

MEDICAL PRACTITIONERS REGISTRATION.

No. 2 of 1962.

An Ordinance to amend the *Medical Practitioners Registration Ordinance* 1930-1958.

Short title and
citation.

1.—(1.) This Ordinance may be cited as the *Medical Practitioners Registration Ordinance* 1962.*

(2.) The *Medical Practitioners Registration Ordinance* 1930-1958† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Medical Practitioners Registration Ordinance* 1930-1962.

2. Section three of the Principal Ordinance is repealed and the following section inserted in its stead:—

Parts.

“ 3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-18).

Part III.—Registration and Qualifications (Sections 19-29).

Part IV.—The Conduct of Medical Practice (Sections 30-39B).

Part V.—Legal Procedure (Sections 40-43).

Part VI.—Regulations (Section 44).”

Definitions.

3. Section four of the Principal Ordinance is amended by inserting after the definition of “ Board ” the following definition:—

“ ‘ Medical service ’ means a medical or surgical service, attendance, operation or advice; ”.

Members of
Medical Board.

4. Section six of the Principal Ordinance is amended by omitting from sub-section (1.) the word “ Governor-General ” and inserting in its stead the word “ Minister ”.

* Made on 15th March, 1962; notified in the *Commonwealth Gazette* and commenced on 29th March, 1962.

† Ordinance No. 13, 1930, as amended by No. 7, 1931; No. 23, 1933; No. 27, 1937; No. 2, 1939; No. 4, 1950; No. 9, 1954; No. 5, 1956; and No. 13, 1958.

5. Section nine of the Principal Ordinance is amended by omitting the word "Governor-General" and inserting in its stead the word "Minister".

Removal of member from office.

6.—(1.) Sections twenty-one and twenty-two of the Principal Ordinance are repealed and the following section is inserted in their stead:—

"22.—(1.) A person is entitled to apply to the Board for registration as a medical practitioner under this Ordinance if—

Registration by the Board.

- (a) he was registered as a medical practitioner on the first day of November, One thousand nine hundred and thirty, under the law in force in a State or Territory of the Commonwealth;
- (b) he holds a degree in medicine or surgery of a University in the Commonwealth or in New Zealand which is legally authorized to grant the degree;
- (c) he holds a degree in medicine or surgery of a University in a country other than the Commonwealth, New Zealand or the United Kingdom and has been granted a certificate of registration as a person entitled to practise medicine or surgery in a State or Territory of the Commonwealth by virtue of his having passed in the final three years' examinations in a course of study for a degree in medicine or surgery conducted by a University in the Commonwealth; or
- (d) he is registered, or is entitled to be registered, as a person who may practise medicine or surgery under the Imperial Acts known as the Medical Acts or any Acts amending or substituted for those Acts, by virtue of his having passed through a regular course of study in medicine and surgery of not less than five years' duration in—
 - (i) the United Kingdom;
 - (ii) another country which is a part of the Queen's dominions;
 - (iii) a country the laws of which provide that a person is entitled to practise as a medical practitioner in that country, either on registration or otherwise, without further examination if he is entitled to be registered as a legally

qualified medical practitioner in each State and Territory of the Commonwealth; or

- (iv) another country approved by the Board for the purposes of this paragraph.

“(2.) A person entitled to apply for registration under this Ordinance may lodge an application to the Board setting out his qualifications, training and experience and accompanied by payment of the prescribed fee and by a testimonial, diploma, licence or certificate, testifying to his qualifications, obtained by him from a university, college or other body recognized in the country to which the university, college or body belongs.

“(3.) The Board shall not cause a person who has applied for registration to be registered unless the Board is satisfied that—

- (a) he is entitled to apply for registration as a medical practitioner under sub-section (1.) of this section;
- (b) he is of good fame and character;
- (c) the testimonial, diploma, licence or certificate testifying to his qualifications, was, after examination, duly obtained by him from a university, college or other body recognized in the country to which the university, college or body belongs;
- (d) he has not been removed from the register of a State or Territory of the Commonwealth or of another country for any cause which would disqualify him from being registered under this Ordinance; and
- (e) for a period of not less than twelve months or for periods amounting in the aggregate to not less than twelve months, he has served as a physician, surgeon or other medical officer in a hospital or hospitals, or in an institution or institutions which, in the opinion of the Board, provides or provide satisfactory opportunities for training or experience, or he has otherwise had equivalent training or experience.

“(4.) The Board may, subject to the preceding provisions of this section, cause a person to be registered by entering in the Register his name and such other particulars as are prescribed and shall thereupon issue to him a certificate in accordance with the prescribed form.”

(2.) A certificate relating to the registration of a person in the Register of Medical Practitioners issued under the Principal Ordinance and in force immediately before the commencement of this Ordinance shall be deemed to be a certificate issued under the Principal Ordinance as amended by this Ordinance.

(3.) The regulations in force under the Principal Ordinance immediately before the commencement of this Ordinance prescribing the fee for the issue of a certificate relating to the registration of a person in the Register of Medical Practitioners, and prescribing the form of the certificate and the particulars to be entered in that Register, continue in force for the purposes of the Principal Ordinance as amended by this Ordinance but may be amended or repealed by regulations made under the Principal Ordinance as so amended.

