

# MEDICAL PRACTITIONERS REGISTRATION ORDINANCE 1976

993

No. 67 of 1976

## An Ordinance to amend the *Medical Practitioners Registration Ordinance*

[Assented to 22 December 1976]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Medical Practitioners Registration Ordinance 1976*. Short title

2. The *Medical Practitioners Registration Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement

4 Section 5 of the Principal Ordinance is amended—

(a) by inserting before the definition of "Board", the following definitions: Definitions

“ ‘Assessor’ means an Assessor appointed under section 31;”;

(b) by omitting the definition of "Register";

(c) by omitting the definition of "Registered medical practitioner" and substituting the following definition:

“ ‘Registered medical practitioner’ means a person registered and entitled to practise medicine in the Northern Territory, whether provisionally, subject to conditions or without restriction, under this Ordinance;” and

(d) by omitting the definitions of "The Chief Medical Officer", "The Director-General" and "The Minister" and substituting the following definitions:

“ ‘The Director of Health’ means the person for the time being holding, occupying or performing the duties of the office of Director of Health for the Northern Territory under the *Public Service Act 1922*;

‘The Judge’ means the Judge nominated in accordance with section 31 to constitute, with the Assessors, the Tribunal;

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\* The date fixed was 1 January 1977 (see *Northern Territory Government Gazette* No. 53 of 24 December 1976, page 1573).

'The Registrar' means the Registrar of the Board appointed under this Ordinance;

'The Senior Judge' means the Senior Judge for the time being of the Supreme Court;

'The Supreme Court' means the Supreme Court of the Northern Territory of Australia;

'The Tribunal' means the Medical Practitioners Disciplinary Tribunal established under section 31."

Establishment  
of Medical  
Board

**5.** Section 6(1) of the Principal Ordinance is amended—

- (a) by inserting after "Board, which" the words ", subject to the directions of the Executive Member,"; and
- (b) by omitting from sub-section (3), "Judges" and substituting "judges".

Members of  
Medical Board

**6.(1)** Section 7 of the Principal Ordinance is amended—

- (a) by omitting from sub-sections (1) and (3) "Chief Medical Officer" and substituting "Director of Health";
- (b) by omitting from sub-section (1) "Minister" and substituting "Executive Member";
- (c) by inserting in sub-section (2) after "medical practitioner" the words "without restrictions as to practice"; and
- (d) by omitting sub-section (4).

(2) Notwithstanding the amendments made by sub-section (1), the persons holding office immediately before the commencement of this Ordinance as members of the Board shall be deemed to have been appointed as members of the Board under this Ordinance on the date on which they were appointed as though the amendments were in force on that date.

**7.** After section 7 of the Principal Ordinance the following section is inserted:

Registrar

"7A.(1) The Executive Member may appoint a person to be Registrar of the Board.

"(2) The Registrar has such powers and functions as are conferred on him by or under this Ordinance.

"(3) In the exercise of his powers and functions the Registrar is subject to the control of the Board.

"(4) The Board may authorize the Registrar, either generally or in a particular case or class of cases, to sign on behalf of the Board a certificate which a person is entitled to receive from the Board."

**8. Section 8 of the Principal Ordinance is amended—**

Meetings of  
the Board

- (a) by omitting from sub-section (1) "Chairman" and substituting "Registrar"; and
- (b) by omitting from sub-section (2) "Director-General" and substituting "Executive Member".

**9. After section 9 of the Principal Ordinance, the following section is inserted:**

"9A. Members and Assessors shall be paid such fees, allowances and expenses, if any, as are prescribed."

Remuneration

**10. Section 10 of the Principal Ordinance is amended by omitting "Minister" (wherever occurring) and substituting "Executive Member".**

Removal of  
member from  
office

**11. Section 11 of the Principal Ordinance is amended by adding at the end the following sub-sections:**

Office of mem-  
ber, how  
vacated, &c.

"(3) The exercise of a power or the performance of a function by the Board is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Board.

"(4) The appointment of a person as a member is not invalidated and shall not be called in question by reason of a defect or irregularity in or in connexion with his appointment."

