- 15 (j) Section 29 (5)—
Before “gives”, insert “or former registered medical practitioner”.
- (k) Section 29 (5)—
Omit “the period”, insert instead “any period”.
- 20 (l) Section 29 (6)—
Omit “to have his name restored to the register”, insert instead “to be registered and, where a time has been so fixed, the person is not entitled to be registered before that time, notwithstanding section 15, 16 or 17 (c) or (d)”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(m) Section 29 (7)–(9)—

5 Omit section 29 (7) and (8), insert instead :—

(7) The disciplinary tribunal, after such investigation or inquiry as it thinks fit, may—

10 (a) by order, terminate any order of suspension under subsection (1) (b) (i) before the expiration of the period specified in the order of suspension; or

(b) subject to subsection (6), order—

15 (i) that a person whose name has been removed from the Register pursuant to this section be registered pursuant to the provision of this Act pursuant to which he was, immediately before his name was so removed, registered; and

20 (ii) that such conditions, if any, as the Board may impose upon his registration under section 21 (3) or 30 (6) (c) (i) and as are specified in the order be imposed upon his registration.

25 (8) Subject to subsection (5), the Board shall cause to be carried into effect any order made under this section.

30 (9) Where the Board carries into effect an order made by the disciplinary tribunal under—

(a) subsection (7) (b) (i)—the person referred to in that subparagraph shall, except for the purposes of section 23C (1), be deemed to be registered pursuant to a

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 determination made by the Board under section 21 (1) (a) in accordance with the terms of the order; or
- 10 (b) subsection (7) (b) (ii)—a condition that has been imposed in accordance with the terms of the order shall, except for the purposes of section 23c (1), be deemed to be a condition that has been imposed by the Board under section 21 (3) or 30 (6) (c) (i).
- 15 (n) Section 29 (10)—
Omit “practice”, insert instead “practising medicine”.
- (o) Section 29 (10)—
Omit “or (8)”, insert instead “or (7)”.
- (12) Sections 30, 31—
Omit the sections, insert instead :—
- 20 **Inquiry into capacity.**
30. (1) In this section, a reference to the competence of a person to practise medicine is a reference to his competence to practise medicine within the meaning of section 21.
- 25 (2) Subject to subsection (3), the Board may hold an inquiry in relation to the competence of an applicant for registration or a registered medical practitioner to practise medicine.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (3) The Board shall not hold an inquiry under subsection (2) unless it has caused at least 14 days' notice of the time and place for the inquiry to be served, personally or by post, on the applicant or registered medical practitioner in respect of whom it is to be held.
- 10 (4) Before it holds an inquiry under subsection (2) with respect to an applicant or a registered medical practitioner, the Board may, by notice in writing given to him personally or by post, require him to undergo, at the expense of the Board, a medical examination by such registered medical practitioner as the Board nominates, at 15 any reasonable time and place specified in the notice.
- 20 (5) Where an applicant or a registered medical practitioner, without reasonable cause, refuses or fails to comply with the requirements of a notice given to him under subsection (4), the refusal or failure is prima facie evidence that he does not have the competence to practise medicine.
- 25 (6) Subject to subsection (10), where after an inquiry held under subsection (2), the Board—
- (a) determines that an applicant for registration does not have the competence to practise medicine, the Board shall, notwithstanding section 21 (1), dismiss his application;
- (b) determines that a registered medical practitioner does not have the competence to practise medicine, the Board may—
- 30 (i) by order, suspend him from practising medicine for such period as is specified in the order; or

Medical Practitioners (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (ii) cause his name to be removed from the Register; or
- (c) determines—
 - 10 (i) that an applicant for registration has the competence to practise medicine only if his right so to practise is restricted, the Board shall, under this subparagraph; or
 - (ii) that a registered medical practitioner has the competence to practise medicine only if his right so to practise is restricted, the Board shall or (if his registration is already subject to conditions imposed upon it under subparagraph (i) or this subparagraph) may, under this subparagraph,
 - 15 impose upon his registration such conditions relating to the duration of his registration or such other conditions relating to his practising medicine, or both, as it considers appropriate.
- 20 (7) Any—
 - (a) order made by the Board under subsection (6)
 - 25 (b) (i); or
 - (b) condition imposed by the Board under subsection (6) (c) (i) or (ii),
 - 30 has effect when the Board has caused the applicant or registered medical practitioner to whom the order or condition purports to apply to be given notice, personally or by post, that the order has been made or the condition has been imposed, as the case may be.

Medical Practitioners (Amendment)

SCHEDULE 1—*continued*.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued*.

5 (8) Where the Board has made an order pursuant to subsection (6) (b) (i), it may, by a further order, revoke the order but it may not alter or vary the order.

10 (9) While an order under subsection (6) (b) (i) is in force, the person suspended from practising medicine by the order shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner.

15 (10) The Board shall not exercise any of its powers under subsection (6) until—

20 (a) notice specifying the action it intends to take under that subsection has been personally served on the applicant or registered medical practitioner to whom the order relates; or

25 (b) the expiration of the prescribed period after notice specifying that action has been forwarded, in the prescribed manner, to the applicant or registered medical practitioner concerned,

whichever first occurs.

30 (11) Where a registered medical practitioner becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the prescribed person shall, in the prescribed manner and within the prescribed time, cause notice of that fact to be forwarded to the secretary to the Board.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.***Evidentiary provisions.**

- 5 31. A certificate, purporting to have been signed by the secretary to the Board, to the effect that—
- (a) a person specified in the certificate was or was not a registered medical practitioner at a time or during a period so specified;
- 10 (b) the name of a person specified in the certificate was removed from the Register at a time so specified;
- (c) a person specified in the certificate was suspended from practising medicine from a time so specified and for a period so specified; or
- 15 (d) a condition, particulars of which are set forth in the certificate, was, at a time or during a period so specified—
- (i) imposed upon the registration of a person so specified; or
- 20 (ii) revoked,
- shall, without proof of the signature of the person by whom the certificate purports to have been signed, be received by the investigating committee, the disciplinary tribunal and all courts as prima facie evidence of that fact.
- 25
- (13) Section 32—
- Omit “of Australia other than New South Wales, and does not engage in private practice as a medical practitioner”, insert instead “(other than New South Wales) or Territory of the Commonwealth and does not, otherwise than as a medical officer in that service, practise medicine”.
- 30

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(14) Section 32A—

5 After section 32, insert :—

Inquiries by the Board.

32A. (1) When the Board is holding an inquiry under this Part, the applicant or other person in relation to whom the inquiry is being held—

10 (a) may appear before the Board; and

(b) may be represented before the Board by a barrister or solicitor.

15 (2) For the purpose of any inquiry under this Part or of dealing with any application under this Part, the Board and the president or other member presiding at the inquiry or meeting at which the application is considered, as the case may be, shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman
20 of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the Board, or the president or other member so presiding, in the same way as it applies to a
25 witness summoned before a royal commission.

(15) Section 39A—

Omit “under this Act”, insert instead “medical practitioners”.

(16) Section 41 (2)—

30 Omit “registered under this Act”, insert instead “a registered medical practitioner”.

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- (17) (a) Section 41A (2)—
 - 5 Omit “a person not registered under this Act”, insert instead “a person who is not a registered medical practitioner”.
 - (b) Section 41A (3)—
 - 10 Omit “not registered under this Act”, insert instead “who is not a registered medical practitioner”.
- (18) Section 41B—
 - Omit “not registered under this Act”, insert instead “who is not a registered medical practitioner”.
- (19) (a) Section 42 (1)—
 - 15 Omit “Any person, not registered under this Act,”, insert instead “A person who is not a registered medical practitioner and”.
 - (b) Section 42 (1A)—
 - Omit the subsection, insert instead :—
 - 20 (1A) A person shall not advertise himself, or hold himself out, to be a registered medical practitioner, doctor of medicine, physician, surgeon, legally or duly qualified medical practitioner, qualified medical practitioner or medical practitioner, unless he is a registered medical practitioner.

Penalty: \$800 or imprisonment for 12 months, or both.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (c) Section 42 (2) (a), (a1)—
5 Omit "Any person, not registered under this Act,"
wherever occurring, insert instead "A person who is
not a registered medical practitioner and".
- (20) Section 44—
10 Omit "Any person not registered under this Act", insert
instead "A person who is not a registered medical
practitioner and".
- (21) Section 45 (1)—
Before "medical" wherever occurring, insert "registered".
- (22) (a) Section 47 (e)—
15 Omit "certificate granted or issued under this Act or
the Acts repealed by this Act, or in any license issued
under this Act", insert instead "certificate issued
under this Act".
- (b) Section 47 (f)—
20 Omit "or license".
- (c) Section 47 (g)—
Omit "or license or any certificate under the Acts
repealed by this Act".
- (d) Section 47 (h)—
25 Omit "or license".

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (e) Section 47 (i)—
5 Omit "or license".
- (f) Section 47 (i)—
Omit "under this Act".
- (g) Section 47—
Omit "a misdemeanour", insert instead "an offence".
- 10 (23) Section 51A—
After section 51, insert :—
- Recovery of fines.**
- 15 51A. Any fine imposed on a person under section 29 may be recovered as a debt due to the Crown together with costs by proceedings brought in any court of competent jurisdiction.
- (24) Schedule Two—
Omit the Schedule.
-
- (b) Section 47 (i)—
Omit "or license".
- (c) Section 47 (g)—
Omit "or license or any certificate under the Act reported by this Act".
- (d) Section 47 (h)—
Omit "or license".

Medical Practitioners (Amendment)

SCHEDULE 2

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD.

5 (1) (a) Section 5 (2)-(4)—

Omit the subsections, insert instead :—

- (2) The Board shall consist of 17 members.
- (3) The members of the Board shall be—
 - 10 (a) a commissioner or an officer of the Commission, appointed for the time being as such a member by order of the Commission;
 - (b) a barrister or solicitor nominated by the Minister;
 - 15 (c) 2 registered medical practitioners nominated by the Minister, at least 1 of whom shall be so nominated from among 3 registered medical practitioners whose names were last submitted to the Minister as a panel for the purposes of this paragraph by the Ethnic Affairs Commission of New South Wales;
 - 20 (d) 3 registered medical practitioners nominated by The New South Wales Branch of the Australian Medical Association;
 - 25 (e) a registered medical practitioner nominated by the Senate of the University of Sydney;
 - (f) a registered medical practitioner nominated by the Council of the University of New South Wales;
 - 30 (g) a registered medical practitioner nominated by the Council of the University of Newcastle;
 - (h) a registered medical practitioner nominated by the New South Wales Higher Education Board;
 - 35 (i) a registered medical practitioner nominated by The Royal Australasian College of Physicians, New South Wales State Committee;

*Medical Practitioners (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD—
continued.

- 5 (j) a registered medical practitioner nominated by The Australian College of Obstetricians and Gynaecologists, New South Wales State Committee;
- 10 (k) a registered medical practitioner nominated by the Royal Australasian College of Surgeons, New South Wales State Committee;
- 15 (l) a registered medical practitioner nominated by The Royal Australian College of General Practitioners, New South Wales Faculty;
- (m) a registered medical practitioner nominated by The Royal Australian College of Medical Administrators, New South Wales State Committee; and
- 20 (n) a registered medical practitioner nominated by The Royal Australian and New Zealand College of Psychiatrists, New South Wales Branch.
- 25 (4) A person nominated pursuant to subsection (3) (c)–(n) is disqualified from acting as a member for any period during which he is not a registered medical practitioner.
- (b) Section 5 (6)—
- 30 Omit “a period of five years from the date of his appointment”, insert instead “the period, not exceeding 5 years, specified in the instrument by which he is appointed”.
- (2) Section 10 (1)—
- Omit “seven”, insert instead “9”.

Medical Practitioners (Amendment)

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS.

5 (1) Section 15 (4A)—

After section 15 (4), insert :—

10 (4A) Notwithstanding subsection (4), a person who has not been registered, pursuant to this section or section 16, before the commencement of Schedule 3 to the Medical Practitioners (Amendment) Act, 1981, has the prescribed experience, for the purposes of subsection (1) (b), only if—

15 (a) he has, for a period of, or for periods totalling, not less than 2 years, performed service as a medical officer—

(i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or

20 (ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,

at a standard satisfactory to the Board; and

25 (b) he has, while so performing service as a medical officer—

30 (i) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of medicine (other than surgery) as is satisfactory to the Board; and

35 (ii) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of surgery as is satisfactory to the Board,

Medical Practitioners (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS—*continued.*

- 5 or, where the Board is satisfied that he is unable, by reason of any incapacity, to comply with paragraphs (a) and (b)—if he has, for a period of, or for periods totalling, not less than 2 years, received special tuition of a nature and type approved by the Board in respect of him in such branches of medicine and surgery as are so approved.
- 10 (2) (a) Section 23 (3) (a) (i)—
Omit “1 year”, insert instead “2 years”.
- (b) Section 23 (3) (b) (i)—
Omit “1 year”, insert instead “2 years”.
-
- SCHEDULE 4.
- 15 MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT. (Sec. 5.)
- (1) (a) Section 3 (1), definition of “Country”—
Omit the definition.
- (b) Section 3 (1), definition of “Medicine”—
- 20 After the definition of “Investigating committee”, insert :—
“Medicine” includes surgery.
- (2) (a) Section 35 (2)—
Before “medical”, insert “registered”.

Medical Practitioners (Amendment).

SCHEDULE 4—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

- (b) Section 35 (2)—
 5 Omit “claimed has”, insert instead “claimed, has”.
- (c) Section 35 (2)—
 Omit “party”, insert instead “person”.
- (3) (a) Section 36 (1)—
 Omit the subsection, insert instead :—
 10 (1) Within the 6 months next following the service upon any person of a bill for the professional services of a registered medical practitioner, that person or that person’s spouse may apply in the prescribed manner to the committee to review the bill.
- (b) Section 36 (4) (b)—
 15 Before “medical”, insert “registered”.
- (c) Section 36 (4) (e)—
 Before “medical”, insert “registered”.
- (d) Section 36 (5)—
 20 After section 36 (4), insert :—
 (5) A reference in subsection (1) to a person’s spouse includes a reference to a person not legally married to the person but who ordinarily lives with the person as the person’s spouse on a permanent and bona fide domestic basis.

Medical Practitioners (Amendment).