7. After section twenty-eight of the Principal Ordinance the following section is inserted in Part III.:-

“29.—(1.) The Chairman may, upon an application for registration from a person who—

- (a) is the holder of a degree in medicine or surgery of a University in the Commonwealth which is legally authorized to grant the degree; and
- (b) is registered as a person entitled to practise medicine or surgery in a State or Territory of the Commonwealth,

Provisional permit to practise as a registered medical practitioner.

issue to the person a permit to practise medicine or surgery which shall be in force, subject to the next two succeeding subsections, for a period of one month after the date of issue.

“ (2.) The Chairman may, at any time, by notice in writing to the holder, cancel a permit issued under this section.

“ (3.) Where, before the expiration of one month after the date of issue of a permit under this section, the Board notifies the holder of the permit that his application for registration has been granted or refused, as the case may be, the permit thereupon ceases to be in force.

“ (4.) The holder of a permit in force under this section shall be entitled to practise medicine or surgery in the Territory in accordance with this Ordinance as if he were a registered medical practitioner and, for that purpose, he shall be deemed to be a registered medical practitioner for the period during which the permit is in force.”

8. Section thirty-four of the Principal Ordinance is amended by omitting from paragraphs (a) and (c) of subsection (1.) the words “any medical or surgical service, attendance, operation or advice” and inserting in their stead the words “a medical service”.

Only registered medical practitioners to practise medicine.

9. Section thirty-six of the Principal Ordinance is repealed and the following section inserted in its stead:—

Company not to provide a medical service except through a registered medical practitioner, &c.

“36.—(1.) A company shall not provide or offer to provide a medical service except through a registered medical practitioner.

“(2.) A company shall not advertise that it will provide a medical service whether through a registered medical practitioner or otherwise.

Penalty: One hundred pounds.”.

Appointment of approved qualified person as medical officer at Canberra Community Hospital.

10. Section thirty-eight A of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “he has not complied with sub-section (2.)” and inserting in their stead the words “he has not had the training or experience referred to in paragraph (e) of sub-section (3.)”; and

(b) by omitting from sub-section (4.) the words “required by sub-section (2.)” and inserting in their stead the words “referred to in paragraph (e) of sub-section (3.)”.

Application of Part IV.

11. Section thirty-nine of the Principal Ordinance is amended by omitting from paragraph (a) the words “any medical or surgical service, attendance, operation or advice” and inserting in their stead the words “a medical service”.

12. Section thirty-nine A of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

Recovery of fees for medical services by registered medical practitioners.

“39A.—(1.) Only a registered medical practitioner is entitled to sue or counterclaim for, set off or recover fees or remuneration for a medical service.

“(2.) A registered medical practitioner who has given a medical service (not being a medical service constituting medical treatment for the purpose of the *Workmen's Compensation Ordinance* 1951-1961) for a person, or a dependant of a person, is not entitled to commence an action or suit for the recovery of fees or remuneration for the medical service given unless—

(a) he has served or caused to be served on that person by delivery to that person personally or by post addressed to that person at his last-known place of residence, an account for the fees or remuneration setting out the amount claimed, a brief statement of the nature of the medical service given, the date or dates on which it was given and the person for whom it was given; and

- (b) a period of one month has elapsed since that service of the account and the account is unpaid at the end of that period.

“(3.) The last preceding sub-section does not affect proceedings commenced by a registered medical practitioner under the Arrest on Mesne Process Act, 1902, of the State of New South Wales in its application to the Territory in respect of a claim for fees or remuneration for a medical service given to a person or to a dependant of a person notwithstanding that an account for the fees or remuneration has not been served on that person in accordance with that sub-section or, if such an account has been so served, notwithstanding that a period of one month has not elapsed since the service of the account.

“39B.—(1.) A person liable to pay fees or remuneration to a registered medical practitioner for a medical service (not being a medical service constituting medical treatment for the purpose of the *Workmen's Compensation Ordinance* 1951-1961) may, within one month after service upon him of an account for the fees or remuneration in accordance with the last preceding section, apply to the Board to review the account.

Review of
accounts for
fees for
medical services.

“(2.) The Board shall, upon such an application, review the account and certify, under the hand of the Chairman or Deputy Chairman of the Board, the amount which, in the Board's opinion, is a reasonable amount of fees or remuneration for the medical service.

“(3.) The Board may require such evidence to be furnished as it thinks necessary or desirable for the purpose of a review under this section and may fix a time within which evidence shall be furnished.

“(4.) If a person does not furnish, within the time fixed, the evidence required by the Board under the last preceding sub-section, the Board may proceed to review an account for fees or remuneration for a medical service without the evidence.

“(5.) In the review of an account for fees or remuneration for a medical service, the Board shall have regard, in particular, to—

- (a) the time occupied in giving, and the nature of, the medical service;
- (b) the distance between the consulting room or residence of the registered medical practitioner and the place at which he gave the medical service;
- (c) the hours of the day or night at which he gave the medical service;
- (d) the degree of skill, knowledge or experience required in the giving of the medical service;

- (e) whether the registered medical practitioner gave the medical service in the capacity of specialist, consultant or general practitioner; and
- (f) any special circumstances submitted by the registered medical practitioner.

“(6.) A certificate of the Board under sub-section (2.) of this section is admissible as evidence in proceedings for the recovery of the fees or remuneration to which the account referred to in the certificate relates.

“(7.) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a certificate under sub-section (2.) of this section and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman of the Board, as the case may be.”.