**12. Section 12 of the Principal Ordinance is amended—**

Power to send  
for witnesses  
and documents

- (a) by omitting sub-section (1) and substituting the following:

"(1) For the purposes of this Ordinance—

- (a) the Board may in writing under the hand of the Chairman; or
- (b) the Tribunal may in writing under the hand of the Judge,

summons a person to attend before it to give evidence and to produce such books, documents or writings in his custody or control as he is required by the summons to do."; and

- (b) by omitting from sub-section (2)—

- (i) "Board" (first occurring) and substituting "Board or the Tribunal, as the case may be,"; and
- (ii) "Board" (second and last occurring) and substituting "it".

**13. Section 15 of the Principal Ordinance is amended—**

Penalty for  
failing to  
attend or  
produce  
documents

- (a) by inserting after "Board" (first occurring) the words "or the Tribunal"; and
- (b) by inserting after "Board" (second occurring) the words "or the Tribunal, as the case may be".

14. Section 16 of the Principal Ordinance is repealed and the following section substituted:

Penalty for refusing to be sworn or to give evidence

“16.(1) A person appearing as a witness before the Board or the Tribunal shall not refuse to be sworn or to answer any question relevant to the proceedings before the Board or the Tribunal, as the case may be, put to him by any of the Members, by the Judge, by an Assessor or by a party or by counsel appearing for a party before the Board or Tribunal.

Penalty: 100 dollars.

“(2) A person appearing before the Board or the Tribunal to give evidence or produce documents is not excused from answering a question, or producing a document, on the ground that the answer to the question, or the document, may tend to incriminate him.

“(3) Evidence given by a person before the Board or Tribunal is not admissible against him in any criminal proceedings other than proceedings for offences against this Ordinance.”.

Giving false testimony

15. Section 17 of the Principal Ordinance is amended—

- (a) by inserting after “Board” the words “or the Tribunal”; and
- (b) by omitting “inquiry” and substituting “issue before the Board or the Tribunal, as the case may be”.

16. Section 18 of the Principal Ordinance is repealed and the following section substituted;

Protection of members of Board and Tribunal, and of counsel and witnesses

“18.(1) A member of the Board or the Judge or an Assessor has, in the performance of his duty, the same protection and immunity as a Judge of the Supreme Court.

“(2) A barrister, solicitor or other person appearing before the Board or the Tribunal on behalf of a person has the same protection and immunity as a barrister has in appearing for a party in proceedings before the Supreme Court.

“(3) Subject to this Ordinance, a person summoned to attend or appear before the Board or the Tribunal as a witness has the same protection, and is, in addition to the penalties provided by this Ordinance, subject to the same liabilities, in any civil or criminal proceedings as a witness in proceedings in the Supreme Court.”.

“(4) A person appearing before the Board or Tribunal in any capacity or present during the hearing of a matter before the Board or Tribunal is subject to the same liabilities as a person appearing before or present during a hearing before the Supreme Court.”.

17. Section 20 of the Principal Ordinance is repealed and the following sections substituted:

“20. The Board shall keep 4 registers which shall be called as follows: Titles of Registers

- (a) Register (Full);
- (b) Register (Provisional Full);
- (c) Register (Conditional); and
- (d) Register (Provisional Conditional).

“20A. A medical practitioner, whose name is entered in the Register (Full), is entitled to practise medicine in the Northern Territory without restriction. Full Registration

“20B. A medical practitioner whose name is entered in the Register (Provisional Full) is entitled to practise medicine in the Northern Territory without restriction until— Provisional Full Registration

- (a) the expiry date stated in the Certificate of Registration; or
- (b) such later date as is fixed by the Board which in no case shall be later than 3 months from the granting of the Certificate.

“20C.(1) A medical practitioner whose name is entered in the Register (Conditional) is entitled to practise medicine in the Northern Territory subject to such conditions as to practice as the Board may impose. Conditional Registration

“(2) The period of practice subject to conditions shall not in the first instance exceed 12 months and may not be renewed for a period which exceeds 12 months.

