



ANNO DECIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1966

No. 60 of 1966

An Act to amend the Medical Practitioners Act, 1919-1955.

[Assented to 10th November, 1966.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Medical Practitioners Act Amendment Act, 1966". Short titles.
- (2) The Medical Practitioners Act, 1919-1955, as amended by this Act, may be cited as the "Medical Practitioners Act, 1919-1966".
- (3) The Medical Practitioners Act, 1919-1955, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 2 of the principal Act is amended by inserting after "PART III.—Registration and Qualifications therefor:" the passage "PART IIIa.—Registration of Specialists:". Amendment of principal Act, s. 2—
Arrangement of Act.
4. Section 3 of the principal Act is amended by inserting before the definition of "board" therein the following definition :— Amendment of principal Act, s. 3—
Interpretation.

"approved institution" means any hospital or institution in this State or elsewhere approved by the board for the purposes of this Act : .

Amendment of
principal Act,
s. 5—
Constitution
of the medical
board.

5. Section 5 of the principal Act is amended—

(a) by striking out in subsection (2) thereof the passage “One shall be nominated by the persons registered under this Act and for the time being resident in the State :” and inserting in lieu thereof the passage “One shall be nominated by the Australian Medical Association (South Australian Branch) :” ;

(b) by striking out in subsection (3) thereof the passage “if by persons registered under this Act, he shall be nominated by the persons so registered,” and inserting in lieu thereof the passage “if by the Australian Medical Association (South Australian Branch) he shall be nominated by that Association”;

and

(c) by striking out subsection (4) thereof.

Amendment of
principal Act,
s. 8—
Tenure of
office.

6. Subsection (1) of section 8 of the principal Act is amended by striking out the word “two” therein and inserting in lieu thereof the word “four”.

Amendment of
principal Act,
s. 9—
Casual
vacancies.

7. Section 9 of the principal Act is amended by striking out the words “twenty shillings” in paragraph (a) thereof and inserting in lieu thereof the words “two dollars”.

Amendment of
principal Act,
s. 10—
Appointment
without
nomination on
failure to
nominate.

8. Subsection (1) of section 10 of the principal Act is amended by striking out therefrom the passage “In the case of the persons registered under this Act, the request to nominate shall be duly made by being published in the *Government Gazette*”.

Amendment of
principal Act,
s. 18—
Practitioners
already
registered
to be
under this
Act.

9. Section 18 of the principal Act is amended by inserting the following subsection therein (the preceding portion of the section being re-designated as subsection (1) thereof) :—

(2) All persons who immediately before the passing of the Medical Practitioners Act Amendment Act, 1966, were registered under this Act, or were deemed to be registered under this Act, shall, subject to section 26 of this Act, continue to be so registered as from the passing of the said Medical Practitioners Act Amendment Act, 1966.

Amendment of
principal Act,
s. 19—
Qualifications
for future
registration.

10. Section 19 of the principal Act is amended—

(a) by inserting after the word “shall” in subsection (1) thereof the passage “as from the passing of the Medical Practitioners Act Amendment Act, 1966, upon application and upon payment of the prescribed registration and annual practice fee”;

(b) by inserting after paragraph (d) of subsection (1) thereof the following paragraph :—

and who further proves to the satisfaction of the board that—

- (e) except where he is exempted from the provisions of this subparagraph he has, after obtaining the degree or diploma by virtue of which he applies for registration, served for a period of twelve months or for periods amounting in the aggregate to twelve months in the position of resident medical officer in one or more approved institutions and produces evidence to the board that such service was performed and completed to the satisfaction of the competent authority or authorities controlling such approved institution or institutions. ;

and

- (c) by inserting after subsection (1) thereof the following new subsection :—

(1a)—

- (a) The board may by writing under the hand of the Registrar exempt from compliance with the provisions of paragraph (e) of subsection (1) of this section any person who has complied with the other requirements of that subsection who satisfies the board that he has for such period, in excess of twelve months, as the board may determine, had experience in medicine or surgery which is considered by the board to be equivalent to the period of service as resident medical officer referred to in paragraph (e) of subsection (1) of this section ;
- (b) A person so exempted is entitled to be registered without complying with the requirements of paragraph (e) of subsection (1) of this section upon satisfying the board as to the matters mentioned in paragraph (a) of this subsection ;
- (c) A person not so exempted who fails to comply with the requirements of paragraph (e) of subsection (1) of this

section shall not, subject to the provisions of section 24a of this Act, be entitled to be registered under this Act.

Enactment of s. 19a of principal Act—

11. The following section is enacted and inserted in the principal Act after section 19 thereof :—

Provision for registration of medical practitioner qualified in certain other countries.

19a. (1) Notwithstanding anything to the contrary in this Part, the board may in its discretion, upon payment of the prescribed registration fee and annual practice fee, register any person under this Act, if that person satisfies the board by such evidence as the board requires—

- (a) that he possesses a degree, diploma or qualification granted in any country which does not grant to persons registered under this Act rights and advantages equal to those granted in such countries to the holders of such degree, diploma or qualification and such degree, diploma or qualification is recognized by the board as not being lower in standard than that required in South Australia ;
 - (b) that he possesses medical or surgical knowledge, experience and skill which in the opinion of the board are of international standing or are such as to have special value to the people of South Australia ;
 - (c) that he has an adequate command and understanding of the English language ;
- and
- (d) that he is of good character.

(2) The provisions of the Second Schedule to this Act (which Schedule relates to the registration of certain foreign practitioners) shall be deemed and taken to have the same force and effect as if contained in this Part.

Amendment of principal Act, s. 20—
Application for registration and proceedings thereon.

12. Section 20 of the principal Act is amended by striking out subsection (5) thereof and inserting in lieu thereof the following new subsection :—

- (5) If the board is satisfied that an applicant for registration—
- (a) is not entitled to be registered ; or
 - (b) is not of good fame and character ; or
 - (c) has had his name removed from a register of medical practitioners in the United Kingdom, another

State, a Territory of the Commonwealth or another country where degrees, diplomas, fellowships, memberships or licences in medicine or surgery are a qualification for registration under this Act,

the board may, if it thinks fit, refuse the application or adjourn the same for further consideration.

(6) The Minister may arrange that the services of any officers and employees in the departments under his direction and control, or with the consent of the Minister concerned in any other Government department, shall be available to the board in the carrying out of its powers and duties under this Act.

13. Section 22 of the principal Act is amended—

(a) by striking out the words "one guinea" in subsection (1) thereof and inserting in lieu thereof the passage "such registration fee together with such annual practice fee as may be prescribed";

(b) by striking out the second proviso in subsection (1) thereof;

(c) by striking out subsection (2) thereof and inserting in lieu thereof the following subsections:—

(2) Subject to this section, a person who is registered under this Act, shall on or before the thirtieth day of September in each year pay to the board such annual practice fee as may be prescribed by the board for the year commencing on the first day of January next following.

(2a) If a person registered under this Act does not pay such annual practice fee as the board has prescribed on or before the thirtieth day of September in any year, the board shall forthwith notify him by letter addressed to his last known address that if the fee is not paid before the thirtieth day of November next following his name will be removed from the register.

(2b) If a person registered under this Act does not comply with the notification under subsection (2a) of this section the board shall forthwith remove his name from the register.

(2c) If a person's name is removed from the register under this section or under sections 26 or 27b of this Act the board shall restore it—

Amendment of
principal Act,
s. 22—
Registration
and renewal
fees.

(a) upon application by that person in the prescribed form where his name has been removed in pursuance of the provisions of this section or section 27b of this Act and upon order of the Supreme Court where his name has been restored under section 26 of this Act ;

and

(b) upon payment of such restoration fee as may be prescribed. ;

(d) by striking out subsection (3) thereof ;

(e) by striking out the words "renewal fees" in subsection (4) thereof and inserting in lieu thereof the words "annual practice fee";

and

(f) by inserting after subsection (4) thereof the following subsections :—

(5) Notwithstanding anything in this Act, any person who, before the commencement of the Medical Practitioners Act Amendment Act, 1966, was registered under this Act and has paid a commutation fee of ten dollars and fifty cents in respect of a registration fee and all renewal fees, shall not be required to pay an annual practice fee under this section and the provisions of this section relating to the consequences of non-payment of the annual practice fee shall not apply to such person.

(6) Subject to this Act, nothing in this section shall affect the registration of any person who is registered or deemed to be registered under this Act immediately before the commencement of the Medical Practitioners Amendment Act, 1966, and such person shall continue to be so registered under this Act.

Repeal and re-enactment of s. 24a of principal Act—

Power to issue certificate of limited registration in certain cases.

14. Section 24a of the principal Act is repealed and re-enacted as follows :—

24a. (1) Notwithstanding anything contained in this Act where the board is satisfied that a person—

(a) has passed the examination and fulfilled the conditions prescribed by the University of Adelaide for admission to the degrees of

Bachelor of Medicine and Bachelor of Surgery but has not been admitted to those degrees ; or

(b) is entitled by virtue of any degree or diploma granted either in South Australia or any other country to be registered under this Act but such person has not complied with the provisions of paragraph (e) of subsection (1) of section 19 of this Act ; or

(c) holds a degree in medicine or surgery of a university, medical or surgical school in a country other than South Australia or who is qualified by law to practise medicine or surgery in countries other than South Australia and such person—

(i) is in South Australia or proposes to come to South Australia in some capacity connected with teaching, research or post graduate study in medicine or surgery, as the case may be ;

and

(ii) has applied in writing through the governing body of a teaching or research institution to the board and has been recommended by that governing body or institution to pursue such course of teaching, research or post graduate study, as the case may be, in medicine or surgery in South Australia,

the board may upon payment of such registration fee and annual practice fee as may be prescribed grant to such person a certificate of limited registration in the prescribed form.

(2) The holder of a certificate of limited registration under paragraphs (a) and (b) of subsection (1) of this section may, while occupying the position as resident medical officer at an approved institution, practise medicine or surgery at such approved institution but not otherwise.

(3) A person who practises medicine or surgery in contravention of subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) Notwithstanding anything in this Act, the holder of a certificate of limited registration under paragraphs (a) and (b) of subsection (1) of this section shall have the same powers while occupying the position and performing the

duties of resident medical officer as regards the signing of any certificate of the cause of death or other medical certificate as if he were a person who is registered under section 22 of this Act.

(5) If a person to whom a limited certificate of registration under paragraphs (a) and (b) of subsection (1) of this section has been granted, becomes entitled to be registered under section 19 of this Act his registration shall take effect from the day on which he became entitled to be registered if he has paid the registration fee and annual practice fee as is prescribed pursuant to section 22 of this Act.

Issue
subject to
limitation.

(6) The issue of a certificate of limited registration under paragraph (c) of subsection (1) of this section may be subject to such limitations and restrictions upon the practice of medicine or surgery and to such other conditions as the board in any particular case specifies in the certificate.

Renewal of
limited
certification.

(7) Every certificate issued to a person under paragraph (c) of subsection (1) of this section shall in the first place be issued for a period of not more than two years but upon application in writing during the currency of the certificate by the governing body of the teaching or research institution that recommended him to the board, the board may from time to time renew the certificate for a further period or periods of not more than one year in respect of each application but so that the maximum period for which a certificate may be in force under this section in respect of any person shall not in the aggregate exceed three years.

Cancellation of
certificate.

(8) The board may cancel at any time a certificate of limited registration issued under paragraph (c) of subsection (1) of this section and thereupon such certificate shall cease to have force and effect.

(9) Subject to this Act, a holder of a certificate of limited registration under this Act shall, while performing the services of resident medical officer, as prescribed by paragraph (e) of subsection (1) of section 19 of this Act and for purposes of that service or while pursuing a course of teaching, research or post graduate study for the purpose of which the certificate was granted, be deemed, while the certificate remains in force, to be a person registered under this Act.

(10) Where it appears to the Governor that by reason of any epidemic or any emergency or other circumstance it is desirable in the public interest to suspend the operation of subsection (2) of this section he may by proclamation suspend the operation of that subsection for a period specified in the proclamation.

(11) If at any time it appears to the Governor desirable to do so, he may by proclamation terminate any suspension imposed under subsection (10) of this section although the period has not expired.

(12) While the operation of subsection (2) of this section is suspended the holder of a certificate of limited registration under paragraphs (a) and (b) of subsection (1) of this section may practise medicine or surgery without compliance with subsection (2) of this section and any period which he so practises may be accepted by the board as the equivalent of a corresponding period of service as a resident medical officer in an approved institution.

(13) In this section "teaching or research institution" means any university, college, school of medicine or surgery research institute, hospital or other like institution that is engaged in South Australia in teaching, research or post graduate study in medicine or surgery and which is approved by the board for the purposes of this section.

15. Section 25 of the principal Act is amended—

(a) by inserting after the word "qualification" where it first occurs therein the following passage "as may be approved by the board";

and

(b) by inserting after the word "shall" therein the passage "upon producing to the registrar satisfactory evidence of such degree or qualification".

Amendment of
principal Act,
s. 25—

Register may
be altered
to insert
new or addi-
tional
qualifications.

16. Section 26 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) thereof and inserting in lieu thereof the following paragraph :—

(b) whose registration has been withdrawn, suspended or cancelled by the General Medical Council of the United Kingdom or by any other body which registered such person.

(b) by inserting immediately after paragraph (d) of subsection (1) thereof the following paragraph :—

; or

(e) who has been certified to be a mental defective or is suffering from any mental or physical infirmity which renders him incapable of practising as a medical practitioner.;

and

Amendment of
principal Act,
s. 26—

Cancellation
of registration
for fraud and
on other
grounds.

(c) by adding immediately below subsection (2) thereof the following new subsections :—

(3) Subject to subsection (1) and subsection (4) of this section if any registered person is guilty of infamous conduct in any professional respect the board may, instead of invoking the provisions of subsection (1) of this section relating to the removal of a person's name from the register, impose all or any of the following penalties on the offending person namely the board may—

(a) censure him ;

(b) require him to give such undertaking as the board thinks fit to abstain in future from the conduct complained of ; or

(c) suspend his registration, either conditionally or absolutely, for a period not greater than twelve months.

(4) Where any person is guilty of infamous conduct in a professional respect the board shall not make an order suspending such person from registration where the offence is such that, either from its trivial nature or from the circumstances in which it was committed or the conduct is such that it does not, in the public interest, justify the suspension of such person from registration.

(5) The suspension of the registration of any person whose registration has been suspended may at any time and for such reason as the board thinks fit, by order of the board be annulled and the effect of any such annulment shall be as the board determines.

(6) While any order of suspension of registration under this section remains in force the person concerned shall not be regarded as being registered but forthwith on the expiry or annulment of such order his rights and privileges as a registered person shall upon payment of such fee as may be prescribed be revived as from the date of such expiry or annulment.

(7) Before suspending the registration of any person or taking any proceeding under subsection (3) of this section against any person the board shall—

(a) give to the said person, by post by registered letter, addressed to the last

known place of residence or business of the said person at least fourteen days' notice in writing of the complaint against him and of the day, time and place fixed for hearing the same ;

and

(b) hold full enquiry into the matter of complaint and afford the said person an opportunity of giving an explanation personally or in writing.

(8) The provisions of section 20 of this Act shall apply, *mutatis mutandis*, to the holding of an inquiry under this section as they apply to the hearing of an application for registration under that section.

(9) The board may in any proceedings where any person is found guilty of infamous conduct in any professional respect make such order as to payment of costs of the proceedings as to the board seems fit.

(10) A person who has been suspended from registration pursuant to the provisions of this section shall have a right of appeal to the Supreme Court against the order of suspension and on any such appeal the Court may make such order as it thinks proper having regard to the merits of the case and the public welfare.

Any such appeal shall be in the nature of a re-hearing and shall be made in accordance with the rules of court.

(11) An order of suspension shall not take effect until the expiration of a period of twenty-one days after notification by the board to the registered person of the making of such order.

(12) If within such period the registered person gives due notice of appeal to the Supreme Court such order shall not take effect unless the order is confirmed by the Court or the appeal is for any reason dismissed by that Court.

(13) Unless the Supreme Court otherwise orders the period of suspension named in the order appealed from shall commence on the day when that order commences to have effect.

Enactment of
s. 26a of
principal Act—

17. The following section is enacted and inserted in the principal Act after section 26 thereof :—

Notification of
disability of a
registered
person and
suspension
from practice
of such
registered
person.

26a. (1) In this section—

“hospital” means—

(a) any public hospital within the meaning of the Hospitals Act, 1934-1962 ;

(b) any licensed hospital within the meaning of Part IX of the Health Act, 1935-1963 ;

and

(c) any institution within the meaning of the Mental Health Act, 1935-1964 :

“medical superintendent”, in relation to any hospital, means—

(a) in the case of any public hospital within the meaning of the Hospitals Act, 1934-1962, the medical officer (if any) who is in charge of that hospital ;

(b) in the case of any licensed hospital within the meaning of Part IX of the Health Act, 1935-1963, the manager of that hospital if he is registered under this Act ;

and

(c) in the case of any institution within the meaning of the Mental Health Act, 1935-1964, the superintendent of that institution.

(2) In any case where any person who is registered or deemed to be registered under this Act is a patient of a hospital of which there is a medical superintendent, if the medical superintendent considers that the person is (owing to mental or physical disability) unable to perform his professional duties satisfactorily, and that because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the medical superintendent shall forthwith give written notice to the registrar of all the circumstances.

(3) In any case where any person who is registered or deemed to be registered under this Act is not a patient of a hospital of which there is a medical superintendent, if any registered person is in attendance on that person and considers that the person is (owing to mental or physical disability) unable to perform his professional duties

satisfactorily and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the registered person in attendance on that person shall forthwith give written notice to the registrar of all the circumstances.

(4) In any case where any medical superintendent or registered person contemplates giving any such written notice to the registrar, he may seek whatever medical advice, whether psychiatric or otherwise, he considers appropriate to assist him in forming his opinion. Any written notice thereafter so given shall mention any difference between any such advice and the views of the medical superintendent or registered person as set out in the notice.

(5) Upon receipt of any such notice, the registrar shall forthwith take all steps necessary to have it considered by the board.

(6) Whether or not the registrar has received any such written notice as aforesaid in connection with the matter, if the board is satisfied that any person who is registered or deemed to be registered under this Act is (owing to mental or physical disability) unable to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the board by writing under the hand of the president may suspend that person from practice as a person registered under this Act or deemed to be registered under this Act as the case may be.

(7) Any such suspension shall take effect forthwith upon its being made, but may at any time be revoked—

(a) by the board ;

or

(b) by the Supreme Court either—

(i) on an appeal by the person so suspended to that Court made within twenty-eight days after the date on which the board has suspended that person or has last refused to revoke the suspension of an application made to it in that behalf by that person ;

or

(ii) on an application by the person so suspended to that Court in any case where the person has applied in

writing to the registrar for the revocation of the suspension under paragraph (a) of this subsection and has not been advised of the decision of the board or any such committee in connection with his application within twenty-eight days after the date on which the application was delivered to the registrar.

(8) While any person is so suspended from practice under this section, that person shall be deemed for the purposes of this Act not to be a registered person under this Act.

(9) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Enactment of
ss. 27a and
27b of
principal Act—

Notice of
change of
address
to be given.

18. The following sections are enacted and inserted in the principal Act after section 27 thereof :—

27a. (1) Every person registered under this Act who at any time changes his address as appearing in the register shall within three months thereafter send to the board a notice of the new address and the board shall on the receipt of such notice cause the entry to be altered relating to that person accordingly.

(2) Any person who fails to comply with subsection (1) of this section shall be liable to a penalty not exceeding ten dollars.

Power to
remove name
of registered
person who
cannot be
found etc.

27b. (1) The board may send to any person registered under this Act by registered letter addressed to him at his address, as appearing in the register, an inquiry as to whether or not he has changed his address or residence.

(2) If no reply is received to that letter within six months from the posting thereof, or if the letter is not delivered, or, is returned to the board the board may remove from the register the name of such person.

(3) Any name removed from the register pursuant to this section may be restored by the board as provided for in subsection (2c) of section 22 of this Act.

Enactment of
Part IIIa of
principal Act—

19. The following Part is enacted and inserted immediately below Part III of the principal Act :—

PART IIIa.

REGISTRATION OF SPECIALISTS.

Determination
of specialists.

29a. (1) The Governor may upon the recommendation of the board from time to time by proclamation declare what branches of medicine shall be and be deemed to be

a specialist branch of medicine in relation to which a registered person may be registered as a specialist under this Part.

(2) After a day to be fixed by proclamation, a person registered under this Act who makes application in the prescribed form for registration as a specialist and pays such registration fee and annual practice fee as may be prescribed by the board and who satisfies the board—

Registration
as a
specialist.

