

Chapter 398.
Medical Registration Act 1980.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 398.

Medical Registration Act 1980.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Medical Registration Act 1980,

Being an Act to establish—

- (a) the Papua New Guinea Medical Board for the registration and discipline of medical practitioners, dental practitioners and allied health workers; and
- (b) the Papua New Guinea Nursing Council for the registration and discipline of nurses and nurse aides,

and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the Board**” means the Papua New Guinea Medical Board established by Section 3;

“**the commencement date**” means 13 January 1983, being the date on which the *Medical Registration Act 1980* came into force;

“**the Council**” means the Papua New Guinea Nursing Council established by Section 67;

“**enrolled nurse**” means a person whose name appears on a register kept under Section 75(1)(c);

“**the Medical Registrar**” means the officer appointed under Section 8;

“**the Nursing Registrar**” means the officer appointed under Section 72;

“**qualification**” includes a qualification gained, or to be gained, by education, training or experience;

“registered dental practitioner” means a person whose name appears on a register kept under Section 11(1)(g);

“registered medical practitioner” means a person whose name appears on a register kept under Section 11(1)(a);

“registered nurse” means a person whose name appears on a register kept under Section 75(1)(a);

“repealed Act” means the *Medical Services Act*;

“specialist medical practitioner” means a registered medical practitioner whose name appears on a register kept under Section 11(1)(c);

“this Act” includes the regulations.

2. NATIONAL INTEREST.

For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this Act relates to a matter of national interest.

2A. APPLICATION OF ACT.

¹This Act shall be read subject to the *National Health Administration Act 1997*.

¹ Section 2A inserted by *Medical Registration (Amendment) Act 1998* (No. 21 of 1998), s1.

PART II. – MEDICAL PRACTITIONERS, DENTAL PRACTITIONERS AND ALLIED HEALTH WORKERS.

Division 1.

Establishment of Papua New Guinea Medical Board, etc.

3. ESTABLISHMENT OF THE BOARD.

The Papua New Guinea Medical Board is hereby established.

4. CONSTITUTION OF THE BOARD.

(1)² ³The Board shall consist of–

- (a) the Departmental Head or a person nominated by him; and
- (b) one specialist medical practitioner working at the Port Moresby General Hospital, appointed by the Minister; and
- (c) one registered medical practitioner, appointed by the Faculty of Medicine of the University of Papua New Guinea; and
- (d) one specialist medical practitioner, appointed by the Papua New Guinea Medical Society; and
- (e) one registered medical practitioner, appointed by the Papua New Guinea Medical Society; and
- (f) one registered health extension officer, appointed by the Papua New Guinea Health Extension Officers Association; and
- (g) one registered dental practitioner, appointed by the Minister; and
- (h) one prominent lay person, appointed by the Minister.

(2) A person is not qualified to be or become a member of the Board if he–

- (a) is an undischarged bankrupt or insolvent; or
- (b) has been convicted of an offence, either in Papua New Guinea or elsewhere, which is an indictable offence if committed in Papua New Guinea; or
- (c) has had disciplinary action taken against him under Section 48, consisting of either cancellation or suspension of registration, and has been registered under this Act, following the revocation or termination of that cancellation or suspension of registration, for a period of less than three years.

(3) Subject to Subsections (4), (5) and (6), members of the Board, other than the Departmental Head, hold office for two years and are eligible for reappointment.

² Section 4(1) amended by No. 15 of 1984.

³ Section 4(1) amended by No. 15 of 1984.

(4) The Minister shall terminate the term of office of a member of the Board, other than the Departmental Head, if the member—

- (a) becomes for any reason permanently incapable of performing his duties; or
- (b) becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances for their benefit; or
- (c) in the Minister's opinion, permanently resides outside the country; or
- (d) in the Minister's opinion, has been guilty of misbehaviour such as to render him unfit to continue to be a member of the Board; or
- (e) has ceased to have the qualification by virtue of which he was appointed; or
- (f) without leave of the Board, fails to attend three consecutive meetings of the Board; or
- (g) informs the Minister that he wishes to resign.

(5) The Minister may at any time terminate the term of office of a member of the Board appointed by the Minister.

(6) A member of the Board appointed to fill a vacancy caused by the death of a member, or by the termination of the term of office of a member by virtue of Subsection (4) or (5), holds office for the balance of the term of office of the member he is replacing but is eligible for reappointment.

(7) Where a person is appointed to be a member of the Board the person or body who appointed that person shall, as soon as practicable after the appointment, notify the Medical Registrar of the appointment.

5. CHAIRMAN AND DEPUTY CHAIRMAN OF THE BOARD.

(1) Subject to Subsection (3), the members of the Board shall, from among their own number, elect a Chairman and Deputy Chairman of the Board.

(2) If the Chairman is absent from a meeting of the Board or is unable for any reason to act in relation to a matter the Deputy Chairman has and may exercise and perform the powers and functions that the Chairman may exercise and perform by virtue of his office.

(3) The Departmental Head shall not be elected to be the Chairman or the Deputy Chairman of the Board.

6. MEETINGS OF THE BOARD.

(1) The Board shall meet at such times and places as are fixed by the Chairman and notified to members.

(2) At a meeting of the Board—

- (a) five members are a quorum; and
- (b) the Chairman shall preside at all meetings at which he is present; and
- (c) in the absence of the Chairman or Deputy Chairman the members present shall appoint one of their number to preside and the member so appointed shall have all the powers and functions of the Chairman for the purposes of that meeting; and
- (d) all matters shall be decided by a majority of votes; and
- (e) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(3) Subject to this section, the procedure at a meeting of the Board shall be determined by the Board.

7. ESTABLISHMENT OF COMMITTEES, ETC., OF THE BOARD.

(1) The Board may establish such committees as it considers necessary or expedient for the purposes of exercising or carrying out its powers or functions.

(2) A committee established under Subsection (1) may contain members who are not members of the Board.

(3) The Board may delegate to a committee established under Subsection (1) all or any of its powers or functions (except this power of delegation).

(4) The procedure at a meeting of a committee established under Subsection (1) shall be determined by the Board or, in the case of any lack of a determination, by the committee.

Division 2.

Appointment and Duties of the Medical Registrar, etc.

8. APPOINTMENT ETC.

(1) The Minister shall, by notice in the National Gazette, appoint an officer to be the Medical Registrar.

(2) The Minister may, at any time, by notice in the National Gazette, revoke an appointment made under Subsection (1).

9. MEDICAL REGISTRAR TO ATTEND MEETINGS OF BOARD.

The Medical Registrar shall attend all meetings of the Board.

10. PUBLICATION OF NAMES OF PERSONS APPOINTED TO BOARD.

When a person is appointed to be a member of the Board the Medical Registrar shall, on being notified of the appointment under Section 4(7), at the first opportunity, publish in the National Gazette a notice stating the name of the person

appointed, the provision under which he was appointed and the date of the appointment.

11. REGISTERS TO BE KEPT.

(1) The Medical Registrar shall keep separate registers of persons approved by the Board for—

- (a) registration as medical practitioners under Section 22; and
- (b) provisional registration as medical practitioners under Section 22; and
- (c) registration as specialist medical practitioners under Section 26(2); and
- (d) temporary registration as medical practitioners under Section 27(4); and
- (e) probationary registration as medical practitioners under Section 28(1); and
- (f) probationary provisional registration as medical practitioners under Section 28(1); and
- (g) registration as dental practitioners under Section 31; and
- (h) provisional registration as dental practitioners under Section 31; and
- (i) registration as specialist dental practitioners under Section 35(2); and
- (j) temporary registration as dental practitioners under Section 36(4); and
- (k) probationary registration as dental practitioners under Section 37(1); and
- (l) probationary provisional registration as dental practitioners under Section 37(1); and
- (m) registration as allied health workers under Section 41 in each prescribed category of allied health work; and
- (n) provisional registration as allied health workers under Section 41 in each prescribed category of allied health work; and
- (o) probationary registration as allied health workers under Section 45(1) in each prescribed category of allied health work; and
- (p) probationary provisional registration as allied health workers under Section 45(1) in each prescribed category of allied health work.

(2) Registers kept under Subsection (1) shall be in such form as the Board may prescribe.

12. ENTERING NAMES ON REGISTER.

Where the Board approves—

- (a) the registration, provisional registration, temporary registration, probationary registration or probationary provisional registration of a

person as a medical practitioner, dental practitioner or allied health worker; or

- (b) the registration of a registered medical practitioner or a registered dental practitioner as a specialist medical practitioner or as a specialist dental practitioner,

as the case may be, in accordance with this Part, the Medical Registrar shall immediately register the name and other prescribed details of that person in the relevant register kept by him under Section 11.

13. ISSUE OF CERTIFICATES OF REGISTRATION.

(1) When the Medical Registrar has registered the name of a person under Section 12 he shall immediately issue to the person so registered a certificate of registration in the form prescribed by the Board.

(2) The certificate issued to a specialist medical practitioner or a specialist dental practitioner under Subsection (1) shall specify the prescribed medical, surgical or dental speciality in which the practitioner is a specialist.

(3) The certificate issued to a person having temporary registration as a medical practitioner or dental practitioner shall specify any limitations or restrictions placed by the Board on his right to practise.

(4) The certificate issued to a person having probationary registration as a medical practitioner, dental practitioner or allied health worker shall state the hospital or other institution in which the Board has specified that person may practise.

14. PUBLICATION OF NAMES OF REGISTERED PRACTITIONERS.

(1) When the Medical Registrar has registered the name of a registered medical practitioner or a registered dental practitioner under Section 12, he shall, as soon as practicable, publish in the National Gazette a notice stating the name, address and qualifications of the person so registered and the date of the registration.

(2) The Medical Registrar shall in March of each year publish in the National Gazette a notice setting out the names, addresses and qualifications of all persons whose names appeared on the previous 31 December in the registers kept by him under Section 11 (a) and (b).

(3) The appearance of the name of a person in a notice published—

- (a) under Subsection (1), is *prima facie* evidence during the period following the publication until publication of a notice under Subsection (2); and
- (b) under Subsection (2), is *prima facie* evidence during the period following the publication until the publication of a new notice under Subsection (2),

that the person so named is a registered medical practitioner or a registered dental practitioner, as the case may be.

