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## MEDICAL ACT 1973.

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## MEDICAL.

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No. 61 of 1973.

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AN ACT to amend the *Medical Act* 1959.

[20 November 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Medical Act* 1973.

(2) The *Medical Act* 1959, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Short title,  
citation, and  
commence-  
ment.

## Interpretation.

**2** Section three of the Principal Act is amended—

- (a) by omitting the definition of “additional qualifications”;
- (b) by inserting, after the definition of “Council”, the following definition:—

“ ‘jurisdiction’ means any State or Territory of the Commonwealth, or any country or other jurisdiction outside the Commonwealth;”;

- (c) by inserting, after the definition of “mental disorder”, the following definition:—

“ ‘practise’ means practise as a physician or surgeon;”;  
and

- (d) by omitting the definition of “primary qualification”.

## Effect of limited registration.

**3** Section eleven A of the Principal Act is repealed.

## Annual registrations.

**4** Section twelve of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:—

“(1A) The Council may in any case in its discretion waive the payment of an annual registration fee.”; and

- (b) by inserting in subsection (2), after the words “does not”, the words “, as required by this section,”.

**5** Part III of the Principal Act (except section thirty thereof) is repealed and the following Parts are substituted therefor:—

“PART III.

“REGISTRATION OF MEDICAL PRACTITIONERS.

“Division I—*Qualification for registration.*

## Full registration of persons holding recognized qualifications.

“14—(1) A person is qualified for full registration if he—

- (a) has completed a course of study, lasting at least five years, in some school of medicine;
- (b) holds a recognized qualification or recognized qualifications in both medicine and surgery; and
- (c) has the necessary experience.

“(2) For the purposes of this Act the recognized qualifications are—

- (a) those specified in the first schedule; and
- (b) any other qualifications declared by the Governor by order, made on the recommendation of the Council, to be recognized qualifications for the purposes of this Act.

“(3) The necessary experience required for the purposes of subsection (1) of this section is—

- (a) experience in practice to the satisfaction of the Council gained in service as a resident medical officer in one or more approved hospitals over a period of, or periods amounting in all to, not less than twelve months;
- (b) experience gained in lawful practice elsewhere than in this State during a continuous period of at least three years; or
- (c) experience in practice gained in satisfactory service in any appointment or appointments (whether in this State or elsewhere) such as, in the opinion of the Council, confer experience in practice not less extensive than that referred to in paragraph (a) of this subsection.

“(4) No service of a person as a resident medical officer in an approved hospital shall be taken account of for the purposes of paragraph (a) of subsection (3) of this section unless that person has obtained from the governing body of that hospital a certificate certifying that that service was performed and completed to the satisfaction of that governing body.

“(5) In this section ‘an approved hospital’ means any hospital approved by the Council for the purposes of this section.

“15—(1) A person is qualified for limited registration under this section if, had he the necessary experience referred to in section fourteen, he would be qualified for full registration.

Limited registration of persons holding recognized qualifications.

“(2) The following are the limitations on practice imposed on a person granted limited registration under this section, namely:—

- (a) That he shall not practise elsewhere than at an approved hospital within the meaning of section fourteen; and
- (b) That he shall not practise otherwise than in the performance of duties that he has been directed to perform by the superintendent of that hospital, being duties in the nature of those ordinarily performed by a medical practitioner employed and resident at a hospital.

Training, &c.,  
for qualifica-  
tion as  
T.L.M.S.

“ 16—(1) Where, on an application made to the Council, on the recommendation of the Minister, by a person who is not qualified for full registration or limited registration under section fourteen or section fifteen, the Council is satisfied—

(a) that he has completed a course of study lasting at least five years in some school of medicine; and

(b) that he has passed an examination following the completion of that course,

it may approve his further training in accordance with this section.

“(2) Further training under this section shall be for a period of not less than twelve months approved by the Council—

(a) under articles of apprenticeship in a form approved by the Council to the superintendent of, or some other medical practitioner employed in full-time duty in, a hospital in this State approved by the Council; or

(b) as an employee of the governors or board of management of a hospital in this State approved by the Council employed to assist the superintendent of, or some other medical practitioner who is employed on full-time duty in, that hospital.