“20D.(1) A medical practitioner whose name is entered in the Register (Provisional Conditional) is entitled to practise medicine in the Northern Territory subject to such conditions as to practice or otherwise as the Chairman may impose, until— Provisional Conditional Registration

- (a) the expiry date stated in the Certificate of Registration; or
- (b) such later date as is fixed by the Board which in no case shall be later than 3 months from the granting of the Certificate.

“(2) The period of provisional conditional registration of a medical practitioner may be taken into consideration, if the Board thinks fit, when specifying the initial period of conditional registration as set out in section 20C(2).”

18. Section 21 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “Register” and substituting “relevant register”; and
  - (b) by omitting from sub-section (2) “the Register” and substituting “a register”.
- Mode of Registration

19. Sections 22, 23 and 23A of the Principal Ordinance are repealed and the following sections substituted:

Conditional  
Registration  
and prescribed  
graduates

“22.(1) A person, not being a person to whom section 23B applies, who holds the degrees of Bachelor of Medicine and Bachelor of Surgery or equivalent degrees of a university or college of the Commonwealth or in a prescribed country, being a university or college that is authorized to grant degrees, may apply for his name to be entered in the Register (Conditional).

“(2) Where the Board is satisfied—

- (a) concerning a person’s qualifications;
- (b) that the person’s name has not been removed from the register of medical practitioners or of persons entitled to practise medicine or surgery in a State or Territory or in another country for any cause that would disqualify him from being registered under this Ordinance;
- (c) that the person is of good character; and
- (d) that the person is not suffering from any mental or physical disability that would prevent him from practising medicine or surgery efficiently,

it shall enter that person’s name in the Register (Conditional).

Conditional  
Registration—  
other graduates

“23.(1) A person, who holds a degree, diploma, licence, letters, certificate, testimonials or other title or document granted in a place outside the Commonwealth, not being a prescribed country—

- (a) that entitles him to practise medicine and surgery in that place; or
- (b) whereby the holder is recognized by the law of that place as having attained a sufficiently high standard of training and skill in medicine and surgery to be permitted to practise medicine and surgery in that place,

may apply for his name to be entered in the Register (Conditional).

“(2) The Board may require a person applying under sub-section (1) to satisfy it—

- (a) that he has taken up or intends to take up residence in the Territory; and
- (b) by examination, that he has attained a sufficiently high standard of skill in medicine and surgery to be permitted to practise medicine and surgery.

“(3) Where the Board is satisfied—

- (a) concerning a person’s residential and professional qualifications;
- (b) concerning a person’s standard of skill in medicine and surgery;

- (c) that the person's name has not been removed from the register of medical practitioners or of persons entitled to practise medicine and surgery in a State or Territory or in another country for any cause that would disqualify him from being registered under this Ordinance;
- (d) that the person is of good character; and
- (e) that the person is not suffering from any mental or physical disability that would prevent him from practising medicine and surgery efficiently,

it shall enter that person's name in the Register (Conditional).

"23A. Where—

- (a) a medical practitioner's name is entered in the Register (Conditional) under section 22;
- (b) the medical practitioner has for a period of not less than 12 months served as a medical officer in a hospital or hospitals, which, in the opinion of the Board, provide satisfactory opportunities for training and experience in the practice of medicine and surgery; and
- (c) the medical practitioner has obtained a certificate from the Medical Superintendent or other supervisor or each hospital in which that medical practitioner has served stating that that medical practitioner has performed his duties satisfactorily,

Registration (Full) Commonwealth and prescribed graduates—currently conditionally registered

he may apply for his name to be entered in the Register (Full) and the Board shall enter his name in the Register (Full).

"23B.(1) A person who—

- (a) holds the degrees of Bachelor of Medicine and Bachelor of Surgery or equivalent degrees of a university in the Commonwealth or in a prescribed country, being a university that is authorized to grant the degrees; and
- (b) has for a period of not less than 12 months served as a physician, surgeon or other medical officer in a hospital or hospitals,

Registration (Full) Commonwealth and prescribed graduates

may apply to the Board for his name to be entered in the Register (Full).

