

PROFESSIONS RELATED TO MEDICINE ACT

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Fourth Session Second Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 35 of 1985

[L.S.]

AN ACT to provide for the establishment of a Council, Boards and a disciplinary committee for certain professions related to medicine; and for purposes incidental thereto.

[Assented to 3rd December, 1985]

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly: Preamble

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title and commencement

1. This Act may be cited as the Professions Related to Medicine Act, 1985 and shall come into operation on such date as the President may appoint by Proclamation.

PRELIMINARY

Interpretation

2. (1) In this Act—

“Board” means a board constituted under section 5;

“Council” means the Council for Professions Related to Medicine established under section 3(1);

“notice” means a notice in writing;

“profession” means a profession specified in the First Schedule;

First Schedule

“register” means a register established under section 7(1) in respect of the particular profession in relation to which the word is used and “registered” and “registration” have corresponding meanings;

“Registrar” means the Registrar appointed by the Council under section 6(1).

(2) For the purposes of this Act “the initial period” in relation to a Board, means the period expiring eight months after such date as the Council may by order determine as that on which the Board’s register is established.

PART I**ESTABLISHMENT OF A COUNCIL AND BOARDS FOR
CERTAIN PROFESSIONS RELATED TO MEDICINE**

3. (1) There shall be a body to be called the Council for Professions Related to Medicine which shall have the function of co-ordinating and generally guiding and supervising the activities of the Boards constituted under this Act, and the additional functions assigned to it by this Act.

The Council for professions related to medicine and the Boards

(2) For each of the Professions specified in the First Schedule there shall be established a Board with the title specified in the second column which shall have the functions assigned to it by this Act.

Establishment of Boards

(3) The Council shall perform its function of co-ordinating and generally guiding and supervising the activities of the Boards—

- (a) by making to each Board, or inviting the Board to make to the Council, proposals as to the activities to be carried on by the Board or Boards;**
- (b) by recommending a Board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the Board on such proposals;**
- (c) by concerning itself with matters appearing to it to be of special interest to any one or more of the Boards, and by giving the Boards such advice and assistance as it thinks fit with respect to such matters;**
- (d) by formulating a code of ethics which, after consultation with the Board for a particular profession and subject to the approval by Order of the Minister, shall be deemed to be the rules of good conduct for that profession;**

- (e) by exercising its duties, functions and powers under this Act so as to promote high standards of professional education and professional conduct by arranging where appropriate courses of training for each profession and in such manner as the Council considers most conducive to the satisfactory performance by each Board of the Board's functions under this Act.

Constitution of
the Council

4. (1) Subject to the provisions of this Act, the Council shall consist of the following members:

- (a) two registered medical practitioners appointed by the Council of the Medical Board of Trinidad and Tobago;
- (b) three persons appointed by the Minister of whom—
- (i) two shall be specially qualified for the appointment by reason of experience relating to the related professions specified in the First Schedule; and
- (ii) one shall be a representative of the Ministry of Health;
- (c) one person representative of the University of the West Indies who shall be a citizen of Trinidad and Tobago appointed by the Faculty of Medicine of that University,

First Schedule

and two representative members of each Board (hereafter referred to as "representative members") who shall be appointed by the respective Boards constituted under this Act from among their members save that during the initial period such members shall be appointed in accordance with subsection (3).

(2) Each Board may appoint two persons to act as additional members of the Council (without the right to vote) at a meeting at which the Council is considering a matter appearing to the Council to be of special interest to registered members of the profession for which the Board is established.

(3) During the initial period as respects a Board the representative members who are required to be appointed from among their members shall instead be appointed by the Minister from among the members of the relevant profession after consultation with members thereof.

(4) The Council shall be a body corporate.

5. (1) Subject to this Act, each Board for a profession shall consist of not more than ten members who shall be chosen by members of that profession from among their members to represent the members of that profession (hereafter referred to as "Board members").

Constitution of
the Boards

(2) The Board members taking office after the initial period shall be registered members of that profession chosen by secret ballot by the registered members of that profession at a meeting summoned by notice in writing by the chairman of the relevant Board of that profession.

(3) A meeting summoned by the chairman under subsection (2) shall be convened not less than 21 clear days after the date of the issue of the notice summoning such meeting. The chairman shall not have an original vote but in the event of a tie in the votes cast at such meeting, he shall have a casting vote.