“(3) The Council may, for the purposes of subsection (2) of this section, approve or direct a variation, discharge, or transfer of articles, or a change of hospital or employment.

“(4) On the completion by a person of any period of training at a hospital undertaken in pursuance of an approval given under subsection (1) of this section the superintendent of that hospital shall furnish that person with a certificate stating whether or not, in the opinion of the superintendent, he has been competent in the duties assigned to him at that hospital during that period.

“(5) Where—

(a) a person has completed a period of further training in pursuance of an approval given under subsection (1) of this section;

(b) the certificates given under subsection (4) of this section in respect of that training testify to a degree of competence satisfactory to the Council; and

(c) he has passed an examination equivalent to the final examinations for the bachelor's degrees in medicine and surgery at the University of Tasmania,

he becomes qualified as a Tasmanian Licentiate in Medicine and Surgery.

“17—(1) Where the further training of a person has been approved under subsection (1) of section sixteen he becomes qualified for limited registration.

Registration  
of persons  
qualifying, or  
training for  
qualification,  
as T.L.M.S.

“(2) The following are the limitations on practice imposed on a person granted limited registration under subsection (1) of this section, namely:—

- (a) That he shall not practise elsewhere than at the hospital at which the Council has, pursuant to section sixteen, approved or directed that he undergo his further training; and
- (b) That he shall not practise otherwise than in the performance of duties that he has been directed to perform by the superintendent of that hospital, being duties in the nature of those ordinarily performed by a medical practitioner employed and resident at a hospital.

“(3) A person who has qualified as a Tasmanian Licentiate in Medicine and Surgery is qualified for limited registration and if that registration is thrice renewed he becomes qualified for full registration.

“(4) A limited registration granted under subsection (3) of this section, unless it is renewed or further renewed ceases to have effect at the expiration of a period of twelve months from the date on which it was granted or last renewed, and, on the application of the person to whom it was granted, the Council shall renew the registration unless it has been previously cancelled or has otherwise ceased to have effect.

“(5) There is imposed on the practice of a person holding limited registration under subsection (3) of this section the limitation that he shall not practise elsewhere than in such parts of the State as the Minister, by notice in the *Gazette*, for the time being appoints in respect of him.

“(6) The Minister, after consultation with the Council, may determine the maximum number of limited registrations that may be granted under subsection (3) of this section in any year and, notwithstanding any other provisions in this Act, the Council shall not, in that year, grant limited registrations under that subsection in excess of that number.

Limited  
registration  
for special  
purposes.

“ 18—(1) Where the Council is satisfied that a person is entitled to practise in a jurisdiction outside the State, and that it is desirable that he should be enabled—

- (a) to undertake a course of study in this State in medicine or surgery or some branch thereof;
  - (b) to engage in the teaching of, or conduct demonstrations in, some branch of medicine or surgery that will be of benefit to persons practising in the State; or
  - (c) to carry out work in some branch of medicine or surgery that would be of benefit to the State and for the carrying out of which no other registered medical practitioner is presently available,
- the Council may grant him limited registration.

“(2) In granting a limited registration under this section the Council shall impose such limitations on the registration as it considers necessary to secure that the person to whom it is granted is not entitled to practise in the State otherwise than to effect the purpose for which the registration was granted.

“(3) On the extension of the period for which a limited registration granted under this section is to remain in force the Council may vary any limitations imposed on that registration, but shall not exercise the powers conferred by this subsection in such a manner as would entitle the person to whom the registration is granted to practise otherwise than to effect any one or more of the purposes specified in subsection (1) of this section.

“(4) In granting a limited registration under this section the Council shall specify the period for which the limited registration is to remain in force, being a period not exceeding twelve months in length, and may extend that period from time to time, by further periods not exceeding twelve months in length.

“(5) The Council may, if in its discretion it thinks fit, cancel a limited registration granted to any person under this section.

“(6) A person who is refused a limited registration under this section is not entitled to appeal against that decision under section twenty-two.

*“ Division II—Grant of registration.*

“ 19—(1) Subject to this section, where a person is qualified for a registration the Council shall grant him that registration on being satisfied— Grant of registration.

(a) that he is of good fame and character; and

(b) that he has sufficient command of the English language to enable him readily to communicate with patients who ordinarily use that language.