"(2) Where the Board is satisfied—

- (a) that the person's name has not been removed from the register of medical practitioners or of persons entitled to practise medicine or surgery in a State or Territory or in another country for any cause that would disqualify him from being registered under this Ordinance;
- (b) that the person is of good character;

*Medical Practitioners Registration*

- (c) that the person is not suffering from any mental or physical disability that would prevent him from practising medicine or surgery;
- (d) that the hospital or hospitals in which the person served as a medical officer provide satisfactory opportunities for training and experience in the practice of medicine and surgery; and
- (e) that the person has obtained a certificate from the Medical Superintendent or other supervisor of each hospital in which that medical practitioner has served stating that that medical practitioner has performed his duties satisfactorily,

it shall enter that person's name in the Register (Full).

"(3) The Board may give the entry of a medical practitioner's name in the Register (Full) the same date as that on which the medical practitioner's name was entered in the Register (Provisional Full).

Registration  
(Full) other  
graduates

"23C. A medical practitioner—

- (a) whose name is entered in the Register (Conditional) under section 23;
- (b) who has, for the period required by the Board under section 20c(2), served as a medical officer in a hospital or hospitals which, in the opinion of the Board, provide satisfactory opportunities for training and experience in the practice of medicine and surgery;
- (c) who has obtained a certificate from the Medical Superintendent or other supervisor of the hospital stating that the medical practitioner has observed the conditions laid down by the Board under section 20c(1) and performed his duties satisfactorily; and
- (d) who has at the request of the Board presented himself for an examination specified by the Board and has demonstrated a satisfactory degree of competency in that examination,

may apply for his name to be entered in the Register (Full) and the Board shall enter his name in the Register (Full).

Chairman may  
grant provision-  
al registration

"23D.(1) Where the Chairman is satisfied that, if he were the Board, a person, who has applied for his name to be entered—

- (a) in the Register (Full); or
- (b) in the Register (Conditional),

would be registered, the Chairman may cause that person's name to be entered—

- (c) in the case of paragraph (a)—in the Register (Provisional Full); or



(d) in the case of paragraph (b)—in the Register (Provisional Conditional).

“(2) Where, before the expiry of the date specified in a certificate of registration issued in consequence of a registration under sub-section (1), the Board forms the opinion that the person to whom the certificate relates ought not to have been registered, the Board may cancel that registration, and that person shall thereupon cease to be a registered medical practitioner.

“(3) The fact that a cancellation has been effected pursuant to sub-section (2) shall not prejudice the applicant’s application for registration or his right to make a further application.

“23E.(1) Where a medical practitioner whose name is entered in the Register (Conditional) or the Register (Provisional Conditional) does not observe the conditions imposed, the Board may cancel the registration, and that medical practitioner shall thereupon cease to be a registered medical practitioner.

Non-observance of conditions

“(2) Where the Board, pursuant to sub-section (1), cancels a registration, the Registrar shall forthwith give notice of that fact to the medical practitioner concerned.

“(3) The medical practitioner concerned may, within 14 days of receiving a notice under sub-section (2), appeal to the Tribunal.

“(4) On an appeal under this section, the Tribunal—

- (a) may uphold the appeal;
- (b) may confirm the cancellation; or
- (c) may impose a penalty of a kind specified in section 31A(2)(b)(i), (iii), (iv) and (vi).

“(5) An appeal pursuant to sub-section (3) is instituted by the medical practitioner concerned lodging a written notice of appeal with the Registrar setting out the grounds of appeal.

“(6) A notice of appeal shall be in such form as may be prescribed, or, if no form is prescribed, as the Board may determine and shall be signed by the appellant.

“(7) Upon receiving a notice of appeal under sub-section (5), the Registrar shall bring it to the attention of the Board.

“(8) The provisions of this Ordinance apply to an appeal under this section as though the appellant were a medical practitioner against whom a complaint is made.”

