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REGULATIONS UNDER THE MEDICAL PRACTITIONERS ACT 1983

MEDICAL PRACTITIONERS REGULATIONS 1999

being

No. 174 of 1999: Gaz. 26 August 1999, p. 986,

1 Came into operation 1 September 1999: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix.
PART 1
PRELIMINARY

Citation
1. These regulations may be cited as the Medical Practitioners Regulations 1999.

Commencement
2. These regulations will come into operation on 1 September 1999.

Revocation
3. The Medical Practitioners Regulations 1983 (see Gazette 11 August 1983 p. 341), as varied, are revoked.

Interpretation
4. In these regulations—

"Act" means the Medical Practitioners Act 1983;

"company practitioner" means a company that is registered as a medical practitioner;

"practitioner" means a medical practitioner and includes a company practitioner.

Forms
5. The forms set out in Schedule 1 must—

(a) be used for the purposes specified in that Schedule; and

(b) contain the information required by, and be completed in accordance with, the instructions contained in the forms.
PART 2
REGISTRATION

DIVISION 1—REGISTRATION OF A NATURAL PERSON

Application for registration or reinstatement of registration by natural person

6. (1) An application by a natural person for registration on the general or specialist register must be lodged with the Board in the form set out in form 1 of Schedule 1 and be accompanied by—

(a) the supporting evidence and documents referred to in the form; and

(b) the appropriate fee for registration set out in Schedule 5; and

(c) the appropriate annual practice fee set out in Schedule 5.

(2) An application by a natural person for reinstatement of registration on the general or specialist register must be lodged with the Board in the form set out in form 2 of Schedule 1 and be accompanied by—

(a) the supporting evidence and documents referred to in the form; and

(b) the appropriate fee for reinstatement of registration set out in Schedule 5; and

(c) the appropriate annual practice fee set out in Schedule 5.

1. The Board may, under section 16 of the Act, summons a person to appear before the Board on an application for registration or reinstatement of registration.

Qualifications for general registration

7. A natural person, to be registered on the general register, must—

(a) have—

(i) one or more of the qualifications set out in Schedule 2; or

(ii) a certificate issued by the Australian Medical Council or the Australian Medical Examining Council certifying that the person has satisfactorily completed the examination conducted by that body; and

(b) produce evidence that he or she has satisfactorily completed a period of internship training in an institution recognised by the Board for the purpose; and

(c) be at least 21 years of age.

Qualifications for specialist registration

8. (1) The branches of medicine in relation to which a practitioner may be registered as a specialist are set out in Schedule 3.

(2) A practitioner, to be registered on the specialist register for a particular speciality, must—

(a) have the qualifications set out in Schedule 4 for registration for that speciality; or
Medical Practitioners Regulations 1999

PART 2
4

(b) hold a certificate or other document issued by the Australian Medical Council stating that the person has attained a satisfactory standard for recognition as a specialist in that speciality.

DIVISION 2—REGISTRATION OF A COMPANY PRACTITIONER

Application for registration by a company
9. An application by a company for registration on the general register must be lodged with the Board in the form set out in form 3 of Schedule 1 and be accompanied by—

(a) the constitution of the company; and

(b) the appropriate registration fee set out in Schedule 5; and

(c) the appropriate annual practice fee set out in Schedule 5.

Requirements relating to name of company practitioner
10. The following requirements must be observed by a company practitioner with regard to its name:

(a) the name must be appropriate for the company practitioner; and

(b) the name must not be such as to cause the company practitioner to infringe any ethical standards of the medical profession.

Form of notice of change of directors or members of company practitioner
11. A notice required under section 38(1)(a) of the Act must be in the form set out in form 4 of Schedule 1.

Form of annual return of company practitioner
12. An annual return required under section 38(1)(b) of the Act must be in the form set out in form 5 of Schedule 1.

Notice relating to employees of company practitioner
13. (1) A company practitioner must, within 28 days after a practitioner (not being a director of the company) begins or ceases employment with the company practitioner, notify the Board of that fact and of—

(a) the full name and residential address of that practitioner; and

(b) the date on which that practitioner began or ceased employment (as the case may be).

(2) A company that fails to comply with this regulation is guilty of an offence.

