



ANNO TRICESIMO QUINTO

**ELIZABETHAE II REGINAE**

**A.D. 1986**

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**No. 110 of 1986**

**An Act to amend the Medical Practitioners Act, 1983.**

*[Assented to 18 December 1986]*

The Parliament of South Australia enacts as follows:

Short title.

1. (1) This Act may be cited as the "Medical Practitioners Act Amendment Act, 1986".

(2) The Medical Practitioners Act, 1983, is in this Act referred to as "the principal Act".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
s. 5—  
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "books" in subsection (1) the following definition:

"the Chief Magistrate" means the person holding, or acting in, the office of Chief Magistrate under the Magistrates Act, 1983;

and

(b) by inserting after the definition of "the repealed Act" in subsection (1) the following definition:

"the Senior Judge" means the person holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926.

Repeal of s. 24  
and substitution  
of new sections.

4. Section 24 of the principal Act is repealed and the following sections are substituted:

Members of the  
Tribunal.

24. (1) The Tribunal will consist of the following members of whom—

(a) one (the presiding officer) will be the Senior Judge or a nominee of the Senior Judge;

(b) four (the appointed members) will be appointed by the Governor as follows—

(i) three will be appointed on the nomination of the Minister;

and

(ii) one will be appointed on the nomination of the South Australian Branch of the Australian Medical Association Incorporated.

(2) Of the members appointed on the nomination of the Minister—

(a) two must be medical practitioners;

and

(b) one must be a person who is neither a medical practitioner nor a legal practitioner.

(3) An appointed member will be appointed for a term not exceeding three years upon such conditions as the Governor determines and, at the expiration of that term, will be eligible for re-appointment.

(4) The Governor may appoint a person to be a deputy of an appointed member and if the member is, for any reason, absent or unable to act, the deputy may act in the member's place.

(5) The requirements of qualification and nomination made by this section in relation to the appointment of a member extend to the appointment of the member's deputy.

24a. (1) The Governor may remove an appointed member from office for—

(a) a breach of, or non-compliance with, a condition of appointment;

(b) mental or physical incapacity to carry out official duties satisfactorily;

(c) neglect of duty;

or

(d) dishonourable conduct.

(2) The office of an appointed member becomes vacant if the member—

(a) dies;

(b) completes a term of office and is not re-appointed;

(c) attains the age of 65;

(d) resigns by written notice to the Governor;

(e) in the case of a member appointed on the nomination of the Minister—ceases to satisfy the requirement of section 24 (2) by virtue of which the member was eligible for appointment;

or

Removal of  
appointed  
member from  
office, vacancies,  
etc.

(f) is removed from office by the Governor.

(3) Upon the office of a member becoming vacant a person will be appointed in accordance with this Act to the vacant office.

(4) A member who is one of the members constituting the Tribunal for the purpose of proceedings and whose term of office expires or who attains the age of 65 before those proceedings have been completed may continue to act as a member of the Tribunal for the purpose of continuing and completing those proceedings.

Delegation by  
Senior Judge.

24b. (1) The Senior Judge may nominate a District Court Judge or, subject to subsection (2), a magistrate to preside over the Tribunal.

(2) The Senior Judge must not nominate a magistrate without the approval of the Chief Magistrate.

(3) A nomination may be made in relation to a particular complaint or application and two or more nominations may operate simultaneously in relation to different matters.

(4) A nomination may be revoked by the Senior Judge at any time.

Amendment of  
s. 25—  
Constitution of  
the Tribunal.

5. Section 25 of the principal Act is amended by striking out “the chairman” wherever it occurs and substituting, in each case, “the presiding officer”.

Amendment of  
s. 26—  
How decisions of  
the Tribunal to be  
arrived at.

6. Section 26 of the principal Act is amended by striking out “the chairman” and substituting “the presiding officer”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor