



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 43 of 1988

An Act to amend the Medical Practitioners Act, 1983.

[Assented to 5 May 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Medical Practitioners Act Amendment Act, 1988*.
- (2) The *Medical Practitioners Act, 1983*, is in this Act referred to as "the principal Act".

Membership of Board

2. Section 7 of the principal Act is amended—
 - (a) by inserting after subsection (5) the following subsection:
 - (5a) A person may not be appointed or re-appointed as a member or deputy of a member if the person has attained the age of 65 years.;
 - (b) by striking out paragraph (c) of subsection (7);

and

 - (c) by striking out from subsection (9) "or who attains the age of sixty-five years".

Insertion of s. 20a

3. The following section is inserted after section 20 of the principal Act:

Investigations

20a. (1) A member of the Board, or a person acting at the direction of a member of the Board, may conduct an investigation of any matter that is the subject or is of a kind that might be the subject of proceedings before the Board or the Tribunal.

(2) A person conducting an investigation under this section may where reasonably necessary for that purpose—

- (a) require a person to answer questions and to be present or attend at a specified place and time for that purpose;
- (b) require a person to produce books or equipment and inspect them when produced and make copies of the books or of any of their contents.

(3) A member of the Board or other person must, in exercising the powers conferred by this section, comply with such general directions as may be given by the Board from time to time with respect to the conduct of investigations under this section.

(4) A person—

(a) who fails, without reasonable excuse, to comply with a requirement under subsection (2);

or

(b) who wilfully delays or obstructs the Registrar or another person in the exercise of powers conferred by subsection (2),

is guilty of an offence and liable to a penalty not exceeding \$5 000 or imprisonment for three months.

(5) A person is not obliged to answer a question put to the person under subsection (2) if the answer would result in or tend towards self-incrimination.

Inquiries by Board in relation to unprofessional conduct

4. Section 54 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Where a complaint has been laid before the Board under this section, the Board must inquire into the subject matter of the complaint unless the Board—

(a) considers that the complaint is frivolous or vexatious;

or

(b) lays a complaint before the Tribunal relating to matters the subject of, or arising out of, the complaint laid before the Board.

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

D. B. DUNSTAN, Governor