SCHEDULE 4—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

- (4) (a) Section 41 (3)—
 5 Omit “medical diploma”, insert instead “qualification”.
- (b) Section 41 (3)—
 10 Omit “British or foreign country”, insert instead “country, State (other than New South Wales) or Territory”.
- (c) Section 41 (3)—
 Omit “possession”, insert instead “country, State or Territory”.
- (5) Section 42 (2) (b)—
 15 After “himself”, insert “, or hold himself out,”.
- (6) (a) Section 49 (1)—
 Omit “or registered chiropractor or osteopath”, insert instead “, registered chiropractor, registered osteopath or ambulance officer”.
- (b) Section 49 (3)—
 20 After section 49 (2), insert :—
 (3) In subsection (1), “ambulance officer” means an officer, employee or servant of the Commission appointed or employed to carry out duties relating to the provision of ambulance services or a
 25 person appointed by the Commission to be an honorary ambulance officer.

*Medical Practitioners (Amendment).*SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (7) (a) Section 50A—
5 Omit “or the secretary”, insert instead “, the secretary”.
- (b) Section 50A—
10 Omit “, bona”, insert instead “or a person appointed under section 27A (5) to be nominal complainant, bona”.
- (c) Section 50A—
After “secretary,”, insert “the person so appointed.”
- (8) (a) Section 53 (1) (h)—
Omit “prescribed;”, insert instead “prescribed; or”.
- 15 (b) Section 53 (1) (i)—
Omit the paragraph, insert instead:—
(i) regulating or prohibiting the exhibition or
20 publication of any matter that relates to the practice of medicine or any branch of medicine or part of the practice thereof.

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

- 25 (1) (a) Section 3 (1), definition of “Member”—
Omit “board”, insert instead “Board”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 3 (1), definition of "President"—
5 Omit "board", insert instead "Board".
- (2) Section 3A—
After section 3, insert :—
Certain references in Acts, etc.
- 10 3A. A reference in any Act in force at or after the commencement of this section, in any instrument made under any such Act or in any other instrument to—
- (a) a legally or duly qualified medical practitioner;
(b) a qualified medical practitioner; or
(c) a medical practitioner,
- 15 shall, except in so far as the context or subject-matter otherwise indicates or requires, be deemed to be a reference to a registered medical practitioner.
- (3) (a) Sections 5 (1), 6 (2), 7 (d), 10 (1), (2), 12 (1),
20 13 (1), 24 (1A), (1B), 25 (1), (2), (4), 26 (1),
(2), 27 (2) (a), 28 (1), (3), (10), 34 (2), 47, 48,
50A, 53 (1) (a), (2)—
Omit "board" wherever occurring, insert instead
"Board".
- (b) Section 5 (1)—
25 Omit "paragraph (a) of subsection (3)", insert
instead "subsection (3) (a)".
- (c) Section 5 (6)—
Omit "of the board".

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (d) Section 5 (6)—
5 Omit “paragraph (a) of subsection three of this section”, insert instead “subsection (3) (a)”.
(e) Section 5 (6)—
Omit “such”, insert instead “a”.
- (f) Section 5 (7)—
10 Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- (g) Section 5 (7)—
Omit “of the board” wherever occurring.
- (h) Section 5 (7)—
15 Omit “any such”, insert instead “that”.
- (i) Section 5 (8)—
Omit “of the board”.
- (j) Section 5 (8)—
20 Omit “a public servant or a member”, insert instead “an officer or temporary employee of the Public Service or any other service of the State of New South Wales or a commissioner or officer”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (4) (a) Section 7 (c)—
5 Omit the paragraph, insert instead :—
 (c) becomes a temporary patient, a continued
 treatment patient, a protected person or an
10 incapable person within the meaning of the
 Mental Health Act, 1958, or a person under
 detention under Part VII of that Act; or
- (b) Section 7 (d)—
 Omit “four”, insert instead “4”. —
- (c) Section 7 (g)—
 Omit “seventy”, insert instead “70”. —
- 15 (5) Section 9 (2)—
 Omit “paragraph (a) of subsection three of section five
 of this Act, the member”, insert instead “section 5 (3)
 (a), a person”.
- (6) (a) Section 11—
20 Omit “board” where firstly occurring, insert instead
 “Board”.
- (b) Section 11—
 Omit “of the board” where lastly occurring.
- (c) Section 11—
25 Omit “seven”, insert instead “7”.

Medical Practitioners (Amendment)

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

- (7) (a) Section 12 (2)—
5 Omit "board" where firstly and lastly occurring, insert
instead "Board".
- (b) Section 12 (2)—
Omit "thereof".
- (c) Section 12 (2)—
10 Omit "of the board" where lastly occurring.
- (8) (a) Section 13 (1)—
15 Omit "1902, as amended by subsequent Acts", insert
instead "1979".
- (b) Section 13 (2)—
15 Omit "board" where firstly, secondly, thirdly and
fifthly occurring, insert instead "Board".
- (9) Section 13A—
20 Omit "1902", insert instead "1979".
- (10) (a) Section 24 (1)—
20 Omit "to section thirty-two of this Act", insert instead
"section 32".

Medical Practitioners (Amendment)

SCHEDULE 5—*continued*.AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued*.

- 5 (b) Sections 24 (1), (1A), (1B), (2), (3), 25 (2), (3),
28 (5), (6), (6A), 29 (3), (5), (6), (10), 35 (1),
40 (1), 41 (1), 41A (2), (4), 42 (2) (b), 44, 50,
53 (1)—

Omit “registered person” wherever occurring, insert
instead “registered medical practitioner”.

- 10 (c) Section 24 (1)—

Omit “the thirtieth day of”, insert instead “30th”.

- (d) Section 24 (1)—

15 Omit “the first day of October next following the said
thirtieth day of June”, insert instead “1st October next
following”.

- (e) Section 24 (1A)—

Omit “the thirty-first day of”, insert instead “31st”.

- (f) Section 24 (1A)—

20 Omit “the first day of October next following the said
thirty-first day of May”, insert instead “1st October
next following”.

- (g) Section 24 (1A)—

25 Omit “the thirtieth day of June next following the said
thirty-first day of May”, insert instead “30th June
next following that 31st May”.

- (h) Section 24 (1A) (a) (i)—

Omit “seventy”, insert instead “70”.

*Medical Practitioners (Amendment)*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (i) Section 24 (1A) (a)—
5 Omit “the said first day of” wherever occurring, insert instead “that 1st”.
- (j) Section 24 (1B)—
Omit “fourteen”, insert instead “14”.
- (k) Sections 24 (1B), (2), (3), 25 (1), (2), (3), (4),
10 26 (2), (3), 29 (2), 47 (a), 53 (1) (d)—
Omit “register” wherever occurring, insert instead
“Register”.
- (l) Section 24 (3)—
15 Omit “the said thirtieth day of June”, insert instead
“30th June”.
- (m) Section 24 (3)—
Omit “a person”, insert instead “a medical
practitioner”.
- (n) Section 24 (3)—
20 Omit “the first day of”, insert instead “1st”.
- (o) Section 24 (3)—
Omit “the thirtieth day of”, insert instead “30th”.
- (p) Section 24 (3)—
25 Omit “the said thirtieth day of September”, insert
instead “that 30th September”.

Medical Practitioners (Amendment)

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

- 5 (11) (a) Section 25 (3)—
Omit “two of this section”, insert instead “(2)”.
- (b) Section 25 (4)—
Omit “one of this section”, insert instead “(1)”.
- (c) Section 25 (4)—
Omit “two of this section”, insert instead “(2)”.
- 10 (12) (a) Section 26 (1)—
Omit “register” where secondly occurring, insert
instead “Register”.
- (b) Section 26 (1), proviso—
Omit “register” where firstly occurring, insert instead
15 “Register”.
- (c) Section 26 (1), proviso—
Omit “of this Act”.
- (d) Section 26 (2)—
Omit “two”, insert instead “2”.
- 20 (13) (a) Section 27 (2)—
Omit “registered person” where firstly and secondly
occurring, insert instead “registered medical prac-
titioner”.

Medical Practitioners (Amendment).

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

- (b) Section 27 (2) (a)—
5 Omit "of Australia".
- (c) Section 27 (2) (b)—
Omit "license" wherever occurring, insert instead
"licence".
- (14) (a) Section 27A (2)—
10 Omit "fourteen", insert instead "14".
- (b) Section 27A (2)—
Omit "four hundred dollars", insert instead "\$400".
- (c) Section 27A (2A)—
Omit "the provisions of".
- 15 (15) (a) Section 28 (1)—
Omit "four", insert instead "4".
- (b) Section 28 (2)—
Omit "seven", insert instead "7".
- (c) Section 28 (5)—
20 Omit "seven", insert instead "7".
- (d) Section 28 (6B)—
Omit "four hundred dollars", insert instead "\$400".

Medical Practitioners (Amendment)

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(e) Section 28 (8)—

5 Omit the subsection, insert instead :—

10 (8) For the purpose of an inquiry under this section, the disciplinary tribunal and the chairman shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the disciplinary tribunal or chairman in the same way as it applies to a witness summoned before a royal commission.

(f) Section 28 (8A) (b)—

20 Omit “paragraph (a) or (b) of subsection (3) of section 27A”, insert instead “section 27A (3) (a) or (b)”.

(g) Section 28 (8A)—

Omit “paragraph (c) of subsection (3) of section 27A”, insert instead “section 27A (3) (c)”.

25 (h) Section 28 (9) (b)—

Omit “of this subsection”.

(16) (a) Section 29 (4)—

Omit “subsection (6A) of section 28”, insert instead “section 28 (6A)”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (24) (a) Section 40 (1) (a)—
5 Omit “-1937”.
- (b) Section 40 (2)—
 Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 40 (2)—
 Omit “two years”, insert instead “2 years”.
- 10 (25) Section 41 (1)—
 Omit “four hundred dollars”, insert instead “\$400”.
- (26) (a) Section 41A (2)—
 Omit “three of this section”, insert instead “(3)”.
- (b) Section 41A (2)—
15 Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 41A (2)—
 Omit “two years”, insert instead “2 years”.
- (d) Section 41A (2)—
 Omit “twenty-seven of this Act”, insert instead “27”.
- 20 (e) Section 41A (3)—
 Omit “two of this section”, insert instead “(2)”.
- (f) Section 41A (3)—
 Omit “twenty-eight”, insert instead “28”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- 5 (g) Section 41A (3)—
Omit “, as amended by subsequent Acts”.
- (h) Section 41A (3)—
Omit “subsection one of section twenty-nine”, insert
instead “section 29 (1)”.
- 10 (i) Section 41A (4) (c)—
Omit “two thousand dollars”, insert instead “\$2,000”.
- (j) Section 41A (4) (c)—
Omit “two years”, insert instead “2 years”.
- (27) (a) Section 42 (1)—
Omit “eight hundred dollars”, insert instead “\$800”.
- 15 (b) Section 42 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 42 (2) (a)—
Omit “of this Act”.
- (d) Section 42 (2) (a)—
20 Omit “two thousand dollars”, insert instead “\$2,000”.
- (e) Section 42 (2) (a)—
Omit “two years”, insert instead “2 years”.
- (f) Section 42 (2) (a1)—
Omit “of this subsection”.

*Medical Practitioners (Amendment)*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (g) Section 42 (2) (a1)—
5 Omit "eight hundred dollars", insert instead "\$800".
- (h) Section 42 (2) (a1)—
Omit "twelve", insert instead "12".
- (i) Section 42 (2) (b)—
10 Omit "eight hundred dollars", insert instead "\$800".
- 10 (j) Section 42 (2) (b)—
Omit "twelve", insert instead "12".
- (k) Section 42 (3)—
Omit "two of this section", insert instead "(2)".
- 15 (28) (a) Section 43 (1) (a)—
Omit "forty-two of this Act", insert instead "42".
- (b) Section 43 (1) (b)—
Omit "of this subsection".
- (c) Section 43 (1)—
Omit "eight hundred dollars", insert instead "\$800".
- 20 (d) Section 43 (1)—
Omit "twelve", insert instead "12".

Medical Practitioners (Amendment)

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

- (e) Section 43 (1A)—
- 5** Omit “subsection two or four of section 41A or paragraph (a) or (a1) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a) or (a1)”.
- (f) Section 43 (1B)—
- 10** Omit “subsection two or four of section 41A or paragraph (a) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a)”.
- (g) Section 43 (2)—
- 15** Omit “forty-two of this Act”, insert instead “42”.
- (h) Section 43 (2)—
- Omit “eight hundred dollars”, insert instead “\$800”.
- (i) Section 43 (2)—
- Omit “twelve”, insert instead “12”.
- 20** (j) Section 43 (2)—
- Omit “the said section”, insert instead “section 42”.
- (29) (a) Section 44—
- Omit “six”, insert instead “6”.
- (b) Section 44—
- 25** Omit “four hundred dollars”, insert instead “\$400”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (30) (a) Section 45 (1)—
5 Omit “one hundred dollars”, insert instead “\$100”.
- (b) Section 45 (2)—
Omit “one of this section”, insert instead “(1)”.
- (c) Section 45 (3)—
10 Omit “the fifteenth day of July, one thousand nine hundred and thirty-eight”, insert instead “15th July, 1938”.
- (31) (a) Section 47 (c)—
Omit “license”, insert instead “licence”.
- (b) Section 47 (e)—
15 Omit “license” where firstly occurring, insert instead “licence”.
- (c) Section 47—
Omit “three”, insert instead “3”.
- (32) Section 49 (2)—
20 Omit “one of this section”, insert instead “(1)”.
- (33) (a) Section 50 (1)—
Omit “practise”, insert instead “practice”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 50 (2)—
5 Omit “one of this section”, insert instead “(1)”.
- (c) Section 50 (2)—
Omit “two hundred dollars”, insert instead “\$200”.
- (34) Section 52—
10 Omit “stipendiary magistrate or any two justices in petty sessions”, insert instead “court of petty sessions comprised of a stipendiary magistrate sitting alone”.
- (35) (a) Section 53 (2)—
15 Omit “paragraph (a), paragraph (b) or paragraph (e) of subsection one of this section”, insert instead “subsection (1) (a), (b) or (e)”.
- (b) Section 53 (3) (a)—
Omit “paragraph (g) or paragraph (h) of subsection one of this section”, insert instead “subsection (1) (g) or (h)”.
- 20 (c) Section 53 (3) (a)—
Omit “four hundred dollars”, insert instead “\$400”.
- (d) Section 53 (3) (b)—
Omit “fifty dollars”, insert instead “\$50”.
-

Medical Practitioners (Amendment).

SCHEDULE 6.

(Sec. 7.)

SAVINGS AND TRANSITIONAL PROVISIONS.

PART 1.

5 Interpretation: Pt. 1.

1. In this Part, "the commencement" means the commencement of this Part.

Saving of certain applications.