“(2) Where a person, other than a person holding a limited registration, applies for full registration the Council shall not grant that registration unless it is satisfied that that person is still entitled to practise medicine and surgery at the place where the qualification on which he bases his application was obtained.

“(3) The Council, in determining an application for registration, may disregard the provisions of subsection (2) of this section if it considers that the applicant has been prevented from practising medicine or surgery at the place referred to therein for political or religious reasons considered by the Council irrelevant to the practice of medicine or surgery.

“(4) Without prejudice to any other provision of this section, the Council shall refuse to grant registration to any person if it considers that, by reason of that person’s habitual taking of intoxicating liquors or deleterious drugs or of his suffering from mental disorder, it is not desirable in the public interest that he should be granted registration.

“(5) Where the Council is not satisfied that a person is entitled to registration or that grounds may exist for the refusal to grant him registration it may, from time to time, adjourn consideration of the application for further consideration or for further investigation or for the production of further evidence.

“(6) Nothing in subsection (5) of this section prejudices or affects the right of the Council to refuse to grant a registration or to grant a registration provisionally.

“(7) The Council may require a person applying to it for registration to attend personally before the Council for the purpose of proving facts, and giving evidence, in respect of matters relevant to the determination of his application.

Grant of  
registration  
provisionally.

“20—(1) Where, on the consideration of an application for registration, the Council is of opinion that it would grant that registration if satisfactory evidence were produced to it with respect to any matter (in this section referred to as ‘the relevant evidence’) and that that evidence is likely to be so produced within the next ensuing period of three months it may grant that registration provisionally.

“(2) A registration granted provisionally ceases to have effect, unless it is sooner cancelled, at the expiration of a period of three months from the date on which it is granted.

“(3) If, while a registration granted provisionally remains in force, the relevant evidence is produced to the Council it shall confirm that registration, and, if during the period that that registration remains in force, the Council is satisfied that that evidence cannot be so produced or that other grounds exist on which the registration should be refused, it may cancel that registration.

“(4) Subject to this Act—

(a) a registration granted provisionally has the like effect as a similar registration granted otherwise than provisionally; and

(b) the confirmation of a registration granted provisionally has the like effect as the grant of that registration on the date on which it was granted provisionally.

Temporary  
registrations  
by committee  
of the Council.

“21—(1) The Council may, for the purposes of this section, appoint a committee, or two or more committees, each consisting of two or more members of the Council.

“(2) Where an application is made to the Council for registration pursuant to section fourteen, section fifteen, or section seventeen that application may be considered by a committee appointed under subsection (1) of this section and that committee, if it is satisfied that the Council would grant the registration or grant it provisionally, may grant that registration as a temporary registration.

“(3) Except for the purposes of section eleven B, a temporary registration granted under this section has effect, until the Council has made its determination on the application upon which it was granted, as if it were a registration granted by the Council on that application.

“(4) Where, on an application for registration, a temporary registration is granted under this section, the Council, in granting registration, or in granting registration provisionally, on that application, is entitled to rely on any facts found by the committee in its consideration of the application.

“22—(1) Except as otherwise provided in this Act, a person making an application for registration who is aggrieved by a decision of the Council on his application may appeal to the Supreme Court and, on such an appeal, the Court (unless it dismisses the appeal) may, by order, direct the Council to grant him such registration as may be specified in the order or to grant him that registration upon compliance with such terms and conditions as may be so specified.

Appeals against  
refusal of  
registration.

“(2) The Council shall comply with any order made under this section.

“23—(1) A person granted full registration, or granted limited registration under subsection (3) of section seventeen, is entitled to have registered—

Registration  
of qualifica-  
tions.

- (a) any qualifications held by him that are recognized qualifications for the purposes of section fourteen;
- (b) any qualification held by him that is declared under this section to be a special qualification;
- (c) any qualification held by him that is declared under this section to be a registrable additional qualification; and
- (d) any qualification held by him that is declared under this section to be a registrable foreign qualification.