(a) that he has gained special skill in a particular specialty proclaimed under subsection (1) of this section by practising exclusively in that specialist branch of medicine or by practising partly in that specialist branch of medicine and partly in such other branch of medicine, whether in a hospital or otherwise, as the board may approve ;

and

(b) that he is the holder of a prescribed degree or diploma approved by the board in the specialty to which his application relates of a university or other institution that is recognized by the board as authorized to grant that diploma or degree and the degree or diploma is recognized by the board to be a higher degree or diploma in that specialist branch of medicine,

shall be entitled to be registered in accordance with his application in a Specialist Register kept by the board for that purpose and shall be issued with a certificate of registration.

(3) Notwithstanding the provisions of subsection (2) of this section a person registered under this Act who—

(a) holds, or has held, an appointment in a specialist branch of medicine or surgery in a hospital approved by the board and for such period as the board may determine ;

or

(b) is, or has been, engaged in practice in a specialist branch of medicine or surgery for such period as the board considers adequate to confer skill in the specialty,

may, after a day to be fixed by proclamation and upon application to the board and upon payment of the prescribed registration and annual practice fee (if such annual practice fee has not already been paid) be deemed to be a specialist for the purposes of this Part and be registered by the board in the Specialist Register and issued with a certificate of registration as if such person was a person entitled to be registered under subsection (2) of this section.

(4) The Governor may by subsequent proclamation cancel any proclamation made under subsection (3) of this section but such cancellation shall not affect the registration of any person already registered under subsection (3) of this section who shall continue to be deemed to be a specialist for the purposes of this Part.

Voluntary
surrender
of registration
of specialist.

29b. (1) The board may, upon application in that behalf made by a specialist and upon surrender by him of his certificate of registration, direct the registrar to erase the name of such specialist from the Register of Specialists, but such erasure shall not prejudice the registration of the applicant therefor as a person who is registered under this Act.

Appeal from
the board.

(2) If the application of any person to be registered as a specialist is refused by the board, it shall be lawful for him by motion to the Supreme Court within three months of the giving of such decision to apply to such Court for an order directing the board so to register him.

(3) The Court, or a judge thereof, may order that the person applying to be registered as a specialist upon payment of the prescribed fees be registered, or the Court, or a judge thereof, may decline to make such order.

Repeal of
s. 30a of
principal Act.

20. Section 30a of the principal Act is repealed.

Amendment of
principal Act,
s. 31—

Only
registered
practitioners
may sue for
fees for
professional
services.

21. Section 31 of the principal Act is amended by striking out the passage "or a person who had practised as a surgeon, physician or medical practitioner in the State for a period of five years at least before the sixth day of December, eighteen hundred and eighty-nine" therein.

Enactment of
ss. 31a, 31b,
and 31c of
principal Act—

22. The following sections are enacted and inserted in the principal Act after section 31 thereof:—

Power of
board to
review
accounts of
persons
registered
under Act.

31a. (1) No action or suit under section 31 of this Act for the recovery of fees or other remuneration for professional services of any kind shall be commenced until the expiration of three months after an account setting out the amount claimed has been served personally or by post upon the party to be charged with the same.

(2) The party chargeable may within three months after service upon him of an account apply in the prescribed manner and upon payment of the prescribed fee to the board to review the same upon the ground that the amount thereof is excessive or unreasonable, and, in the event of his so doing, shall serve notice of his application upon the appropriate person registered under this Act, either personally or by post.

(3) Where an application is made pursuant to subsection (2) of this section to review an account, the board shall, unless such application is in the opinion of the board groundless (in which case the board may summarily reject such claim), proceed to review what is found to be an unreasonable charge or remuneration in respect of the professional services to which the account relates.

(4) The board may require such evidence to be furnished as it may think necessary or desirable for the purpose of such review and may fix a time within which such evidence shall be furnished.

If any person neglects or fails to furnish any evidence so required within the time so fixed, the board may proceed to review the account without such evidence.

(5) In the review of any account the board shall have regard to the following matters :—

- (a) The time occupied in and the nature of the medical or surgical advice, service, attendance, or operation rendered or performed :
- (b) The distance between the consulting room or residence of the person registered under this Act and the place at which he rendered or performed the advice, service, attendance, or operation :
- (c) The hours of the day or night at which such advice, service, attendance, or operation was rendered or performed :
- (d) The degree of skill, knowledge, or experience required or given in the rendering or performance of such advice, service, attendance, or operation :
- (e) Whether the person registered under this Act rendered or performed such advice, service, attendance, or operation in the capacity of specialist or general practitioner :
- (f) Any other matter that to the board appears relevant.