10 2. Any application for registration or for renewal of registration that was made, under section 18 of the Principal Act, before the commencement and that has not been disposed of before the commencement shall be deemed to be an application for registration made pursuant to section 19 of the Principal Act, as amended by this Act.

Saving of registration.

15 3. (1) Any person who was, immediately before the commencement, registered under the Principal Act otherwise than—

(a) pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act; or

20 (b) by reason of the operation of section 18A (3) (d), 20 (2), 21 (2) or (3) (a), 21A (11) or 21c (7) of that Act,

shall, on the commencement, be deemed to be registered pursuant to section 15 of the Principal Act, as amended by this Act.

25 (2) Any person who was, immediately before the commencement, registered under the Principal Act pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act shall, on the commencement, be deemed to be registered pursuant to section 16 of the Principal Act, as amended by this Act.

Certain persons deemed registered.

35 4. (1) The holder of a certificate of conditional registration—

30 (a) granted under section 18A (1) of the Principal Act; or

*Medical Practitioners (Amendment).*SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) renewed under section 18A (4) of that Act,
being a certificate that was in force immediately before the commencement,
5 shall, on the commencement, be deemed—
- (c) to be registered under the Principal Act, as amended by this Act,
pursuant to section 17 (c) of that Act, as so amended; and
- (d) for the purpose of section 21 (2) (b) of that Act, as so amended,
to have been registered on the date—
- 10 (i) except as provided in subparagraph (ii)—upon which that
certificate was granted; or
- (ii) where the certificate has been renewed—upon which it
was last renewed.
- (2) The holder of a certificate of regional registration—
- 15 (a) issued under section 21A of the Principal Act and in force
immediately before the commencement; and
- (b) pursuant to which he was deemed to be registered under section
21A (11) of that Act, as so in force, for purposes connected with
or relating to the practice of medicine and surgery within a
20 specified region,
- shall, on the commencement, be deemed to be registered under the Principal
Act, as amended by this Act, pursuant to section 16 of that Act, as so
amended, subject to conditions imposed by the Board under section 21 of
that Act, as so amended, and—
- 25 (c) specifying that his registration pursuant to this clause shall, subject
to the Principal Act, as so amended, cease to have effect when
it would have done so under section 21A (14) of that Act, had
this Act not been enacted; and
- (d) specifying that he may not practise medicine (within the meaning
of the Principal Act, as so amended) except for purposes con-
30 nected with or relating to the practice of medicine within the
region referred to in paragraph (b).

Saving of certain certificates.

5. (1) Any certificate—
- 35 (a) issued pursuant to section 15 (2) or 21A (10) of the Principal
Act; or

Medical Practitioners (Amendment)

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) granted under section 18A (1) of that Act, being a certificate that was in force immediately before the commencement, whether or not (if the certificate was granted under section 18A (1) of that Act) it has been renewed, shall, on the commencement, be deemed to be a certificate of registration issued under section 21 (7) (b) of the Principal Act, as amended by this Act.
- (2) Any—
- 10 (a) certificate of conditional registration granted under section 18A (2) of the Principal Act; or
- (b) certificate of provisional registration granted under section 20 (1) of that Act, being a certificate that was in force immediately before the commencement, shall, on the commencement, be deemed to be respectively a provisional certificate issued under section 20 (2) (b) (ii) or (i) of the Principal Act, as amended by this Act.

Saving of certain licenses.

6. (1) Notwithstanding the amendments made to Part III of the Principal Act by this Act, where, immediately before the commencement, a person was the holder of a license issued to him in accordance with section 21c (4) or (4A) of the Principal Act (whether or not it had been renewed), sections 17 and 21c (4), (4A), (5), (5A), (5B), (6), (7) and (8) of that Act, as then in force, shall—
- 25 (a) on and from the commencement, continue to apply to and in respect of the person; and
- (b) so apply as if—
- (i) the references, in section 21c (6), to sections 17 (6) and (7) and 30 of that Act were references to those provisions as in force immediately before the commencement;
- 30 (ii) the references, in section 21c (8), to sections 27, 27A, 28 and 29 of that Act were references to those sections, as amended by this Act; and
- 35 (iii) the reference, in section 21c (8), to section 30 of that Act were a reference to that section as in force immediately before the commencement, but only while the person holds a license that has effect under section 21c.

*Medical Practitioners (Amendment).*SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) In the application, for the purposes of subclause (1), of section 17 (1) (g) of the Principal Act, as in force immediately before the commencement, and in the application of that paragraph as in force at any other time after 1st September, 1963, and before the commencement, for all other purposes, the reference in that paragraph to section 21c (4) or (4A) of the Principal Act shall be deemed to include, and to have always included, a reference to section 21c (3) of that Act.
- (3) Where, by reason of the operation of subclause (1), a person becomes entitled to be registered under the Principal Act, he shall be deemed to be so entitled pursuant to section 15 of that Act, as amended by this Act, and the provisions of Part III of that Act, as so amended, other than section 21 (4), shall apply to and in respect of his registration in the same way as they apply to and in respect of the registration of a person who, after the commencement, becomes entitled to be registered under that Act, as so amended, pursuant to section 15, otherwise than by reason of the operation of subclause (1).

Saving of certain proclamations.

20 7. A proclamation that—

- (a) was published in the Gazette under section 17 (1A) (a) of the Principal Act before the commencement; and
- (b) amended Schedule One to that Act,

shall, on the commencement, be deemed to be a proclamation published under section 15 (5) of that Act, as amended by this Act.

Continuation of certain proceedings.

8. (1) Any appeal commenced under section 19 of the Principal Act which has not been disposed of before the commencement shall, on the commencement, be deemed to be an appeal commenced under section 23c of the Principal Act, as amended by this Act, and may be continued under that Act, as so amended.

(2) Any proceedings (including proceedings relating to an appeal) with respect to a complaint or charge that were—

- (a) commenced under Part III of the Principal Act; and

*Medical Practitioners (Amendment).*SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) not finally disposed of,

before the commencement, shall, on the commencement, be deemed to be 15 proceedings with respect to a complaint duly commenced under that Act, as amended by this Act, and may be continued under Part III of that Act, as so amended.

(3) Notwithstanding subclause (2) and section 29 (1) of the Principal Act, as amended by this Act, where a person is, after the commencement, 10 found by the disciplinary tribunal, within the meaning of that Act, as so amended, to have been guilty of misconduct in a professional respect by reason only of an act or omission which occurred before the commencement, the disciplinary tribunal may not impose any fine upon the person.

Saving of certain regulations.

15 9. (1) A regulation in force under the Principal Act immediately before the commencement shall, on the commencement, be deemed to have been made under the Principal Act, as amended by this Act, if it could have been made under the Principal Act, as so amended, had that Act, as so amended, been in force when it was made, whether or not it could only 20 have been so made if a reference in the regulation to a provision of the Principal Act were a reference to the corresponding provision of the Principal Act, as so amended.

(2) A reference in a regulation deemed to be made under the Principal Act, as amended by this Act, by the operation of subclause (1), to a 25 provision of the Principal Act shall be construed as a reference to the corresponding provision of the Principal Act, as so amended.

Saving of certain orders and notices.

10. (1) An order made under section 30 (1) of the Principal Act and in force immediately before the commencement shall, on the commencement, 30 be deemed to be an order made under section 30 (6) of the Principal Act, as amended by this Act.

(2) A notice forwarded under section 30 (2) of the Principal Act before the commencement shall be deemed to have been forwarded under section 30 (11) of the Principal Act, as amended by this Act.

Medical Practitioners (Amendment).

SCHEDULE 6—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

Saving of certain references.

11. On and from the commencement, a reference in any Act or other instrument to a registered person within the meaning of the Principal Act shall be construed as a reference to a registered medical practitioner within the meaning of the Principal Act, as amended by this Act.

Certain recordings authorised.

12. For the purpose of giving effect to clauses 3 and 4, the secretary to the Board may make such recordings in the Register kept under the Principal Act as the Board directs.

PART 2.

Interpretation: Pt. 2.

1. In clause 2, "appointed day" means the day on which this Part commences.

Transitional provision.

2. Notwithstanding section 15 (4A) of the Principal Act, as amended by this Act, any person—

- (a) who, during the period of 2 years immediately preceding the appointed day—
 - (i) had commenced to serve as a medical officer in a hospital or institution referred to in section 15 (4) (a) (i) or (ii) of the Principal Act as in force immediately before the appointed day; or
 - (ii) had commenced to receive special tuition within the meaning of section 15 (4) (b) (ii) of that Act, as so in force; and

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) who, if Schedule 3 had not been enacted, would have been, within the period of 2 years next following the commencement of—
- 5 (i) his service as such a medical officer; or
- (ii) his receipt of that special tuition,
- as the case may be, entitled to be registered pursuant to a provision of the Principal Act, as amended by this Act,
- 10 shall be entitled to be registered pursuant to that provision, as if Schedule 3 had not been enacted.

Medical Practitioners (Amendment)

SCHEDULE 6—Continued

Savings and Transitional Provisions—continued

(b) where Schedule 3 had not been enacted, would have been within the period of 2 years next following the commencement of—

- (i) his service as such a medical officer or
- (ii) his receipt of that special tuition.

as the case may be entitled to be registered pursuant to a provision of the Principal Act as amended by this Act.

shall be entitled to be registered pursuant to that provision as if Schedule 3 had not been enacted.

BY AUTHORITY
IN WEST GUYANA PRINTING PRESS, GEORGETOWN, 1981

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, April, 1981.

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1981.

An Act to amend the Medical Practitioners Act, 1938, with respect to the registration of persons as medical practitioners and the qualifications therefor; and for other purposes.

Medical Practitioners (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 Short title.

1. This Act may be cited as the "Medical Practitioners (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(5), this Act
10 shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to the provisions of Schedule 1, 2, 3, 4 or 5, commence on the day on which that Schedule commences.

(3) Section 7 (1), Schedules 1, 4 and 5 and Part 1 of
15 Schedule 6 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Section 7 (2), Schedule 3 and Part 2 of Schedule 6
20 shall commence on such day (being a later day than that appointed and notified under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Section 8 and Schedule 2 shall commence on such day
25 (being the same as, or different from, that appointed and notified under subsection (3) or (4)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Medical Practitioners (Amendment).

Principal Act.

3. The Medical Practitioners Act, 1938, is referred to in this Act as the Principal Act.

Schedules.

5 4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO REGISTRATION AND QUALIFICATIONS
THEREFOR.

10 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE CONSTITUTION OF THE NEW SOUTH
WALES MEDICAL BOARD.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO INTERNSHIPS.

15 SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY
WAY OF STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 37, 1938.

20 5. The Principal Act is amended in the manner set forth in
Schedules 1–5.

Amendment of Act No. 52, 1972.

6. The Medical Practitioners (Amendment) Act, 1972, is
amended—

- 25 (a) by omitting section 2 (3);
(b) by omitting section 7.

*Medical Practitioners (Amendment).***Savings and transitional provisions.**

7. (1) Part 1 of Schedule 6 has effect.

(2) Part 2 of Schedule 6 has effect.

Former members of Board may be reappointed, etc.

5 8. On the commencement of this section, each person who held
office as a member of the New South Wales Medical Board
immediately before that commencement shall vacate his office and,
subject to the Principal Act, as amended by this Act, is eligible to
be re-appointed or re-nominated for appointment, as the case may
10 require, under that Act, as so amended, as a member of that Board.

Validation.

9. (1) In this section—

“disciplinary tribunal” means the disciplinary tribunal referred
to in section 28 of the Principal Act;

15 “investigating committee” means the investigating committee
referred to in section 27A of the Principal Act;

“relevant period” means the period commencing with 2nd
September, 1963, and ending with the commencement
of this section;

20 “the commencement” means the commencement of this
section.

(2) Any person who purported to act in the office of a
member of the investigating committee at any time during the
relevant period shall be deemed—

25 (a) to have had the qualification required by section 27A
(1) (a), (b) or (c), as the case may have required,
of the Principal Act, as deemed to have been amended
by subsection (7), for his appointment to that office;
and

Medical Practitioners (Amendment)

(b) to have been duly appointed to that office, but this subsection does not operate so as to enable the person to hold that office after the commencement.

(3) A person who, immediately before the commencement, purported to hold the office of a member of the investigating committee shall, on the commencement, be deemed—

- (a) to have the qualification required by section 27A (1) (a), (b) or (c), as the case may require, of the Principal Act, as deemed to be amended by subsection (7), for his appointment to that office; and
- (b) to be duly appointed to that office.

(4) Any act, matter or thing—

- (a) purporting to have been done or omitted to be done during the relevant period by the investigating committee or any person purporting to act as the chairman or any other member thereof; and
- (b) which could have lawfully been done or omitted to be done by the committee or the person purporting so to act if the committee had been duly constituted under the Principal Act when the act, matter or thing was done or omitted to be done,

is hereby validated.

(5) Any act, matter or thing—

- (a) done or omitted to be done by the disciplinary tribunal or any member thereof with respect to a complaint or charge purporting to have been, before the commencement, referred to it by the investigating committee; and
- (b) which could have lawfully been done or omitted to be done by the tribunal or member if the complaint or charge had been duly referred to it by the investigating committee in accordance with the Principal Act,

is hereby validated.

Medical Practitioners (Amendment)

(6) Subsections (4) and (5) do not operate so as to validate any act, matter or thing done or omitted to be done, before the commencement, by the investigating committee or the disciplinary tribunal with respect to the complaint or charge the subject of proceeding number S618 of 1981 in the Administrative Law Division of the Supreme Court.

(7) The reference to a stipendiary magistrate in section 27A (1) (a) of the Principal Act, as in force during the period commencing with 2nd September, 1963, and ending with the commencement of Schedule 1, shall be deemed to include, and to have always included, a reference to a person who has held the office of stipendiary magistrate.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR.

(1) Section 2—

(a) From the matter relating to Part III, omit “32”, insert instead “32A”.

(b) From the matter relating to Part VI, omit “51, 52”, insert instead “51–52”.

(2) (a) Section 3 (1), definition of “Registered”—

Omit “Act and includes ‘deemed to be so registered.’ ”, insert instead “Act.”.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (b) Section 3 (1), definition of “Registered medical practitioner”—

After the definition of “Registered”, insert :—

“Registered medical practitioner” means a person who is, for the time being, registered.

(c) Section 3 (2)–(4)—

10 Omit section 3 (2), insert instead :—

(2) In this Act—

15 (a) a reference to making a recording in the Register includes a reference to amending, cancelling or deleting any such recording; and

(b) a reference to removal of the name of a person from the Register shall be construed as a reference to removal of that name from the Register pursuant to a provision of this Act.

20

(3) For the purposes of this Act, a person is domiciled in New South Wales if the person resides in that State and intends to permanently so reside.

