



MEDICAL

No. 36 of 1978

ANALYSIS

1. Short title and citation.
2. Grant of full registration to persons granted limited registration for certain purposes.

AN ACT to amend the Medical Act 1959.

[30 November 1978]

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

1—(1) This Act may be cited as the *Medical Act 1978*.

Short title and citation.

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

* No. 80 of 1959. For this Act, as amended to 1966, see Appendix A to the Annual Volume of Statutes for 1966. Subsequently amended by No. 24 of 1957, No. 52 of 1968, No. 30 of 1972, Nos. 21 and 61 of 1973, No. 16 of 1974, and No. 98 of 1977.

2 After section 18 of the Principal Act the following section is inserted in Division I of Part III:—

Grant of full registration to persons granted limited registration for certain purposes.

“18A—(1) Subject to this section, the Council may, if in its discretion it thinks fit, grant full registration to a person—

- (a) who has been granted limited registration under section 18 for the purpose specified in subsection (1) (c) of that section;
- (b) who, at the time when he applies for registration under this section, has been employed by a prescribed employer in a temporary capacity as a specialist in a branch of medicine for a period of not less than one year;
- (c) who holds an appropriate qualification and has completed a suitable training programme, each of a standard approved by the Council, in the speciality in which he has been so employed by that prescribed employer;
- (d) if the principal officer of that prescribed employer certifies in writing—
 - (i) that no other appropriately qualified person who is eligible for full registration under any other section of this Act is at the present time available to fill, whether in a temporary or permanent capacity, the position of specialist so held by that person; and
 - (ii) that, should that person be granted full registration under this section, the employer will employ him in a permanent capacity as a specialist in the speciality in which he has been so employed; and
- (e) if that person furnishes the Council with a written undertaking, in the form of a statutory declaration, that he will become employed as provided in paragraph (d) (ii) and will not resign from that employment for a period of at least two years from the date of being granted full registration under this section.

“(2) Subject to subsection (3), a full registration granted under this section ceases to have effect under this section and reverts to a limited registration under section 18 if the person to whom it is granted fails to comply with subsection (1) (e), or ceases to practise or be employed in the speciality referred to in subsection (1) of this section.

“(3) Subsection (2) does not apply to a person granted full registration under this section if the Council is satisfied that that person had reasonable grounds for resigning from the permanent employment referred to in paragraph (e) of subsection (1) before the expiry of the period prescribed by that paragraph.

“(4) An application for registration under this section—

- (a) shall be in writing;
- (b) shall contain full particulars of the applicant’s specialist qualifications and experience; and
- (c) shall be accompanied by the documents prescribed by paragraphs (d) and (e) of subsection (1).

“(5) A person who is refused full registration under this section is not entitled to appeal against that decision under section 22.

“(6) In this section—

‘prescribed employer’ means—

- (a) the Crown under the *Public Service Act 1973*;
- (b) the Mental Health Services Commission;
- (c) the board of a public hospital within the meaning of the *Hospitals Act 1918*; or
- (d) a person prescribed by the regulations as a prescribed employer;

‘principal officer’, in relation to a prescribed employer within the meaning of—

- (a) paragraph (a) of that definition, means the permanent head of the relevant Government department;
- (b) paragraph (b) of that definition, means one of the chief executive officers within the meaning of the *Mental Health Services Act 1967*;
- (c) paragraph (c) of that definition, means the general superintendent or secretary of the relevant public hospital; or
- (d) paragraph (d) of that definition, means the person prescribed by the regulations as being the principal officer of that employer.

“(7) The Council shall not grant a full registration under this section on or after such day as is declared by the Governor, by order made on the recommendation of the Council, to be the day for the purposes of this subsection.”.