“(2) For the purposes of this section the Governor, on the recommendation of the Council, may by order declare—

- (a) any qualification manifesting proficiency in any branch of medicine or surgery or any matter related to the practice thereof to be a special qualification;
- (b) any qualification granted or awarded by any university or institution in the Commonwealth of Australia, the Dominion of New Zealand, the United Kingdom of Great Britain and Northern Ireland, or the Republic of Ireland to be a registrable additional qualification; and
- (c) any qualification granted or awarded otherwise than as mentioned in paragraph (b) of this subsection to be a registrable foreign qualification.

“(3) The Governor may by order appoint the manner in which any qualification mentioned in subsection (2) of this section may be referred to in English and the abbreviation by which it may be so referred.

“(4) Without prejudice to the provisions of subsection (1) of this section a person granted limited registration or full registration under subsection (3) of section seventeen is entitled to have registered his qualification as a Tasmanian Licentiate in Medicine and Surgery.

“(5) A person granted limited registration under section eighteen is entitled to have registered any qualifications that he would be entitled to have registered if he were granted full registration and such other qualifications as the Council may approve in his case.

### “ PART IIIA.

#### “ DISCIPLINARY AND OTHER PROCEDURES.

Inquiries into  
professional  
conduct.

“24—(1) The Council may require a registered medical practitioner to appear before it to enable an inquiry to be held with respect to any complaint made to the Council concerning the conduct of that practitioner in a professional respect and if, on that inquiry, the Council is satisfied, in respect of any matter, that he has failed to carry out his professional duties adequately or properly to accept his professional responsibilities, it may censure or reprimand him.

“(2) Where in the course of an inquiry under this section the Council is of opinion that proceedings should be taken against the medical practitioner under any other provision of this Part it shall discontinue the inquiry and institute those proceedings.

“(3) Where a registered medical practitioner, in accordance with this section, has been required to attend a meeting of the Council held for the purposes of an inquiry under this section with respect to a complaint concerning his conduct, and he fails, without good and sufficient reason to attend that meeting, the Council may charge to him the costs of that meeting and may suspend his registration until such time as those costs are paid.

“(4) Where a registered medical practitioner, in accordance with this section, has been twice required to attend such a meeting of the Council as is referred to in subsection (3) of this section the Council, without prejudice to the exercise of its powers under that subsection, may carry out the inquiry in his absence.

“(5) For the purposes of this section, a requirement made of a medical practitioner to attend a meeting of the Council shall be made by a notice in writing served on him at least seven days before the date of the meeting in like manner as a summons may be served under section twenty-nine E.”.

“25—(1) On a charge against a registered medical practitioner Professional misconduct. of professional misconduct in respect of any matter the Council—

- (a) if it finds that the conduct to which the charge relates is infamous conduct in a professional respect, may remove his name from the register; or
- (b) if it finds that that conduct is improper conduct in a professional respect, may deal with his case under section twenty-nine D.

“(2) A charge under this section may be made by the Council either on its own motion or upon a complaint made by a person who is aggrieved by any conduct of that practitioner.

“(3) Where the Council receives such a complaint as is referred to in subsection (2) of this section it may require the person making the complaint—

- (a) to give further particulars of the grounds of the complaint; and
- (b) to verify by statutory declaration the complaint or those particulars.

“(4) Where on consideration of such a complaint as is referred to in subsection (2) of this section made in respect of a registered medical practitioner and any further particulars that may have been furnished in relation thereto the Council is of opinion that there has been established against him a *prima facie* case of infamous conduct or improper conduct in a professional respect it shall charge him under this section.

“(5) Nothing in this section shall be construed as preventing the Council from taking action under any of the following provisions of this Part in any case in which it considers it appropriate so to do.

“(6) Without prejudice to the generality of the expression ‘improper conduct in a professional respect’—

- (a) negligence or incompetency in practice amounts to improper conduct in a professional respect; and

- (b) subject to the following provisions of this section, it is improper conduct in a professional respect for a medical practitioner to put on his plate or stationery or use in any other way in connection with his practice any qualification related to competency in practice that is not shown as his in the register.

“(7) Nothing in this section affects the use in an academic or scholastic connection of a degree, diploma, or academic title conferred by a university, college, or society, having power to do so by the law of the jurisdiction within which it is situated.

Drug offences.

