

MEDICAL.

No. 43 of 1966.

AN ACT to amend the Medical Act, 1894-1961.*[Assented to 18th November, 1966.]*

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Medical Act Amendment Act, 1966*.

Reprinted in
Vol. 6 of the
Reprinted
Acts.

(2) In this Act the Medical Act, 1894-1961, is referred to as the principal Act.

Approved for
Reprint 12th
February,
1954 and
amended by
Acts Nos.
10 of 1955,
18 of 1955,
35 of 1956,
and 42 of
1961.

(3) The principal Act as amended by this Act may be cited as the Medical Act, 1894-1966.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section three of the principal Act is amended by deleting the interpretation, "Minister". S. 3
amended.
Vide s. 4
No. 30 of
1918.

4. Section twelve of the principal Act is amended— S. 12
amended.

(a) by substituting for the passage, "or the Lunacy Act, 1903-1920, or the Mental Treatment Act, 1927," in lines two, three and four of paragraph (b) of subsection (1), the passage, "or any approved hospital or service within the meaning of the Mental Health Act, 1962,"; and

(b) by deleting the words, "or any board of a road district" in lines fifty-one and fifty-two of subsection (8).

5. Section thirteen of the principal Act is amended— S. 13
amended.

(a) by repealing subsections (1), (2) and (3) and enacting subsections as follow—

(1) Where a person registered as a medical practitioner under this Act—

(a) is or has been, whether before or after he became so registered, convicted within the State or elsewhere of a felony, crime or misdemeanour or other offence that, in the opinion of the Board, renders him unfit to practise as a medical practitioner;

(b) is found by the Board after due inquiry to have been guilty in its opinion of—

(i) infamous or improper conduct in a professional respect;

- (ii) drunkenness, frequently at short intervals of time;
or
 - (iii) addiction to any deleterious drug;
- (c) is found, by any other authority lawfully exercising outside the State powers similar to those conferred on the Board by this Act, to have been guilty in respect of any such conduct, drunkenness or addiction as is referred to in paragraph (b) of this subsection; or
- (d) is found by the Board after due inquiry to have been guilty in its opinion of professional misconduct or of gross carelessness or incompetency,

the Board may impose any one or more of the following penalties, namely that—

- (e) the name of that person be removed from the register;
- (f) the registration of that person under this Act be suspended for such period, not exceeding twelve months, as the Board thinks fit;
- (g) that person be fined such an amount, not exceeding one thousand dollars, as the Board thinks fit;
- (h) that person be reprimanded,

but the Board may, in lieu of removing that person's name from the register or suspending his registration, require him to give a written undertaking to be of good behaviour for such period as the

Board thinks fit and to comply, during that period, with such conditions, if any, relating to the practice of his profession and his training for that practice as the Board thinks fit to impose.

(2) Where the Board, after due inquiry, is of opinion that a medical practitioner who has given an undertaking to the Board pursuant to subsection (1) of this section has at any time during the currency of the undertaking—

- (a) not been of good behaviour; or
- (b) failed to comply with any condition imposed on him pursuant to that subsection,

the Board may, without further inquiry, impose on that medical practitioner such penalty under subsection (1) of this section in respect of the offence or conduct in relation to which he was required to give the undertaking as it thinks fit.

(3) If during the currency of an undertaking given by him pursuant to subsection (1) of this section, a medical practitioner is guilty of an offence or conduct that is punishable under that subsection, the Board may, in addition to, or in lieu of, proceeding against him under subsection (2) of this section, take such further action under subsection (1) of this section against that medical practitioner in respect of that offence or conduct as the Board thinks fit.

(4) Where the Director is of opinion that a medical practitioner is suffering from an illness or intellectual defect which impairs the mental health of that medical practitioner to such an extent

that his ability to practise as a medical practitioner is impaired and thereby the safety of the public is or may be endangered, the Director shall advise the Board in writing of that opinion.

(5) Where the Director advises the Board as required by subsection (4) of this section, the Board may cause the medical practitioner to whom the Director's opinion relates to be examined by two psychiatrists, and may for that purpose direct the medical practitioner to submit himself, within such time as the Board specifies, for examination by—

- (a) one psychiatrist nominated by the Board and one psychiatrist nominated by the medical practitioner; or
- (b) if the medical practitioner fails to so nominate a psychiatrist after being requested by the Board so to do, by two psychiatrists nominated by the Board,

and if each of the reports obtained from the psychiatrists by whom the medical practitioner is examined pursuant to this subsection confirms the opinion given to the Board by the Director, the Board may, without further inquiry, remove the name of that medical practitioner from the register or suspend his registration for such period as it thinks fit, or specify the conditions on which that medical practitioner may continue to practise.

(6) Where a medical practitioner fails to submit himself for examination pursuant to subsection (5) of this section within the time specified by the Board,

his registration as a medical practitioner shall, by force of this subsection, be suspended until—

- (a) he submits himself for examination as directed by the Board; and
 - (b) the Board has received reports from each psychiatrist of that psychiatrist's examination. ;
- (b) by renumbering subsection (4) as subsection (7);
- (c) by substituting for the passage,
- “(5) (a) Any person, who is aggrieved by any decision of the Board by reason whereof his name is erased from the register or his registration is suspended”
- in paragraph (a) of subsection (5), the passage,
- “(8) (a) Any person who is or was registered as a medical practitioner and who is aggrieved by any decision of the Board”;
- (d) by renumbering subsection (6) as subsection (9); and
- (e) by adding at the end thereof a subsection as follows—

(10) In subsections (4), (5) and (6) of this section—

“psychiatrist” means a medical practitioner whose name is contained in a register of psychiatrists prepared and maintained under section eighty-nine of the Mental Health Act, 1962;

“the Director” means the person from time to time appointed to be, or carrying out the duties of the Director of Mental Health Services under the Mental Health Act, 1962. .