



MEDICAL PRACTITIONERS REGISTRATION ACT 1983

[Consolidated as at 26 February 2013
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Medical Practitioners Registration Act 1983

An Act to provide for the registration of medical practitioners

Short title

1. This Act may be cited as the *Medical Practitioners Registration Act 1983*.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Interpretation

3. In this Act, unless the contrary intention appears —
“the Register” means the Register of Medical Practitioners kept under section 4;
“registered medical practitioner” means a person registered under subsection 5(1).

Register of Medical Practitioners

4. The Minister shall keep a Register of Medical Practitioners.

Mode and duration of registration

5. (1) Subject to subsection 5(2), a person shall be registered under this Act by the entering of his name together with any prescribed particulars in the Register.
(2) Subject to section 11, registration of a medical practitioner under this Act is effective for a period of 1 year from the date the name of the practitioner is entered in the Register under subsection 5(1).

Qualifications for registration

6. (1) Subject to subsection 10(4) a person registered, or who is eligible for registration, as a medical practitioner under the law of a State, a Territory or New Zealand is entitled to apply to the Minister to be registered under this Act.
(2) An entitlement to registration under this Act does not prevent conditions being imposed on a registration in accordance with this Act.
(3) If a person's registration in a State or Territory of Australia or in New Zealand is subject to a condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that may be subject to similar conditions or restrictions to which the registration is subject or conditions appropriate to give effect to a restriction to which the registration is subject.
(4) An application under subsection 6(1) shall be accompanied by —
 - (a) such certificates, testimonials and other evidence to establish the applicant's qualifications; and
 - (b) the prescribed fee.

Grant, etc of registration

7. (1) The Minister may register, or refuse to register, a person as a medical practitioner.

(2) The Minister shall not register a person as a medical practitioner unless the Minister is satisfied that the person —

- (a) has the physical capacity, mental capacity and skill required to competently practise medicine;
- (b) has sufficient communication skills for the practise of medicine including an adequate command of the English language; and
- (c) is of good character.

(3) Registration of a person as a medical practitioner may be unconditional or subject to such conditions as the Minister thinks fit.

(4) The Minister may refuse an application for registration where the applicant's name has been removed for fraud or for unprofessional conduct from a medical register kept in any place.

(5) A person's name is taken to have been removed from a medical register if the name is removed or erased from a register or roll established or kept under a law of a State or Territory of Australia, of New Zealand or of another country, providing for the registration, licensing or certification of medical practitioners.

(6) Subsection 7(4) applies whether or not the name of the medical practitioner, having been removed from a medical register, is restored to that register.

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Minister may make inquiries

8A. The Minister may make such inquiries concerning the applicant's qualifications referred to in subsection 6(4) and suitability in accordance with subsection 7(2) as the Minister thinks fit.

Fraudulent registration

9. A person shall not, for the purpose of obtaining registration under this Act —

- (a) make to the Minister a representation that is false or misleading in a material particular; or
- (b) present to the Minister a certificate or other document that is false or misleading in a material particular.

Penalty: 20 penalty units.

Removal of names from Register by Court order

10. (1) Application may be made to the Supreme Court for the removal of a registered practitioner's name from the Register on one or more of the grounds specified in subsection 10(2).

(2) The grounds on which an application under subsection 10(1) may be made are that the medical practitioner —

- (a) obtained registration under this Act by misrepresentation; or
- (b) has been convicted, whether in Norfolk Island or elsewhere, of an offence that makes him unfit to continue to be a registered medical practitioner; or
- (c) is an habitual drunkard; or
- (d) has an habitual addiction to a drug; or
- (e) has committed such unprofessional conduct, whether in Norfolk Island or elsewhere, as makes him unfit to continue to be a registered medical practitioner; or
- (f) by reason of physical or mental illness is incapable of carrying on the practice of a registered medical practitioner.

(3) Upon hearing an application under subsection 10(1), the Supreme Court may —

- (a) order the Minister to remove the name of the registered medical practitioner from the Register; or
- (b) order the registration of the registered medical practitioner to be suspended for a specified period; or
- (c) dismiss the application.

(4) A person whose name has been removed from the Register in compliance with an order of the Supreme Court made under paragraph 10(3)(a) is not entitled to apply again for registration under this Act without the leave of the Supreme Court.

(5) Where the Court has ordered that the registration of a medical practitioner be suspended, the medical practitioner shall, for the purpose of this Act, be taken not to be a registered medical practitioner during the period of suspension.