(4) The Board members taking office during the initial period shall be appointed by the Minister after consultation with members of the relevant profession.

(5) Each Board shall be a body corporate.

6. (1) The Council (but not a Board) shall appoint a Registrar and such other officers and servants on such terms as to remuneration, pensions or otherwise as the Council may, with the consent of the Minister, determine; and the Council shall make such arrangements as it thinks appropriate for the services of officers and servants appointed by it to be available to the Boards and to any committees of the Council or a Board.

Officers and
servants

Second Schedule

(2) The supplementary provisions contained in the Second Schedule shall have effect (so far as applicable) with respect to the Council and the Boards.

PART II

REGISTRATION OF MEMBERS OF THE RELATED PROFESSIONS

Establishment
and maintenance
of registers
and Rules

7. (1) It shall be the duty of each Board to prepare, establish and maintain a register of the names, addresses and qualifications, and such other particulars as may be prescribed by Rules made under subsection (4), of all persons who are entitled in accordance with the provisions of this Act to be registered by the Board and who apply in the prescribed manner to be so registered.

(2) For the purposes of this Act a person is registered by a Board in respect of a profession if his name is on the register maintained in accordance with this Act.

(3) A Board may direct the Registrar to refuse to enter a name in its register, or to refuse to restore a name to its register, until the fees prescribed by Rules made under this section for entry or restoration of such name in the register have been paid.

(4) The Council may, after consultation with all the Boards for the time being established under this Act, and with the approval of the Minister, make Rules with respect to the form and keeping of the registers maintained on behalf of the Boards and the making of entries, alterations and corrections therein, and in particular—

- (a) for regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
- (b) for providing for the notification to a Board of any change in the particulars entitling a person to registration;
- (c) for prescribing the fees to be paid in respect of the entry or retention of names on the register, being such fees

as the Council considers will produce not more than the sums required to defray the reasonable expenses of the Council under this Act;

- (d) for authorising the Registrar to remove from the register the name of any person who is deceased or is no longer practising in Trinidad and Tobago or fails to supply the Registrar with an address at which he can be found, or who, after the prescribed notices and warnings, fails to pay any fee prescribed for the retention of his name on such register or fails to notify the Board of any change in the particulars entitling him to registration;
- (e) for prescribing anything requiring to be prescribed under the foregoing provisions of this section;

and any such Rules may make different provisions for different circumstances.

(5) Rules made under subsection (4) shall be subject to affirmative resolution of Parliament.

(6) It shall be the duty of the Registrar—

- (a) to cause the register of each Board to be published in the *Gazette* not later than one year from the beginning of the year next following that in which the Board is established;
- (b) to cause in each year after that in which the register of each Board is first published under paragraph (a), to be published in the *Gazette* a corrected copy of the register; and
- (c) to cause a copy of the register of each Board made for the purposes of paragraphs (a) and (b) to be deposited at the offices of the Council,

and it shall be the duty of the Council to keep the copies of the registers so deposited open at all reasonable times for inspection by members of the public.

(7) A document purporting to be a copy of a register published in the *Gazette* by authority of the Registrar in the current year, or documents purporting to be copies of a register so published in a previous year and of a list of the corrections to that register so published in the current year shall be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered by the Board is so registered, and that any person not so specified is not registered by the Board.

Qualifications
for registration

8. (1) Subject to section 17 and to Rules under section 7(4), a person is entitled to be registered by a Board if he applies for registration after such date as the Board may by Order appoint for the purposes of this section and satisfies the Board—

- (a) that he has attended a course of training approved by the Council under section 9; and
- (b) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and
- (c) that he holds a qualification so approved.

(2) Subject to section 17 and to Rules under section 7(4), a person is entitled to be registered by a Board if he applies for registration on or before the date appointed under subsection (1) and satisfies the Board that—

- (a) he holds a qualification granted in Trinidad and Tobago for the time being accepted for the purposes of this section by the Council and if the Council so requires, that he has had sufficient practical experience in the relevant profession; or
- (b) he has had such training and practical experience in the relevant profession in Trinidad and Tobago as the Council

considers are together sufficient to enable the applicant to practise that profession,

and he is so entitled if he applies for registration after the date appointed under subsection (1) and satisfies the Board that on that date he satisfied the requirements of either paragraphs (a) or (b) of this subsection.

