

**MEDICAL PRACTICE ACT 1992—RULE\***

NEW SOUTH WALES



*[Published in Gazette No. 71 of 20 May 1994]*

**Making of rules**

1. These rules are made by the Rule Committee under section 158 of the Medical Practice Act 1992 on 12th May, 1994.

**Short title**

2. These rules may be cited as the “Medical Tribunal Rules”.

**Commencement**

3. These rules commence on 1st June, 1994.

**Registrar**

4. (1) There shall be a Registrar of the Tribunal.

(2) The person for the time being holding, or acting in, the office of Registrar of the District Court, Sydney, in its civil jurisdiction shall be the Registrar of the Tribunal.

(3) The Registrar of the Tribunal shall, subject to and in accordance with any direction given by the Chairperson, control and administer the Registry of the Tribunal.

**Appeal or application for review**

5. (1) An appeal under section 87 of the Act shall be commenced by lodging with the Registrar of the Medical Board a notice in or to the effect of Form A in the Appendix.

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\* See also Correction Notice published in Gazette No. 73 of 27 May 1994. p. 2534 (188).

(2) An application made under section 92 of the Act shall be in or to the effect of Form A in the Appendix and shall be lodged with the Registrar of the Tribunal.

(3) The appellant shall on the same day as lodging an appeal under subrule (1) serve on the Director-General of the Department of Health a copy of the appeal.

(4) The applicant shall on the same day as lodging an application under subrule (2) serve on the Medical Board and also on the Director-General of the Department of Health a copy of the application.

### **Grounds of application or appeal to the Tribunal**

6. (1) An application for review, or notice of appeal, to the Tribunal shall set out in full the grounds on which the application is made or the appeal is brought.

(2) Except with leave of the Tribunal which, if given, may be given on terms, an applicant or appellant shall not rely at the hearing of the review or appeal on any ground not set out in the application or appeal mentioned in subrule (1).

(3) Where the application for review, or appeal, relates to:

- (a) the refusal of an application for registration;
- (b) the imposition of conditions on a registration;
- (c) the removal of a person's name from the Register; or
- (d) the suspension of a person from practising medicine,

the application or appeal mentioned in subrule (1) shall contain the particulars of any employment of the applicant or appellant, and of any medical or other activity engaged in by him or her which has relevance to the application or appeal, since the date of the refusal, imposition, removal or suspension.

### **Statements of evidence**

7. (1) At the time of lodging such application or appeal or within twenty-one days thereafter, the applicant or appellant shall file with the Registrar of the Tribunal a statement of the evidence intended to be given by each witness, including the applicant or appellant, to be called at the hearing of the application or appeal.

(2) Except with the leave of the Tribunal, which, if given, may be given on terms an applicant or appellant shall not adduce at the hearing of the application or appeal any evidence not contained in such statement or statements.

(3) The appellant or the applicant shall within twenty-one days after lodging the appeal of application serve on the Medical Board and also on the Director-General of the Department of Health any statement filed pursuant to subrule (1).

#### **Directions hearing**

8. The Chairperson or Deputy Chairperson conducting any inquiry or appeal under the Act may conduct a directions hearing for the purpose of giving such directions for the hearing and conduct of the inquiry or appeal as he or she deems necessary.

#### **Form of summons to appear to give evidence and to produce documents**

9. A summons to appear to give evidence and to produce documents issued under clause 2 of Schedule 2 to the Medical Practice Act 1992 shall be in or to the effect of Form B in the Appendix.

#### **Form of summons to produce documents**

10. A summons to produce documents issued under clause 2 of Schedule 2 to the Medical Practice Act 1992 shall be in or to the effect of Form C in the Appendix.

(Sgd) J. H. STAUNTON  
Chairperson

(Sgd) J. B. SINCLAIR  
Deputy Chairperson

## APPENDIX

### FORM A

IN THE MEDICAL TRIBUNAL No. of 199  
 CONSTITUTED UNDER SECTION  
 146 OF THE MEDICAL PRACTICE  
 ACT 1992

IN THE MATER OF

#### NOTICE OF APPEAL UNDER S. 87 OF THE MEDICAL PRACTICE ACT 1992 AND/OR APPLICATION UNDER S. 92 OF THE SAID ACT

1. Name and address of appellant or applicant.
2. Address for service.
3. Name of solicitor (if any).
4. Grounds of appeal or application.
5. Details of order in respect of which application or appeal is lodged.
6. Orders sought by appellant or applicant.

### FORM B

IN THE MEDICAL TRIBUNAL No. of 199 .  
 CONSTITUTED UNDER SECTION  
 146 OF THE MEDICAL PRACTICE  
 ACT 1992

IN THE MATER OF

#### SUMMONS TO APPEAR TO GIVE EVIDENCE AND TO PRODUCE DOCUMENTS

**TO:** (name)

**OF:** (address)

You are hereby required to attend for the purpose of giving evidence and produce this summons and such of the documents described in the Schedule as are in your possession or control:

- (a) before the Medical Tribunal;
- (b) at Court No. , District Court. Sydney;
- (c) on (date) at 10.00 a.m. and until you are excused from further attending.

**NOTE:**

**If you do not comply with this summons you may be liable on conviction to a penalty not exceeding \$2,000.**

**Dated:**

.....  
(Deputy) Chairperson, Medical Tribunal

**SCHEDULE****FORM C**

IN THE MEDICAL TRIBUNAL  
CONSTITUTED UNDER SECTION  
146 OF THE MEDICAL PRACTICE  
ACT 1992

No. \_\_\_\_\_ of 199

IN THE MATTER OF

**SUMMONS TO PRODUCE DOCUMENTS****TO:** (name)**OF:** (address)

You are hereby required to attend and produce this summons and such of the documents described in the Schedule as are in your possession or control:

- (a) before the Medical Tribunal;
- (b) at Court No. \_\_\_\_\_, District Court, Sydney;
- (c) on (date) at 10.00 a.m. and until you are excused from further attending.

**NOTE:**

**If you do not comply with this summons you may be liable on conviction to a penalty not exceeding \$2,000.**

**1994—No. 173**

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If you are not a party to this matter, instead of attending as required by this summons you may produce this summons and such of the documents described in the Schedule as are in your possession or control to THE REGISTRAR OF THE MEDICAL TRIBUNAL, CHAMBERS, LEVEL 4, 225 MACQUARIE STREET, SYDNEY NOT LATER THAN THE DAY BEFORE THE DAY SPECIFIED ABOVE FOR THEIR PRODUCTION, and if you do so you need not appear on the day specified.

Dated:

.....  
(Deputy) Chairperson, Medical Tribunal

**SCHEDULE**  

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