Maximum penalty: $1 000.
Prescribed information relating to employment

14. For the purposes of section 49 of the Act, the following information is prescribed in relation to a practitioner’s employment and practice:

(a) the address of the practitioner’s usual place of work;

(b) the practitioner’s residential address and any other residential address of the practitioner during the preceding 12 month period;

(c) the full name and business address of the practitioner’s employer;

(d) the practitioner’s business telephone and facsimile numbers;

(e) the practitioner’s electronic mail address (if any);

(f) details regarding the practitioner’s employment including—
   (i) whether the employment is full-time or part-time and the number of hours worked per week; and
   (ii) whether the practitioner was retired or unemployed for any period during the preceding 12 months; and
   (iii) the nature of the practitioner’s practice, or the practice (or practices) in which the practitioner is employed;

(g) details of professional indemnity insurance covering the practitioner and of any medical defence association of which the practitioner is a member;

(h) the name of any other registering authority with which professional registration is held by the practitioner;

(i) details of any disciplinary action taken against the practitioner;

(j) details of any proposals that will have the effect of changing any information supplied to the Board in accordance with section 49 of the Act.

Prescribed information relating to unfitness

15. For the purposes of section 52 of the Act, the following information is prescribed in relation to a practitioner who is a patient of another practitioner:

(a) the likely duration and prognosis of the patient’s condition;

(b) any finding which suggests that the patient ought not to practise in a particular branch of medicine;

(c) if the patient has received or is receiving treatment for a psychiatric condition—whether the patient has at any time been voluntarily admitted to, or otherwise detained in, an approved treatment centre (within the meaning of the Mental Health Act 1993).
Prescribed information relating to interests in hospitals

16. For the purposes of section 71 of the Act, the following information is prescribed in relation to a practitioner or a prescribed relative of a practitioner who has an interest in a hospital:

(a) if the person is—

(i) a practitioner—the full name of the practitioner; or

(ii) a prescribed relative of a practitioner—

(A) the full name of the prescribed relative; and

(B) the full name of the related practitioner; and

(C) a statement of the nature of the person’s relationship to the practitioner;

(b) the person’s residential address;

(c) the name and address of the hospital in which the interest is held;

(d) the type of interest held in the hospital;

(e) if the interest consists of the holding of shares in the hospital, the following particulars of all shares beneficially owned:

(i) a description of the shares (including the number, nominal value and class); and

(ii) particulars of any voting rights exercisable at a meeting of the members of shareholders;

(f) the type of benefit derived from the interest.

Prescribed information relating to claims against practitioners

17. For the purposes of section 72 of the Act, the following information is prescribed in relation to a practitioner against whom a claim for damages or other compensation for alleged negligence committed in the course of medical practice has been made:

(a) full details of the alleged negligence;

(b) the nature of the treatment or procedure alleged to have been carried out negligently;

(c) the address of the premises at which the alleged negligence took place;

(d) the time and date of the alleged negligence;

(e) details of any judgement or settlement in respect of the claim, including the amount of damages or compensation either awarded by a court or agreed to in settlement of the claim;
(f) details of the injury incurred by the claimant as a result of the alleged negligence, including whether death, permanent incapacity or impairment occurred as a result.
PART 4
MISCELLANEOUS

Prescribed circumstances
18. For the purposes of section 31(2)(b) of the Act, medical treatment provided through the instrumentality of a qualified person working for or on behalf of the Royal Flying Doctor Service of Australia (Central Section) Incorporated constitutes medical treatment provided in prescribed circumstances.

Fees
19. (1) The fees set out in Schedule 5 are payable as specified in that schedule.

(2) Pursuant to section 45(4) of the Act, a practitioner is exempt from paying a registration fee and an annual practice fee if—

(a) the practitioner is registered as a practitioner in another State or Territory of the Commonwealth and a registration fee has been paid in respect of that registration; and

(b) the practitioner—

(i) is employed as a full-time medical officer of the Commonwealth Government; or

(ii) is a full-time employee of the Flying Doctor Service of Australia (S.A. Branch); or

(iii) satisfies the Board that registration is for a specific purpose and the practitioner’s name will be removed from the general register within one month after entry on the register.
MEDICAL PRACTITIONERS ACT 1983

APPLICATION BY NATURAL PERSON FOR REGISTRATION

TO THE REGISTRAR OF THE MEDICAL BOARD

1. I apply to the Medical Board for registration as a medical practitioner pursuant to the Medical Practitioners Act 1983 and the following information is supplied in respect of this application:

   (a) Surname .................................................................
       Other names: ..............................................................