(3) If a Board refuses an application for registration made in pursuance of subsection (2), or neither grants nor refuses such application before the expiration of three months from the date of the application, the applicant may appeal to the Council in accordance with Rules made by the Council with the approval of the Minister and subsection (2) shall apply for the purposes of the appeal as if for the reference to satisfying the Board there is substituted a reference to satisfying the Council.

(4) Subject to the foregoing provisions of this section, a person is entitled to be registered by a Board if he satisfies the Board—

- (a) that he holds a qualification granted outside Trinidad and Tobago and for the time being accepted for the purposes of this subsection by the Council; and
- (b) if the Council so requires, that he has had sufficient practical experience in the relevant profession.

9. (1) Subject to subsection (2), the Council, after consultation with the Board for any profession, may approve for the purposes of this Act—

Approval of
courses, qualifica-
tions and
institutions

- (a) any course of training which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession and which persons having such preliminary qualifications as the Council considers appropriate are eligible to attend;

- (b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practise that profession;
- (c) any institution which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section,

and may refuse its approval under this section or withdraw such an approval previously given; and notice of the giving, refusal or withdrawal of such an approval shall be served by the Council on the body or person affected.

(2) Where an application is made to the Council for its approval under this section for a course of training or a qualification, the Council shall send the application to the Board concerned and that Board shall return the application with its recommendations to the Council and the Council shall send the application and recommendations, together with its own recommendations thereon, to the Minister and the Minister shall determine whether the approval is to be given or refused but before determining that an approval is to be refused, the Minister shall afford the applicant an opportunity of making representations to him with respect to the application and the recommendations of the Council and the Board thereon.

(3) If the Council proposes after consulting the Board concerned that its approval under this section for a course of training or a qualification should be withdrawn, the Council shall report the matter with its observations thereon to the Minister, and the Minister shall, after affording the Board concerned an opportunity of making observations on the proposal, decide whether the proposal shall be abandoned or shall be proceeded with in accordance with this section.

(4) Where the Minister decides under subsection (3) that a proposal shall be proceeded with, the Council shall serve notice on the body or person affected stating that a withdrawal of the approval in question is being considered and inviting that body or person to send to the Council in writing, within one month from the date of the notice, any representations which that body or person may wish to make to the Minister against the withdrawal.

(5) Where no such representations are received by the Council within the month specified in subsection (4), the Minister may, if he thinks fit, direct the Council to withdraw the approval; and where such representations are so received—

- (a) the Council shall send the representations to the Board concerned and require the Board to send its observations thereon to the Council;
- (b) the Council shall send the representations and the Board's observations, together with its own observations thereon, to the Minister, and shall serve a copy of its own observations on the body or person affected; and
- (c) the Minister, after affording the body or person affected an opportunity of making additional representations on the observations of the Council and the Board, shall determine whether the approval is to be withdrawn and shall give directions to the Council accordingly.

(6) Any reference in this section or in section 10 to a body or person affected, in relation to an approval, is a reference to the body or person who applied for the approval.

10. (1) If the Council refuses or withdraws its approval under section 9 for an institution, the body or person affected may, within one month from the date of service on him of the refusal or withdrawal,

Appeal from a refusal or withdrawal of approval of institution

appeal to the Minister and the Minister, after affording the Council, the Board concerned and the said body or person an opportunity of making observations on the case and after considering any representations of the said body or person on the observations of the Council and the Board, shall either dismiss or allow the appeal and, where he allows an appeal against a refusal or withdrawal, he shall direct the Council to give that approval.

(2) If before the expiration of six months from the date of an application for approval under section 9 for an institution the approval has not been given or refused, the applicant shall be deemed to have received notice of its refusal on the expiration of that period; and such refusal shall not take effect until the expiration of the month mentioned in subsection (1) and, if within that month the body or person affected gives notice to the Minister of an appeal under this section against the refusal, the refusal shall not take effect unless and until the appeal is dismissed or abandoned.

(3) The withdrawal of an approval under sections 9 and 10 shall not prejudice the registration or entitlement to registration of any person who was registered or entitled to registration by virtue of that approval immediately before it was withdrawn.

Supervision of
approved
institutions and
of examinations
for approved
qualifications

11. (1) The Council shall keep itself informed of the nature of—

- (a) the instructions given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as the result of which approved qualifications are granted.