15. REMOVAL OF NAME FROM REGISTER.

Where a person whose name appears in a register kept by the Medical Registrar under Section 11—

- (a) dies; or
- (b) leaves Papua New Guinea with, in the opinion of the Board, no intention of returning to Papua New Guinea; or
- (c) fails to pay the annual fee in accordance with Section 59; or
- (d) is the subject of disciplinary action by the Board consisting of an order for the cancellation or suspension of his registration; or
- (e) so requests,

the Medical Registrar shall remove the name of that person from the relevant register.

16. RESTORATION OF NAME TO REGISTER.

(1) Where, after the name of a person has been removed from a register by the Medical Registrar acting under Section 15(b), the Board is satisfied that the person concerned—

- (a) is returning to Papua New Guinea to practise; and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Board,

it may order the Medical Registrar to restore that person's name to the relevant register.

(2) Where, after the name of a person has been removed from a register in accordance with Section 15(c), the Board is satisfied that the person concerned—

- (a) has paid all outstanding amounts in respect of the annual fee or such lesser amount as the Board may specify; and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Board,

it may order the Medical Registrar to restore that person's name to the relevant register.

(3) Where, after the name of a person has been removed from a register under Section 15(d), the Board revokes the cancellation or suspension of his registration and is satisfied that the person concerned—

- (a) has paid all the costs and expenses ordered to be paid under Section 49(3); and

(b) is not otherwise liable to have his name removed from the register; and

(c) has paid any restoration fee prescribed by the Board,

it shall order the Medical Registrar to restore that person's name to the relevant register.

(4) Where, on the termination of a period of suspension of registration ordered in accordance with Section 49(1)(b), the Board is satisfied that the person concerned—

(a) has paid all the costs and expenses ordered to be paid under Section 49(3); and

(b) is not otherwise liable to have his name removed from the register; and

(c) has paid any restoration fee prescribed by the Board,

it shall order the Medical Registrar to restore that person's name to the relevant register.

17. CORRECTION OF ERRORS IN REGISTERS.

The Medical Registrar—

(a) may, with the approval of the Board; and

(b) shall, when so directed by the Board,

correct any errors appearing in a register kept by him under Section 11.

18. NOTIFICATION OF CHANGES.

(1) Subject to Subsection (2), where a person whose name appears in a register kept by the Medical Registrar under Section 11 changes his name or address, or where some other prescribed detail concerning him changes, he must immediately inform the Medical Registrar.

Penalty: A fine not exceeding K40.00.

(2) A person is not guilty of an offence under Subsection (1) when his name appears in a register by error.

19. EMPLOYER TO INFORM MEDICAL REGISTRAR OF TERMINATION OF CONTRACT.

Where a person whose name appears in a register kept by the Medical Registrar under Section 11 is employed under a contract of service the person by whom he is employed must immediately inform the Medical Registrar if that contract of service is terminated.

Penalty: A fine not exceeding K40.00.

20. REGISTERS TO BE OPEN TO PUBLIC INSPECTION.

The registers kept by the Medical Registrar under Section 11 shall be made available by him for inspection by members of the public—

- (a) at all reasonable times; and
- (b) on payment of the inspection fee prescribed by the Board.

Division 3.***Registration of Medical Practitioners.*****21. APPLICATION FOR REGISTRATION.**

(1) A person may apply to the Board for—

- (a) registration; or
- (b) provisional registration,

as a medical practitioner.

(2) An application under Subsection (1) shall—

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Board requires; and
 - (iii) the fee prescribed by the Board.

22. APPROVAL OF REGISTRATION.

Where, by personal interview or by any other means, the Board is satisfied that an applicant for registration, or provisional registration, as a medical practitioner—

- (a) is of good character and a fit and proper person to be registered, or provisionally registered, as a medical practitioner; and
- (b) possesses the minimum qualifications for registration, or provisional registration, set out in Section 23 or 24,

the Board may approve the registration, or provisional registration, of the applicant as a medical practitioner.

23. MINIMUM QUALIFICATIONS FOR REGISTRATION.

The minimum qualifications for registration as a medical practitioner are that the applicant—

- (a) has—
 - (i) been provisionally registered as a medical practitioner for two years or for such other period as the Board considers appropriate in the circumstances; and
 - (ii) during his period of provisional registration as a medical practitioner—been employed full time in a hospital, or other institution, approved by the Board; and
 - (iii) during his time of employment at the approved hospital or institution—been engaged in such aspects of medicine and surgery, and for such periods, as the Board requires; or
- (b) has graduated in medicine from a university or an institute outside the country, approved by the Board, and is registered in accordance with—
 - (i) the laws of the country in which that university or institute is situated; or
 - (ii) the laws of some other country approved by the Board,

as a fully qualified medical practitioner; or

- (c) has been given probationary registration as a medical practitioner under Section 28 and has, during that period of probationary registration, satisfied the Board that his qualifications are sufficient for him to be registered as a medical practitioner.

24. MINIMUM QUALIFICATIONS FOR PROVISIONAL REGISTRATION.

The minimum qualifications for provisional registration as a medical practitioner are that the applicant—

- (a) has at—
 - (i) the University of Papua New Guinea; or
 - (ii) a university, or other institute, outside the country approved by the Board,
 - completed a course of medical or surgical study approved by the Board and has reached a standard prescribed by that university or institute for graduation; or
- (b) has been given probationary provisional registration as a medical practitioner under Section 28 and has, during that period of probationary registration, satisfied the Board that his qualifications are sufficient for him to be provisionally registered as a medical practitioner.

25. LIMITATION ON PERSONS PROVISIONALLY REGISTERED.

(1) Subject to Subsection (2), a person who is provisionally registered as a medical practitioner, who charges or accepts any fee for medical services which he renders, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Subsection (1) does not prevent a person who is provisionally registered as a medical practitioner from receiving a salary in respect of employment he undertakes.

26. SPECIALIST MEDICAL PRACTITIONERS.

(1) The Board may prescribe—

- (a) categories of medical or surgical specialities; and
- (b) the qualifications a registered medical practitioner requires to be registered as a specialist in one of those categories.

(2) Where the Board is satisfied that a registered medical practitioner—

- (a) has the prescribed qualifications to be registered as a specialist in a prescribed medical or surgical speciality; and
- (b) has paid the fee prescribed by the Board,

it may approve the registration of that medical practitioner as a specialist medical practitioner in that speciality.

27. APPROVAL OF TEMPORARY REGISTRATION.

(1) In this section, “**teaching or research institute**” means a university, college or school of medicine or surgery, research institute, hospital, clinic or other like institute which—

- (a) is engaged in teaching or research into medicine or surgery; and
- (b) is approved by the Board.

(2) The Departmental Head or the governing body of a teaching or research institute may apply to the Board for the temporary registration of a person as a medical practitioner.

(3) An application under Subsection (2) shall—

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Board requires; and

(iii) the fee prescribed by the Board.

(4) Where the Board is satisfied that the person in respect of whom the application under Subsection (2) is made—

- (a) is of good character and a fit and proper person to be temporarily registered as a medical practitioner; and
- (b) either—
 - (i) holds a degree in medicine or surgery from a university or institution situated outside the country; or
 - (ii) is legally qualified to practise medicine or surgery in a country outside Papua New Guinea; and
- (c) is in, or intends to come to, Papua New Guinea in a capacity connected with—
 - (i) medical or surgical care; or
 - (ii) disease prevention; or
 - (iii) teaching or research,

in a specialist medical or surgical activity,

it may, subject to Subsections (5) and (6), approve the temporary registration of that person as a medical practitioner.

(5) The Board may, when approving the temporary registration of a person as a medical practitioner, make the approval subject to such limitations and restrictions on his right to practise as a medical practitioner as the Board considers appropriate or necessary in the circumstances.

(6) The Board shall not approve the registration of a person as a medical practitioner under this section for a period exceeding 90 days but may approve the renewal of a registration under this section for periods not exceeding 90 days.

(7) The Board may at any time order the cancellation of the temporary registration of a person as a medical practitioner.

(8) A person temporarily registered as a medical practitioner by virtue of this section is deemed to be a registered medical practitioner but may not practise as a medical practitioner except subject to the limitations and restrictions on his right to practise, imposed under Subsection (5).

28. APPROVAL OF PROBATIONARY REGISTRATION.

- (1) Where a person has applied to the Board for—
- (a) registration; or
 - (b) provisional registration,

as a medical practitioner in accordance with Section 21 the Board may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the

applicant of probationary registration or probationary provisional registration, as the case may be, if the applicant—

- (c) has successfully completed a course of study in medicine or surgery approved by the Board at a university or institute—
 - (i) which has not been approved by the Board; or
 - (ii) which has been approved by the Board but where, since such approval, the Board has resolved that graduates from that university or institute shall be given probationary registration or probationary provisional registration; or
- (d) has at some time in the past been registered or provisionally registered as a medical practitioner—
 - (i) in Papua New Guinea; or
 - (ii) in accordance with the laws of some other country approved by the Board,
 - but has not actively or directly been engaged in the practise of medicine or surgery for the period of three years prior to the making of the application; or
- (e) has not submitted with his application for registration or provisional registration—
 - (i) all the documents which the Board considers necessary to prove the applicant's qualifications; or
 - (ii) such other information or documents as the Board requires.

(2) The Board shall, when approving the probationary registration or probationary provisional registration of a person as a medical practitioner, specify a hospital or other institute where he may practise as a medical practitioner.

(3) The Board shall not approve the registration of a person as a medical practitioner under this section for a period exceeding 12 months but may approve the renewal of a registration under this section for periods not exceeding 12 months.

(4) A person granted probationary registration or probationary provisional registration as a medical practitioner by virtue of this section shall not be deemed to be a registered medical practitioner or a provisionally registered medical practitioner except when he is practising in the hospital or institute specified in Subsection (2).

(5) Subject to Subsections (6) and (7), the Board may order the Medical Registrar to cancel the probationary registration, or probationary provisional registration, of a person as a medical practitioner at any time.

(6) The Board shall not order the cancellation under Subsection (5) of the probationary registration, or probationary provisional registration, of a person until that person has been given a reasonable opportunity of being heard, either in person or through a lawyer, by the Board.

(7) A person aggrieved by the Board's order for the cancellation of his probationary registration or probationary provisional registration may, within 30 days of being informed by the Board of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order—grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary registration or probationary provisional registration is ordered under Subsection (7) the Medical Registrar shall re-register the appellant for the balance of his period of registration outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Board to order the Medical Registrar to cancel a probationary registration, or a probationary provisional registration, contained in this section is in addition to the power of the Board to order the cancellation of such registration for disciplinary reasons.