“26—(1) Where a registered medical practitioner has at any time been convicted in this State or elsewhere of—

- (a) a crime, or any offence that, if it had been committed in this State, would have been a crime; or  
(b) an offence under a law prohibiting or regulating the possession, sale, use, supply, prescription, or other dealing in or with any poison, drug, or similar substance,

the Council may remove his name from the register or deal with his case under section twenty-nine D (otherwise than by the imposition of a fine).

“(2) Where before a person is granted registration he gives the Council full particulars of his conviction for any offence this section does not apply in relation to that conviction.

Taking of  
alcohol or  
drugs.

“27 Where the Council is satisfied that a registered medical practitioner has taken alcohol or drugs to excess and has thereby, either generally or at certain times, been rendered incapable of adequately performing the functions of a medical practitioner or of assuming the full responsibilities of a medical practitioner it may remove his name from the register or deal with his case under section twenty-nine D.

Mental  
disorder.

“28—(1) Where the Council is satisfied that a registered medical practitioner is suffering from mental disorder of such a nature or degree as to render him incapable of adequately performing the functions of a medical practitioner or assuming the full responsibilities of a medical practitioner it may suspend his registration for such period as it thinks proper or remove his name from the register.

“(2) Where it appears to the Council that grounds may exist for the exercise of the powers conferred on it by this section, or it receives information from any person from which it appears that

those grounds may exist, it shall serve notice on the Medical Commissioner of Mental Health Services stating that it proposes to inquire into the matter.

“(3) Where notice is served on the Medical Commissioner of Mental Health Services under subsection (2) of this section he shall take such steps as he considers necessary or desirable to protect the interests of the registered medical practitioner, and, in particular, the Council shall not exercise the powers conferred on it by this section in relation to the matters specified in the notice unless it has heard the Commissioner thereon or some other registered medical practitioner authorized by him in that behalf.

“(4) The expenses reasonably incurred by the Medical Commissioner of Mental Health Services under this section in relation to a registered medical practitioner may be recovered by the Minister as a debt due to the Crown by that medical practitioner.

“(5) Subsections (5) and (6) of section twenty-nine E apply where a medical practitioner is to suffer removal from the register, or suspension, under this section.

“29 Where a registered medical practitioner who holds a limited registration has, without reasonable justification (proof whereof lies on him), practised otherwise than in accordance with the limitations imposed on his registration, the Council may remove his name from the register or deal with his case under section twenty-nine D. Practising outside limitations.

“29A—(1) Where a registered medical practitioner has, at any time, as a result of any proceedings against him, been excluded from lawful practice in any jurisdiction outside this State (otherwise than for a specified period) the Council may remove his name from the register. Practitioners removed from register or suspended in other jurisdictions.

“(2) Where as a result of any proceedings against him, a registered medical practitioner is excluded from lawful practice in any jurisdiction outside the State for a specified period the Council may suspend his registration for the like period.

“(3) This section does not apply to the exclusion of a registered medical practitioner from lawful practice unless that exclusion arises from a matter that relates to his conduct in a professional respect or would, in this State, afford grounds for his removal from the register or the suspension of his registration, and, in particular, does not apply where the exclusion was imposed for political reasons or on account of the religious views of the practitioner.

Withdrawal,  
&c., of  
qualifications.

“29B—(1) Where any qualification that is held by a registered medical practitioner that is registered, or may be registered, has been withdrawn, cancelled, or revoked by the body or authority by which it was conferred the Council may make a note of the fact in the register.

“(2) Where the qualification referred to in subsection (1) of this section is a recognized qualification for the purposes of section fourteen the Council may remove the name of the registered medical practitioner from the register or deal with his case under section twenty-nine D (otherwise than by the imposition of a fine).

“(3) Subsection (2) of this section does not apply where the qualification was withdrawn, cancelled, or revoked for political reasons or on account of the religious views of the practitioner.

Removal from  
register on  
grounds of  
fraud or error.

“29C—(1) If it is proved to the satisfaction of the Council that an entry in the register has been fraudulently or incorrectly made, the Council may cause the entry to be erased from the register.

“(2) A person may be registered in pursuance of any provision of this Act notwithstanding that his name has been erased under subsection (1) of this section, but, if it was so erased on the grounds of fraud, the Council may, if it thinks fit, decide that he shall not be restored or shall not be registered until the expiration of such period as it may specify.

Subsidiary  
disciplinary  
powers.