**20.** Section 24 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) all words from and including “Such persons may”;

Appeal in case of refusal by the Board to register any person

- (b) by inserting after sub-section (1) the following new sub-section:

“(1A) Upon the Board stating its reasons as required by sub-section (1), the person whose registration is refused may, within 14 days of the stating of the reason, appeal to the Tribunal.”; and

- (c) by adding at the end the following new sub-section:

“(3) The provisions of section 23E(4), (5), (6), (7) and (8) apply to an appeal instituted under this section.”.

Copy of register  
to be published

**21. Section 25 of the Principal Ordinance is amended—**

- (a) by inserting after “Register” (wherever occurring) the word “(Full)”;

- (b) by adding at the end the following new sub-sections:

“(3) The Board shall 4 times in each year at intervals no longer than 3 months apart publish in the *Gazette* the names of medical practitioners entered in the Register (Conditional).

“(4) Members of the public may, during normal business hours, inspect, free of charge, any register kept by the Board under this Ordinance.”.

Registers may  
be altered

**22. Section 27 of the Principal Ordinance is amended by omitting “Register” (wherever occurring) and substituting “relevant register”.**

Change of  
address to be  
notified

**23. Section 28 of the Principal Ordinance is amended by omitting “Chairman of the Board” (wherever occurring) and substituting “Registrar”.**

Alteration of  
registers

**24. Section 29 of the Principal Ordinance is amended—**

- (a) by omitting “Board” (wherever occurring) and substituting “Registrar”;

- (b) by omitting “Register” (wherever occurring) and substituting “relevant register”; and

- (c) by omitting from sub-section (1) “it thinks fit” and substituting “are necessary”.

**25. The Principal Ordinance is amended by inserting after section 29 in Part III the following new section:**

Registration  
and practising  
certificates

“29A.(1) Upon the registration of a medical practitioner under this Ordinance in the Register (Full), the Registrar shall, upon payment of such fees as are prescribed, issue to him a registration certificate in such form as the Board may determine.

“(2) Notwithstanding registration under this Ordinance, a medical practitioner whose name is entered or deemed entered in the Register (Full) shall not, after the expiry of a period of 3 months after the date of commencement of this section, practise as a medical practitioner unless he holds a current practising certificate issued under this Ordinance.

“(3) A practising certificate takes effect on the date on which the certificate is expressed to take effect.

“(4) A practising certificate expires on 31 December next following the date on which it takes effect.

“(5) A medical practitioner to whom a practising certificate has been issued shall, before 31 March in each year succeeding the issue of the certificate, apply for renewal of his practising certificate and shall pay to the Registrar the prescribed fee.

“(6) The Registrar shall, before 31 December in each year, give notice in writing to each registered medical practitioner to whom this section applies of the obligation to renew his practising certificate.

“(7) A registered medical practitioner to whom this section applies—

- (a) who fails to comply with sub-section (2); or
- (b) who fails to comply with sub-section (5),

shall be deemed no longer to require registration under this Ordinance and the Registrar shall remove his name from the Register (Full).

“(8) Notwithstanding the provisions of sub-section (7), a medical practitioner whose name has, under that sub-section, been removed from the register may, at any time before 31 December next following his failure to comply with sub-section (2) or (3), apply in writing to the Board to have his name restored to the register, and the Board, upon receipt from the applicant of the prescribed fee for issue of a practising certificate, may grant that request and issue to the applicant a practising certificate.

“(9) An application for a practising certificate shall be in such form as the Board may determine.

“(10) Where the name of a person is removed from the Register (Full), a practising certificate held by that person is by force of this section, cancelled.

“(11) Where the right of a medical practitioner to practise in the Territory is suspended, a practising certificate held by him is by force of this section, cancelled.

“(12) Where an application for the issue of a practising certificate is made after 30 June in any year and before the next succeeding 31 December the fee payable for the issue of a practising certificate is an

amount that bears to the prescribed fee the same proportion as the number of months in the period between the date of the application and the next succeeding 31 December bears to 12.

