

Western Australia

## **Medical Amendment Act 2000**

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As at 17 Nov 2000

No. 48 of 2000

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## Medical Amendment Act 2000

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## Medical Amendment Act 2000

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No. 48 of 2000

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**An Act to amend the *Medical Act 1894* —**

- **to allow suitably qualified overseas trained doctors to be registered to practise as general practitioners in remote and rural parts of the State; and**
  - **to provide for the appointment to the Board of a second legal practitioner,**
- and for related purposes.**

*[Assented to 17 November 2000]*

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Medical Amendment Act 2000*.

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**2. Commencement**

- (1) Sections 1 to 4 come into operation on the day on which this Act receives the Royal Assent.
- (2) Sections 5 to 10 come into operation on a day fixed by proclamation.

**3. The Act amended**

The amendments in this Act are to the *Medical Act 1894*\*.

[\* *Reprinted as at 25 February 2000.*]

**4. Section 4 amended**

Section 4(1a) is amended as follows:

- (a) by deleting “11” and inserting instead —  
“ 12 ”;
- (b) by deleting paragraph (c) and inserting the following paragraph instead —  
“  
(c) 2 persons appointed by the Minister who are legal practitioners;  
”.

**5. Section 11AA amended**

Section 11AA is amended by inserting after “section 11” —  
“ and sections 11AC, 11AD, 11AF and 11AG ”.

**6. Sections 11AC and 11AD amended**

Sections 11AC(1) and 11AD(1) are amended by deleting “The” and inserting instead —  
“ Subject to section 11AA, the ”.

**7. Section 11AF amended**

Section 11AF(1) is amended by deleting “The” and inserting instead —

“ Subject to section 11AA, the ”.

**8. Section 11AG inserted**

After section 11AF the following section is inserted —

“

**11AG. Conditional registration for general practice in remote and rural WA**

- (1) Subject to section 11AA, the Board may register a person as a medical practitioner if —
  - (a) the Board is satisfied that the person —
    - (i) has qualifications and experience in general practice obtained outside Australia;
    - (ii) is competent, having regard to the person’s qualifications and experience, to practise as a general practitioner in this State; and
    - (iii) has undertaken to comply with the conditions imposed by subsection (2);
  - and
  - (b) the person pays to the Board together with his or her application for registration such registration fee as is prescribed, together with the annual practice fee prescribed for the purposes of section 16A.

- (2) The registration of a person under this section is subject to the following conditions —
  - (a) that the person practise only as a general practitioner;
  - (b) that the person must practise in remote and rural WA for 5 years after being registered; and
  - (c) if the person is not a Fellow of the Royal Australian College of General Practitioners at the time of registration under this section, that he or she must become such a fellow within 2 years of being so registered.
- (3) The Board may impose such other conditions as it thinks appropriate on the registration of a person under this section, but a condition under this subsection must not restrict the parts of the State in which the person may practise after the expiration of the 5 years referred to in subsection (2)(b).
- (4) If a person who is registered under this section satisfies the Board that there is a good reason why he or she should not be required to comply with the condition imposed by subsection (2)(b) or (c) the Board may vary that condition as the Board thinks appropriate.
- (5) If the Board is satisfied that a person registered under this section has failed to comply with a condition imposed by subsection (2) the Board may, without an inquiry, remove the name of the person from the register.
- (6) Subject to subsection (5) and sections 10(5), 13, 13A and 16A(2), the Board shall not remove the name of a person registered under this section from the register or suspend the registration of a person so registered after the person has complied with the conditions imposed by subsection (2)(b) and (c).



(7) In this section —

**“practise as a general practitioner”** means practise as a medical practitioner engaged in primary, continuing, comprehensive, whole-patient care of individuals, families and their community;

**“remote and rural WA”** means any part of the State, outside the Perth metropolitan area, determined by the Minister to be remote and rural WA for the purposes of this section.

”.

## 9. Section 12B amended

Section 12B(1) and (4) are amended by deleting “or 11AF(1)” and inserting instead —

“ , 11AF(1) or 11AG ”.

## 10. Transfer of certain existing registrations

- (1) On the commencement of this section the Board is to register under section 11AG all eligible persons.
- (2) For the purpose of calculating any period of time in relation to a condition imposed by section 11AG(2), an eligible person is taken to have been registered under section 11AG on the day on which the State Interview Panel assessed the person as being suitable to be a general practitioner in remote and rural WA.
- (3) In this section —
 

**“eligible person”** means a person —

  - (a) who is registered as a medical practitioner under section 11AF;
  - (b) who was so registered on or after 26 April 1999 but before the commencement of this Act; and

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- (c) who has been assessed by the State Interview Panel as being suitable to be a general practitioner in remote and rural WA;

**“remote and rural WA”** has the same meaning as in section 11AG;

**“section”** means a section of the *Medical Act 1894*;

**“State Interview Panel”** means the panel established by the Western Australian Centre for Remote and Rural Medicine for the purposes of assessing, and advising the Board as to, the suitability of overseas trained persons to be general practitioners in remote and rural WA.

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