Removal of name from Register

11. (1) The Minister shall remove the name of a registered medical practitioner from the Register to comply with an order of the Supreme Court made under paragraph 10(2)(a) or if a practitioner —

- (a) so requests; or
- (b) is dead; or
- (c) is certified to be insane; or
- (d) ceases (whether permanently or for any period) to be registered as a medical practitioner under the law of a State, a Territory or New Zealand; or
- (e) is convicted of an offence under section 9.

(2) Where the Minister is satisfied that the name of a person has, after the person was registered under this Act, been removed from a register or roll under a law referred to in subsection 7(5) —

- (a) for a reason relating to the conduct of the person amounting to professional misconduct; or

- (b) for a reason relating to the person's physical or mental capacity to practise medicine,

the Minister shall cause the name of the person to be removed from the Register.

(3) The Minister may, if he or she thinks fit, restore the name of a medical practitioner to the Register.

No person other than a registered medical practitioner to practise medicine

12. A person, other than a registered medical practitioner, shall not —

- (a) give or perform, for fee or reward, a medical or surgical service, attendance, operation or advice; or
- (b) advertise or hold himself out as being, or in any manner pretend to be, or take or use the name or title (alone or in conjunction with any other title, word or letter) of a physician, doctor of medicine, licentiate in medicine or surgery, master in surgery, bachelor of medicine or surgery, doctor, surgeon, medically qualified or registered practitioner, apothecary, accoucheur, or any other medical or surgical name or title; or
- (c) advertise or hold himself out, directly or indirectly by any name, word, letter, title or designation, whether expressed in words, or by letters, or partly in one and partly in the other (either alone or in conjunction with any other word or words, or by any other means whatsoever) as being entitled or qualified, able or willing to practise medicine or surgery, in any one or more or all of its branches, or to give or perform any medical or surgical service, attendance, operation or advice.

Penalty: 20 penalty units.

Medical appointments not to be held by unregistered persons

13. A person, other than a registered medical practitioner, shall not hold an appointment —

- (a) as a physician, surgeon or other medical officer —
 - (i) in a hospital, infirmary, dispensary, lying-in hospital, or in a hospital for the insane, gaol, penitentiary, house of correction, or other public institution for affording medical relief in sickness, infirmity or old age; or
 - (ii) to a health centre, or welfare, natal, or industrial clinic or other centre or clinic for the promotion of the public health by the prevention or early diagnosis or the treatment of disease; or
 - (iii) to a friendly society; or
- (b) as a medical officer of health or medical inspector.

Penalty: 20 penalty units.

Signing of death certificates

14. A person, other than a registered medical practitioner, shall not sign —

- (a) a certificate required by an enactment from a physician, surgeon, licentiate in medicine or surgery, medical practitioner or medical officer of health; or
- (b) a medical certificate of the cause of death of a deceased person.

Penalty: 10 penalty units.

Application of Act

15. Nothing in this Act shall prejudice or affect —

- (a) the giving or performance, in case of emergency, of medical or surgical services, attendance operation or advice by a medical practitioner duly registered under the law of a State, a Territory or New Zealand; or
- (b) the lawful business or occupation of a chiropractor, druggist, nurse, midwife or physiotherapist; or
- (c) the lawful business or occupation of —
 - (i) a dentist registered under the *Registration of Dentists Act 1931*; or
 - (ii) a pharmaceutical chemist registered under the *Pharmacy Act 1956*.

Regulations

16. The Administrator may make Regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to —

- (a) the manner of keeping the Register and the particulars to be entered in the Register; and
 - (b) the fees to be charged and paid in respect of registration under this Act; and
 - (c) the control of the professional conduct of registered medical practitioners and the practice of their profession; and
 - (d) the imposition of penalties not exceeding 5 penalty units which may be imposed for breaches of the Regulations.
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NOTES

The *Medical Practitioners Registration Act 1983* as shown in this consolidation comprises Act No. 1 of 1983 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Medical Practitioners Registration Act 1983</i>	1, 1985	6.11.86	
<i>Statute Law Revision (Self-Government) No. 2 Act 1991</i>	9, 1991	1.7.91	
<i>Medical Practitioners Registration Amendment Act 1993</i>	16, 1993	29.7.93	

[Previously consolidated as at 7 April 2000]

Interpretation (Amendment) Act 2012 14, 2012 28.12.12
*[to substitute throughout —
Commonwealth Minister for Minister;
and to substitute Minister for executive
member]*

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
inserted substituted

Provisions affected	How affected
4	am 9, 1991
6	am 9, 1991
6(2)	rs 16, 1993
7	am 9, 1991
	rs 16, 1993
8	rep 16, 1993
8A	ad 16, 1993
9	am 9, 1991
10(3)(a)	am 9 of 1991
11	am 16 of 1993
16	am 9 of 1991

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