25 (4) For the purposes of section 27 (1) of the Interpretation Act, 1897, a notice served by post on a person pursuant to this Act shall be treated as being properly addressed if it is addressed to the last address of the person known to the secretary to the Board.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(3) Section 13 (2)—

5 Omit “which any person is entitled to receive from the board or any certificate or license granted or”.

(4) Sections 15–23c—

Omit sections 15–23, insert instead :—

Full entitlement to registration.

10 15. (1) A person is entitled to be registered pursuant to this section if—

(a) he is the holder of the prescribed qualifications;

(b) he has the prescribed experience; and

15 (c) he satisfies the Board that he is of good character.

(2) For the purposes of subsection (1) (a), a person is the holder of the prescribed qualifications if—

(a) he is the holder of—

20 (i) a degree in medicine and a degree in surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

25 (ii) a degree in medicine granted after due examination by the University of Newcastle; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(b) he—

- 5 (i) is the holder of a prescribed degree; and
(ii) has a knowledge of the English language that, in the opinion of the Board, is adequate for the practice of medicine in New South Wales.

10 (3) For the purposes of subsection (2) (b) (i), a person is the holder of a prescribed degree if—

- 15 (a) where there is only one qualification specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule—he is the holder of that qualification granted by that university, college or other body;
- 20 (b) where there are 2 or more qualifications specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule, and neither those qualifications nor any combinations of them are shown as alternatives—he is the holder of all of those qualifications granted by that university, college or other body;
- 25 (c) where there are 2 or more qualifications specified in Column Two of Schedule One opposite the name of any university, college or other body specified in Column One of that Schedule, and those qualifications or any combination of them are or is shown as alternatives or an alternative
- 30

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 —he is the holder of any such alternative qualification or any such alternative combination of qualifications, as the case may be, granted by that university, college or other body; or

10 (d) where any 2 or more universities, colleges or other bodies are specified in Column One of Schedule One opposite any qualification or qualifications specified in Column Two of that Schedule—he is, subject to paragraphs (a), (b) and (c), the holder of that qualification or those qualifications granted by each of the universities, colleges or other bodies so specified.

15 (4) For the purposes of subsection (1) (b), a person has the prescribed experience if—

20 (a) the Board is satisfied that he has, for a period of at least 12 months, or for periods amounting in the aggregate to at least 12 months, satisfactorily served as a medical officer—

25 (i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or

(ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,

30 and that he has, as such a medical officer, had satisfactory medical experience during a period of at least 6 months, or during periods amounting

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 in the aggregate to at least 6 months, and
satisfactory surgical experience during a like
period or periods; or

(b) the Board is satisfied that he—

10 (i) is unable, by reason of physical in-
capacity, to serve as a medical officer as
referred to in paragraph (a); and

15 (ii) has, for a period of at least 12 months, or
for periods amounting in the aggregate to
at least 12 months, received special
tuition of a nature and type approved by
the Board in some branch of medicine or
surgery approved by the Board.

20 (5) The Governor may, by proclamation published
in the Gazette, amend Schedule One by inserting in
Column One of that Schedule particulars of any university,
college or other body outside New South Wales, and in
Column Two of that Schedule, opposite those particulars,
particulars of any qualification in medicine or surgery
granted by any such university, college or other body, or
by omitting from that Schedule any particulars therein.

25 **Limited entitlement to registration.**

16. Subject to section 18 (3), a person is entitled to be
registered pursuant to this section if—

30 (a) he has passed through a regular graded course of
study of 5 or more years' duration in a school of
medicine elsewhere than in New South Wales,

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 not being a school of medicine associated with
any of the universities, colleges or other bodies
listed in Column One of Schedule One;
- 10 (b) he is the holder of a degree or diploma that
certifies to his ability to practise medicine,
granted after due examination by the university,
college or other body with which the school of
15 medicine at which he passed through a course of
study referred to in paragraph (a) is associated,
being a university, college or other body which
is recognised, in the country, State or Territory
in which the school is situated, for the purpose
of granting the degree or diploma;
- (c) he—
- 20 (i) has obtained results satisfactory to the
Board in the prescribed examinations; or
(ii) satisfies the Board that he should not,
for the purpose of his being entitled to
be so registered, be required to be so
examined or should not be required to
obtain those results;
- 25 (d) he—
- (i) is domiciled in New South Wales; or
- (ii) satisfies the Board that he should not,
for the purpose of his being entitled to
be so registered, be required to be so
30 domiciled;
- (e) he has a knowledge of the English language that,
in the opinion of the Board, is adequate for the
practice of medicine in New South Wales;

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (f) he has the prescribed experience, within the meaning of section 15 (1) (b); and

(g) he satisfies the Board that he is of good character.

Entitlement to conditional registration.

17. Where a person—

10 (a) is entitled to have a degree or diploma conferred on him by a university, college or other body and would be entitled to be registered pursuant to section 15 or 16 if—

15 (i) he had had the degree or diploma conferred on him; and

(ii) where he does not have the prescribed experience (within the meaning of section 15 (1) (b))—he had had that experience; or

20 (b) does not have that prescribed experience and would be entitled to be registered pursuant to section 15 or 16 if he had had that experience,

then, if the person would be entitled, in the circumstances referred to in paragraph (a) or (b), to be registered—

25 (c) pursuant to section 15—he is entitled to be registered pursuant to this paragraph; or

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (d) pursuant to section 16—he is, subject to section
18 (3), entitled to be registered pursuant to this
paragraph.

Restrictions on registration in certain cases.

- 10 18. (1) Where, at any time later than 6 months after
the date on which a person is registered pursuant to section
16 or 17 (d), the Board, after holding an inquiry, is
satisfied that he is—

- (a) not domiciled; or
(b) not practising medicine,

- 15 in New South Wales, the Board shall, unless the Minister
otherwise expressly approves, cause the name of that
person to be removed from the Register, notwithstanding
any condition imposed by the Board upon the duration of
his registration under section 21 (3) (a) or 30.

- 20 (2) The president shall fix a time and place for the
holding of an inquiry under subsection (1), and shall cause
the registered medical practitioner concerned to be given
at least 14 days' notice, personally or by post, of the time
and place for the inquiry.

- 25 (3) Where the name of a person has been removed
from the Register pursuant to subsection (1), an applica-
tion under section 19 (2) for registration pursuant to
section 16 or 17 (d), lodged by the person within 5 years

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 after his name has been so removed, shall not be considered by the Board unless the Board has granted its approval to the making of the application before it was so lodged.

Application for registration.

10 19. (1) In this section—
“application” means an application for registration;

“prescribed period”, in relation to an application, means—

- 15 (a) the period of 3 months that next succeeds the lodging of the application with the secretary to the Board under subsection (2) (d); or
- (b) where a longer period is agreed upon by the Board and the applicant—that longer period.

20 (2) An application shall be—

- (a) in or to the effect of the form prescribed in respect of the application;
- (b) accompanied by the fee prescribed in respect of the application;
- 25 (c) accompanied by such evidence as is required by the regulations in respect of the application; and

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(d) Lodged with the secretary to the Board.

5

(3) Subject to section 18 (3), the Board shall consider and determine an application made in accordance with subsection (2).

10

(4) Where the Board does not consider and determine an application within the prescribed period, the Board shall, for the purposes of section 23c (1) (a), be deemed to have determined, under section 21 (1) (b), that the applicant is not entitled to be registered and to have dismissed the application.

15

(5) Unless the Board, after considering an application, decides to dispense with an inquiry under this subsection into the eligibility of the applicant to be registered, it shall hold the inquiry.

20

(6) The president shall fix a time and place for the holding of an inquiry under subsection (5), and shall cause the applicant concerned to be given at least 7 days' notice, personally or by post, of the time and place for the inquiry.

Provisional certificates.

25

20. (1) In this section, "provisional certificate" means a certificate issued under subsection (2) (b) (i) or (ii).

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (2) Where a person has, under section 19 (2),
5 applied for registration to which he claims to be entitled
pursuant to section 15 or 17 (c), the Board shall—
- (a) forthwith consider the application; and
- 10 (b) if it is satisfied that the applicant has the com-
petence to practise medicine, within the meaning
of section 21, and is prima facie entitled to be
registered—
- (i) pursuant to section 15—under this
subparagraph, issue a certificate to the
applicant; or
- 15 (ii) pursuant to section 17 (c)—under this
subparagraph, issue a certificate to the
applicant,
being a certificate in a form approved by the
Board and stating that the applicant is provision-
ally entitled to registration under this Act.
- 20 (3) A provisional certificate is in force from the
time of its issue until the holder of the certificate has been
given notice, personally or by post—
- (a) of a determination made under section 21 (1)
25 by the Board with respect to the application in
relation to which the certificate was issued; or
- (b) that the Board has cancelled the certificate under
subsection (4),
whichever first occurs.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (4) The Board may, for such reason as to it seems proper, cancel a provisional certificate.

(5) Where the Board cancels a provisional certificate, it shall forthwith cause the holder of the certificate to be given notice, personally or by post, of its cancellation.

10 (6) While a provisional certificate is in force, the holder of the certificate shall be deemed to be a registered medical practitioner for the purposes of this Act and the regulations.

15 (7) For the purposes of section 21 (2) (b), the date upon which a person is registered shall be deemed to be, where the person was the holder of a provisional certificate immediately before he is registered, the date upon which the certificate was issued.

20 (8) The Board may authorise—
(a) the president or any other member; or

(b) the secretary to the Board,
to perform, on behalf of the Board, the duties imposed upon it by subsection (2).

25 (9) Any certificate issued under subsection (2) (b) (i) or (ii) by a person authorised under subsection (8) shall be deemed to have been so issued by the Board.

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

Registration.

- 5 21. (1) Where, after it has considered an application for registration and the inquiry, if any, into the application has been held, the Board determines that the applicant—
 - 10 (a) is entitled to be registered pursuant to section 15, 16 or 17 (c) or (d)—the Board shall register the applicant subject to such conditions, if any, as the Board imposes upon his registration under subsection (3) or section 30 (6) (c) (i); or
 - 15 (b) is not entitled to be registered—the Board shall dismiss the application.
- (2) The Board registers a person by causing to be recorded in the Register—
 - 20 (a) his full name and address;
 - (b) subject to section 20 (7), the date upon which he is registered;
 - (c) particulars of the qualifications in respect of which he is entitled to be registered;
 - (d) particulars of the provision of this Act pursuant to which he is entitled to be registered; and
 - 25 (e) any conditions imposed by the Board upon his registration under subsection (3) or section 30 (6) (c) (i).

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(3) Where the Board registers a person—

5 (a) pursuant to section 16 or 17 (d)—it may, under this paragraph, impose upon his registration such conditions relating to the duration of his registration as it considers appropriate; or

10 (b) pursuant to section 16 or 17 (c) or (d)—it may, under this paragraph, impose upon his registration such other conditions (being conditions relating to his practising medicine) as it considers appropriate.

15 (4) Notwithstanding subsection (1), but subject to any order made under section 23C, the Board shall not register an applicant for registration who has not, in his application, satisfied the Board that he has the competence to practise medicine, within the meaning of this section, unless the Board has held an inquiry under section 30 with respect to the applicant.

20 (5) Notwithstanding subsection (1), but subject to any order made under section 23C, the Board may refuse to register, and may dismiss an application for registration made by, any person who is otherwise entitled to be registered but—

25 (a) who has been convicted in New South Wales of an offence or has been convicted elsewhere than in New South Wales by a court for or in respect of an act or omission that would, had the act or omission taken place in New South Wales, have constituted an offence;

30

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) whose name has been, for any reason relating to his conduct in a professional respect, erased or removed from any register or roll established or kept under any law in any country, State or Territory providing for the registration or certification of medical practitioners under a public authority; or
- 10 (c) who has been guilty of habitual drunkenness or of addiction to any deleterious drug.
- (6) The Board shall not refuse to register any person—
- 15 (a) on the ground specified in subsection (5) (a), where the offence (from its trivial nature or from the circumstances under which it was committed) was not such as, in the opinion of the Board, renders the person unfit in the public interest to practise medicine; or
- 20 (b) on the ground specified in subsection (5) (b), unless the reason for the erasure or removal was an act or omission of a nature relating to his conduct in a professional respect for which, if done or omitted to be done in New South Wales, the disciplinary tribunal would have been authorised under this Part to direct that the name of the person be removed from the Register if it had been recorded therein.
- 25
- 30 (7) Upon determining an application for registration, the Board shall—
- (a) forthwith cause the applicant to be given notice, personally or by post, of its determination; and

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (b) where it determines that the applicant is entitled to be registered—issue to the applicant a certificate of registration in a form approved by the Board and stating the particulars recorded in the Register with respect to him.

10 (8) A person has, within the meaning of this section, the competence to practise medicine if, in the opinion of the Board, he has sufficient physical capacity, mental capacity and skill so to practise.

The Register.

15 22. (1) The Board shall cause to be kept a register, to be called the "Register of Medical Practitioners for New South Wales".

20 (2) Where a registered medical practitioner applies for particulars relating to him to be recorded in the Register in addition to those so recorded under section 21 (2), the Board may, upon payment of the prescribed fee, cause to be recorded in the Register such of those additional particulars as the Board approves.

25 (3) The Register shall at all reasonable times be made available for inspection at the office of the Board by any person on payment of the prescribed fee.

(4) The Board—

(a) shall cause to be removed from the Register the name of any registered medical practitioner who has died;

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

5 (b) may cause to be removed from the Register the name of any registered medical practitioner who has requested the Board that his name be so removed; and

10 (c) shall make such other recordings in the Register as may be necessary for the purpose of maintaining the Register as an accurate record of the particulars relating to each registered medical practitioner.

15 (5) The name of a registered medical practitioner is removed from the Register by the making in the Register of such recording as the Board directs.

Removal of name from Register.

20 23. (1) Subject to section 20 (6) and this section, a registered person ceases to be registered when the Board has caused him to be given notice, personally or by post, that his name has been removed from the Register.