   (b) Residential address: ...................................................
       ............................................................................

   (c) Business address: .......................................................
       ............................................................................

   (d) Business telephone number ............................................

   (e) Business facsimile number ............................................

   (f) Electronic mail (email) address ........................................

2. I attach the following:

   (a) degrees, diplomas or other proof of qualifications by virtue of which I claim eligibility for registration (delete if applicant is applying for limited registration); and

   (b) questionnaire form received from the Medical Board (which I have completed in all particulars); and

   (c) the prescribed registration fee and annual practice fee.

Date .................. Signature of applicant .......................

SCHEDULE 1

Forms

FORM 1 (Regulation 6)
APPLICATION BY NATURAL PERSON FOR REINSTATEMENT OF REGISTRATION

TO THE REGISTRAR OF THE MEDICAL BOARD

1. I apply to the Medical Board for the reinstatement of my name on the—

   (a) general register*
   
   (b) specialist register*

and the following information is supplied in respect of this application:

   (a) Surname: .................................................................
       Other names: .............................................................
   
   (b) Residential address: ....................................................
       ............................................................................
   
   (c) Business address: ......................................................
       ............................................................................
   
   (d) Business telephone number: ...........................................
   
   (e) Business facsimile number ...........................................
   
   (f) Electronic mail (email) address .....................................

2. My name was removed from the general register*/specialist register* for the following reason:

   ..................................................................................
   ..................................................................................

3. I enclose the prescribed reinstatement fee and annual practice fee.

   *Delete whichever is inapplicable.

Date .............  Signature of applicant .............
TO THE REGISTRAR OF THE MEDICAL BOARD

Application is made for registration pursuant to the Medical Practitioners Act 1983 and the following statements are made in respect of the application:

1. (a) Applicant’s name: .................................................................

   (b) Registered office: .................................................................

   (c) Business address: .................................................................

   (d) Business telephone number: ................................................

   (e) Business facsimile number: ...................................................

   (f) Electronic mail (email) address: ..............................................

2. Date of incorporation: ..............................................................

3. State whether the applicant intends to practice in South Australia under its own name or under a business name and, if so, state the business name proposed to be used:

   .............................................................................................

4. (a) State the intended place of business or places of business of the applicant:

   .............................................................................................

   (b) State the intended principal place of business of the applicant:

   .............................................................................................

5. State in relation to each director (within the meaning of the Act):

   (a) the director’s full name and residential address; and

   (b) whether the director is registered as a practitioner under the Act; and

   (c) if the director is not registered as a practitioner under the Act, whether he or she is a prescribed relative of a director who is a registered medical practitioner and, if so, the particulars of the relationship; and

   (d) whether the director is a director of any other company that is registered as a practitioner under the Act and, if so, full particulars of the other directorship.

6. Give particulars of the issued capital of the applicant specifying the number, class and nominal value of all shares on issue.
7. State in relation to each person who is a member of the applicant or the beneficial owner of shares in the applicant:

(a) the person’s full name and residential address; and

(b) whether the person is registered as a practitioner under the Act; and

(c) whether the person is a director or employee of the applicant or a prescribed relative of a person who is a director or employee of the applicant; and

(d) the following particulars of all shares in the applicant held or owned beneficially by such person:

(i) a description of the shares (including the number, nominal value and class); and

(ii) particulars of the voting rights (if any) exercisable at a meeting of the members of the applicant attached to the shares; and

(iii) if the person is not the holder of shares, the name and address of the holder and particulars of the nature of the beneficial ownership of the shares of such person.

WE, (insert full name and address of each director) DECLARE:

(a) that the above statements are true in every particular to the best of our knowledge, information and belief, and

(b) that we are authorised by the board of the applicant to make this application on behalf of the applicant.

Date..................

Signatures of the directors of the applicant

...................................................

...................................................

...................................................
NOTICE OF CHANGE OF DIRECTORS OR MEMBERS OF COMPANY PRACTITIONER

TO THE REGISTRAR OF THE MEDICAL BOARD

Name of company practitioner .................................................................