(2) For the purpose of its duty under subsection (1), the Council may appoint persons to visit approved institutions or to attend examinations as a result of which approved qualifications are granted.

(3) A visitor appointed under this section shall report to the Council as to the sufficiency of the instructions given to persons attending approved courses of training at the institutions visited by him,

and as to any other matters relating to the institutions or examination on which the Council may, either generally or in a particular case, request him to report.

(4) The Council may pay to visitors appointed under this section remuneration and travelling and subsistence allowances at such rates as the Council may, with the consent of the Minister, determine.

(5) It shall be the duty of the Council to maintain a list of approved institutions, approved courses of training and approved qualifications and to cause copies of the list so maintained to be exhibited at all reasonable times for inspection by members of the public.

(6) In this section the expression "approved" means approved by the Council under section 9.

12. (1) A person who is registered shall be entitled Use of titles to use the title of Registered Physiotherapist or Registered Radiographer (and similarly for the other professions) according to the profession in respect of which he is registered.

(2) Any person who—

- (a) practices or advertises his service as a physiotherapist, and similarly as respects the other professions, when his name is not on the register established under this Act in respect of that profession;
- (b) takes or uses either alone or in conjunction with any other words, the title of Registered Physiotherapist, or Physiotherapist and similarly as respects the other professions, when his name is not on the register established under this Act in respect of that profession; or
- (c) takes or uses any name, title, addition or description falsely implying, or otherwise pretends that his name is on a register established under this Act,

is liable on summary conviction to a fine of five thousand dollars, and in the case of a second or subsequent conviction, to a fine of ten thousand dollars.

Penalty for false representations, etc., to obtain registration

13. Any person who procures or attempts to procure the entry of any name on a register established under this Act by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent, is liable on summary conviction to a fine of five thousand dollars.

PART III

DISCIPLINE AND APPEALS

Disciplinary Committee and procedure of Disciplinary Committee

14. (1) For the purposes of this Act, there shall be a Committee to be known as the Disciplinary Committee of the Professions Related to Medicine which shall be charged with the duty of considering and determining any matter assigned to it under section 16.

(2) The Disciplinary Committee shall be appointed by the Council. It shall consist of the member of the Council appointed under section 4(1)(b)(ii), one other member of the Council together with two representative members of the Board concerned and one representative member of the other Boards as the Council may from time to time determine.

(3) The Disciplinary Committee shall appoint one of its members to be the Chairman of the Committee.

(4) Subject to subsections (2) and (3), the Council may from time to time remove from office any member of the Disciplinary Committee or fill any vacancy in the membership of the Committee, or appoint any additional member or members of the Committee.

(5) At all meetings of the Disciplinary Committee four members shall form a quorum or such other number as may from time to time be prescribed by Order of the Minister for the purposes of this section.

(6) The Chairman shall preside at all meetings of the Disciplinary Committee and shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(7) For the purposes of section 16(3), the person concerned may, if he so desires, be represented by counsel, solicitor or otherwise.

(8) The Council may, after consultation with each of the Boards, and with the approval of the Minister make Rules as to the procedure to be followed and the Rules of evidence to be observed in proceedings before the Disciplinary Committee, and in particular—

- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified by the Rules, to the person alleged to be liable to have his name removed from the register;
 - (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
 - (c) for requiring, in cases where it is alleged that a person is guilty of infamous or disgraceful conduct in any professional respect, that where the Committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (d) for securing that where a legal adviser advises a Disciplinary Committee on any question of law as to evidence, procedure or any other matters specified by the Rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the Committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the legal adviser has tendered;
 - (e) for securing that every such party or person as aforesaid shall be informed if
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in any case the Committee does not accept the advice of the legal adviser on such a question as aforesaid.

(9) Except as expressly provided in this Act or in Rules made under subsection (8), the Disciplinary Committee may regulate its procedure in such manner as it thinks fit.

Power of Council
to appoint legal
adviser

15. (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before it there shall in all such proceedings be a legal adviser to the Disciplinary Committee who shall be a barrister or a solicitor of not less than five years standing.

(2) The power of appointing a legal adviser for the Disciplinary Committee shall be exercisable by the Council after consultation with the Boards.

(3) A legal adviser may be appointed pursuant to this section either generally or for any particular proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) The Council may pay to a legal adviser appointed pursuant to this section remuneration at such rate as may be determined by the Council with the consent of the Minister.