25 (2) The name of a person registered pursuant to section 15 or 16 shall, if it has not previously been removed from the Register, be deemed to be removed from the Register and he ceases to be registered—

(a) where he was registered pursuant to section 15 and the period of his registration is specified in a condition imposed upon his registration under section 30 (6) (c) (i) or (ii)—at the expiration of that period; or

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) where he was registered pursuant to section 16
and the period of his registration is specified in a
condition imposed upon his registration under
section 21 (3) (a) or 30 (6) (c) (i) or (ii)—
at the expiration of that period.
- 10 (3) The name of a person registered pursuant to
section 17 (c) or (d) shall, if it has not previously been
removed from the Register, be deemed to be removed
from the Register and he ceases to be registered—
- 15 (a) where he was registered pursuant to section 17
(c), at the expiration of—
- (i) except as provided in subparagraph (ii)
—the period of 1 year commencing with
the day upon which he was registered;
or
- 20 (ii) where the period of his registration is
specified in a condition imposed upon
his registration under section 30 (6) (c)
(i) or (ii)—that period; or
- (b) where he was registered pursuant to section 17
(d), at the expiration of—
- 25 (i) except as provided in subparagraph (ii)
—the period of 1 year commencing with
the day upon which he was registered;
or
- 30 (ii) where the period of his registration is
specified in a condition imposed upon
his registration under section 21 (3) (a)
or 30 (6) (c) (i) or (ii)—that period.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (4) Where a person's name is removed from the Register otherwise than pursuant to subsection (2) or (3) or section 22 (4) (a) or (b), the Board shall cause that person to be given notice, personally or by post, that his name has been so removed.

10 (5) Any certificate issued to a person under section 21 (7) (b) shall, when his name has been removed from the Register, cease to be in force.

Surrender of certificates.

15 23A. (1) Where a certificate issued to a person under section 20 (2) (b) (i) or (ii) or 21 (7) (b) has ceased to be in force, the Board may, by notice in writing served personally or by post on the person, require him to furnish the certificate to the Board within a time specified in the notice.

20 (2) A person on whom a notice has been served under subsection (1) shall not, without reasonable cause, fail to comply with the requirements of the notice.

Penalty for an offence under this subsection : \$100.

Rights to practise medicine.

25 23B. (1) In this section, a reference to a conditionally registered person is a reference to a person who is—

- (a) registered pursuant to section 17 (c) or (d); or
- (b) the holder of a certificate issued under section 20 (2) (b) (ii), being a certificate that is in force.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (2) Subject to subsections (3) and (4), a registered medical practitioner may practise medicine.
- (3) A registered medical practitioner to whom a condition imposed on his registration under section 21 (3) (b) or 30 (6) (c) (i) or (ii) applies shall not practise medicine in contravention of the condition.
- 10 (4) A conditionally registered person may not practise medicine except in, or in connection with, his exercise of any of the following powers :—
- 15 (a) he may accept appointment, hold office and, subject to the prescribed conditions, perform service as a medical officer—
- (i) in any of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or
- 20 (ii) in any private hospital or other institution approved by the Board;
- (b) he may, in the course of performing service as referred to in paragraph (a), sign any medical certificate of the cause of death of any deceased person;
- 25 (c) he may, where a proclamation under subsection (5) is in force and notwithstanding the prescribed conditions referred to in paragraph (a), perform such other medical services as are specified in respect of him in the proclamation.
- 30

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(5) Where it appears to the Governor that, by reason of any emergency or of the occurrence of any epidemic, conditions have rendered it necessary or desirable in the public interest to do so, the Governor may, by proclamation published in the Gazette, authorise any conditionally registered person specified in the proclamation to perform such medical services as are so specified for such period, not exceeding 12 months, as is so specified.

(6) The Governor may, by proclamation published in the Gazette, revoke any proclamation in force under subsection (5).

(7) For the purposes of section 15 (4), any period of time during which a conditionally registered person performs medical services in accordance with subsection (4) (c) may be accepted by the Board as equivalent to a corresponding period of time during which that person has served as a medical officer as referred to in section 15 (4).

Appeals.

23c. (1) A person may appeal to the Supreme Court against a determination of the Board by reason of which the Board has—

(a) under section 21 (1) (b) or (5) or 30 (6) (a), dismissed his application for registration;

(b) under section 21 (1) (a), registered him pursuant to a provision of this Act other than that pursuant to which, in his application for registration, he claims to be entitled to be registered;

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (c) under section 21 (3) (a) or (b) or 30 (6) (c)
(i) or (ii), imposed a condition upon his
registration;

(d) by its order made under section 30 (6) (b) (i),
suspended him from practising medicine for a
period; or

10 (e) under section 30 (6) (b) (ii), caused his name
to be removed from the Register.

(2) Where the determination in respect of which
an appeal under subsection (1) is brought was made as a
consequence of an inquiry held by the Board, the appeal
15 shall be dealt with by way of rehearing.

(3) With respect to an appeal made under sub-
section (1) against a determination of the Board, the
Supreme Court may, having regard to the merits of the
case and the public welfare—

20 (a) dismiss the appeal; or

(b) order that the determination of the Board be
revoked and be replaced by a different deter-
mination made by the Court and specified in the
order,

25 and may make such further orders, ancillary to its dis-
missal of an appeal under paragraph (a) or any order
made under paragraph (b), as it thinks proper.

(4) A determination made under subsection (3)
30 (b) shall, except for the purposes of subsection (1), be
deemed to be a determination of the Board.

Medical Practitioners (Amendment)

SCHEDULE 1—*continued*.AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued*.

- 5 (5) The decision of the Supreme Court made under subsection (3) with respect to an appeal shall be carried into effect.
- 10 (6) An appeal made under subsection (1) does not affect any determination with respect to which it has been made unless and until an order is made under subsection (3) (b).
- (5) Section 24 (4), (4A), (4B), (5), (6)—
Omit the subsections.
- (6) (a) Section 25 (1)—
Omit “under this Act” wherever occurring.
- 15 (b) Section 25 (1)—
Omit “so”.
- (7) (a) Section 26 (1)—
Omit “any person registered under this Act has since been removed”, insert instead “the name of a person has, since he was registered, been erased or removed”.
- 20 (b) Section 26 (1)—
Omit “outside New South Wales”, insert instead “, State (other than New South Wales) or Territory”.
- (c) Section 26 (1), proviso—
25 Omit “such person” wherever occurring, insert instead “a registered medical practitioner”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (d) Section 26 (1), proviso—
5 Omit “erasing”, insert instead “erasure”.
- (e) Section 26 (1), proviso—
Omit “affecting”, insert instead “relating to”.
- (f) Section 26 (1), proviso—
10 Omit “of Medical Practitioners for New South Wales
if registered therein”.
- (g) Section 26 (2)—
Omit “person” wherever occurring, insert instead
“registered medical practitioner”.
- (h) Section 26 (4)—
15 After section 26 (3), insert :—
(4) The Board shall cause to be carried
into effect any order made under subsection (3).
- (8) (a) Section 27 (1)-(1F)—
Omit section 27 (1) and (1A), insert instead :—
20 (1) Where a complaint that a person who,
as a registered medical practitioner—
(a) has been convicted in New South Wales of
25 an offence or has been convicted elsewhere
than in New South Wales by a court for or
in respect of an act or omission that would,
had the act or omission taken place in New
South Wales, have constituted an offence;

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) has been guilty of habitual drunkenness or
of addiction to any deleterious drug;
- (c) has been guilty of misconduct in a professional respect; or
- (d) is not of good character,
- 10 is made to the investigating committee in accordance
with subsection (1A) by any person, the investigating
committee shall, subject to subsection (1C),
investigate the complaint.
- (1A) A complaint referred to in subsection
15 (1) shall be—
- (a) made in writing;
- (b) accompanied by particulars, verified by
20 statutory declaration, of the allegations
upon which the complaint is founded; and
- (c) lodged with the secretary to the Board.
- 20 (1B) Where the investigating committee
receives a complaint referred to in subsection (1), it
may require the person by whom the complaint was
made to furnish it with such further particulars,
verified by statutory declaration, in respect of the
25 complaint as it thinks fit.
- (1C) Where—
- (a) a complaint is made to it otherwise than in
30 accordance with subsection (1A);

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

5 (b) the person by whom a complaint referred to in subsection (1) has been made fails to comply with a requirement made of him by the investigating committee under subsection (1B); or

10 (c) the person against whom any such complaint was made has died or has otherwise ceased to be a registered medical practitioner since the act or omission giving rise to the complaint allegedly occurred,

15 the investigating committee may decide not to investigate the complaint.

(1D) Where—

20 (a) a person is convicted in New South Wales of an offence, other than a prescribed offence; and

(b) the court before which the person is convicted has reasonable grounds to believe the person is a registered medical practitioner,

25 that court shall cause a certificate of conviction in respect of the person to be furnished to the secretary to the Board.

30 (1E) Where a coroner has reasonable grounds to believe that the evidence given in any proceedings conducted before him indicates that a complaint referred to in subsection (1) could be made against a person, he may cause a transcript of that evidence to be furnished to the secretary to the Board.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (1F) Where the secretary to the Board receives a certificate of conviction, pursuant to subsection (1D), or a transcript of evidence, pursuant to subsection (1E), a complaint shall be deemed to have been made to the investigating committee under this section in respect of the person to whom the certificate or transcript relates.
- 10 (b) Section 27 (2) (a) (i)—
Omit “duly qualified or registered, and who”, insert instead “a registered medical practitioner and”.
- 15 (c) Section 27 (2) (a) (ii)—
Omit “an unqualified or unregistered person”, insert instead “a person who is not a registered medical practitioner”.
- 20 (d) Section 27 (2) (a) (ii)—
Omit “said person were duly qualified and registered”, insert instead “person were a registered medical practitioner”.
- (e) Section 27 (2) (a)—
Omit “or” where lastly occurring.
- 25 (f) Section 27 (2) (b)—
Omit “as a medical”, insert instead “as a registered medical”.
- 30 (g) Section 27 (2) (b)—
Omit “(if any) which the board has authorised, in pursuance of paragraph (b) of subsection three of section fifteen of this Act, to be entered in respect of

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 such registered person in the register”, insert instead
“in respect of which the Board has, pursuant to
section 21 (2) or 22 (2), caused particulars to be
recorded in the Register in respect of him”.
- (h) Section 27 (2) (b)—
Omit “or” where lastly occurring.
- 10 (i) Section 27 (2) (c)—
Omit “cause to attend”, insert instead “cause, to
attend”.
- (j) Section 27 (2) (c)—
Before “medical” wherever occurring, insert
15 “registered”.
- (k) Section 27 (2) (c)—
Omit “aforesaid.”, insert instead “aforesaid;”.
- (l) Section 27 (2) (d), (e)—
After section 27 (2) (c), insert:—
- 20 (d) commits, in New South Wales or elsewhere,
an offence against section 129 of the Health
Insurance Act 1973 of the Parliament of the
Commonwealth of which he is convicted; or
- 25 (e) practises medicine contrary to any requirement
made of him under section 23B (3) or (4).

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(9) (a) Section 27A (1), (1A)—

5 (d) Omit section 27A (1), insert instead:—

(1) There shall be an investigating committee which shall consist of—

- 10 (a) a person who holds or has held the office of stipendiary magistrate (appointed by the Minister on the nomination of the Chief Stipendiary Magistrate, who shall be the chairman of the committee;
- 15 (b) a registered medical practitioner appointed by the Minister on the nomination of the Board, not being a registered medical practitioner who is a member of the Board;
- 20 (c) a registered medical practitioner appointed by the Minister, not being a person who is—
(i) a member of the Board; or
(ii) an officer, servant or commissioner of the Commission; and
- 25 (d) a person appointed by the Minister, not being a person who is—
(i) a member of the Board;
(ii) an officer, servant or commissioner of the Commission; or
(iii) a registered medical practitioner.

30 (1A) The powers, authorities, duties and functions of the investigating committee may be exercised and performed only at a meeting of the investigating committee at which—

- (a) the 2 persons appointed for the time being under subsection (1) (a) and (d); and

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (b) at least one of the 2 persons appointed for
the time being under subsection (1) (b)
and (c),
- are present, but nothing in this subsection affects the
operation of subsection (2).
- 10 (b) Section 27A (2)—
Omit "The investigating committee shall cause all
complaints and charges against registered persons
received by it in accordance with the provisions of
section twenty-seven of this Act to be investigated."
- 15 (c) Section 27A (2A)—
Omit "or charge" wherever occurring.
- (d) Section 27A (2A)—
Omit "registered" wherever occurring.
- (e) Section 27A (3)—
Omit "or charge" wherever occurring.
- 20 (f) Section 27A (3)—
Omit "registered" wherever occurring.
- (g) Section 27A (4), (4A), (4B)—
Omit section 27A (4), insert instead :—
- 25 (4) The proceedings of the investigating
committee shall be held in the absence of the public.

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (4A) The chairman shall, in the event of an equality of votes at a meeting of the investigating committee, have, in addition to a deliberative vote, a second or casting vote.
- 10 (4B) A decision supported by a majority of votes cast at a meeting of the investigating committee shall be the decision of the investigating committee.
- (h) Section 27A (5)—
Omit "charge or".
- 15 (i) Section 27A (5)—
Omit "a member", insert instead "an officer or temporary employee".
- (j) Section 27A (5)—
Omit "or charge".
- 20 (k) Section 27A (6)—
After section 27A (5), insert :—
- 25 (6) Where the investigating committee has, in respect of a complaint made to it, cautioned or reprimanded the person against whom the complaint was made, the person who made the complaint may appeal to the disciplinary tribunal against the decision of the investigating committee, in which case the tribunal shall proceed to hear the complaint as if it had been referred to the tribunal under subsection (3) (c).

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (10) (a) Section 28 (5)—
Omit “date” wherever occurring, insert instead “time”.
- (b) Section 28 (5)—
Before “concerned”, insert “or former registered medical practitioner”.
- 10 (c) Section 28 (6)—
Before “concerned”, insert “or former registered medical practitioner”.
- (d) Section 28 (6)—
Omit “or charge” wherever occurring.
- (e) Section 28 (6)—
15 Omit “by subsection (1A) of section 27 or subsection (2A) of section 27A”, insert instead “, pursuant to section 27 (1F) or 27A (2A),”.
- (f) Section 28 (6A)—
Omit “or charge” wherever occurring.
- 20 (g) Section 28 (6A)—
Before “concerned” wherever occurring, insert “or former registered medical practitioner”.
- (h) Section 28 (6C)—
25 Omit “subsection (8) of section 29 shall be held in camera”, insert instead “section 29 (7) shall be held in the absence of the public”.