29. APPEAL AGAINST REFUSAL OF BOARD TO APPROVE REGISTRATION.

(1) Where the Board refuses to approve—

- (a) the registration, or provisional registration, of a person as a medical practitioner under Section 22; or
- (b) the registration of a registered medical practitioner as a specialist medical practitioner under Section 26; or
- (c) the temporary registration of a person as a medical practitioner under Section 27,

the person aggrieved by the decision of the Board may appeal to the National Court against that decision—

- (d) within 30 days of the applicant being informed of the decision; or
- (e) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Medical Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 4.

Registration of Dental Practitioners.

30. APPLICATION FOR REGISTRATION.

(1) A person may apply to the Board for—

- (a) registration; or
- (b) provisional registration,

as a dental practitioner.

(2) An application under Subsection (1) shall—

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Board requires; and
 - (iii) the fee prescribed by the Board.

31. APPROVAL OF REGISTRATION.

Where, by personal interview or by any other means, the Board is satisfied that an applicant for registration, or provisional registration, as a dental practitioner—

- (a) is of good character and a fit and proper person to be registered, or provisionally registered, as a dental practitioner; and
- (b) possesses the minimum qualifications for registration or provisional registration as set out in Section 32 or 33,

the Board may approve the registration, or provisional registration, of the applicant as a dental practitioner.

32. MINIMUM QUALIFICATIONS FOR REGISTRATION.

The minimum qualifications for registration as a dental practitioner are that the applicant—

- (a) has—
 - (i) been provisionally registered as a dental practitioner for two years or for such other period as the Board considers appropriate in the circumstances; and
 - (ii) during his period of provisional registration, received dental experience to the Board's satisfaction; or
- (b) has graduated in dental studies from a university or an institute outside the country, approved by the Board, and is registered in accordance with—
 - (i) the laws of the country in which that university or institute is situated; or

- (ii) the laws of some other country approved by the Board, as a fully qualified dental practitioner; or
- (c) has been given probationary registration as a dental practitioner under Section 37 and has, during that period of probationary registration, satisfied the Board that his qualifications are sufficient for him to be registered as a dental practitioner.

33. MINIMUM QUALIFICATIONS FOR PROVISIONAL REGISTRATION.

The minimum qualifications for provisional registration as a dental practitioner are that the applicant—

- (a) has at—
 - (i) the University of Papua New Guinea; or
 - (ii) a university, or other institute, outside the country, approved by the Board,
 - completed a course of dental studies approved by the Board and has reached a standard prescribed by that university or institute for graduation; or
- (b) has been given probationary provisional registration as a dental practitioner under Section 37 and has, during that period of probationary provisional registration, satisfied the Board that his qualifications are sufficient for him to be provisionally registered as a dental practitioner.

34. LIMITATION ON PERSONS PROVISIONALLY REGISTERED.

(1) Subject to Subsection (2), a person who is provisionally registered as a dental practitioner, who charges or accepts any fee for dental services which he renders, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Subsection (1) does not prevent a person who is provisionally registered as a dental practitioner from receiving a salary in respect of employment he undertakes.

35. SPECIALIST DENTAL PRACTITIONERS.

- (1) The Board may prescribe—
 - (a) categories of dental specialities; and
 - (b) the qualifications a registered dental practitioner requires to be registered as a specialist in one of those categories.
- (2) Where the Board is satisfied that—
 - (a) a registered dental practitioner has the prescribed qualifications to be registered as a specialist in a prescribed dental speciality; and

(b) has paid the fee prescribed by the Board,

it may approve the registration of that dental practitioner as a specialist dental practitioner in that speciality.

36. APPROVAL OF TEMPORARY REGISTRATION.

(1) In this section “**teaching or research institute**” means a university, college or school of dental studies, research institute, hospital, clinic or other like institute which—

- (a) is engaged in teaching or research into dentistry; and
- (b) is approved by the Board.

(2) The Departmental Head or the governing body of a teaching or research institute, may apply to the Board for the temporary registration of a person as a dental practitioner.

(3) An application under Subsection (2) shall—

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Board requires; and
 - (iii) the fee prescribed by the Board.

(4) Where the Board is satisfied that the person in respect of whom the application under Subsection (2) is made—

- (a) is of good character and a fit and proper person to be temporarily registered as a dental practitioner; and
- (b) either—
 - (i) holds a degree in dental studies from a university or institution situated outside the country; or
 - (ii) is legally qualified to practise dentistry in a country outside Papua New Guinea; and
- (c) is in, or intends to come to, Papua New Guinea in a capacity connected with—
 - (i) dental care; or
 - (ii) tooth decay prevention; or
 - (iii) teaching or research,

in a specialist dental activity,

it may, subject to Subsections (5) and (6), approve the temporary registration of that person as a dental practitioner.

(5) The Board may when approving the temporary registration of a person as a dental practitioner make the approval subject to such limitations and restrictions on his right to practise as a dental practitioner as the Board considers appropriate or necessary in the circumstances.

(6) The Board shall not approve the registration of a person as a dental practitioner under this section for a period exceeding 90 days but may approve the renewal of a registration under this section for periods not exceeding 90 days.

(7) The Board may at any time order the cancellation of the temporary registration of a person as a dental practitioner.

(8) A person temporarily registered as a dental practitioner by virtue of this section is deemed to be a registered dental practitioner but may not practise as a dental practitioner except subject to the limitations and restrictions on his right to practise imposed under Subsection (5).

37. APPROVAL OF PROBATIONARY REGISTRATION.

(1) Where a person has applied to the Board for—

- (a) registration; or
- (b) provisional registration,

as a dental practitioner in accordance with Section 30 the Board may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the applicant of probationary registration or probationary provisional registration, as the case may be, if the applicant—

- (c) has successfully completed a course of study in dentistry approved by the Board at a university or institute—
 - (i) which has not been approved by the Board; or
 - (ii) which has been approved by the Board but where, since such approval, the Board has resolved that graduates from that university or institute shall be given probationary registration or probationary provisional registration; or
- (d) has at some time in the past been registered or provisionally registered as a dental practitioner—
 - (i) in Papua New Guinea; or
 - (ii) in accordance with the law of some other country approved by the Board,

but has not actively or directly been engaged in the practice of dentistry for the period of three years prior to the making of the application; or

- (e) has not submitted with his application for registration or provisional registration—

- (i) all the documents which the Board considers necessary to prove the applicant's qualifications; or
- (ii) such other information or documents as the Board requires.

(2) The Board shall, when approving the probationary registration or probationary provisional registration of a person as a dental practitioner specify a hospital or other institute where he may practise as a dental practitioner.

(3) The Board shall not approve the registration of a person as a dental practitioner under this section for a period exceeding 12 months but may approve the renewal of a registration under this section for periods not exceeding 12 months.

(4) A person granted probationary registration, or probationary provisional registration, as a dental practitioner by virtue of this section shall not be deemed to be a registered dental practitioner or a provisionally registered dental practitioner except when he is practising in the hospital or institute specified in Subsection (2).

(5) Subject to Subsections (6) and (7), the Board may order the Medical Registrar to cancel the probationary registration, or probationary provisional registration, of a person as a dental practitioner at any time.

(6) The Board shall not order the cancellation under Subsection (5) of the probationary registration, or probationary provisional registration, of a person until that person has been given a reasonable opportunity of being heard either in person or through a lawyer, by the Board.

(7) A person aggrieved by the Board's order for the cancellation of his probationary registration or probationary provisional registration may, within 30 days of being informed by the Board of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order, grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary registration or probationary provisional registration is ordered under Subsection (7), the Medical Registrar shall re-register the appellant for the balance of his period of registration outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Board to order the Medical Registrar to cancel a probationary registration, or a probationary provisional registration, contained in this section is in addition to the power of the Board to order the cancellation of such registration for disciplinary reasons.

38. APPEAL AGAINST REFUSAL OF BOARD TO APPROVE REGISTRATION.

- (1) Where the Board refuses to approve—

- (a) the registration, or provisional registration, of a person as a dental practitioner under Section 31; or
- (b) the registration of a registered dental practitioner as a specialist dental practitioner under Section 35; or
- (c) the temporary registration of a person as a dental practitioner under Section 36,

the person aggrieved by the decision of the Board may appeal to the National Court against that decision—

- (d) within 30 days of the applicant being informed of the decision; or
- (e) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Medical Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 5.

Registration of Allied Health Workers.

39. ALLIED HEALTH WORKERS.

The Board may prescribe—

- (a) categories of allied health work; and
- (b) the course of studies to be undertaken by a person preparatory to registration as an allied health worker in each of the prescribed categories of allied health work.

40. APPLICATION FOR REGISTRATION.

(1) A person may apply to the Board for—

- (a) registration; or
- (b) provisional registration,

as an allied health worker in one of the prescribed categories of allied health work.

(2) An application under Subsection (1) shall—

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Board requires; and

- (iii) the fee prescribed by the Board.

41. APPROVAL OF REGISTRATION.

Where, by personal interview or by any other means, the Board is satisfied that an applicant for registration or provisional registration as an allied health worker in one of the prescribed categories of allied health work—

- (a) is of good character and a fit and proper person to be registered or provisionally registered as an allied health worker; and
- (b) possesses the prescribed minimum qualifications for registration or provisional registration, set out in Section 42 or 43,

the Board may approve the registration, or provisional registration, of the applicant as an allied health worker in the relevant category of allied health work.

42. MINIMUM QUALIFICATIONS FOR REGISTRATION.

The minimum qualifications for registration as an allied health worker are that the applicant—

- (a) has—
 - (i) been provisionally registered as an allied health worker for one year or for such other period as the Board considers appropriate in the circumstances; and
 - (ii) during his period of provisional registration as an allied health worker—been employed full time—
 - (A) in a hospital, or other institute, approved by the Board; or
 - (B) under the supervision of a registered allied health worker, registered as an allied health worker in the same category of allied health work as the applicant; and
 - (iii) during his time of employment at the approved hospital or institute, or under the supervision of a registered allied health worker—been engaged in such aspects of health care for such period as the Board requires; or
- (b) has successfully completed a course of study approved by the Board at a university, an institute or a training school outside the country, approved by the Board, and is registered in accordance with—
 - (i) the laws of the country in which that university, institute or training school is situated; or
 - (ii) the laws of some other country approved by the Board,
 - as a fully qualified allied health worker in one of the prescribed categories of allied health work; or

- (c) has been given probationary registration as an allied health worker under Section 45 in one of the prescribed categories of allied health work and has, during that period of probationary registration, satisfied the Board that his qualifications are sufficient for him to be registered as an allied health worker in that category of allied health work.