“(13) Where a registered medical practitioner has been suspended or his name has been removed from the Register (Full), that registered medical practitioner shall deliver his practising certificate to the Registrar.

Penalty: 200 dollars.

“(14) Where, before the expiry of his practising certificate, the suspension of a registered medical practitioner has been revoked or his name has been restored to the register after having been removed, the Registrar shall forthwith cause the certificate to be returned to him.”.

**26.** Sections 30 and 31 of the Principal Ordinance are repealed and the following sections substituted:

Grounds of  
complaint  
against medical  
practitioner

“30.(1) A person may make a complaint to the Registrar against a registered medical practitioner on the ground that the registered medical practitioner—

- (a) has obtained registration by fraud or misrepresentation;
- (b) does not possess the qualification by reason of which he obtained registration;
- (c) has been convicted of an offence which renders him unfit to practise as a medical practitioner;
- (d) has been certified insane;
- (e) is suffering from a mental or physical disability which prevents him from practising medicine or surgery efficiently;
- (f) by addiction to intoxicating liquor or drugs, has rendered himself unfit to practise as a medical practitioner; or
- (g) has been guilty of unprofessional conduct.

“(2) For the purposes of sub-section (1)(g) “unprofessional conduct” includes—

- (a) the practice of advertising with a view to procuring patients or increasing a practice, or of sanctioning or being associated with or employed by those who sanction such an advertisement;
- (b) the practice of canvassing or employing an agent or canvasser for the purpose of procuring patients or increasing a practice, or of sanctioning or of being associated with or being employed by one who sanctions such an employment; or
- (c) any conduct which may be considered to be unprofessional according to the standards of good medical practice and professional behaviour and the ethics of the medical profession.

“31.(1) There is established by this Ordinance a Tribunal to be known as the Medical Practitioners’ Disciplinary Tribunal.

Medical  
Practitioners’  
Disciplinary  
Tribunal

“(2) The Tribunal shall consist of—

- (a) a Judge of the Supreme Court nominated from time to time by the Senior Judge; and
- (b) 2 Assessors.

“(3) Each Assessor—

- (a) shall be a registered medical practitioner of not less than 10 years experience; and
- (b) shall be nominated from time to time by the Senior Judge after receiving a request from, and the recommendation of, the Board pursuant to section 31B(5).

“(4) Where the Board is unable to recommend to the Senior Judge the name of a person to be an Assessor—

- (a) because there are insufficient registered medical practitioners in the Territory who possess the qualifications required by subsection (3)(a); or
- (b) because, in the opinion of the Board, the medical practitioners available to be recommended as either one of the Assessors are, by virtue of their personal knowledge of the person against whom the complaint has been made, unlikely to appear impartial,

the Board may recommend a medical practitioner of not less than 10 years experience who—

- (c) practises or resides outside the Territory; and
- (d) is willing to act as an Assessor.

“31A.(1) The Tribunal has the power and authority to hear and determine or, as the case may be, investigate—

Power of  
Tribunal

- (a) complaints made against a registered medical practitioner under this Ordinance;
- (b) appeals made pursuant to sections 23E(3) and 24; or
- (c) any other matters which, under this Ordinance, may be referred to it by the Board.

“(2) After hearing a complaint, the Tribunal—

- (a) may dismiss the complaint and, if the name of the medical practitioner has been removed from a register kept under this Ordinance, may direct that the Registrar restore that name to that register; or
- (b) may—
  - (i) issue a reprimand;

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- (ii) suspend the medical practitioner for a specified period;
- (iii) impose a fine of not more than 1,000 dollars;
- (iv) require a written undertaking by the medical practitioner as to his future conduct;
- (v) direct the Registrar to remove the name of the medical practitioner from the relevant register; or
- (vi) impose more than one of the penalties referred to in sub-paragraphs (ii), (iii) and (iv).

“(3) The Registrar shall comply with a direction given to him under this section.