Complaints
against persons
registered

16. (1) If a complaint is made to the Council, or the Council has reason to believe that any person registered under this Act—

- (a) has been convicted by any court in Trinidad and Tobago of any offence punishable on indictment; or
 - (b) has been convicted by any court outside of Trinidad and Tobago of any offence which, if committed in Trinidad and Tobago, would render such person liable to conviction on indictment, or
 - (c) has been guilty of infamous or disgraceful conduct in a professional respect,
- the Council may direct the Disciplinary Committee to make enquiry under this section.

(2) For the purposes of the enquiry the Disciplinary Committee may make or employ any person to make whatever preliminary enquiries it considers necessary.

(3) Before the Disciplinary Committee makes any final determination on any matter which it investigates under this section, it shall cause to be served on the person concerned a notice specifying the grounds of the complaint with sufficient particularity to enable him to answer the complaint and requiring him to appear before the Disciplinary Committee at a time and place specified in the notice and it shall also give him a reasonable opportunity of being heard.

(4) The Disciplinary Committee may cause to be served on any witness whom the Disciplinary Committee may consider should be heard, a notice in the form set out in the Third Schedule requiring him to appear before the Disciplinary Committee at the enquiry at the time and place specified in the notice and may in the notice call for the production of documents; and a witness may be sworn by the Chairman of the Disciplinary Committee and may be subject to examination, cross-examination and re-examination as nearly as may be as if he were a witness in an ordinary action.

(5) Any person who refuses or fails, without sufficient cause, to attend at the time and place mentioned in the notice served on him, and any person who attends, but leaves the enquiry without the permission of the Disciplinary Committee, or refuses without sufficient cause to answer or to answer fully and satisfactorily to the best of his knowledge and belief, all questions put to him by or with the concurrence of the Disciplinary Committee, or refuses or fails without sufficient cause to produce any documents in his possession, or under his control, and mentioned or referred to in the notice served on him, is liable on summary conviction to a fine of two thousand dollars.

(6) No person giving evidence before the Disciplinary Committee shall be compellable to criminate himself, and every such person shall, in

respect of any evidence given by him before the Disciplinary Committee, be entitled to all privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such Court.

(7) If after the investigation of any complaint under this section the Disciplinary Committee is of the opinion that the complaint has been proved, it may recommend to the Council that it exercise such of the disciplinary powers conferred on it by section 17 as the Disciplinary Committee thinks fit.

Disciplinary
powers of
Council

17. (1) On receiving a recommendation of the Disciplinary Committee under section 16, the Council may in its discretion give effect to the recommendation, wholly or partly, or may take any other action under subsection (2) that is not more severe than that recommended by the Committee.

(2) The disciplinary powers which the Council may exercise in respect of any person registered under this Act shall be any one or all of the following:

- (a) to censure or reprimand the person concerned;
- (b) to order that the name of the person concerned be removed from the register;
- (c) to suspend the person concerned from any rights or privileges under this Act for a period not exceeding two years.

(3) While an order of suspension under this section remains in force the person to whom it relates shall, for all purposes of this Act, not be entitled to use the title of Registered Physiotherapist or Registered Radiographer (and similar for the other professions) but forthwith on the expiry of the order his entitlement to the use thereof shall be revived with effect from the date of expiry.

(4) No disciplinary power shall be exercised by the Council under this section over any person registered under this Act by reason of any conviction for a political offence nor on account of a conviction for an offence which though within the provisions of section 16(1)(a) or 16(1)(b) ought not, in the opinion of

the Council, either from the trivial nature of the offence, or from the circumstances under which it was committed, cause the disqualification of a person from practising a profession; nor on account of a conviction for an offence committed before the date of such person's registration, if at that date the Council was aware of his conviction for that offence.

(5) Every decision made by the Council under this section shall be in the form of an order signed by the Chairman of the Council and shall contain a statement of the decision and reasons therefor of the Council in relation to the case and a copy of the order shall be forwarded to the person against whom the order was made, to the Chairman of the Disciplinary Committee and to the Board concerned.

(6) When the Council orders that a person's name shall be removed from a register pursuant to this section the Board concerned shall, subject to the provisions of this Act, cause effect to be given to such order.