43. MINIMUM QUALIFICATIONS FOR PROVISIONAL REGISTRATION.

The minimum qualifications for provisional registration as an allied health worker in a prescribed category of allied health work are that the applicant—

- (a) has at—
 - (i) a university; or
 - (ii) an institute; or
 - (iii) a training school,
approved by the Board, successfully completed the prescribed course of studies in respect of that category of allied health work; or
- (b) has been given probationary provisional registration as an allied health worker under Section 45 in one of the prescribed categories of allied health work and has, during that period of probationary provisional registration, satisfied the Board that his qualifications are sufficient for him to be provisionally registered as an allied health worker in that category of allied health work.

44. LIMITATION ON PERSONS PROVISIONALLY REGISTERED.

(1) Subject to Subsection (2), a person who is provisionally registered as an allied health worker in a prescribed category of allied health work, who charges or accepts any fee for services rendered by him in respect of that allied health work is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Subsection (1) does not prevent a person who is provisionally registered as an allied health worker from receiving a salary in respect of employment he undertakes.

45. APPROVAL OF PROBATIONARY REGISTRATION.

- (1) Where a person has applied to the Board for—
 - (a) registration; or
 - (b) provisional registration,

as an allied health worker in accordance with Section 40 the Board may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the

applicant of probationary registration, or probationary provisional registration, as the case may be, as an allied health worker in a prescribed category of allied health work if the applicant—

- (c) has successfully completed the prescribed course of study in respect of that category of allied health work at a university, institute or training school—
 - (i) which has not been approved by the Board; or
 - (ii) which has been approved by the Board but where, since such approval, the Board has resolved that graduates from that university, institute or training school shall be given probationary registration or probationary provisional registration; or
- (d) has at some time in the past been registered or provisionally registered as an allied health worker in a prescribed category of allied health work—
 - (i) in Papua New Guinea; or
 - (ii) in accordance with the laws of some other country approved by the Board,
 - but has not actively or directly been engaged in the relevant category of allied health work for the period of three years prior to the making of the application; or
- (e) has not submitted with his application for registration or provisional registration—
 - (i) all the documents which the Board considers necessary to prove the applicant's qualifications; or
 - (ii) such other information or documents as the Board requires.

(2) The Board shall, when approving the probationary registration, or probationary provisional registration, of a person as an allied health worker specify a hospital or other institute where he may practise as an allied health worker.

(3) The Board shall not approve the registration of a person as an allied health worker under this section for a period exceeding 12 months but may approve the renewal of a registration under this section for periods not exceeding 12 months.

(4) A person granted probationary registration, or probationary provisional registration, as an allied health worker by virtue of this section shall not be deemed to be a registered allied health worker or a provisionally registered allied health worker, in a prescribed category of allied health work except when he is carrying out that work in the hospital or institute specified in Subsection (2).

(5) Subject to Subsections (6) and (7), the Board may order the Medical Registrar to cancel the probationary registration, or probationary provisional registration, of a person as an allied health worker at any time.

(6) The Board shall not order the cancellation under Subsection (5) of the probationary registration or probationary provisional registration of a person until that person has been given a reasonable opportunity of being heard, either in person or through a lawyer, by the Board.

(7) A person aggrieved by the Board's order for the cancellation of his probationary registration or probationary provisional registration may, within 30 days of being informed by the Board of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order—grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary registration or probationary provisional registration is ordered under Subsection (7) the Medical Registrar shall re-register the appellant for the balance of his period of registration outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Board to order the Medical Registrar to cancel a probationary registration or a probationary provisional registration contained in this section is in addition to the power of the Board to order the cancellation of such registration for disciplinary reasons.

46. APPEAL AGAINST REFUSAL OF BOARD TO APPROVE REGISTRATION.

(1) Where the Medical Board refuses to approve the registration, or provisional registration, of a person as an allied health worker under Section 41 a person aggrieved by the decision of the Board may appeal to the National Court against that decision—

- (a) within 30 days of the applicant being informed of the decision; or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Medical Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 6.

Discipline of Registered Medical Practitioners, etc.

47. INTERPRETATION OF DIVISION 6.

In this Division, unless the contrary intention appears, “**registration**” includes provisional, temporary and probationary registration.

48. POWER OF BOARD TO TAKE DISCIPLINARY ACTION.

The Board may take disciplinary action against a medical practitioner, dental practitioner or allied health worker registered under this Part who—

- (a) is convicted of an offence, either in Papua New Guinea or elsewhere, which is an indictable offence in Papua New Guinea; or
- (b) has his qualifications for registration withdrawn or cancelled by the university, institute or training school at which they were acquired or awarded; or
- (c) obtained registration through fraud or mistake; or
- (d) is found by the Board to be addicted to alcohol or some other deleterious drug; or
- (e) is found by the Board to be guilty of—
 - (i) professional misconduct; or
 - (ii) professional incompetence; or
- (f) is, in the Board's opinion, physically or mentally incapable of carrying out his professional duties satisfactorily.

49. FORM OF DISCIPLINARY ACTION.

(1) The forms of disciplinary actions which the Board may take under Section 48 are—

- (a) to order the cancellation of registration; or
- (b) to order the suspension of registration for such period as the Board determines; or
- (c) a reprimand.

(2) The Board may take more than one form of disciplinary action at any one time.

(3) In addition to taking disciplinary action the Board may order the person against whom the action has been taken to pay the costs and expenses of, and related to, the inquiry or inquiries carried out by the Board.

50. REVOCATION OF DISCIPLINARY ACTION.

The Board may—

- (a) on the application of the person against whom the disciplinary action was taken; or
- (b) of its own volition,

at any time, and after due consideration, order the revocation of the cancellation or suspension of registration of a person whose registration has been cancelled or suspended under this Division.

51. DISCIPLINARY INQUIRY.

(1) Before taking disciplinary action under Section 48 the Board shall—

- (a) give written notice, either personally or by post, to the registered person concerned informing him of—
 - (i) the nature of the complaint; and
 - (ii) the time, date and place of the hearing of the complaint; and
- (b) hold a full inquiry into the matter of the complaint.

(2) At an inquiry held under Subsection (1)(b) the registered person concerned shall be given an opportunity to—

- (a) give a defence, either in person or through a lawyer or some other person; and
- (b) call witnesses on his behalf.

(3) An inquiry held under Subsection (1)(b) shall not be open to the public unless—

- (a) the Board so directs; or
- (b) the registered person concerned so requests.

(4) Subject to this Act, the Board, when holding an inquiry under Subsection (1)(b), has the powers, authority, jurisdiction and protection of a Commission of Inquiry under the *Commissions of Inquiry Act 1951*.

(5) Following an inquiry under Subsection (1)(b) the Board shall, as soon as practicable give written notice of its decision by post to the registered person concerned.

52. DISCIPLINARY APPEAL.

(1) A person aggrieved by the Board's decision following an inquiry held under Section 51(1)(b) may appeal to the National Court against the decision—

- (a) within 30 days of the registered person concerned being informed of the decision in accordance with Section 51(5); or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) An appeal shall be by way of rehearing.

(3) The National Court may, on appeal made under this section—

- (a) revoke the decision of the Board; or
- (b) confirm the decision of the Board; or
- (c) substitute another form of disciplinary action.

(4) Following the decision of the National Court on an appeal made under this section the Medical Registrar shall take such action as may be necessary to give effect to that decision.

Division 7.

Training Schools for Allied Health Workers.

53. APPROVAL OF TRAINING SCHOOL.

(1) Subject to this Division, the Board may approve a training school for the purposes of providing a prescribed course of studies in allied health work.

(2) Approval under Subsection (1) may be given subject to compliance by the training school with such conditions as the Board considers appropriate.

(3) When granting approval under Subsection (1) the Board shall specify the prescribed category of allied health work in which graduates of the training school will be provisionally registered as allied health workers.

54. STANDARDS FOR TRAINING SCHOOLS.

(1) The Board may prescribe minimum standards for, or in respect of, training schools for allied health workers.

(2) In determining minimum standards under Subsection (1) the Board may specify—

- (a) the minimum duration of any part of a course and of the course as a whole; and
- (b) the maximum number of students that may take the course at any one time.

55. EXAMINATIONS.

The Board may examine, either in a group or otherwise, in any manner it thinks fit, students who have completed a prescribed course of study in a category of allied health work at a training school approved by the Board.

56. CERTIFICATE OF GRADUATION.

The governing body of a training school approved by the Board shall issue a certificate in a form approved by the Board to a person who has successfully completed the whole or any part of a prescribed course of study in allied health work.

57. INSPECTION OF TRAINING SCHOOLS.

The Board shall appoint a person who—

- (a) shall, before the Board grants approval of a training school under this Division; and

- (b) may, at any time after the Board has granted approval under this Division,

inspect a training school providing instruction in allied health work.

58. REVOCATION OF APPROVAL.

The Board may at any time revoke its approval of a training school providing instruction in allied health work.

Division 8.

Miscellaneous.

59. ANNUAL FEE.

A person registered as a medical practitioner, a dental practitioner, or an allied health worker, under this Part shall pay such annual fee as the Board prescribes.

60. EXAMINATIONS.

A person who has been—

- (a) provisionally registered; or
- (b) granted probationary registration or probationary provisional registration,

as a medical practitioner, dental practitioner, or allied health worker under this Part may be examined at any reasonable time in relation to his professional activities within his place of employment by such persons as the Board may appoint for that purpose.

61. WAIVER OF FEES, ETC.

The Medical Board may for any reason it thinks fit waive, reduce or defer fees payable under this Part.