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (i) Section 28 (7)—
5 Omit "charge" wherever occurring, insert instead
"complaint".
- (j) Section 28 (8A)—
Omit "or charge" wherever occurring.
- (k) Section 28 (8A)—
10 Omit "registered" wherever occurring.
- (l) Section 28 (8B)—
Omit "or charge" wherever occurring.
- (m) Section 28 (8B)—
Omit "registered" wherever occurring.
- (n) Section 28 (9) (b)—
15 Omit "charged", insert instead "the subject of the
complaint".
- (11) (a) Section 29 (1), (1A)—
Omit section 29 (1), insert instead :—
20 (1) Subject to subsections (1A) and (2),
where the disciplinary tribunal finds the subject-
matter of a complaint made against a person to have
been proved, it may—
(a) caution or reprimand him;
25 (b) by its order (if he is, when the order is
made, a registered medical practitioner)—
(i) suspend him from practising medi-
cine for a period not exceeding 3
years; or

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (ii) direct that his name be removed from the Register; or
- (c) by its order (whether or not he is, when the order is made, a registered medical practitioner) impose a fine upon him of an amount, not exceeding \$10,000, specified in the order,

or exercise any combination of the powers conferred on it by paragraphs (a)-(c).

15 (1A) The disciplinary tribunal may impose a fine upon a person under subsection (1) (c) only if it finds the person—

- (a) to have been guilty of misconduct in a professional respect; and
- (b) to have been so guilty otherwise than by reason only of the operation of section 27 (2) (d).

(b) Section 29 (2)—

25 Omit "any registered person has been so adjudged guilty, the tribunal shall not make an order suspending such person from practice", insert instead "the disciplinary tribunal finds the subject-matter of a complaint made against a registered medical practitioner to have been proved, it shall not make an order suspending the registered medical practitioner from practising medicine".

30 (c) Section 29 (2)—

Omit "person from practising his profession", insert instead "registered medical practitioner from practising medicine".

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (d) Section 29 (2A)—
- 5 Omit “paragraph (c)”, insert instead “paragraph (b) (ii)”.
- (e) Section 29 (3)—
- Omit “practice”, insert instead “practising medicine”.
- (f) Section 29 (3)—
- 10 Omit “concerned shall be deemed not to be registered”, insert instead “to whom the order relates shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner”.
- (g) Section 29 (4)—
- 15 Omit “Court from an adjudgment of guilt or from an order made pursuant to this section or against any refusal of the restoration of any name to the register”, insert instead :—
- 20 Court—
- (a) by a registered medical practitioner or former registered medical practitioner—
- 25 from an adjudgment of guilt or any other finding, or from an order, made with respect to him pursuant to subsection (1) or (2B); or
- (b) by the person who made a complaint—from any finding, or from an order, made pursuant to subsection (1) by the disciplinary tribunal in relation to the complaint, but only—
- 30 (i) upon a point of law; or
- (ii) with respect to any penalty imposed,

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (h) Section 29 (4)—
Omit “Any such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.”; insert instead :—
An appeal under paragraph (a) shall be dealt with by way of rehearing.
- 10 (i) Section 29 (5)—
Before “of the”, insert “or former registered medical practitioner concerned”.
- 15 (j) Section 29 (5)—
Before “gives”, insert “or former registered medical practitioner”.
- (k) Section 29 (5)—
Omit “the period”, insert instead “any period”.
- 20 (l) Section 29 (6)—
Omit “to have his name restored to the register”, insert instead “to be registered and, where a time has been so fixed, the person is not entitled to be registered before that time, notwithstanding section 15, 16 or 17 (c) or (d)”.

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(m) Section 29 (7)–(9)—

5 Omit section 29 (7) and (8), insert instead :—

(7) The disciplinary tribunal, after such investigation or inquiry as it thinks fit, may—

10 (a) by order, terminate any order of suspension under subsection (1) (b) (i) before the expiration of the period specified in the order of suspension; or

(b) subject to subsection (6), order—

15 (i) that a person whose name has been removed from the Register pursuant to this section be registered pursuant to the provision of this Act pursuant to which he was, immediately before his name was so removed, registered; and

20 (ii) that such conditions, if any, as the Board may impose upon his registration under section 21 (3) or 30 (6) (c) (i) and as are specified in the order be imposed upon his registration.

25 (8) Subject to subsection (5), the Board shall cause to be carried into effect any order made under this section.

30 (9) Where the Board carries into effect an order made by the disciplinary tribunal under—

(a) subsection (7) (b) (i)—the person referred to in that subparagraph shall, except for the purposes of section 23C (1), be deemed to be registered pursuant to a

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 determination made by the Board under section 21 (1) (a) in accordance with the terms of the order; or
- 10 (b) subsection (7) (b) (ii)—a condition that has been imposed in accordance with the terms of the order shall, except for the purposes of section 23C (1), be deemed to be a condition that has been imposed by the Board under section 21 (3) or 30 (6)
- (c) (i)
- 15 (n) Section 29 (10)—
Omit “practice”, insert instead “practising medicine”.
- (o) Section 29 (10)—
Omit “or (8)”, insert instead “or (7)”.
- (12) Sections 30, 31—
Omit the sections, insert instead :—
- 20 **Inquiry into capacity.**
30. (1) In this section, a reference to the competence of a person to practise medicine is a reference to his competence to practise medicine within the meaning of section 21.
- 25 (2) Subject to subsection (3), the Board may hold an inquiry in relation to the competence of an applicant for registration or a registered medical practitioner to practise medicine.

Medical Practitioners (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

5 (3) The Board shall not hold an inquiry under subsection (2) unless it has caused at least 14 days' notice of the time and place for the inquiry to be served, personally or by post, on the applicant or registered medical practitioner in respect of whom it is to be held.

10 (4) Before it holds an inquiry under subsection (2) with respect to an applicant or a registered medical practitioner, the Board may, by notice in writing given to him personally or by post, require him to undergo, at the expense of the Board, a medical examination by such registered medical practitioner as the Board nominates, at 15 any reasonable time and place specified in the notice.

20 (5) Where an applicant or a registered medical practitioner, without reasonable cause, refuses or fails to comply with the requirements of a notice given to him under subsection (4), the refusal or failure is prima facie evidence that he does not have the competence to practise medicine.

20 (6) Subject to subsection (10), where after an inquiry held under subsection (2), the Board—

25 (a) determines that an applicant for registration does not have the competence to practise medicine, the Board shall, notwithstanding section 21 (1), dismiss his application;

30 (b) determines that a registered medical practitioner does not have the competence to practise medicine, the Board may—

(i) by order, suspend him from practising medicine for such period as is specified in the order; or

*Medical Practitioners (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- 5 (ii) cause his name to be removed from the Register; or
- (c) determines—
- 10 (i) that an applicant for registration has the competence to practise medicine only if his right so to practise is restricted, the Board shall, under this subparagraph; or
- (ii) that a registered medical practitioner has the competence to practise medicine only if his right so to practise is restricted, the Board shall or (if his registration is already subject to conditions imposed upon it under subparagraph (i) or this subparagraph) may, under this subparagraph,
- 15 impose upon his registration such conditions relating to the duration of his registration or such other conditions relating to his practising medicine, or both, as it considers appropriate.
- (7) Any—
- 20 (a) order made by the Board under subsection (6) (b) (i); or
- (b) condition imposed by the Board under subsection (6) (c) (i) or (ii),
- 30 has effect when the Board has caused the applicant or registered medical practitioner to whom the order or condition purports to apply to be given notice, personally or by post, that the order has been made or the condition has been imposed, as the case may be.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

(14) Section 32
5 (8) Where the Board has made an order pursuant to subsection (6) (b) (i), it may, by a further order, revoke the order but it may not alter or vary the order.

(9) While an order under subsection (6) (b) (i) is in force, the person suspended from practising medicine by the order shall, except in the application to him of a provision of this Part (other than section 23B), be deemed not to be a registered medical practitioner.

(10) The Board shall not exercise any of its powers under subsection (6) until—

15 (a) notice specifying the action it intends to take under that subsection has been personally served on the applicant or registered medical practitioner to whom the order relates; or

20 (b) the expiration of the prescribed period after notice specifying that action has been forwarded, in the prescribed manner, to the applicant or registered medical practitioner concerned,
whichever first occurs.

(15) Section 34
25 (11) Where a registered medical practitioner becomes a patient, or a voluntary patient, within the meaning of the Mental Health Act, 1958, the prescribed person shall, in the prescribed manner and within the prescribed time, cause notice of that fact to be forwarded to the secretary to the Board.

Medical Practitioners (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

Evidentiary provisions.

- 5 31. A certificate, purporting to have been signed by the
secretary to the Board, to the effect that—
- (a) a person specified in the certificate was or was
 not a registered medical practitioner at a time
 or during a period so specified;
- 10 (b) the name of a person specified in the certificate
was removed from the Register at a time so
specified;
- (c) a person specified in the certificate was suspended
15 from practising medicine from a time so specified
and for a period so specified; or
- (d) a condition, particulars of which are set forth
 in the certificate, was, at a time or during a
 period so specified—
- (i) imposed upon the registration of a person
20 so specified; or
- (ii) revoked,
- shall, without proof of the signature of the person by whom
 the certificate purports to have been signed, be received
 by the investigating committee, the disciplinary tribunal
25 and all courts as prima facie evidence of that fact.
- (13) Section 32—
- Omit "of Australia other than New South Wales, and does
 not engage in private practice as a medical practitioner",
 insert instead "(other than New South Wales) or Territory
30 of the Commonwealth and does not, otherwise than as a
 medical officer in that service, practise medicine".

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (14) Section 32A—
- 5 After section 32, insert :—
- Inquiries by the Board.**
- 32A. (1) When the Board is holding an inquiry under this Part, the applicant or other person in relation to whom the inquiry is being held—
- 10 (a) may appear before the Board; and
- (b) may be represented before the Board by a barrister or solicitor.
- (2) For the purpose of any inquiry under this Part or of dealing with any application under this Part, the Board and the president or other member presiding at the inquiry or meeting at which the application is considered, as the case may be, shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the Board, or the president or other member so presiding, in the same way as it applies to a witness summoned before a royal commission.
- 15
- 20
- 25
- (15) Section 39A—
- Omit “under this Act”, insert instead “medical practitioners”.
- (16) Section 41 (2)—
- 30 Omit “registered under this Act”, insert instead “a registered medical practitioner”.

Medical Practitioners (Amendment)

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (17) (a) Section 41A (2)—
- 5 Omit “a person not registered under this Act”, insert
 instead “a person who is not a registered medical
 practitioner”.
- (b) Section 41A (3)—
- 10 Omit “not registered under this Act”, insert instead
 “who is not a registered medical practitioner”.
- (18) Section 41B—
- Omit “not registered under this Act”, insert instead “who is
 not a registered medical practitioner”.
- (19) (a) Section 42 (1)—
- 15 Omit “Any person, not registered under this Act,”,
 insert instead “A person who is not a registered
 medical practitioner and”.
- (b) Section 42 (1A)—
- Omit the subsection, insert instead :—
- 20 (1A) A person shall not advertise himself,
 or hold himself out, to be a registered medical
 practitioner, doctor of medicine, physician, surgeon,
 legally or duly qualified medical practitioner, qualified
 medical practitioner or medical practitioner, unless he
25 is a registered medical practitioner.
- Penalty: \$800 or imprisonment for 12 months, or
 both.

*Medical Practitioners (Amendment)*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
REGISTRATION AND QUALIFICATIONS THEREFOR—*continued.*

- (c) Section 42 (2) (a), (a1)—
- 5 Omit “Any person, not registered under this Act,”
wherever occurring, insert instead “A person who is
not a registered medical practitioner and”.
- (20) Section 44—
- 10 Omit “Any person not registered under this Act”, insert
instead “A person who is not a registered medical
practitioner and”.
- (21) Section 45 (1)—
- Before “medical” wherever occurring, insert “registered”.
- (22) (a) Section 47 (e)—
- 15 Omit “certificate granted or issued under this Act or
the Acts repealed by this Act, or in any license issued
under this Act”, insert instead “certificate issued
under this Act”.
- (b) Section 47 (f)—
- 20 Omit “or license”.
- (c) Section 47 (g)—
- Omit “or license or any certificate under the Acts
repealed by this Act”.
- (d) Section 47 (h)—
- 25 Omit “or license”.

Medical Practitioners (Amendment)

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION AND QUALIFICATIONS THEREFOR—continued.

- 5 (e) Section 47 (i)—
Omit "or license".
- (f) Section 47 (i)—
Omit "under this Act".
- (g) Section 47—
Omit "a misdemeanour", insert instead "an offence".
- 10 (23) Section 51A—
After section 51, insert :—
Recovery of fines.
51A. Any fine imposed on a person under section 29 may be recovered as a debt due to the Crown together with costs by proceedings brought in any court of competent jurisdiction.
- 15 (24) Schedule Two—
Omit the Schedule.
- (24) Schedule Two—
Omit "or license".

Medical Practitioners (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD.

5 (1) (a) Section 5 (2)-(4)—

Omit the subsections, insert instead :—

- (2) The Board shall consist of 17 members.
- (3) The members of the Board shall be—
- 10 (a) a commissioner or an officer of the Commission, appointed for the time being as such a member by order of the Commission;
- (b) a barrister or solicitor nominated by the Minister;
- 15 (c) 2 registered medical practitioners nominated by the Minister, at least 1 of whom shall be so nominated from among 3 registered medical practitioners whose names were last submitted to the Minister as a panel for the purposes of this paragraph by the Ethnic Affairs Commission of New South Wales;
- 20 (d) 3 registered medical practitioners nominated by The New South Wales Branch of the Australian Medical Association;
- 25 (e) a registered medical practitioner nominated by the Senate of the University of Sydney;
- (f) a registered medical practitioner nominated by the Council of the University of New South Wales;
- 30 (g) a registered medical practitioner nominated by the Council of the University of Newcastle;
- (h) a registered medical practitioner nominated by the New South Wales Higher Education Board;
- 35 (i) a registered medical practitioner nominated by The Royal Australasian College of Physicians, New South Wales State Committee;

*Medical Practitioners (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE NEW SOUTH WALES MEDICAL BOARD—
continued.

- 5 (j) a registered medical practitioner nominated
by The Australian College of Obstetricians
and Gynaecologists, New South Wales State
Committee;
- 10 (k) a registered medical practitioner nominated
by the Royal Australasian College of
Surgeons, New South Wales State Com-
mittee;
- 15 (l) a registered medical practitioner nominated
by The Royal Australian College of General
Practitioners, New South Wales Faculty;
- (m) a registered medical practitioner nominated
by The Royal Australian College of Medical
Administrators, New South Wales State
Committee; and
- 20 (n) a registered medical practitioner nominated
by The Royal Australian and New Zealand
College of Psychiatrists, New South Wales
Branch.
- 25 (4) A person nominated pursuant to
subsection (3) (c)–(n) is disqualified from acting as
a member for any period during which he is not a
registered medical practitioner.
- (b) Section 5 (6)—
- 30 Omit “a period of five years from the date of his
appointment”, insert instead “the period, not
exceeding 5 years, specified in the instrument by which
he is appointed”.
- (2) Section 10 (1)—
- Omit “seven”, insert instead “9”.