(7) A person whose name is removed from a register pursuant to an order under this section shall not be entitled to be registered in that register again except in pursuance of an order in that behalf, made by the Council on the application of that person to the Council for the restoration of his name to the register, and an order by the Council on the application of that person; and an order under this section for the removal of a person's name from a register may prohibit an application under this subsection by that person until the expiration of such period from the date of the order (and where he has duly made such an application, from the date of his last application) as may be specified in the order.

(8) An order for removal of a name from the register shall take effect—

- (a) where no appeal under section 19 is brought against the order within the time limited for the appeal, on the expiration of that time;

- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.

Infamous
conduct in a
professional
respect

18. Without restricting the generality of section 16(1)(c) each Board shall prepare (and from time to time revise) in consultation with the Council, a statement as to the kind of conduct which it considers to be infamous or disgraceful conduct in a professional respect, and the Board shall send by registered post to each registered member of the profession, at his address on the register, a copy of the statement as for the time being revised.

Appeal against
direction to
remove name
from register

19. The person to whom an order under section 17 relates may, at any time within twenty-eight days from the date of service on him of the order, appeal against the order only on a point of law to a Judge in Chambers who may give such directions in the matter as he may think proper, including an order as to the costs of the appeal and the Council and the Board concerned may appear as respondents on any such appeal and, for the purpose of enabling directions to be given as to the costs of the appeal, shall be deemed to be parties thereto whether or not they appear on the hearing of the appeal.

PART IV

MISCELLANEOUS

Power to extend
or restrict
application of Act

20. (1) If the Council considers it appropriate, after consulting any existing Boards appearing to the Council to be concerned—

- (a) that this Act should be extended to a profession that appears to the Council to be allied to medicine and is not specified in the First Schedule;
- (b) that having regard to changes in the activities usually carried on by persons

First Schedule

practising a profession specified in the First Schedule, this Act should cease to extend to that profession; or

- (c) that in view of the amalgamation or proposed amalgamation of a profession mentioned in the First Schedule with another profession or other professions (whether so mentioned or not), a single Board with a name appropriate for the amalgamated professions should be established under this Act;

the Council shall make a recommendation to that effect to the Minister.

(2) If the Minister, after consulting any existing Boards appearing to him to be concerned, agrees with a recommendation made pursuant to subsection (1) he may, by Order, amend or vary the First Schedule and any such Order may contain such transitional, incidental and supplementary provisions as the Minister may consider necessary or expedient.

(3) No Order shall be made under this section unless a draft of the Order has been laid before Parliament and approved by resolution of both the Senate and the House of Representatives.

21. (1) If it appears to the Minister, either in consequence of representations made to him or for any other reason, that the Council or a Board has failed either generally or in a particular case to do, or to do satisfactorily, anything which under this Act that body has power or a duty to do, the Minister may, if he thinks fit, subject to subsection (3), direct that body to do that thing in such manner and within such period as may be specified by the directions and any such directions shall be enforceable by mandamus on the application of the Minister.

(2) Instead of proceeding to enforce such directions by mandamus, the Minister may, if he thinks fit—

- (a) in the case of directions to a Board, order the Council to give effect to the directions; or

(b) in any case, himself give effect to the directions and recover from the Council as a simple contract debt any expenses certified by him to have been incurred in doing so.

(3) The power to give directions under this section shall not include power to give directions with respect to a Board's function under section 8.

(4) Any expenses of the Minister under this section shall be defrayed out of moneys provided by Parliament.

Notices

22. Any notice or other document authorised to be served under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in Rules under this Act, be served by post.

FIRST SCHEDULE

Section 2

FIRST COLUMN	SECOND COLUMN
Physiotherapists	Physiotherapists Board
Radiographers	Radiographers Board
Medical Laboratory Technicians	Medical Laboratory Technicians Board
Nutritionists and Dietitians	Nutritionists and Dietitians Board
Speech and Occupational Therapists	Speech and Occupational Therapists Board
Medical/Psychiatric Social Workers	Medical/Psychiatric Social Workers Board

SECOND SCHEDULE

Section 6

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND BOARDS

Tenure of Office, etc., of Members and Chairman

1. (1) Subject to paragraph 3, the members (other than representative members) of the Council taking office, shall hold office for three years.

(2) Subject to paragraph 3, the representative members of the Council taking office during the initial period shall hold office until the end of that period as respects that Board and thereafter shall hold office for one year.

(3) Subject to paragraph 3, a Board member taking office during the initial period shall hold office until the end of that period as respects that Board and thereafter shall hold office for three years.