62. UNREGISTERED PERSONS PRESENTING THEMSELVES AS MEDICAL PRACTITIONERS.

(1) Subject to Subsection (2), a person is guilty of an offence if, not being a person—

- (a) registered, or provisionally registered, as a medical practitioner under Section 12; or
- (b) temporarily registered as a medical practitioner under Section 12; or
- (c) who—
 - (i) has probationary registration, or probationary provisional registration, as a medical practitioner under Section 12; and

- (ii) is acting in accordance with Section 28(4),

he takes or uses a name or title applicable to, or otherwise represents himself to be a person so registered, provisionally registered, temporarily registered or having probationary registration or probationary provisional registration.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding 12 months, or both.

(2) A person is not guilty of an offence under Subsection (1) if he is—

- (a) the holder of a doctoral degree conferred by a university or institute of higher education; or
- (b) registered or provisionally or temporarily registered, as a dental practitioner under Section 12; or
- (c) a registered veterinary surgeon under the *Veterinary Surgeons Act 1966*; or
- (d) a non-resident of Papua New Guinea and entitled to use the title “doctor” in a place outside the country,

if he uses the title “doctor” so long as he does not, when using that title hold himself out to be, or, in any manner, indicate that he is registered, provisionally registered, temporarily registered, or has probationary registration, or probationary provisional registration, as a medical practitioner under this Part.

63. UNREGISTERED PERSONS PRESENTING THEMSELVES AS DENTAL PRACTITIONERS.

A person is guilty of an offence if, not being a person—

- (a) registered, or provisionally registered, as a dental practitioner under Section 12; or
- (b) temporarily registered as a dental practitioner under Section 12; or
- (c) who—
- (i) has probationary registration, or probationary provisional registration, as a dental practitioner under Section 12; and
- (ii) is acting in accordance with Section 37(4),

he takes or uses a name or title applicable to, or otherwise represents himself to be a person so registered, provisionally registered, temporarily registered or having probationary registration, or probationary provisional registration.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding 12 months, or both.

64. UNREGISTERED PERSONS PRESENTING THEMSELVES AS ALLIED HEALTH WORKERS.

A person is guilty of an offence, if, not being a person registered as an allied health worker in a prescribed category of allied health work under Section 12, he takes or uses a name or title applicable to or represents himself to be, registered or provisionally registered in that category of allied health work.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding 12 months, or both.

65. PROVIDING FALSE INFORMATION.

A person is guilty of an offence if, when required to provide information, or to provide evidence of qualifications, to the Board in accordance with this Part he provides false or misleading information as evidence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months or both.

66. BOARD MAY MAKE BY-LAWS.

(1) The Board may make by-laws, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed by the Board, or that are necessary or convenient to be prescribed by the Board, for carrying out or giving effect to this Part and Part IV and in particular for the recognition and registration of further qualifications.

(2) A by-law made under this section has no force or effect until—

- (a) approved by the Head of State, acting on advice; and
- (b) notified in the National Gazette.

PART III. – NURSES AND NURSE AIDES.***Division 1.******Establishment of Papua New Guinea Nursing Council, etc.*****67. ESTABLISHMENT OF THE COUNCIL.**

The Papua New Guinea Nursing Council is hereby established.

68. CONSTITUTION OF THE COUNCIL.

(1) The Council shall consist of–

- (a) a registered medical practitioner actively connected with nursing or medical education, appointed by the Minister; and
- (b) four registered nurses employed by the Department of Health, appointed by the Minister; and
- (c) two registered nurses, appointed by the Churches Medical Council; and
- (d) two registered nurses, appointed by an association recognized by the Minister as representing all nurses in Papua New Guinea.

(2) A person is not qualified to be or become a member of the Council if he–

- (a) is an undischarged bankrupt or insolvent; or
- (b) has been convicted of an offence, either in Papua New Guinea or elsewhere, which is an indictable offence if committed in Papua New Guinea; or
- (c) has had disciplinary action taken against him under Section 104 consisting of either cancellation or suspension of registration or enrolment.

(3) Subject to Subsections (4), (5) and (6), members of the Council hold office for two years and are eligible for reappointment.

(4) The Minister shall terminate the term of office of a member of the Council if the member–

- (a) becomes for any reason permanently incapable of performing his duties; or
- (b) becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration or allowances for their benefit; or
- (c) in the Minister's opinion, permanently resides outside the country; or
- (d) in the Minister's opinion, has been guilty of misbehaviour such as to render him unfit to continue to be a member of the Council; or

- (e) has ceased to have the qualification by virtue of which he was appointed; or
- (f) without leave of the Council, fails to attend three consecutive meetings of the Council; or
- (g) informs the Minister that he wishes to resign.

(5) The Minister may at any time terminate the term of office of a member of the Council appointed by the Minister.

(6) A member of the Council appointed to fill a vacancy caused by the death of a member, or by the termination of the term of office of a member under Subsection (4) or (5), holds office for the balance of the term of office of the member he is replacing but is eligible for reappointment.

(7) Where a person is appointed to be a member of the Council, the person or body appointing that person shall, as soon as practicable after the appointment, notify the Nursing Registrar of the appointment.

69. CHAIRMAN AND DEPUTY CHAIRMAN OF THE COUNCIL.

(1) The members of the Council shall, from among their own number, elect a Chairman and Deputy Chairman of the Council.

(2) If the Chairman is absent from a meeting of the Council or is unable for any reason to act in relation to a matter the Deputy Chairman has and may exercise and perform the powers and functions that the Chairman may exercise and perform by virtue of his office.

70. MEETINGS OF THE COUNCIL.

(1) The Council shall meet at such times and places as are fixed by the Chairman and notified to members.

(2) At a meeting of the Council—

- (a) five members are a quorum; and
- (b) the Chairman shall preside at all meetings at which he is present; and
- (c) in the absence of the Chairman or Deputy Chairman the members present shall appoint one of their number to preside and the member so appointed shall have all the powers and functions of the Chairman for the purposes of that meeting; and
- (d) all matters shall be decided by a majority of votes; and
- (e) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(3) Subject to this section, the procedure at a meeting of the Council shall be determined by the Council.

71. ESTABLISHMENT OF COMMITTEES, ETC., OF THE COUNCIL.

(1) The Council may establish such committees as it considers necessary or expedient for the purposes of exercising or carrying out its powers or functions.

(2) Subject to Subsection (3), a committee established under Subsection (1) may contain members who are not members of the Council.

(3) A person appointed to be a member of a committee established under Subsection (1) who is not a member of the Council shall have one of the qualifications specified in Section 68(1).

(4) The Council may delegate to a committee established by the Council under Subsection (1) all or any of its powers or functions (except this power of delegation).

(5) The procedure at a meeting of a committee established under Subsection (1) shall be determined by the Council or, in the case of any lack of a determination, by the Committee.

Division 2.***Appointment and Duties of the Nursing Registrar, etc.*****72. APPOINTMENT, ETC.**

(1) The Minister shall, by notice in the National Gazette, appoint an officer to be the Nursing Registrar.

(2) The Minister may, at any time by notice in the National Gazette, revoke an appointment made under Subsection (1).

73. NURSING REGISTRAR TO ATTEND MEETINGS OF COUNCIL.

The Nursing Registrar shall attend all meetings of the Council.

74. PUBLICATION OF NAMES OF PERSONS APPOINTED TO COUNCIL.

When a person is appointed to be a member of the Council the Nursing Registrar shall, on being notified of the appointment in accordance with Section 68(7), at the first opportunity, publish in the National Gazette a notice stating the name of the person appointed, the provision under which he was appointed and the date of the appointment.

75. REGISTERS TO BE KEPT.

(1) The Nursing Registrar shall keep separate registers of persons approved by the Council for—

- (a) registration as nurses under Section 87 in each prescribed category of nursing; and
- (b) probationary registration as nurses under Section 89 in each prescribed category of nursing; and

- (c) enrolment as nurses under Section 93 in each prescribed category of nursing; and
- (d) probationary enrolment as nurses under Section 96 in each prescribed category of nursing; and
- (e) enrolment as nurse aides under Section 99; and
- (f) probationary enrolment as nurse aides under Section 101.

(2) Registers kept under Subsection (1) shall be in such form as the Council may prescribe.

76. ENTERING NAMES ON REGISTER.

Where the Council approves—

- (a) the registration or probationary registration of a person as a nurse; or
- (b) the enrolment or probationary enrolment of a person as a nurse or a nurse aide,

as the case may be, in accordance with this Part, the Nursing Registrar shall immediately register or enrol the name and other prescribed details of that person in the relevant register kept by him under Section 75.

77. ISSUE OF CERTIFICATES OF REGISTRATION OR ENROLMENT.

(1) When the Nursing Registrar has registered or enrolled the name of a person under Section 76 he shall immediately issue to the person so registered a certificate of registration or enrolment in the form prescribed by the Council.

(2) The certificate issued to a person having probationary registration or enrolment as a nurse or nurse aide shall state any conditions which the Council has specified that person must comply with as to training or otherwise.

(3) The certificate issued to a person registered or enrolled as a nurse shall state the prescribed category of nursing in which registration or enrolment has been granted.

78. PUBLICATION OF NAMES OF REGISTERED PERSONS, ETC.

(1) When the Nursing Registrar has registered the name of a person as a registered nurse or an enrolled nurse under Section 76 he shall, as soon as practicable, publish in the National Gazette a notice stating the name, address and qualifications of the person so registered or enrolled and the date of the registration or enrolment.

(2) The Nursing Registrar shall in March of each year publish in the National Gazette a notice setting out the names, addresses and qualifications of all persons whose names appeared on the previous 31 December in the registers kept by him under Section 75(a) and (c).

(3) The appearance of the name of a person in a notice published—

- (a) under Subsection (1), is *prima facie* evidence during the period following the publication until publication of a notice under Subsection (2); and
- (b) under Subsection (2), is *prima facie* evidence during the period following the publication until the publication of a new notice under Subsection (2),

that the person so named is a registered nurse or an enrolled nurse, as the case may be.

79. REMOVAL OF NAME FROM REGISTER.

Where a person whose name appears in a register kept by the Nursing Registrar under Section 75—

- (a) dies; or
- (b) leaves Papua New Guinea with, in the opinion of the Council, no intention of returning to Papua New Guinea; or
- (c) fails to pay the annual fee in accordance with Section 115; or
- (d) is the subject of disciplinary action by the Council consisting of an order for the cancellation or suspension of his registration or enrolment; or
- (e) so requests,

the Nursing Registrar shall remove the name of that person from the relevant register.