(6) The party chargeable with a medical account and the person registered under this Act shall each be entitled to appear before and to be heard by the board upon the review of such account but no person shall appear to be heard by his counsel, solicitor or agent upon any such review.

(7) In this section the term "a person registered under this Act" includes a specialist.

Contracting out prohibited.

31b. Any covenant, agreement, or condition whereby any person agrees to waive or surrender his right to have the account of a person registered under this Act or specialist reviewed by the board, or whereby any person agrees to pay to a person registered under this Act or specialist any sum in excess of the amount found upon a review by the board to be a fair and reasonable charge or remuneration, shall be absolutely void and of no effect whatsoever.

Certificate of account as evidence.

31c. The certificate of the board shall be admissible as evidence in any proceedings for the recovery of the charge or remuneration to which the account referred to in the certificate relates and shall be conclusive evidence that the amount certified to, and no more, is legally payable for the professional services as a person registered under this Act or specialist to which the account certified to relates.

Amendment of principal Act, s. 32—
Only registered persons to hold certain appointments.

23. Section 32 of the principal Act is amended—

(a) by striking out the words “twenty pounds” therein and inserting in lieu thereof the words “two hundred dollars”;

and

(b) by striking out in subsection (2) thereof the passage “, or had practised as a surgeon, physician or medical practitioner in the State for a period of five years at least before the sixth day of December, eighteen hundred and eighty-nine”.

Amendment of principal Act, s. 33—
Only registered person to give certificate as to cause of death.

24. Section 33 of the principal Act is amended—

(a) by striking out the word “or” in paragraph (a) thereof;

and

(b) by striking out paragraph (b) thereof.

Amendment of principal Act, s. 34—
Burial not to take place without certificate of registered person or coroner.

25. Section 34 of the principal Act is amended—

(a) by striking out in paragraph (a) thereof the passage “, or a person who had practised as a surgeon, physician or medical practitioner in the State for a period of five years at least before the sixth day of December, eighteen hundred and eighty-nine”;

and

(b) by striking out the figures “1884” in paragraph (b) thereof and inserting in lieu thereof the figures “1935-1952”.

26. Section 35 of the principal Act is amended by striking out the proviso in subsection (2) thereof.

Amendment of principal Act, s. 35—
Unregistered persons advertising or holding themselves out as medical practitioners.

27. Section 39 of the principal Act is amended by striking out the passage "the persons registered under this Act" in paragraph I thereof and inserting in lieu thereof the passage "the Australian Medical Association (South Australian Branch) :".

Amendment of principal Act, s. 39—
Regulations.

28. The following Schedule is enacted and inserted in the principal Act after the First Schedule thereto :—

Enactment of Second Schedule to principal Act—
Section 19a.

SECOND SCHEDULE.

1. In this Schedule, unless inconsistent with the context or subject matter—

"committee" means the Foreign Practitioners' Assessment Committee.

2. (1) For the purposes of the better examination of the qualifications of foreign medical practitioners to practise medicine in the State of South Australia there shall be a committee to be called the "Foreign Practitioners' Assessment Committee".

(2) The committee shall be appointed by the Governor and shall consist of eight members being persons registered under this Act and of whom—

(a) one shall be the head of the department of Anatomy ;

(b) one shall be the head of the department of Physiology ;

(c) one shall be the head of the department of Pathology ;

(d) one shall be the head of the department of Microbiology,

in the Faculty of Medicine in the University of Adelaide ;

(e) one shall be selected by the Governor from a panel of three names of senior practising physicians chosen by the board and submitted by the board to the Minister ;

(f) one shall be selected by the Governor from a panel of three names of senior practising surgeons

- chosen by the board and submitted by the board to the Minister ;
- (g) one shall be selected by the Governor from a panel of three names of senior practising obstetricians chosen by the board and submitted by the board to the Minister ;
- (h) one shall be selected by the Governor from a panel of three names of senior practising general practitioners chosen by the board and submitted to the Minister.

(3) If the Minister has given to the board notice in writing requiring that the board within one month of the receipt of the notice shall submit a panel of three names chosen by the board for the purposes of the appointment of a member under paragraphs (e), (f), (g), or (h) of subsection (2) of this section and the board fails to submit the panel as aforesaid the Governor may, on the recommendation of the Minister, appoint a suitable person in place of the person referred to in that paragraph.

