

MEDICAL.

No. 70 of 1976.

AN ACT to amend the Medical Act, 1894-1975.

[Assented to 6th October, 1976.]

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 Act Amendment Act, 1976*.

Short title
and
citation.

(2) In this Act the Medical Act, 1894-1975 is referred to as the principal Act.

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of 1975.

(3) The principal Act as amended by this Act may be cited as the Medical Act, 1894-1976.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Section 10
amended.

3. Subsection (4) of section 10 of the principal Act is amended by deleting the words "prescribed by" in line two of paragraph (b) and substituting the words "prescribed for the purposes of".

Section 11
amended.

4. Section 11 of the principal Act is amended—

(a) by deleting the passage "the first annual practice fee prescribed in section sixteen A of this Act" in lines four, five and six of paragraph (a) of subsection (1) and substituting the passage "such registration fee, not exceeding fifty dollars, as is prescribed, together with the annual practice fee prescribed for the purposes of section sixteen A of this Act";

(b) by repealing and re-enacting subsection (1a) as follows—

(1a) Where a person whose application for registration has been refused, paid with his application the registration fee and the annual practice fee required pursuant to paragraph (a) of subsection (1) of this section, the amount of the annual practice fee only shall be refunded to the applicant. ;

(c) by adding after subsection (1c) the following subsection—

(1d) Notwithstanding any other provision of this Act, where a person—

(a) was not, at the time that his application for registration was made, ordinarily resident in the State;

(b) has not taken up residence and commenced practice in the State within six months after the date on which his registration was granted,

the Board may order that his name be erased from the register, and in that event the person shall not, except with the special approval of the Board, be entitled to make a further application for registration or any application for the restoration of his name to the register until the expiration of the period of five years commencing on the day on which his application for registration was granted. ;

(d) by adding after the word "payment of any" in line fourteen of paragraph (c) of subsection (2) the words "registration fee or"; and

(e) by adding after the words "payment of any" in line eleven of paragraph (d) of subsection (2) the words "registration fee or".

5. Subsection (2) of section 12 of the principal Act is amended by adding after the word "hospital" in line seven of paragraph (c) the passage " , or has had such other experience as, in the opinion of the Board, renders compliance with the foregoing provisions of this paragraph unnecessary".

Section 12
amended.

Section 13
amended.

6. Section 13 of the principal Act is amended—

- (a) by deleting the word “Any” in line one of paragraph (a) of subsection (9) and substituting the passage “Subject to subsection (9a) of this section, any”;
- (b) by deleting the word “On” in line one of paragraph (b) of subsection (9) and substituting the passage “Subject to subsections (9a) and (9b) of this section, on”; and
- (c) by adding after subsection (9) the following subsections—

(9a) Where—

- (a) the Board orders the restoration to the Register of the name of a person pursuant to paragraph (a) of subsection (9) of this section; or
- (b) the name of a person is deemed automatically to be restored to the Register pursuant to paragraph (b) of subsection (9) of this section,

the Board may, in either case, impose any conditions which it thinks necessary to impose in the public interest limiting or otherwise qualifying or affecting the manner in or places at which that person may practise, and may from time to time either of its own motion or on application by the person, vary or revoke any condition so imposed.

(9b) Where, pursuant to this Act, an order has been made suspending the registration of a person as a medical practitioner and the Board is of opinion that, having regard to the conduct or

state of health of that person during the period of suspension, he ought not to be permitted to resume practice upon the expiration of the period of his suspension, the Board may order that—

- (a) the period of suspension be extended for such further period not exceeding twelve months, as the Board thinks fit; or
- (b) the name of that person be removed from the Register immediately upon the expiration of the period of suspension. .

7. Section 16A of the principal Act is amended— Section 16A
amended.

- (a) by deleting the words “a fee of six dollars thirty cents” in lines ten and eleven of paragraph (a) of subsection (1) and substituting the passage “such fee not exceeding twenty-five dollars, as is prescribed”;
- (b) by deleting the passage “fee prescribed by paragraph (a)” in line five of paragraph (b) of subsection (1) and substituting the passage “fee prescribed for the purposes of paragraph (a)”;
- (c) by adding after subsection (1) the following subsection—

(1a) A medical practitioner shall, when remitting to the Board the practice fee payable under subsection (1) of this section, also furnish to the Board in writing such particulars concerning the nature of his practice, the place or places at which he conducts his practice, and of any additional qualifications which he has gained since he was registered under

this Act or last furnished particulars pursuant to this subsection, whichever is the later, as are prescribed. ;

- (d) by deleting the words "in that subsection" in line three of subsection (2) and substituting the words "for the purposes of that subsection"; and
 - (e) by deleting the passage "prescribed by subsection (1)" in line two of paragraph (b) of subsection (4) and substituting the passage "prescribed for the purposes of subsection (1)". .
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