Medical Practitioners (Amendment)

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS.

5 (1) Section 15 (4A)—

After section 15 (4), insert :—

10 (4A) Notwithstanding subsection (4), a person who has not been registered, pursuant to this section or section 16, before the commencement of Schedule 3 to the Medical Practitioners (Amendment) Act, 1981, has the prescribed experience, for the purposes of subsection (1) (b), only if—

15 (a) he has, for a period of, or for periods totalling, not less than 2 years, performed service as a medical officer—

(i) in one or more of the hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929; or

20 (ii) in one or more private hospitals or other institutions (whether in New South Wales or elsewhere) approved by the Board,

at a standard satisfactory to the Board; and

25 (b) he has, while so performing service as a medical officer—

(i) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of medicine (other than surgery) as is satisfactory to the Board; and

30 (ii) for a period of, or for periods totalling, not less than 6 months—had such experience in the prescribed branches of surgery as is satisfactory to the Board,

35

Medical Practitioners (Amendment)

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
INTERNSHIPS—*continued.*

- 5 or, where the Board is satisfied that he is unable, by reason of any incapacity, to comply with paragraphs (a) and (b)—if he has, for a period of, or for periods totalling, not less than 2 years, received special tuition of a nature and type approved by the Board in respect of him in such branches of medicine and surgery as are so approved.
- 10 (2) (a) Section 23 (3) (a) (i)—
Omit “1 year”, insert instead “2 years”.
- (b) Section 23 (3) (b) (i)—
Omit “1 year”, insert instead “2 years”.

SCHEDULE 4.

15 MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT. (Sec. 5.)

- (1) (a) Section 3 (1), definition of “Country”—
Omit the definition.
- (b) Section 3 (1), definition of “Medicine”—
20 After the definition of “Investigating committee”,
insert :—
“Medicine” includes surgery.
- (2) (a) Section 35 (2)—
Before “medical”, insert “registered”.

Medical Practitioners (Amendment) Act

SCHEDULE 4—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

- 5 (b) Section 35 (2)—
Omit “claimed has”, insert instead “claimed, has”.
- (c) Section 35 (2)—
Omit “party”, insert instead “person”.
- 10 (3) (a) Section 36 (1)—
Omit the subsection, insert instead :—
(1) Within the 6 months next following the service upon any person of a bill for the professional services of a registered medical practitioner, that person or that person’s spouse may apply in the prescribed manner to the committee to review the bill.
- 15 (b) Section 36 (4) (b)—
Before “medical”, insert “registered”.
- (c) Section 36 (4) (e)—
Before “medical”, insert “registered”.
- 20 (d) Section 36 (5)—
After section 36 (4), insert :—
(5) A reference in subsection (1) to a person’s spouse includes a reference to a person not legally married to the person but who ordinarily lives with the person as the person’s spouse on a permanent and bona fide domestic basis.
- 25

*Medical Practitioners (Amendment)*SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (4) (a) Section 41 (3)—
5 Omit “medical diploma”, insert instead “qualification”.
- (b) Section 41 (3)—
10 Omit “British or foreign country”, insert instead “country, State (other than New South Wales) or Territory”.
- (c) Section 41 (3)—
Omit “possession”, insert instead “country, State or Territory”.
- (5) Section 42 (2) (b)—
15 After “himself”, insert “, or hold himself out.”.
- (6) (a) Section 49 (1)—
Omit “or registered chiropractor or osteopath”, insert instead “, registered chiropractor, registered osteopath or ambulance officer”.
- 20 (b) Section 49 (3)—
After section 49 (2), insert :—
(3) In subsection (1), “ambulance officer” means an officer, employee or servant of the Commission appointed or employed to carry out duties relating to the provision of ambulance services or a person appointed by the Commission to be an
25 honorary ambulance officer.

*Medical Practitioners (Amendment).*SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT—*continued.*

- (7) (a) Section 50A—
5 Omit “or the secretary”, insert instead “, the secretary”.
- (b) Section 50A—
10 Omit “, bona”, insert instead “or a person appointed under section 27A (5) to be nominal complainant, bona”.
- (c) Section 50A—
10 After “secretary,”, insert “the person so appointed”.
- (8) (a) Section 53 (1) (h)—
Omit “prescribed;”, insert instead “prescribed; or”.
- 15 (b) Section 53 (1) (i)—
Omit the paragraph, insert instead:—
20 (i) regulating or prohibiting the exhibition or publication of any matter that relates to the practice of medicine or any branch of medicine or part of the practice thereof.

SCHEDULE 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION. (Sec. 5.)

- 25 (1) (a) Section 3 (1), definition of “Member”—
Omit “board”, insert instead “Board”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 3 (1), definition of "President"—
5 Omit "board", insert instead "Board".
- (2) Section 3A—
After section 3, insert :—
Certain references in Acts, etc.
- 10 3A. A reference in any Act in force at or after the commencement of this section, in any instrument made under any such Act or in any other instrument to—
- (a) a legally or duly qualified medical practitioner;
(b) a qualified medical practitioner; or
(c) a medical practitioner,
- 15 shall, except in so far as the context or subject-matter otherwise indicates or requires, be deemed to be a reference to a registered medical practitioner.
- (3) (a) Sections 5 (1), 6 (2), 7 (d), 10 (1), (2), 12 (1),
20 13 (1), 24 (1A), (1B), 25 (1), (2), (4), 26 (1), (2), 27 (2) (a), 28 (1), (3), (10), 34 (2), 47, 48, 50A, 53 (1) (a), (2)—
Omit "board" wherever occurring, insert instead "Board".
- (b) Section 5 (1)—
25 Omit "paragraph (a) of subsection (3)", insert instead "subsection (3) (a)".
- (c) Section 5 (6)—
Omit "of the board".

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (d) Section 5 (6)—
5 Omit “paragraph (a) of subsection three of this section”, insert instead “subsection (3) (a)”.
- (e) Section 5 (6)—
Omit “such”, insert instead “a”.
- (f) Section 5 (7)—
10 Omit “1902, or of any Act amending that Act”, insert instead “1979”.
- (g) Section 5 (7)—
Omit “of the board” wherever occurring.
- (h) Section 5 (7)—
15 Omit “any such”, insert instead “that”.
- (i) Section 5 (8)—
Omit “of the board” where firstly occurring, insert instead “Board”.
- (j) Section 5 (8)—
20 Omit “a public servant or a member”, insert instead “an officer or temporary employee of the Public Service or any other service of the State of New South Wales or a commissioner or officer”.

Medical Practitioners (Amendment).

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

(4) (a) Section 7 (c)—

5 Omit the paragraph, insert instead :—

(c) becomes a temporary patient, a continued
treatment patient, a protected person or an
incapable person within the meaning of the
10 Mental Health Act, 1958, or a person under
detention under Part VII of that Act; or

(b) Section 7 (d)—

Omit “four”, insert instead “4”.

(c) Section 7 (g)—

Omit “seventy”, insert instead “70”.

15 (5) Section 9 (2)—

Omit “paragraph (a) of subsection three of section five
of this Act, the member”, insert instead “section 5 (3)
(a), a person”.

(6) (a) Section 11—

20 Omit “board” where firstly occurring, insert instead
“Board”.

(b) Section 11—

Omit “of the board” where lastly occurring.

(c) Section 11—

25 Omit “seven”, insert instead “7”.

*Medical Practitioners (Amendment)*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (7) (a) Section 12 (2)—
5 Omit “board” where firstly and lastly occurring, insert instead “Board”.
- (b) Section 12 (2)—
Omit “thereof”.
- (c) Section 12 (2)—
10 Omit “of the board” where lastly occurring.
- (8) (a) Section 13 (1)—
Omit “1902, as amended by subsequent Acts”, insert instead “1979”.
- (b) Section 13 (2)—
15 Omit “board” where firstly, secondly, thirdly and fifthly occurring, insert instead “Board”.
- (9) Section 13A—
Omit “1902”, insert instead “1979”.
- (10) (a) Section 24 (1)—
20 Omit “to section thirty-two of this Act”, insert instead “section 32”.

Medical Practitioners (Amendment)

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- 5 (b) Sections 24 (1), (1A), (1B), (2), (3), 25 (2), (3), 28 (5), (6), (6A), 29 (3), (5), (6), (10), 35 (1), 40 (1), 41 (1), 41A (2), (4), 42 (2) (b), 44, 50, 53 (1)—
Omit “registered person” wherever occurring, insert instead “registered medical practitioner”.
- 10 (c) Section 24 (1)—
Omit “the thirtieth day of”, insert instead “30th”.
- (d) Section 24 (1)—
Omit “the first day of October next following the said thirtieth day of June”, insert instead “1st October next following”.
- 15 (e) Section 24 (1A)—
Omit “the thirty-first day of”, insert instead “31st”.
- (f) Section 24 (1A)—
Omit “the first day of October next following the said thirty-first day of May”, insert instead “1st October next following”.
- 20 (g) Section 24 (1A)—
Omit “the thirtieth day of June next following the said thirty-first day of May”, insert instead “30th June next following that 31st May”.
- 25 (h) Section 24 (1A), (a), (i)—
Omit “seventy”, insert instead “70”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (i) Section 24 (1A) (a)—
5 Omit “the said first day of” wherever occurring, insert
instead “that 1st”.
- (j) Section 24 (1B)—
Omit “fourteen”, insert instead “14”.
- (k) Sections 24 (1B), (2), (3), 25 (1), (2), (3), (4),
10 26 (2), (3), 29 (2), 47 (a), 53 (1) (d)—
Omit “register” wherever occurring, insert instead
“Register”.
- (l) Section 24 (3)—
15 Omit “the said thirtieth day of June”, insert instead
“30th June”.
- (m) Section 24 (3)—
Omit “a person”, insert instead “a medical
practitioner”.
- (n) Section 24 (3)—
20 Omit “the first day of”, insert instead “1st”.
- (o) Section 24 (3)—
Omit “the thirtieth day of”, insert instead “30th”.
- (p) Section 24 (3)—
25 Omit “the said thirtieth day of September”, insert
instead “that 30th September”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (11) (a) Section 25 (3)—
5 Omit “two of this section”, insert instead “(2)”.
- (b) Section 25 (4)—
Omit “one of this section”, insert instead “(1)”.
- (c) Section 25 (4)—
Omit “two of this section”, insert instead “(2)”.
- 10 (12) (a) Section 26 (1)—
Omit “register” where secondly occurring, insert
instead “Register”.
- (b) Section 26 (1), proviso—
15 Omit “register” where firstly occurring, insert instead
“Register”.
- (c) Section 26 (1), proviso—
Omit “of this Act”.
- (d) Section 26 (2)—
Omit “two”, insert instead “2”.
- 20 (13) (a) Section 27 (2)—
Omit “registered person” where firstly and secondly
occurring, insert instead “registered medical prac-
titioner”.

Medical Practitioners (Amendment)

SCHEDULE 5—*continued*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued*

- (b) Section 27 (2) (a)—
5 Omit “of Australia”.
- (c) Section 27 (2) (b)—
Omit “license” wherever occurring, insert instead
“licence”.
- (14) (a) Section 27A (2)—
10 Omit “fourteen”, insert instead “14”.
- (b) Section 27A (2)—
Omit “four hundred dollars”, insert instead “\$400”.
- (c) Section 27A (2A)—
Omit “the provisions of”.
- 15 (15) (a) Section 28 (1)—
Omit “four”, insert instead “4”.
- (b) Section 28 (2)—
Omit “seven”, insert instead “7”.
- (c) Section 28 (5)—
20 Omit “seven”, insert instead “7”.
- (d) Section 28 (6B)—
Omit “four hundred dollars”, insert instead “\$400”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 28 (8)—
- 5 Omit the subsection, insert instead :—
- (8) For the purpose of an inquiry under this section, the disciplinary tribunal and the chairman shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the disciplinary tribunal or chairman in the same way as it applies to a witness summoned before a royal commission.
- 10
- 15
- (f) Section 28 (8A) (b)—
- 20 Omit “paragraph (a) or (b) of subsection (3) of section 27A”, insert instead “section 27A (3) (a) or (b)”.
- (g) Section 28 (8A)—
- Omit “paragraph (c) of subsection (3) of section 27A”, insert instead “section 27A (3) (c)”.
- 25
- (h) Section 28 (9) (b)—
- Omit “of this subsection”.
- (16) (a) Section 29 (4)—
- Omit “subsection (6A) of section 28”, insert instead “section 28 (6A)”.

*Medical Practitioners (Amendment)*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (b) Section 29 (5)—
5 Omit “twenty-one”, insert instead “21”.
- (c) Section 29 (6)—
Omit “register” where firstly and secondly occurring,
insert instead “Register”.
- (17) Section 33—
10 Omit “of this Act”.
- (18) (a) Section 34 (2)—
Omit “three members”, insert instead “3 persons”.
- (b) Section 34 (2) (a)—
Omit “two”, insert instead “2”.
- 15 (c) Section 34 (2) (b)—
Omit “one”, insert instead “1”.
- (d) Section 34 (3)—
After “members”, insert “of the committee”.
- 20 (e) Section 34 (4)—
Omit “two”, insert instead “2”.
- (f) Section 34 (4)—
After “members” where firstly and lastly occurring,
insert “of the committee”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (19) Section 35 (2)—
5 Omit “six”, insert instead “6”.
- (20) Section 36 (2)—
Omit “one of this section”, insert instead “(1)”.
- (21) (a) Section 37—
10 Omit “Section thirty-six and subsection two of section thirty-five of this Act”, insert instead “Sections 35 (2) and 36”.
- (b) Section 37—
Omit “-1929”.
- (22) Section 39—
15 Omit the section.
- (23) (a) Section 39A—
20 Omit “subsections two and four of section 41A, section 41B and paragraphs (a) and (a1) of subsection two of section forty-two, of this Act”, insert instead “sections 41A (2) and (4), 41B and 42 (2) (a) and (a1)”.
- (b) Section 39A—
Omit “forty-three of this Act”, insert instead “43”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (24) (a) Section 40 (1) (a)—
5 Omit “-1937”.
- (b) Section 40 (2)—
 Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 40 (2)—
 Omit “two years”, insert instead “2 years”.
- 10 (25) Section 41 (1)—
 Omit “four hundred dollars”, insert instead “\$400”.
- (26) (a) Section 41A (2)—
 Omit “three of this section”, insert instead “(3)”,.
- (b) Section 41A (2)—
15 Omit “two thousand dollars”, insert instead “\$2,000”.
- (c) Section 41A (2)—
 Omit “two years”, insert instead “2 years”.
- (d) Section 41A (2)—
 Omit “twenty-seven of this Act”, insert instead “27”.
- 20 (e) Section 41A (3)—
 Omit “two of this section”, insert instead “(2)”.
- (f) Section 41A (3)—
 Omit “twenty-eight”, insert instead “28”.