“29D—(1) Where the Council may deal with the case of a registered medical practitioner under this section, it may—

- (a) suspend his registration for such period as it thinks proper;
- (b) order him to pay a fine of such amount, not exceeding four hundred dollars, as it thinks proper;
- (c) require him to give to the Council an undertaking under this section; or
- (d) reprimand him.

“(2) An undertaking given to the Council under this section is an undertaking to comply, during such period as the Council specifies, with such conditions as it may specify and, at any time within that period, to appear before the Council when required by it so to do.

“(3) A condition referred to in subsection (2) of this section may be a condition requiring the practitioner to be of good behaviour or any other condition that the Council may consider it necessary or desirable to impose in the public interest.

“(4) Where the Council is satisfied that a registered medical practitioner has failed to comply with an undertaking given by him under this section it may exercise, in relation to him, any of the powers it could have exercised if it had not required him to enter into the undertaking or may require the terms of the undertaking to be varied.

“(5) Where the Council requires a registered medical practitioner to enter into an undertaking under this section, or requires the terms of such an undertaking to be varied, and, within such time as the Council may allow, that undertaking is not given or so varied, the Council may exercise, in relation to him, any of the powers that it could have exercised if it had not required the undertaking to be entered into or varied.

“29E—(1) Where the Council charges a person with professional misconduct it shall summon that person to appear before it by means of a summons stating that he is so charged and specifying the matters in respect of which he is so charged. Procedure on charges, &c.

“(2) Except in a case to which subsection (1) of this section applies, where the Council proceeds to determine whether, in pursuance of any provision of this Part (other than section twenty-four), it should exercise any of the powers conferred on it by this Part in respect of any person, it shall summon him to appear before it by means of a summons stating that it intends so to proceed and specifying—

(a) the provision pursuant to which it so intends to proceed;  
and

(b) the matters in relation to which it so intends to proceed.

“(3) A summons under this section requiring a person to appear before the Council shall be served at least seven days before the day on which he is required by the summons so to appear.

“(4) A summons under this section shall be sealed with the common seal of the Council and may be served on the person on whom it is required to be served—

(a) by delivering it to him personally; or

(b) by sending it by registered post addressed to him at his usual or last known place of abode or practice.

“(5) If a person duly served with a summons under this section fails to appear in accordance with the summons or, having so appeared, absents himself from the hearing of the charge or other matter to which the summons relates, the Council may proceed as if he were present.

“(6) In any proceedings to which this section relates the Council may have counsel to appear before it to assist it in any matter arising in the course of those proceedings, and any person appearing before the Council in those proceedings may be represented by counsel.

“(7) Where the Council exercises in respect of a registered medical practitioner—

(a) its power under this Part to remove his name from the register or to suspend his registration; or

(b) any of its powers under section twenty-nine D,

it shall express its decision in the form of an order which shall be served on, or notified to, him in the same way as a summons under this section.

“(8) Except as otherwise provided in section twenty-eight, this section does not apply to proceedings under that section.

Evidence of  
facts found  
in other  
proceedings.

“29F—(1) Any finding of fact relating to the conduct of a registered medical practitioner made in any proceedings in a court (whether in this State or elsewhere) to which he is a party is, in any proceedings under this Part, *prima facie* evidence of that fact.

“(2) Where a qualification held by a registered medical practitioner is withdrawn, cancelled, or revoked by the body or authority by whom it was awarded or granted, any finding of fact relating to the conduct of that practitioner made in the proceedings as a consequence of which that qualification was so withdrawn, cancelled, or revoked that is notified to the Council by that body or authority is, in any proceedings under this Part, sufficient evidence of that fact.

Appeals to  
Supreme Court.

“29G—(1) A person who is aggrieved by a decision of the Council under this Part—

(a) removing his name from the register or suspending his registration; or

(b) exercising any of its powers under section twenty-nine D, may appeal to the Supreme Court, and on any such appeal the Court, unless it dismisses the appeal, may, by order, quash or vary the decision of the Council, or make such decision in the case as the Council could have done.

“(2) A decision made by the Council in respect of which an appeal is brought under this section has effect subject to any order made by the Court on that appeal, and any such order has the like effect as if it were made by the Council.