“(4) Where the Tribunal imposes a fine on a medical practitioner or requires a medical practitioner to give an undertaking in accordance with sub-section (2) (b) (iv) and that medical practitioner fails, within 7 days of the date of the decision of the Tribunal or within such further time as the Tribunal allows, to pay the fine or give the undertaking, the Board—

- (a) may remove the name of the medical practitioner from the relevant register; and
- (b) in the case of a fine—may take proceedings to recover that fine in a court of competent jurisdiction as a debt due by the medical practitioner to the Board.

“(5) Where the name of a medical practitioner has been removed pursuant to sub-section (4) from a register, the Board may, upon the medical practitioner paying the fine or giving the undertaking, restore the name of that medical practitioner to the register from which it was removed.”.

Procedure  
following com-  
plaint

“31B.(1) The Registrar may require—

- (a) that a complaint lodged pursuant to section 30 be in writing verified by statutory declaration; and
- (b) that pending consideration of the complaint by the Board the complainant deposit with the Registrar the sum of 10 dollars as a surety for the *bona fide* of his complaint.

“(2) Upon receipt by the Registrar of a complaint made under section 30, the Registrar shall forthwith bring it to the attention of the Board.

“(3) The Board shall, within one month of the date of receipt of the complaint, consider it and determine whether there are reasonable grounds for believing that the allegations made against the registered medical practitioner are such that the complaint should be investigated by the Tribunal.

“(4) Where the Board determines that there are no reasonable grounds for investigating a complaint, it may order—

- (a) that the complaint be dismissed; and
- (b) that the amount deposited with the Registrar as surety be forfeited to the Board.

“(5) Where the Board determines that there are reasonable grounds for investigating a complaint, the Board—

- (a) shall forward to the Senior Judge a list consisting of the names of at least 3 registered medical practitioners whom the Board recommends as qualified to be Assessors; and
- (b) shall request the Senior Judge to nominate a Judge and Assessors to constitute the Tribunal to hear and determine the complaint.

“(6) It shall be sufficient compliance with sub-section (5)(a) if the Board, being unable to recommend more than 2 registered medical practitioners as Assessors, explains that inability to the satisfaction of the Senior Judge and furnishes him with the names of the 2 medical practitioners whom it recommends.

“(7) The Senior Judge shall notify the Board in writing of the names of the Judge and Assessors who are to constitute the Tribunal.

“(8) Upon receipt of a notification under sub-section (7), the Board shall forthwith send a copy of that notification by post to the registered medical practitioner against whom the complaint is made.

“(9) Pending the hearing of a complaint by the Tribunal, the Board may direct the Registrar to remove the name of the registered medical practitioner against whom a complaint is made from the relevant register.

31c.(1) The Judge may, whether at the hearing of a matter before the Tribunal or before it is heard—

Procedure  
before Tribunal

- (a) give such directions; or
- (b) make such rules,

as to the hearing of the matter and the giving and recording of evidence as he thinks fit.

“(2) It is the duty of the Assessors to advise the Judge—

- (a) on matters relating to the standards of good medical practice and professional behaviour and the ethics of the medical profession; and
- (b) as to what, in their opinion, is the proper determination of any question of fact that may arise in respect of a matter before the Tribunal.

“(3) At a hearing of the Tribunal—

- (a) the complainant;
- (b) the registered medical practitioner against whom the complaint is made; and
- (c) the Board,

are each entitled to be heard and may be represented by counsel.

“(4) At a hearing before the Tribunal—

- (a) the Judge, subject to this Ordinance, has all the powers, jurisdiction and authority of a judge of the Supreme Court except the power to award costs; and
- (b) the Assessors may put questions to witnesses and may discuss questions of fact with counsel appearing for a party.

“(5) In a matter heard before the Tribunal, all questions of law and fact shall be determined by the Judge but, in determining a question of fact, the Judge shall give such effect as he thinks fit to the advice and opinion of the Assessors or either one of them.

“(6) A sitting of the Tribunal shall be held at such time and place as the Judge shall appoint, and the Judge may adjourn a sitting from time to time and from place to place.

“(7) The Board shall give the parties concerned in the hearing before the Tribunal not less than 14 days notice of the time and place fixed for the hearing.