80. RESTORATION OF NAME ON REGISTER.

(1) Where, after the name of a person has been removed from a register by the Nursing Registrar acting under Section 79(1)(b), the Council is satisfied that the person concerned—

- (a) is returning to Papua New Guinea to practise; and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Council,

it may order the Nursing Registrar to restore that person's name to the relevant register.

(2) Where, after the name of a person has been removed from a register in accordance with Section 79(1)(c), the Council is satisfied that the person concerned—

- (a) has paid all outstanding amounts in respect of the annual fee, or such lesser amount as the Council may specify; and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Council,

it may order the Nursing Registrar to restore that person's name to the relevant register.

(3) Where, after the name of a person has been removed from a register under Section 79(1)(d), the Council revokes the cancellation or suspension of his registration or enrolment and is satisfied that the person concerned—

- (a) has paid all the costs and expenses ordered to be paid under Section 105(3); and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Council,

it shall order the Nursing Registrar to restore that person's name to the relevant register.

(4) Where, on the termination of a period of suspension of registration or enrolment ordered under Section 105(1)(b), the Council is satisfied that the person concerned—

- (a) has paid all the costs and expenses ordered to be paid under Section 105(3); and
- (b) is not otherwise liable to have his name removed from the register; and
- (c) has paid any restoration fee prescribed by the Council,

it shall order the Nursing Registrar to restore that person's name to the relevant register.

81. CORRECTION OF ERRORS IN REGISTERS.

The Nursing Registrar—

- (a) may, with the approval of the Council; and
- (b) shall, when so directed by the Council,

correct any errors appearing in a register kept by him under Section 75.

82. NOTIFICATION OF CHANGES.

(1) Subject to Subsection (2), where a person whose name appears in a register kept by the Nursing Registrar under Section 75 changes his name or address, or where some other prescribed detail concerning him changes, he must immediately inform the Nursing Registrar.

Penalty: A fine not exceeding K40.00.

(2) A person is not guilty of an offence under Subsection (1) when his name appears in a register by error.

83. EMPLOYER TO INFORM NURSING REGISTRAR OF TERMINATION OF CONTRACT.

Where a person whose name appears in a register kept by the Nursing Registrar under Section 75 is employed under a contract of service the person by

whom he is employed must immediately inform the Nursing Registrar if that contract of service is terminated.

Penalty: A fine not exceeding K40.00.

84. REGISTERS TO BE OPEN TO PUBLIC INSPECTION.

The registers kept by the Nursing Registrar under Section 75 shall be made available by him for inspection by members of the public—

- (a) at all reasonable times; and
- (b) on payment of the inspection fee prescribed by the Council.

Division 3.

Registration of Nurses.

85. REGISTERED NURSES.

The Council may prescribe—

- (a) categories of registered nurses; and
- (b) the course of studies to be undertaken by a person preparatory to registration as a registered nurse in each of the prescribed categories of nursing.

86. APPLICATION FOR REGISTRATION.

(1) A person may apply to the Council for registration as a registered nurse.

(2) An application under Subsection (1) shall—

- (a) be in such form as the Council prescribes and include such particulars as the Council requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Council requires; and
 - (iii) the fee prescribed by the Council.

87. APPROVAL OF REGISTRATION.

Where, by personal interview or by any other means, the Council is satisfied that an applicant for registration as a registered nurse—

- (a) is of good character and a fit and proper person to be registered; and
- (b) possesses the minimum qualifications for registration set out in Section 88,

the Council may approve the registration of the applicant as a registered nurse.

88. MINIMUM QUALIFICATIONS FOR REGISTRATION.

The minimum qualifications for registration as a registered nurse are that the applicant has—

- (a) successfully completed a course of training in a prescribed category of nursing at a training school approved by the Council and has such other qualifications as the Council prescribes; or
- (b) been given probationary registration as a registered nurse under Section 89 in one of the prescribed categories of nursing and has, during that period of probationary registration, satisfied the Council that his qualifications are sufficient for him to be registered as a registered nurse in that category of nursing.

89. APPROVAL OF PROBATIONARY REGISTRATION.

(1) Where a person has applied to the Council for registration as a registered nurse in accordance with Section 86 the Council may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the applicant of probationary registration as a registered nurse in a prescribed category of nursing if the applicant—

- (a) has successfully completed the prescribed course of study in respect of that category of nursing at a training school which has not been approved by the Council; or
- (b) has at some time in the past been registered as a registered nurse in a prescribed category of nursing—
 - (i) in Papua New Guinea; or
 - (ii) in accordance with the laws of some other country approved by the Council,

but has not actively or directly been engaged in the relevant category of nursing for the period of three years prior to the making of the application; or
- (c) has not submitted with his application for registration—
 - (i) all the documents which the Council considers necessary to prove the applicant's qualifications; or
 - (ii) such other information or documents as the Council requires.

(2) The Council may, when approving the probationary registration of a person as a registered nurse, impose on the applicant such conditions as to training or otherwise as the Council considers appropriate.

(3) The Council shall not approve the registration of a person as a registered nurse under this section for a period exceeding six months but may approve the renewal of a registration under this section for periods not exceeding six months.

(4) A person granted probationary registration as a registered nurse by virtue of this section shall not be deemed to be a registered nurse except when he is practising in accordance with any conditions imposed under Subsection (2).

(5) Subject to Subsections (6) and (7), the Council may order the Nursing Registrar to cancel the probationary registration of a person as a registered nurse at any time.

(6) The Council shall not order the cancellation of the probationary registration of a person under Subsection (5) until that person has been given a reasonable opportunity of being heard, either in person or through a lawyer, by the Council.

(7) A person aggrieved by the Council's order for the cancellation of his probationary registration may, within 30 days of being informed by the Council of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order—grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary registration is ordered under Subsection (7) the Nursing Registrar shall re-register the appellant for the balance of his period of registration outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Council to order the Nursing Registrar to cancel a probationary registration contained in this section is in addition to the power of the Council to order the cancellation of such registration for disciplinary reasons.

90. APPEAL AGAINST REFUSAL OF COUNCIL TO APPROVE REGISTRATION.

(1) Where the Council refuses to approve the registration of a person as a registered nurse under Section 87 a person aggrieved by the decision of the Council may appeal to the National Court against that decision—

- (a) within 30 days of the applicant being informed of the decision; or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Nursing Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 4.
Enrolment of Nurses.

91. ENROLLED NURSES.

The Council may prescribe—

- (a) categories of enrolled nurses; and
- (b) the course of studies to be undertaken by a person preparatory to enrolment as an enrolled nurse in each of the prescribed categories of nursing.

92. APPLICATION FOR ENROLMENT.

(1) A person may apply to the Council for enrolment as an enrolled nurse in one of the prescribed categories of nursing.

(2) An application under Subsection (1) shall—

- (a) be in such form as the Council prescribes and shall include such particulars as the Council requires; and
- (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Council requires; and
 - (iii) the fee prescribed by the Council.

93. APPROVAL OF ENROLMENT.

Where, by personal interview or by any other means, the Council is satisfied that an applicant for enrolment as an enrolled nurse in one of the prescribed categories of nursing—

- (a) is of good character and a fit and proper person to be enrolled; and
- (b) possesses the prescribed minimum qualifications for enrolment set out in Section 94,

the Council may approve the enrolment of the applicant as an enrolled nurse in the relevant category of nursing.

94. MINIMUM QUALIFICATIONS FOR ENROLMENT.

The minimum qualifications for enrolment as an enrolled nurse are that the applicant has—

- (a) successfully completed a course of training in a prescribed category of nursing at a training school approved by the Council; or

- (b) been given probationary enrolment as an enrolled nurse under Section 96 in one of the prescribed categories of nursing and has, during that period of probationary enrolment, satisfied the Council that his qualifications are sufficient for him to be enrolled as an enrolled nurse in that category of nursing.

95. LIMITATION ON ENROLLED NURSES.

(1) A person who is enrolled as an enrolled nurse in a prescribed category of nursing who works in any other category of nursing without the approval of the Council is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Subject to Subsection (3), a person who is enrolled as an enrolled nurse in a prescribed category of nursing who charges or accepts any fee for nursing services rendered by him in respect of that category of nursing is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(3) Subsection (2) does not prevent a person who is enrolled as an enrolled nurse from receiving a salary in respect of employment he undertakes.

96. APPROVAL OF PROBATIONARY ENROLMENT.

(1) Where a person has applied to the Council for enrolment as an enrolled nurse in accordance with Section 92 the Council may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the applicant of probationary enrolment as an enrolled nurse in a prescribed category of nursing if the applicant—

- (a) has successfully completed the prescribed course of study in respect of that category of nursing at a training school which has not been approved by the Council; or
- (b) has at some time in the past been enrolled as an enrolled nurse in a prescribed category of nursing—
- (i) in Papua New Guinea; or
 - (ii) in accordance with the laws of some other country approved by the Council,

but has not actively or directly been engaged in the relevant category of nursing for the period of three years prior to the making of the application; or

- (c) has not submitted with his application for enrolment—
- (i) all the documents which the Council considers necessary to prove the applicant's qualifications; or
 - (ii) such other information or documents as the Council requires.

(2) The Council may, when approving the probationary enrolment of a person as an enrolled nurse, impose on the applicant such conditions as to training or otherwise as the Council considers appropriate.

(3) The Council shall not approve the enrolment of a person as an enrolled nurse under this section for a period exceeding six months but may approve the renewal of an enrolment under this section for periods not exceeding six months.

(4) A person granted probationary enrolment as an enrolled nurse by virtue of this section shall not be deemed to be an enrolled nurse in a prescribed category of nursing except when nursing in accordance with any conditions imposed under Subsection (2).

(5) Subject to Subsections (6) and (7), the Council may order the Nursing Registrar to cancel the probationary enrolment of a person as an enrolled nurse at any time.

(6) The Council shall not order the cancellation of the probationary enrolment of a person under Subsection (5) until that person has been given a reasonable opportunity of being heard, either in person or through a lawyer, by the Council.

(7) A person aggrieved by the Council's order for the cancellation of his probationary enrolment may, within 30 days of being informed by the Council of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order, grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary enrolment is ordered under Subsection (7) the Nursing Registrar shall re-enrol the appellant for the balance of his period of enrolment outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Council to order the Nursing Registrar to cancel a probationary enrolment contained in this section is in addition to the power of the Council to order the cancellation of such enrolment for disciplinary reasons.