“(3) This section applies to a decision of the Council under subsection (1) of section twenty-four as it applies to a decision referred to in subsection (1) of this section.

“29H—(1) Where the name of a person has been removed from the register under this Part the Council may, on the application of that person, restore his name to the register if it considers it proper so to do. Restoration to the register.

“(2) An application for the restoration of a name to the register shall not be made to the Council—

(a) before the expiration of twelve months from the date of removal; or

(b) before the expiration of twelve months from the date on which such an application was previously made.

“(3) Subsection (2) of this section does not apply where the name of the person has been removed from the register under section twenty-eight.

“(4) The Council may require any person applying for the restoration of his name to the register to attend personally before the Council for the purpose of proving facts on which his application depends.

“29J—(1) Where the name of any person is removed from the register any registration granted to him that was in force immediately before his name was so removed ceases to be of effect, but again becomes of effect if and when his name is restored to the register. Effect of removal from register or suspension.

“(2) Where the registration of any person is suspended for a period any registration granted to him that was in force immediately before the date on which the registration was suspended ceases to be of any effect during that period.

“(3) Where, in accordance with this section, a limited registration granted under subsection (3) of section seventeen is deemed to be of no effect during any period, that period shall be disregarded in determining, in relation to that registration, the length of any period

referred to in subsection (4) of that section that had commenced but had not expired at the commencement of the period during which the registration is so deemed to be of no effect.

“(4) Where, in accordance with this section, a registration that has been granted provisionally is deemed to be of no effect during any period that period shall be disregarded for the purpose of determining in relation to that registration the period referred to in subsection (2) of section twenty.

Notification of removal from register, &c., to other authorities.

“29K Where a registered medical practitioner has had—

- (a) his name removed from the register; or
- (b) his registration suspended,

under this Part, the Council may notify the removal or suspension, and the cause thereof, to any authority outside the State by whom he is registered as a medical practitioner and to any university or other body that has granted him a qualification that may be registered under this Act.”.

Unregistered person not to use medical title, &c.

**6** Section thirty of the Principal Act is amended by omitting subsection (7) thereof and is transposed to Part IV of that Act to follow immediately after the heading of that Part.

Notification of action under Mental Health Act 1963 in respect of medical practitioners.  
Recognized qualifications.

**7** Section thirty-seven is amended by omitting from subsection (1) the words “or holding a certificate of provisional registration under section twenty-three”.

**8** The first schedule to the Principal Act is repealed and the schedule set forth in the schedule to this Act is substituted therefor.

Transitory provisions.

**9—(1)** Any qualifications that immediately before the commencement of this Act are recognized special qualifications for the purposes of section twenty-two of the Principal Act shall, on that commencement, be deemed to have been declared special qualifications under section twenty-three of that Act as amended by this Act.

(2) Any qualification that, immediately before the commencement of this Act, could be registered under section twenty-two A of the Principal Act shall, on that commencement be deemed to have been declared a registrable foreign qualification under section twenty-three of that Act as amended by this Act, and the provisions of any proclamation made under paragraph (b) of subsection (2) of section twenty-two A of the Principal Act before that commencement continue to have effect in respect of that qualification.

## THE SCHEDULE.

(Section 8.)

## “ THE FIRST SCHEDULE.

“(Section 14.)

## “ RECOGNIZED QUALIFICATIONS.

“ 1. A degree, licence, or licentiate in medicine or surgery, or both, granted or awarded by a university at any place within the Commonwealth of Australia, the Dominion of New Zealand, the United Kingdom of Great Britain and Northern Ireland, or the Republic of Ireland.

“ 2. A licentiate, or membership or fellowship of any of the following bodies, namely:—

The Royal Australasian College of Physicians;  
The Royal Australasian College of Surgeons;  
The Royal College of Physicians of London;  
The Royal College of Surgeons of England;  
The Society of Apothecaries of London;  
The Royal College of Physicians of Edinburgh;  
The Royal College of Surgeons of Edinburgh;  
The Royal Faculty of Physicians and Surgeons of Glasgow;  
The Royal College of Physicians and Surgeons of Glasgow.  
The Royal College of Physicians of Ireland;  
The Royal College of Surgeons of Ireland;  
The Apothecaries' Hall, Dublin.”.