2. (1) A member of the Council or a Board who is appointed by the Minister may resign his office at any time by written notice to the Minister, a copy of which shall be forwarded by the member to the Registrar and any other member may do so by written notice to the Registrar.

(2) A member of the Council or a Board whose name is removed from any register maintained under this Act shall be deemed to have relinquished his office.

(3) A representative of the Council appointed by a Board who ceases to be a representative member of that Board shall be deemed to have relinquished his office on the Council.

(4) When a member of the Council or a Board ceases to hold office otherwise than by retirement his place shall be taken—

(a) in the case of a Board member by a person chosen or appointed in the same manner and satisfying the same requirements of this Act as the member in question;

(b) in any other case, by a person appointed in the same manner and satisfying the same requirements of this Act as the member in question.

(5) A person taking office by virtue of subparagraph (4) shall retire when the person whose place he takes would normally have retired.

3. (1) One of the members of the Council appointed by the Minister shall be designated by the Minister as the Chairman of the Council, and a Board shall appoint one of its members to be the Chairman of the Board.

(2) The Chairman of the Council or a Board shall hold office as such until the expiration of the period determined by the Minister or the Board, as the case may be, or until he ceases to be a member of the Council or Board, whichever first occurs, and until a successor shall have been duly designated or appointed in his stead and shall then retire from that office.

4. A person retiring from or resigning office as the Chairman or a member of the Council or a Board shall be eligible to hold that office again.

5. The powers of the Council or a Board or any committee thereof may be exercised notwithstanding any vacancy in its membership, and no proceedings of such a body shall be invalidated by any defect in the selection of a person to be a member of that body.

Committees

6. (1) The Council, or a Board with the approval of the Council, may appoint one or more committees to carry out, on behalf of the Council or Board such of the functions of the Council or Board as that body may determine.

(2) A committee appointed under this paragraph shall consist of the number of members determined by the body appointing it and not more than one-third of the members may be persons who are not members of that body; and a member of such a committee shall hold office in accordance with the terms of the instrument under which he is appointed.

Standing Orders

7. The Council or a Board may make standing orders for regulating the proceedings (including quorum) of the Council or Board or any committee thereof other than the Disciplinary Committee appointed by the Council.

Expenses and Accounts

8. (1) Any fees payable under this Act in respect of the entry or retention of a name on a register shall be paid to the Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees or otherwise.

(2) The Council shall furnish each Board with such sums as the Board may require for defraying any expenses reasonably incurred by the Board in the performance of its functions under this Act or any sums, which the Board is authorised by this Act to pay and each Board shall furnish the Council with such evidence as the Council may reasonably require of all payments made by the Board out of sums furnished by the Council.

(3) The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts and its accounts for each financial year of the Council shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister; and as soon as any accounts of the Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Minister together with a copy of any report of the auditors thereon.

MISCELLANEOUS

9. A Board shall furnish the Council with a copy of the minutes of proceedings of the Board and any committee appointed by the Board and of any documents considered at a meeting of the Board or committee; and the Council shall, at the request of a Board, make available to the Board a copy of so much of any minutes of proceedings of the Council or a committee appointed by the Council and of so much of any document considered at a meeting of the Council or committee as relates to the Board.

THIRD SCHEDULE

Section 16(4)

NOTICE TO WITNESS

To A. B.....
(Name of person summoned, and his calling and residence)

You are hereby summoned to appear before the Disciplinary Committee appointed under the Professions Related to Medicine Act to enquire.....
(State briefly the subject of enquiry)

atupon the
(Place)

.....day of....., 19.....
at.....o'clock, and to give evidence respecting such enquiry.

(If the person summoned is to produce any documents, add) and you are required to bring with you.....
..... Therefore fail not at your peril.
(Specify the documents required)

Given under the hand of.....,
Chairman of the Disciplinary Committee, this.....day of
....., 19.....

Passed in the Senate this 30th day of April, 1985.

M. CARRINGTON
Acting Clerk of the Senate

It is hereby certified that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of 23 Senators.

M. CARRINGTON
Acting Clerk of the Senate

Passed in the House of Representatives this 6th day of November, 1985.

R. L. GRIFFITH
Acting Clerk of the House

It is hereby certified that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 32 members of the House.

R. L. GRIFFITH
Acting Clerk of the House