97. APPEAL AGAINST REFUSAL OF COUNCIL TO APPROVE ENROLMENT.

(1) Where the Council refuses to approve the enrolment of a person as an enrolled nurse under Section 93 a person aggrieved by the decision of the Council may appeal to the National Court against that decision—

- (a) within 30 days of the applicant being informed of the decision; or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Nursing Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 5.***Enrolment of Nurse Aides.*****98. APPLICATION FOR ENROLMENT.**

- (1) A person may apply to the Council for enrolment as a nurse aide.
- (2) An application under Subsection (1) shall—
- (a) be in such form as the Council prescribes and include such particulars as the Council requires; and
 - (b) be accompanied by—
 - (i) the diploma, licence, certificate or other document certifying to the qualifications on the basis of which the application is made; and
 - (ii) such other information or documents as the Council requires; and
 - (iii) the fee prescribed by the Council.

99. APPROVAL OF ENROLMENT.

Where, by personal interview or by any other means, the Council is satisfied that an applicant for enrolment as a nurse aide—

- (a) is of good character and a fit and proper person to be enrolled as a nurse aide; and
- (b) possesses the prescribed minimum qualifications for enrolment as set out in Section 100,

the Council may approve the enrolment of the applicant as a nurse aide.

100. MINIMUM QUALIFICATIONS FOR ENROLMENT.

The minimum qualifications for enrolment as a nurse aide are that the applicant has—

- (a) successfully completed a prescribed course of training in nursing work at a training school approved by the Council; or
- (b) been given probationary enrolment as a nurse aide under Section 101 and has, during that period of probationary registration, satisfied the Council that his qualifications are sufficient for him to be enrolled as a nurse aide.

101. APPROVAL OF PROBATIONARY ENROLMENT.

(1) Where a person has applied to the Council for enrolment as a nurse aide in accordance with Section 98 the Council may, if it is otherwise satisfied with the applicant's qualifications, approve the grant to the applicant of probationary enrolment as a nurse aide if the applicant—

- (a) has successfully completed the prescribed course of study at a training school which has not been approved by the Council; or
- (b) has at some time in the past been enrolled as a nurse aide—
 - (i) in Papua New Guinea; or
 - (ii) in accordance with the laws of some other country approved by the Council,

but has not actively or directly been engaged in nursing work for a period of three years prior to the making of the application; or

- (c) has not submitted with his application for enrolment—
 - (i) all the documents which the Council considers necessary to prove the applicant's qualifications; or
 - (ii) such other information or documents as the Council requires.

(2) The Council may, when approving the probationary enrolment of a person as a nurse aide, impose on the applicant such conditions as to training or otherwise as the Council considers appropriate.

(3) The Council shall not approve the registration of a person as a nurse aide under this section for a period exceeding six months but may approve renewal of registration under this section for periods not exceeding six months.

(4) A person granted probationary enrolment as a nurse aide by virtue of this section shall not be deemed to be a nurse aide except when he is practicing in accordance with any conditions imposed under Subsection (2).

(5) Subject to Subsections (6) and (7), the Council may order the Nursing Registrar to cancel the probationary enrolment of a person as a nurse aide at any time.

(6) The Council shall not order the cancellation of the probationary enrolment of a person under Subsection (5) until that person has been given a reasonable opportunity of being heard, either in person or through a lawyer, by the Council.

(7) A person aggrieved by the Council's order for the cancellation of his probationary enrolment may, within 30 days of being informed by the Council of the order, appeal to the National Court which may—

- (a) confirm or revoke the order; and
- (b) where it revokes the order—grant the revocation on such terms and conditions as it thinks fit.

(8) Where a revocation of an order for the cancellation of probationary enrolment is ordered under Subsection (7) the Nursing Registrar shall re-enrol the appellant for the balance of his period of enrolment outstanding at the date of its cancellation on such terms and conditions (if any) as the National Court may have ordered.

(9) The power of the Council to order the Nursing Registrar to cancel a probationary enrolment contained in this section is in addition to the power of the Council to order the cancellation of such enrolment for disciplinary reasons.

102. APPEAL AGAINST REFUSAL OF COUNCIL TO APPROVE ENROLMENT.

(1) Where the Council refuses to approve the enrolment of a person as a nurse aide under Section 99 a person aggrieved by the decision of the Council may appeal to the National Court against that decision—

- (a) within 30 days of the applicant being informed of the decision; or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) Following an appeal under Subsection (1) the Nursing Registrar shall take such action as may be necessary to give effect to the decision of the National Court.

Division 6.

Discipline of Registered or Enrolled Nurses, etc.

103. INTERPRETATION OF DIVISION 6.

In this Division unless the contrary intention appears, “**registration or enrolment**” includes probationary registration of enrolment.

104. POWER OF COUNCIL TO TAKE DISCIPLINARY ACTION.

The Council may take disciplinary action against a nurse or nurse aide registered or enrolled under this Part who—

- (a) is convicted of an offence, either in Papua New Guinea or elsewhere, which is an indictable offence in Papua New Guinea; or
- (b) has his qualifications for registration or enrolment withdrawn or cancelled by the university, institute or training school at which they were acquired or awarded; or
- (c) obtained registration or enrolment through fraud or mistake; or
- (d) is found by the Council to be addicted to alcohol or some other deleterious drug; or
- (e) is found by the Council to be guilty of—
 - (i) professional misconduct; or
 - (ii) professional incompetence; or
- (f) is, in the Council’s opinion, physically or mentally incapable of carrying out his professional duties satisfactorily.

105. FORM OF DISCIPLINARY ACTION.

(1) The forms of disciplinary action which the Council may take under Section 104 are—

- (a) to order the cancellation of registration or enrolment; or
- (b) to order the suspension of registration or enrolment for such period as the Council may determine; or
- (c) a reprimand.

(2) The Council may take more than one form of disciplinary action at any one time.

(3) In addition to taking disciplinary action the Council may order the person against whom the action has been taken to pay the costs and expenses of, and relating to, the inquiry or inquiries carried out by the Council.

106. REVOCATION OF DISCIPLINARY ACTION.

The Council may—

- (a) on the application of the person against whom the disciplinary action was taken; or
- (b) of its own volition,

at any time, and after due consideration, order the revocation of the cancellation or suspension of registration or enrolment of a person whose registration or enrolment has been suspended under this Division.

107. DISCIPLINARY INQUIRY.

(1) Before taking disciplinary action under Section 104 the Council shall—

- (a) give written notice, either personally or by registered post, to the registered or enrolled person concerned informing him of—
 - (i) the nature of the complaint; and
 - (ii) the time, date and place of the hearing of the complaint, and
- (b) hold a full inquiry into the matter of the complaint.

(2) At an inquiry held under Subsection (1)(b) the registered or enrolled person concerned shall be given an opportunity to—

- (a) give a defence, either in person or through a lawyer or some other person; and
- (b) call witnesses on his behalf.

(3) An inquiry held under Subsection (1)(b) shall not be open to the public unless—

- (a) the Council so directs; or

(b) the registered or enrolled person concerned so requests.

(4) Subject to this Act, the Council when holding an inquiry under Subsection (1)(b) has the powers, authority, jurisdiction and protection of a Commission of Inquiry under the *Commissions of Inquiry Act 1951*.

(5) Following an inquiry under Subsection (1)(b) the Council shall, as soon as practicable, give written notice of its decision by registered post to the registered or enrolled person concerned.

108. DISCIPLINARY APPEAL.

(1) A person aggrieved by the Council's decision following an inquiry held under Section 107(1)(b) may appeal to the National Court against the decision—

- (a) within 30 days of the registered or enrolled person concerned being informed of the decision in accordance with Section 107(5); or
- (b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) An appeal shall be by way of rehearing.

(3) The National Court may, on appeal made under this section—

- (a) revoke the decision of the Council; or
- (b) confirm the decision of the Council; or
- (c) substitute another form of disciplinary action.

(4) Following the decision of the National Court on an appeal made under this section the Nursing Registrar shall take such action as may be necessary to give effect to that decision.

Division 7.

Training Schools for Nurses and Nurse Aides.

109. APPROVAL OF TRAINING SCHOOL.

(1) Subject to this Division, the Council may approve a training school for the purposes of providing a prescribed course of studies in nursing or nursing work.

(2) Approval under Subsection (1) may be given subject to compliance by the training school with such conditions as the Council considers appropriate.

(3) When granting approval under Subsection (1) the Council shall specify—

- (a) whether graduates of the school will be registered as nurses or enrolled as nurse or nurse aides; and
- (b) in the case of graduates who will be registered or enrolled as nurses—the prescribed category of nursing in which they will be registered or enrolled.

110. STANDARDS FOR TRAINING SCHOOLS.

(1) The Council may prescribe minimum standards for or in respect of training schools for nurses and nurse aides.

(2) In determining minimum standards under Subsection (1) the Council may specify—

- (a) the minimum duration of any part of a course and of the course as a whole; and
- (b) the maximum number of students that may take the course at any one time.

111. EXAMINATIONS.

The Council may examine either in a group or otherwise, in any manner it thinks fit, students who have completed a prescribed course of study in a category of nursing or nursing work at a training school approved by the Council.

112. CERTIFICATE OF GRADUATION.

The governing body of a training school approved by the Council shall issue a certificate in a form approved by the Council to a person who has successfully completed the whole or any part of a prescribed course of study in nursing or nursing work.

113. INSPECTION OF TRAINING SCHOOLS.

The Council shall appoint a person who—

- (a) shall, before the Council grants approval of a training school under this Division; and
- (b) may, at any time after the Council has granted approval under this Division,

inspect a training school providing instruction in nursing or nursing work.

114. REVOCATION OF APPROVAL.

The Council may at any time revoke its approval of a training school providing instruction in nursing or nursing work.

Division 8.

Miscellaneous.

115. ANNUAL FEE.

A person registered as a registered nurse or enrolled as an enrolled nurse or nurse aide under this Part shall pay such annual fee as the Council prescribes.

116. EXAMINATIONS OF PROBATIONERS.

A person who has been granted probationary registration as a registered nurse or probationary enrolment as an enrolled nurse or nurse aide may be examined at any reasonable time in relation to his professional activities within his place of employment by such persons as the Council may appoint for that purpose.

117. WAIVER OF FEES, ETC.

The Council may for any reason it thinks fit waive, reduce or defer fees payable under this Part.

