

MEDICAL.

No. 28 of 1981.

AN ACT to amend the Medical Act 1894-1979.

[Assented to 26 May 1981.]

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

1. (1) This Act may be cited as the *Medical Amendment Act 1981*. Short title and citation.

(2) In this Act the Medical Act 1894-1979 is referred to as the principal Act. Reprinted as approved 23 January 1969 and amended by Acts Nos. 75 of 1975, 70 of 1976, and 56 of 1979.

(3) The principal Act as amended by this Act may be cited as the Medical Act 1894-1981.

Commence-
ment.

2. The provisions of this Act shall come into operation on a day to be fixed by proclamation.

Section 11
amended.

3. Section 11 of the principal Act is amended—

(a) in subsection (1), by deleting “A person shall not” and substituting the following—

“ Subject to subsection (1ca) of this section, a person shall not ” ;

(b) by inserting after subsection (1c) the following subsection—

“ (1ca) Notwithstanding subsection (1) of this section, the Board may, in its discretion, allow the registration of a person who proves to the satisfaction of the Board that he has passed through a regular graded course of medical study of not less than 5 years’ duration in a school or schools of medicine in the United Kingdom or the Republic of Ireland and is—

(a) a Licentiate Member of—

(i) the Royal College of Physicians of London; or

(ii) the Royal College of Surgeons of England; or

(b) a Licentiate of—

(i) the Royal College of Physicians of Edinburgh;

(ii) the Royal College of Surgeons of Edinburgh;

(iii) the Royal College of Physicians and Surgeons of Glasgow;

(iv) the Royal College of Physicians of Ireland; or

(v) the Royal College of Surgeons in Ireland. ” ;

and

(c) in subsection (2)—

(i) in paragraph (a), by inserting after “but in any other case” the following—

“ , subject to paragraph (aa) of this subsection, ” ; and

(ii) by inserting after paragraph (a) the following paragraph—

“ (aa) Notwithstanding paragraph (a) of this subsection, where a person has held a certificate of auxiliary service registration under section 12A of this Act for such period as is prescribed by the Board and—

(i) has a post graduate qualification in psychiatry obtained after receiving training in psychiatry in the United Kingdom, the Republic of Ireland, the Dominion of Canada, the Republic of South Africa, the Commonwealth of Australia or the Dominion of New Zealand; and

(ii) has been employed or engaged on the staff of any approved hospital or service within the meaning of the Mental Health Act 1962,

the Board may, in its discretion, allow that person to be registered as a medical practitioner under this Act without requiring him to have passed the examination referred to in paragraph (a) of this subsection. ” .

4. The principal Act is amended by inserting after section 12A the following section—

Provisional
certificate
may be
granted.

“ 12B. (1) When a person has applied to be registered pursuant to section 11(1), section 11(1c), or paragraph (b), (c) or (d) of section 11(2) of this Act the Registrar, or, in his absence, any member of the Board, upon being satisfied that such person is entitled to be registered, and upon payment of such registration fee (if any) as is payable by him, may grant to such person in the prescribed form a provisional certificate of registration or a provisional certificate of temporary registration, as the case may require.

(2) When a person has obtained a provisional certificate he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate;
or

(b) such later date as is fixed by the Board,

which in no case shall be later than 3 months from the granting of such certificate.

(3) If the Board, before the date so stated or fixed pursuant to subsection (2) of this section, has reason to believe that such person is not entitled to be registered, the Board may, without prejudice to his application to be registered, cancel his provisional certificate and such person shall thereupon cease to be deemed to be registered.

(4) If a person to whom a provisional certificate has been granted becomes registered or is granted a certificate of temporary registration under section 11(1c) of this Act, his registration or temporary registration, as the case may be, shall, unless otherwise decided by the Board, date from the granting of his provisional certificate. ”

5. Section 13 of the principal Act is amended—

Section 13
amended.

(a) in subsection (9a), by inserting after “subsection (9)” in paragraph (a) the following—

“ or subsection (9c) ” ; and

(b) by inserting after subsection (9b) the following subsection—

“ (9c) Notwithstanding any other provision of this Act, where a person is not qualified for registration under this Act as amended but that person has been registered as a medical practitioner in the State and has had his name removed from or erased from the register pursuant to section 10, 13 or 16A of this Act, the Board may, in its discretion, allow the name of that person to be restored to the register. ” .