1. The following is a list of every person who has become or ceased to be a director or member of the company practitioner:

<table>
<thead>
<tr>
<th>Name</th>
<th>Usual Residential Address</th>
<th>Present Position in the Company i.e. director or member if applicable</th>
<th>Nature of Change</th>
<th>Date of Change</th>
</tr>
</thead>
</table>

2. The qualification by virtue of which the new director or member is entitled to be a director or member is:

- ........................................................................................
- ........................................................................................
- ........................................................................................

(Give the information separately in respect of each new member or director.)

3. In all other respects a list of directors or members of the company lodged with the Medical Board remains the same.

Date ........ Signature .................................................................

(Director)
FORM 5 (Regulation 12)

South Australia

MEDICAL PRACTITIONERS ACT 1983

ANNUAL RETURN OF COMPANY REGISTERED AS MEDICAL PRACTITIONER

TO THE REGISTRAR OF THE MEDICAL BOARD

1. Name and particulars of practice

- Name of company practitioner: ........................................................
- Registered office: .................................................................
- Principal address at which the practice is conducted: .........................
- Full address of all other places where the practice is conducted: ..........
- Business name (if any) under which the practice is carried on: ...........
- Telephone number: ...............................................................
- Facsimile number ................................................................
- Electronic mail (email) address ..................................................

2. This return relates to the period from .................................. to ..................................

3. Constitution1 of company practitioner

- Have there been any amendments to the constitution of the company practitioner during the period to which this return relates? If so, give particulars:

4. Directors

- In relation to every person who was at any time during the period to which this return relates a director (within the meaning of the Act) of the company practitioner state:
  (a) the person’s full name and usual residential address; and
  (b) whether the person was a director during the whole of the period and, if not, the date on which he or she became or ceased to be a director (as the case may be); and
  (c) whether the person was registered under the Act for the whole or part of the period and, if part only, the period during which the person was so registered; and
  (d) in the case of a director permitted to hold office by virtue of section 37 of the Act (not being a registered practitioner), sufficient particulars of the person’s relationship to a director who is a registered practitioner in order to show compliance with the relevant requirements of that section during the period; and
  (e) whether the person was at any time during the period a director of any other company practitioner and, if so, full particulars of that other directorship.

5. Shareholders

- In relation to each person who was at any time during the period to which this return relates a member of the company practitioner, or the beneficial owner of shares in the company practitioner, state:
  (a) the person’s full name and usual residential address; and
  (b) in the case of a member—whether the person was a member during the whole of the period and, if not, the date on which the person became or ceased to be a member (as the case may be); and
  (c) whether the person was a registered practitioner under the Act and whether such registration was for the whole or part of the period and, if part only, the period during which such registration applied; and

---

1 The Memorandum and Articles, taken together, of a company registered before 1 July 1998 comprise the constitution of the company.
(d) in the case of a person being a prescribed relative of a practitioner who is a director or employee of the company practitioner, particulars of the person’s relationship to such director or employee of the company practitioner; and

(e) the following particulars of all shares owned beneficially by the person at any time during the period:
   (i) a description of the shares (including the number nominal value and class); and
   (ii) particulars of the voting rights (if any) exercisable at a meeting of the members of the company practitioner attached to the shares; and
   (iii) if the person was not the holder of the shares—the name and address of the holder and particulars of the nature of the beneficial ownership of the shares of the person; and
   (iv) if the person became the beneficial owner of the shares at any time during the period—particulars of the date on which and circumstances in which the person became the beneficial owner of the shares; and
   (v) if the person ceased to become the beneficial owner of the shares at any time during the period—particulars of the date on which, and circumstances in which, the person ceased to be the beneficial owner of the shares; and

(f) the qualification by which the person was entitled to be a member of the company during the period to which this return relates.