118. UNREGISTERED OR UNENROLLED PERSONS PRESENTING THEMSELVES AS NURSES OR NURSE AIDES.

A person is guilty of an offence if, not being a person—

- (a) registered as a registered nurse under Section 76; or
- (b) enrolled as an enrolled nurse or nurse aide under Section 76; or
- (c) who—
 - (i) has probationary registration as a registered nurse or probationary enrolment as an enrolled nurse or nurse aide; and
 - (ii) is acting in accordance with any conditions specified in his certificate of probationary registration or probationary enrolment, as the case may be,

he takes or uses a name or title applicable to, or otherwise represents himself to be a person so registered or enrolled or having probationary registration or probationary enrolment.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding 12 months, or both.

119. PROVIDING FALSE INFORMATION.

A person is guilty of an offence if, when required to provide information, or to provide evidence of qualifications, to the Council in accordance with this Part he provides false or misleading information or evidence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months, or both.

120. COUNCIL MAY MAKE BY-LAWS.

(1) The Council may make by-laws, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed by the Council or that are necessary or convenient to be prescribed by the Council, for carrying out or giving effect to this Part, and in particular for the recognition and registration of further qualifications.

- (2) A by-law made under this section has no force or effect until—
- (a) approved by the Head of State, acting on advice; and
 - (b) notified in the National Gazette.

PART IV. – PRIVATE HOSPITALS.

121. EXEMPTIONS.

This Part does not apply to–

- (a) a hospital established by the State; or
- (b) a hospital or first aid post established under or by virtue of some other Act, unless a contrary intention appears from that Act; or
- (c) a hospital established outside a town and having less than a daily average of five in-patients.

122. OFFENCE OF CONDUCTING A HOSPITAL.

A person is guilty of an offence if, not being a person to whom a licence has been granted under this Part, he conducts a hospital.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 12 months, or both.

123. APPLICATION TO CONDUCT HOSPITAL.

(1) A person may apply to the Board for permission to conduct a hospital.

(2) An application under Subsection (1) shall–

- (a) be in such form as the Board prescribes and include such particulars as the Board requires; and
- (b) be accompanied by–
 - (i) the diploma, licence, certificate or other document certifying to the qualifications of the applicant; and
 - (ii) plans, specifications and other details required by the Board in respect of the premises proposed to be used as a hospital; and
 - (iii) such other information or documents as the Board requires; and
 - (iv) the fee prescribed by the Board.

124. APPROVAL OF APPLICATION.

Where, by personal interview, by inspection, or by any other means the Board is satisfied–

- (a) that the applicant is of good character and a fit and proper person to conduct a hospital; and
- (b) possesses the qualifications, as determined by the Board, to conduct a hospital; and
- (c) that the proposed premises for the hospital are suitable for that purpose,

it may approve the grant of a licence to conduct a hospital in those premises to the applicant.

125. ISSUE OF LICENCE.

(1) When, in accordance with Section 124 the Board has given its approval to the grant of a licence to conduct a hospital, the Medical Registrar shall immediately issue to the applicant a licence in the form prescribed by the Board.

(2) A licence issued under Subsection (1)–

- (a) is personal to the licensee and is not transferable; and
- (b) may be made subject to such conditions as to the conduct of the hospital as the Board considers appropriate.

126. CANCELLATION OF LICENCE.

The Board may order the Medical Registrar to cancel a licence issued under this Part where–

- (a) the licensee is convicted of an offence, either in Papua New Guinea or elsewhere, which is an indictable offence in Papua New Guinea; or
- (b) the licensee has his qualifications to be a licensee withdrawn or cancelled by–
 - (i) the university, institute or training school at which they were acquired or awarded; or
 - (ii) the Board or Council; or
- (c) the licence was obtained by fraud or mistake; or
- (d) the licensee is found by the Board to be addicted to alcohol or some other deleterious drug; or
- (e) the licensee is found by the Board to be guilty of–
 - (i) professional misconduct; or
 - (ii) professional incompetence; or
- (f) the licensee is, in the Board's opinion, physically or mentally incapable of conducting a hospital satisfactorily; or
- (g) the premises in which the hospital is conducted is, in the Board's opinion, unsuitable for use as a hospital or has fallen below the standards, as determined by the Board, for hospitals; or
- (h) the licensee has failed to comply with any conditions to which the licence was made subject after receiving due notice of the breach from the Board.

127. INQUIRY BEFORE LICENCE IS CANCELLED.

(1) Before ordering a licence to be cancelled under Section 126 the Board shall—

(a) give written notice, either personally or by post, to the licensee informing him of—

(i) the nature of the complaint; and

(ii) the time, date and place of the hearing of the complaint; and

(b) hold a full inquiry into the matter of the complaint.

(2) At an inquiry held under Subsection (1)(b) the licensee shall be given an opportunity to—

(a) give a defence, either in person or through a lawyer or some other person; and

(b) call witnesses on his behalf.

(3) An inquiry held under Subsection (1)(b) shall not be open to the public unless—

(a) the Board so directs; or

(b) the licensee so requests.

(4) Subject to this Act, the Board when holding an inquiry under Subsection (1)(b) has the powers, authority, jurisdiction and protection of a Commission of Inquiry under the *Commissions of Inquiry Act 1951*.

(5) Following an inquiry under Subsection (1)(b) the Board shall, as soon as practicable, give written notice of its decision by post to the licensee.

128. APPEAL AGAINST CANCELLATION OF LICENCE.

(1) A person aggrieved by the Board's decision following an inquiry held under Section 127(1)(b) may appeal to the National Court against the decision—

(a) within 30 days of the licensee being informed of the decision in accordance with Section 127(5); or

(b) within such longer period as the Court may allow if it is satisfied that the failure to bring the appeal within 30 days was caused by mistake or other reasonable cause.

(2) An appeal shall be by way of rehearing.

(3) The Court may, on appeal made under this section—

(i) revoke or confirm the decision of the Board; and

(ii) if it revokes the decision—make the revocation subject to conditions.

(4) Following the decision of the Court on an appeal made in accordance with this section the Medical Registrar shall take such action as may be necessary to give effect to that decision.

PART V. – REGULATIONS AND REPEAL.

129. REGULATIONS.

The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out and giving effect to this Act.

130. REPEAL.

The *Medical Services Act* is repealed.

PART VI. – TRANSITIONAL PROVISIONS.

131. REGISTERS MAINTAINED UNDER REPEALED ACT.

A register maintained by the Registrar of Medical Services under the repealed Act immediately before the commencement date shall be deemed to be the relevant register required to be maintained under this Act.

132. MEDICAL PRACTITIONERS REGISTERED, ETC., UNDER REPEALED ACT.

(1) A person registered or provisionally registered as a medical practitioner under the repealed Act immediately before the commencement date shall be deemed to be registered, or provisionally registered as a medical practitioner, as the case may be, under this Act.

(2) A registered medical practitioner registered as a specialist in an approved category of medical practitioners under the repealed Act immediately before the commencement date shall be deemed to be registered as a specialist medical practitioner in the appropriate prescribed category of medical or surgical speciality under this Act.

(3) A person having temporary registration as a medical practitioner under the repealed Act immediately before the commencement date shall be deemed to have temporary registration as a medical practitioner under this Act subject to the same limitations and restrictions on his right to practise as were imposed under the repealed Act.

133. DENTAL PRACTITIONERS REGISTERED, ETC., UNDER REPEALED ACT.

(1) A person registered or provisionally registered as a dental practitioner under the repealed Act immediately before the commencement date shall be deemed to be registered, or provisionally registered, as a dental practitioner, as the case may be, under this Act.

(2) A person having temporary registration as a dental practitioner under the repealed Act immediately before the commencement date shall be deemed to have temporary registration as a dental practitioner under this Act subject to the same limitations and restrictions on his right to practise as were imposed under the repealed Act.

134. MEMBERS OF ASSOCIATED HEALTH SERVICES REGISTERED, ETC., UNDER REPEALED ACT.

(1) A person registered as a member of an associated health service under the repealed Act immediately before the commencement date shall be deemed to be registered under this Act as an allied health worker in the relevant prescribed category of allied health work.

(2) A person enrolled as a member of an associated health service under the repealed Act immediately before the commencement date shall be deemed to be provisionally registered under this Act as an allied health worker in the relevant prescribed category of allied health work.

135. NURSES REGISTERED OR ENROLLED, ETC., UNDER REPEALED ACT.

(1) A person who, immediately before the commencement date, was registered as a registered nurse under the repealed Act, shall be deemed to be registered as a nurse under this Act in the relevant prescribed category of nursing.

(2) A person who, immediately before the commencement date, was enrolled as an enrolled nurse under the repealed Act, shall be deemed to be enrolled under this Act as an enrolled nurse in the relevant prescribed category of nursing.

(3) A person provisionally registered or provisionally enrolled as a nurse under the repealed Act immediately before the commencement date shall be deemed to have probationary registration, or probationary enrolment, under this Act as a nurse in the relevant prescribed category of nursing subject to the same conditions as to training and to gaining experience as were imposed under the repealed Act.

136. NURSE AIDES ENROLLED UNDER REPEALED ACT.

A person enrolled under the repealed Act as a nurse aide immediately before the commencement date shall be deemed to be enrolled as a nurse aide under this Act.

137. TRAINING SCHOOLS RECOGNIZED UNDER REPEALED ACT.

A training school recognised in respect of any category of nurses or associated health services under the repealed Act immediately before the commencement date shall be deemed to be approved—

- (a) by the Board for the purpose of providing a prescribed course of studies in allied health work; or
- (b) by the Council for the purpose of providing a prescribed course of studies in nursing or nursing work,

as the case may be, under this Act.

138. PRIVATE HOSPITALS LICENSED UNDER REPEALED ACT.

A person holding a licence to conduct a hospital under the repealed Act immediately before the commencement date shall be deemed to hold a licence to conduct a hospital under this Act.

139. APPLICATION OF ACTS, ETC.

Where—

- (a) an Act or subordinate enactment, other than this Act; or
- (b) a document or instrument whenever made or executed,

contains a reference, express or implied, to the Medical Board or the Nursing Council established under the repealed Act, that reference shall, after the commencement date and except where the context otherwise requires, be read and construed and has effect as a reference to the Board or the Council, as the case may be, established under this Act.

Office of Legislative Counsel, PNG