(4) The Governor shall appoint one of the eight members to be chairman.

(5) Each member of the committee appointed by the Governor shall hold office for such period, not exceeding three years, as is fixed by the Governor at the time of his appointment, but upon the expiration of his term of office shall be eligible for re-appointment if then qualified.

(6) Any vacancy in the office of an appointed member of the committee (however occurring) shall be filled by the appointment of a qualified person thereto.

(7) A quorūm of the committee shall consist of five members and notwithstanding any vacancy in the membership of the committee the committee may act at any meeting at which a quorum is present.

(8) At any meeting of the committee the chairman or in his absence a member elected by the members present to act as chairman of the meeting shall preside.

(9) In the event of an equality of votes at any meeting of the committee the chairman shall have a casting as well as a deliberative vote.

(10) Subject to this Schedule, the committee may regulate its proceedings in such manner as it thinks fit.

(11) The members of the committee shall be entitled to receive such remuneration for their services and such

reimbursement of expenses incurred in carrying out their powers and duties under this Schedule as the Governor may determine.

(12) For the purposes of carrying out its powers and duties under this Schedule the committee and the chairman thereof shall respectively have and may exercise the powers conferred by the Royal Commissions Act, 1947, upon persons holding inquiries on commission.

3. (1) Any person who is or has been qualified to practise medicine or surgery in any country which does not grant to persons registered under this Act rights and advantages equal to those granted in such countries to the holders of qualifications to practise and whose qualification is recognized by the board to be not lower in standard than that required in South Australia and who has been resident in South Australia for not less than three months may, subject to the provisions of the next succeeding paragraph and in the manner and form prescribed apply to the board to be registered under this Act.

(2) No such application shall be lodged with the board after the thirty-first day of December, One thousand nine hundred and seventy-one.

(3) Subject to subsection (1) of section 19a of this Act, every such application shall, unless the applicant is otherwise entitled to be registered under this Act, be submitted by the board to the committee for its consideration.

(4) The committee shall consider every application submitted upon its merits and for that purpose may interview and examine the applicant and, if it thinks necessary, require him to submit further evidence of his qualifications and to undergo any appropriate examination or examinations conducted, arranged or approved by the committee (whether for applicants generally or any class of applicants or any individual applicant) and if the committee is satisfied—

- (a) that the applicant is or has been qualified to practise medicine or surgery in such a country as aforesaid and that his qualification has not been withdrawn or cancelled for misconduct in a professional sense ;
- (b) that he has, at the time of his application, been resident in South Australia for not less than three months ;

(c) that he is professionally competent to practise as a legally qualified medical practitioner in South Australia ;

(d) that he is of good character ;

and

(e) that he has an adequate understanding and command of the English language,

the committee may certify to the board that the applicant is a fit and proper person to be registered under this Act.

(5) Where the committee so certifies, the board shall, notwithstanding anything to the contrary in Part I of this Act register the applicant under this Act.

4. The Minister may arrange that the services of any officers and employees in the departments under his direction and control, or with the consent of the Minister concerned in any other Government department, shall be available to the committee in the carrying out of its powers and duties under this Schedule.

5. The committee may for the purposes aforesaid—

(a) hold examinations or arrange with any other organization or body for the holding of examinations or for the admission to examinations held by that organization or body of applicants under this Schedule ;

(b) appoint and with the consent of the Minister remunerate examiners and other necessary persons in respect of such remuneration ;

and

(c) cause applicants to undergo such course of study or training as may be approved by the committee.

6. The expenses of carrying this Schedule into effect shall be paid out of moneys to be provided by Parliament for the purpose.

7. (1) The Governor may make regulations for or with respect to prescribing any matter or thing by this Schedule authorized or directed to be prescribed for the purposes of this Schedule.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof

if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

8. Nothing in this Schedule shall be construed as restricting or affecting the right of any person to be registered under this Act pursuant to subsection (1) of section 19a of this Act.

9. This Schedule shall remain in operation until the thirtieth day of June, One thousand nine hundred and seventy-two, and no longer, but the cessation of operation of this Schedule shall not affect any registration already made thereunder or under the corresponding previous enactment.

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

EDRIC BASTYAN, Governor.