Medical Practitioners (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (g) Section 41A (3)—
5 Omit “, as amended by subsequent Acts”.
- (h) Section 41A (3)—
Omit “subsection one of section twenty-nine”, insert
instead “section 29 (1)”.
- (i) Section 41A (4) (c)—
10 Omit “two thousand dollars”, insert instead “\$2,000”.
- (j) Section 41A (4) (c)—
Omit “two years”, insert instead “2 years”.
- (27) (a) Section 42 (1)—
Omit “eight hundred dollars”, insert instead “\$800”.
- 15 (b) Section 42 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 42 (2) (a)—
Omit “of this Act”.
- (d) Section 42 (2) (a)—
20 Omit “two thousand dollars”, insert instead “\$2,000”.
- (e) Section 42 (2) (a)—
Omit “two years”, insert instead “2 years”.
- (f) Section 42 (2) (a1)—
Omit “of this subsection”.

*Medical Practitioners (Amendment)*SCHEDULE 5—*continued*.AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued*.

- (g) Section 42 (2) (a1)—
5 Omit "eight hundred dollars", insert instead "\$800".
- (h) Section 42 (2) (a1)—
Omit "twelve", insert instead "12".
- (i) Section 42 (2) (b)—
10 Omit "eight hundred dollars", insert instead "\$800".
- (j) Section 42 (2) (b)—
10 Omit "twelve", insert instead "12".
- (k) Section 42 (3)—
Omit "two of this section", insert instead "(2)".
- (28) (a) Section 43 (1) (a)—
15 Omit "forty-two of this Act", insert instead "42".
- (b) Section 43 (1) (b)—
Omit "of this subsection".
- (c) Section 43 (1)—
20 Omit "eight hundred dollars", insert instead "\$800".
- (d) Section 43 (1)—
20 Omit "twelve", insert instead "12".

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

- (e) Section 43 (1A)—
- 5 Omit “subsection two or four of section 41A or paragraph (a) or (a1) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a) or (a1)”.
- (f) Section 43 (1B)—
- 10 Omit “subsection two or four of section 41A or paragraph (a) of subsection two of section forty-two of this Act,” insert instead “section 41A (2) or (4) or section 42 (2) (a)”.
- (g) Section 43 (2)—
- 15 Omit “forty-two of this Act”, insert instead “42”.
- (h) Section 43 (2)—
- Omit “eight hundred dollars”, insert instead “\$800”.
- (i) Section 43 (2)—
- Omit “twelve”, insert instead “12”.
- 20 (j) Section 43 (2)—
- Omit “the said section”, insert instead “section 42”.
- (29) (a) Section 44—
- Omit “six”, insert instead “6”.
- (b) Section 44—
- 25 Omit “four hundred dollars”, insert instead “\$400”.

*Medical Practitioners (Amendment).*SCHEDULE 5—*continued*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued*

- (30) (a) Section 45 (1)—
5 Omit “one hundred dollars”, insert instead “\$100”.
- (b) Section 45 (2)—
Omit “one of this section”, insert instead “(1)”.
- (c) Section 45 (3)—
10 Omit “the fifteenth day of July, one thousand nine hundred and thirty-eight”, insert instead “15th July, 1938”.
- (31) (a) Section 47 (c)—
Omit “license”, insert instead “licence”.
- (b) Section 47 (e)—
15 Omit “license” where firstly occurring, insert instead “licence”.
- (c) Section 47—
20 Omit “three”, insert instead “3”.
- (32) Section 49 (2)—
25 Omit “one hundred dollars”, insert instead “\$100”.
- (33) (a) Section 50 (1)—
Omit “practise”, insert instead “practice”.

Medical Practitioners (Amendment)

SCHEDULE 5—continued.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—continued.

- (b) Section 50 (2)—
5 Omit "one of this section", insert instead "(1)".
- (c) Section 50 (2)—
Omit "two hundred dollars", insert instead "\$200".
- (34) Section 52—
10 Omit "stipendiary magistrate or any two justices in petty sessions", insert instead "court of petty sessions comprised of a stipendiary magistrate sitting alone".
- (35) (a) Section 53 (2)—
15 Omit "paragraph (a), paragraph (b) or paragraph (e) of subsection one of this section", insert instead "subsection (1) (a), (b) or (e)".
- (b) Section 53 (3) (a)—
12 Omit "paragraph (g) or paragraph (h) of subsection one of this section", insert instead "subsection (1) (g) or (h)".
- (c) Section 53 (3) (a)—
20 Omit "four hundred dollars", insert instead "\$400".
- (d) Section 53 (3) (b)—
20 Omit "fifty dollars", insert instead "\$50".

Medical Practitioners (Amendment)

SCHEDULE 6.

(Sec. 7.)

SAVINGS AND TRANSITIONAL PROVISIONS.

PART 1.

5 Interpretation: Pt. 1.

1. In this Part, "the commencement" means the commencement of this Part.

Saving of certain applications.

2. Any application for registration or for renewal of registration that was made, under section 18 of the Principal Act, before the commencement and that has not been disposed of before the commencement shall be deemed to be an application for registration made pursuant to section 19 of the Principal Act, as amended by this Act.

Saving of registration.

3. (1) Any person who was, immediately before the commencement, registered under the Principal Act otherwise than—

(a) pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act; or

(b) by reason of the operation of section 18A (3) (d), 20 (2), 21 (2) or (3) (a), 21A (11) or 21C (7) of that Act,

shall, on the commencement, be deemed to be registered pursuant to section 15 of the Principal Act, as amended by this Act.

(2) Any person who was, immediately before the commencement, registered under the Principal Act pursuant to section 17 (1) (c) or (d), (2), (2A) or (2B) of that Act shall, on the commencement, be deemed to be registered pursuant to section 16 of the Principal Act, as amended by this Act.

Certain persons deemed registered.

4. (1) The holder of a certificate of conditional registration—

(a) granted under section 18A (1) of the Principal Act; or

*Medical Practitioners (Amendment).*SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) renewed under section 18A (4) of that Act,
 being a certificate that was in force immediately before the commencement,
 5 shall, on the commencement, be deemed—
- (c) to be registered under the Principal Act, as amended by this Act,
 pursuant to section 17 (c) of that Act, as so amended; and
- (d) for the purpose of section 21 (2) (b) of that Act, as so amended,
 to have been registered on the date—
- 10 (i) except as provided in subparagraph (ii)—upon which that
 certificate was granted; or
- (ii) where the certificate has been renewed—upon which it
 was last renewed.
- (2) The holder of a certificate of regional registration—
- 15 (a) issued under section 21A of the Principal Act and in force
 immediately before the commencement; and
- (b) pursuant to which he was deemed to be registered under section
 21A (11) of that Act, as so in force, for purposes connected with
 or relating to the practice of medicine and surgery within a
 20 specified region,
- shall, on the commencement, be deemed to be registered under the Principal
 Act, as amended by this Act, pursuant to section 16 of that Act, as so
 amended, subject to conditions imposed by the Board under section 21 of
 that Act, as so amended, and—
- 25 (c) specifying that his registration pursuant to this clause shall, subject
 to the Principal Act, as so amended, cease to have effect when
 it would have done so under section 21A (14) of that Act, had
 this Act not been enacted; and
- 30 (d) specifying that he may not practise medicine (within the meaning
 of the Principal Act, as so amended) except for purposes con-
 nected with or relating to the practice of medicine within the
 region referred to in paragraph (b).

Saving of certain certificates.

5. (1) Any certificate—
- 35 (a) issued pursuant to section 15 (2) or 21A (10) of the Principal
 Act; or

Medical Practitioners (Amendment)

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) granted under section 18A (1) of that Act, being a certificate that was in force immediately before the commencement, whether or not (if the certificate was granted under section 18A (1) of that Act) it has been renewed, shall, on the commencement, be deemed to be a certificate of registration issued under section 21 (7) (b) of the Principal Act, as amended by this Act.

(2) Any—

10 (a) certificate of conditional registration granted under section 18A (2) of the Principal Act; or

(b) certificate of provisional registration granted under section 20 (1) of that Act,

15 being a certificate that was in force immediately before the commencement, shall, on the commencement, be deemed to be respectively a provisional certificate issued under section 20 (2) (b) (ii) or (i) of the Principal Act, as amended by this Act.

Saving of certain licenses.

20 6. (1) Notwithstanding the amendments made to Part III of the Principal Act by this Act, where, immediately before the commencement, a person was the holder of a license issued to him in accordance with section 21C (4) or (4A) of the Principal Act (whether or not it had been renewed), sections 17 and 21C (4), (4A), (5), (5A), (5B), (6), (7) and (8) of that Act, as then in force, shall—

25 (a) on and from the commencement, continue to apply to and in respect of the person; and

(b) so apply as if—

30 (i) the references, in section 21C (6), to sections 17 (6) and (7) and 30 of that Act were references to those provisions as in force immediately before the commencement;

(ii) the references, in section 21C (8), to sections 27, 27A, 28 and 29 of that Act were references to those sections, as amended by this Act; and

35 (iii) the reference, in section 21C (8), to section 30 of that Act were a reference to that section as in force immediately before the commencement, but only while the person holds a license that has effect under section 21C.

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SCHEDULE 6—continued.

SAVINGS AND TRANSITIONAL PROVISIONS—continued.

- (2) In the application, for the purposes of subclause (1), of section 17 (1) (g) of the Principal Act, as in force immediately before the commencement, and in the application of that paragraph as in force at any other time after 1st September, 1963, and before the commencement, for all other purposes, the reference in that paragraph to section 21c (4) or (4A) of the Principal Act shall be deemed to include, and to have always included, a reference to section 21c (3) of that Act.
- (3) Where, by reason of the operation of subclause (1), a person becomes entitled to be registered under the Principal Act, he shall be deemed to be so entitled pursuant to section 15 of that Act, as amended by this Act, and the provisions of Part III of that Act, as so amended, other than section 21 (4), shall apply to and in respect of his registration in the same way as they apply to and in respect of the registration of a person who, after the commencement, becomes entitled to be registered under that Act, as so amended, pursuant to section 15, otherwise than by reason of the operation of subclause (1).

Saving of certain proclamations.

7. A proclamation that—

- (a) was published in the Gazette under section 17 (1A) (a) of the Principal Act before the commencement; and
- (b) amended Schedule One to that Act,

shall, on the commencement, be deemed to be a proclamation published under section 15 (5) of that Act, as amended by this Act.

Continuation of certain proceedings.

(1) Any appeal commenced under section 19 of the Principal Act which has not been disposed of before the commencement shall, on the commencement, be deemed to be an appeal commenced under section 23C of the Principal Act, as amended by this Act, and may be continued under that Act, as so amended.

(2) Any proceedings (including proceedings relating to an appeal) with respect to a complaint or charge that were—

- (a) commenced under Part III of the Principal Act; and

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) not finally disposed of,

before the commencement, shall, on the commencement, be deemed to be
5 proceedings with respect to a complaint duly commenced under that Act,
as amended by this Act, and may be continued under Part III of that
Act, as so amended.

(3) Notwithstanding subclause (2) and section 29 (1) of the Prin-
cipal Act, as amended by this Act, where a person is, after the commence-
10 ment, found by the disciplinary tribunal, within the meaning of that Act,
as so amended, to have been guilty of misconduct in a professional respect
by reason only of an act or omission which occurred before the commence-
ment, the disciplinary tribunal may not impose any fine upon the person.

Saving of certain regulations.

15 9. (1) A regulation in force under the Principal Act immediately before
the commencement shall, on the commencement, be deemed to have been
made under the Principal Act, as amended by this Act, if it could have
been made under the Principal Act, as so amended, had that Act, as so
20 amended, been in force when it was made, whether or not it could only
have been so made if a reference in the regulation to a provision of the
Principal Act were a reference to the corresponding provision of the
Principal Act, as so amended.

(2) A reference in a regulation deemed to be made under the Prin-
cipal Act, as amended by this Act, by the operation of subclause (1), to a
25 provision of the Principal Act shall be construed as a reference to the
corresponding provision of the Principal Act, as so amended.

Saving of certain orders and notices.

10. (1) An order made under section 30 (1) of the Principal Act and in
force immediately before the commencement shall, on the commencement,
30 be deemed to be an order made under section 30 (6) of the Principal Act,
as amended by this Act.

(2) A notice forwarded under section 30 (2) of the Principal Act
before the commencement shall be deemed to have been forwarded under
section 30 (11) of the Principal Act, as amended by this Act.

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Saving of certain references.

11. On and from the commencement, a reference in any Act or other instrument to a registered person within the meaning of the Principal Act shall be construed as a reference to a registered medical practitioner within the meaning of the Principal Act, as amended by this Act.

Certain recordings authorised.

12. For the purpose of giving effect to clauses 3 and 4, the secretary to the Board may make such recordings in the Register kept under the Principal Act as the Board directs.

PART 2.

Interpretation: Pt. 2.

1. In clause 2, "appointed day" means the day on which this Part commences.

Transitional provision.

2. Notwithstanding section 15 (4A) of the Principal Act, as amended by this Act, any person—

- (a) who, during the period of 2 years immediately preceding the appointed day—
- (i) had commenced to serve as a medical officer in a hospital or institution referred to in section 15 (4) (a) (i) or (ii) of the Principal Act as in force immediately before the appointed day; or
- (ii) had commenced to receive special tuition within the meaning of section 15 (4) (b) (ii) of that Act, as so in force; and

Medical Practitioners (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (b) who, if Schedule 3 had not been enacted, would have been, within the period of 2 years next following the commencement of—
- 5 (i) his service as such a medical officer; or
- (ii) his receipt of that special tuition,
- as the case may be, entitled to be registered pursuant to a provision of the Principal Act, as amended by this Act,
- 10 shall be entitled to be registered pursuant to that provision, as if Schedule 3 had not been enacted.

BY AUTHORITY

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Medical Practitioners (Amendment)

SCHEDULE 6—continued

SAVINGS AND TRANSITIONAL PROVISIONS—continued

(d) who, if Schedule 3 had not been enacted, would have been within the period of 2 years next following the commencement of—

- (i) his service as such a medical officer or
- (ii) his receipt of that special tuition,

as the case may be, entitled to be registered pursuant to a provision of the Principal Act, as amended by this Act.

shall be entitled to be registered pursuant to that provision, as if Schedule 10 3 had not been enacted.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981