6. Practice in partnership

Has the company practitioner at any time during the period to which this return relates practised as a medical practitioner in partnership with any other person? If so, give particulars:

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SCHEDULE 2
Qualifications for General Practitioners

- **Australia**
  
<table>
<thead>
<tr>
<th>Institution</th>
<th>Name of Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Adelaide</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>The Flinders University of South Australia</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>The University of Melbourne</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>Monash University</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>Royal Australian College of General Practitioners</td>
<td>Fellowship Royal Australian College of General Practitioners</td>
</tr>
<tr>
<td>University of Newcastle</td>
<td>Bachelor of Medicine</td>
</tr>
<tr>
<td>University of New South Wales</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>University of Queensland</td>
<td>Bachelor of Medicine and Surgery</td>
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<td>University of Sydney</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
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<td>University of Tasmania</td>
<td>Bachelor of Medicine and Surgery</td>
</tr>
<tr>
<td>University of Western Australia</td>
<td>Bachelor of Medicine and Surgery</td>
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</tbody>
</table>

- **New Zealand**

<table>
<thead>
<tr>
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<th>Name of Qualification</th>
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<td>University of New Zealand</td>
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<td>University of Auckland</td>
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<td>Neurosurgery</td>
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<td>Nuclear Medicine</td>
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<td>Clinical Genetics</td>
<td>Obstetrics and Gynaecology</td>
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<td>Clinical Haematology</td>
<td>Obstetrical and Gynaecological Ultrasound</td>
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<td>Clinical Immunology (including Allergy)</td>
<td>Occupational Medicine</td>
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<tr>
<td>Clinical Pharmacology</td>
<td>Ophthalmology</td>
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<tr>
<td>Cytopathology</td>
<td>Orthopaedic Surgery</td>
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<td>Dermatology</td>
<td>Otorhinolaryngology</td>
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<td>Diagnostic Radiology</td>
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<td>Urology</td>
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## SCHEDULE 4
### Qualifications for Specialists

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<tr>
<th>Principal Specialty</th>
<th>Sectional Specialty</th>
<th>Qualifications</th>
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<tr>
<td><strong>ANAESTHETICS</strong></td>
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<td>Vascular Surgery</td>
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Registration fee for registration of practitioner (other than intern) on general register
1. Registration fee for registration of practitioner on general register (full registration or limited registration for purposes other than internship training) ........................................ $200

Registration fee for registration of intern on general register
2. Registration fee for limited registration on general register for the purposes of internship training ........ $100

Registration fee for registration of practitioner on specialist register
3. Registration fee for registration of practitioner on specialist register (full or limited registration) ............ $100

Reinstatement fee
4. Reinstatement fee for reinstatement on general register, where practitioner’s name was removed—
   • for failure to pay prescribed annual practice fee before date fixed by Board .............................. $300
   • for any other reason ........................................................................................................ $200

   If the practitioner is to be reinstated on the specialist register as well as the general register, no further fee is payable for reinstatement on the specialist register.

5. Reinstatement fee for reinstatement on specialist register, where practitioner has remained registered on the general register .............................................................. $100

Additional register entries
6. For each additional qualification entered on register ........................................................ $20

Inspection of register
7. For inspection of register ................................................................................................ $10

Annual practice fee for natural person practitioner (other than intern or practitioner over age of 70 years)
8. Annual practice fee for natural person practitioner (other than intern or practitioner over age of 70 years) for period—
   • commencing at any time from 1 October to 31 December (inclusive) in a year and ending the following 30 September ...................................................... $200
   • commencing at any time from 1 January to 31 March (inclusive) in a year and ending the following 30 September ...................................................... $150
   • commencing at any time from 1 April to 30 June (inclusive) in a year and ending the following 30 September ...................................................... $120
   • commencing at any time on or after 1 July in a year and ending the following 30 September ...................................................................... $90

Annual practice fee for natural person practitioner over age of 70 years
9. Annual practice fee for natural person practitioner over the age of 70 years ........................................ $30

Annual practice fee for intern
10. Annual practice fee for practitioner undertaking internship training—
   • for initial period ending on 31 December ................................................................................ Nil
   • for each subsequent calendar year (or part of a calendar year) ................................................ $10
Annual practice fee for company practitioner

11. Annual practice fee for company practitioner for period—

- commencing at any time from 1 October to 31 December (inclusive) in a year and ending the following 30 September .................................................... $190
- commencing at any time from 1 January to 31 March (inclusive) in a year and ending the following 30 September ......................................................... $150
- commencing at any time from 1 April to 30 June (inclusive) in a year and ending the following 30 September ........................................................... $100
- commencing at any time on or after 1 July in a year and ending the following 30 September .................................................................... $ 5 0