“(8) A hearing before the Tribunal shall take place in *camera*.

Appeal from  
Tribunal

“31D.(1) A person aggrieved by a decision of the Tribunal—

- (a) on a question of law or mixed fact and law, may appeal to the Supreme Court; or
- (b) on a question of fact, may, with the leave of the Tribunal, appeal to the Supreme Court.

“(2) The Supreme Court shall hear and determine an appeal made under this section.

“(3) In determining such an appeal, the Supreme Court—

- (a) may dismiss the appeal.
- (b) may reverse or vary the decision of the Tribunal in such manner as the Court sees fit; or
- (c) may remit the matter to the Tribunal for rehearing subject to such terms as the Court sees fit.

“(4) In the exercise of its power under sub-section (3), the Supreme Court may make such orders as the Tribunal could have made in determining the matter.



“(5) The Supreme Court may, in an appeal under this section, make such orders as to costs as it thinks fit.

“(6) In this section a reference to the Supreme Court shall be read as a reference to the Supreme Court comprising 3 judges sitting together.

“(7) The Senior Judge may make rules prescribing the practice and procedure applicable to appeals under this section and, pending the making of rules, a judge of the Supreme Court may give such directions as to the practice and procedure applicable to the hearing of an appeal as he thinks fit.

“31E.(1) Subject to this Ordinance, the Board may refer to the Tribunal for investigation and determination any question as to the conduct or qualifications of a medical practitioner which, in the opinion of the Board, requires investigation in the public interest.

Power of Board to refer matter to Tribunal

“(2) The provisions of this Ordinance apply to an investigation under sub-section (1) as though the person whose conduct is, or whose qualifications are, being investigated were a person against whom a complaint is made.

“31F. The Registrar shall be the custodian of the records of the Tribunal.”

Registrar custodian of records

**27.** Section 32(1) of the Principal Ordinance is amended—

(a) by omitting “Register” and substituting “a register kept under this Ordinance”; and

(b) by omitting “Board” and substituting “Registrar”.

Surrender of certificate on removal of name from a register

**28** Section 34 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

No person other than a registered medical practitioner to practice medicine

“(1A) Nothing contained in sub-section (1) absolves a registered medical practitioner from complying with section 29A.”

**29** Sections 42A, 42B and 42C of the Principal Ordinance are repealed and the following sections substituted.

“42A. A notice or document which is required to be posted, given or sent under this Ordinance to a person shall be deemed posted, given or sent if it is sent by prepaid certified post addressed to the last known address of that person.

Notices

“42B.(1) The Board, under the hand of the Chairman may, at the request of a medical practitioner whose name is registered in the Register (Full) and upon payment of the prescribed fee, issue to the medical board or other body or authority in a State or Territory responsible for the registration of medical practitioners a Certificate of Good Standing in the prescribed form.

Certificate of Good Standing

“(2) A certificate under sub-section (1) is evidence—

- (a) that the medical practitioner named in the certificate has the qualifications set out in the certificate;
- (b) that the medical practitioner is registered in the Register (Full) in the Territory; and
- (c) that no disciplinary proceedings under this Ordinance are pending or contemplated against the registered medical practitioner, at the date of the certificate.”.

Regulations

**30.** Section 43 of the Principal Ordinance is amended by omitting from paragraph (c) “Register” and substituting “registers required to be kept under this Ordinance”.

Savings

**31.**(1) Notwithstanding anything contained in this Ordinance, where a person is, immediately before the commencement of this Ordinance, a registered medical practitioner, his name shall be deemed to be entered, and shall in fact be entered, in the Register (Full).

(2) Notwithstanding anything contained in this Ordinance and notwithstanding the repeal of section 23A of the Principal Ordinance, where a person is immediately before the commencement of this Ordinance a medical practitioner who is the holder of a certificate of provisional registration issued under that section, the provisions of that section shall continue to apply to that person until the expiry of the time fixed in accordance with that section whereupon that person shall be deemed to have applied for registration under this Ordinance and the provisions of this Ordinance shall apply to that application.

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