



Australian Capital Territory

Medical Practitioners Act 1930 (repealed)

A1930-13

Republication No 9

Effective: 7 July 2005

Republication date: 7 July 2005

As repealed by A2004-38 s 136 (1) (f)
(republication for amendments by A2005-28 and
repeal by A2004-38)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Medical Practitioners Act 1930* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 7 July 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Medical Practitioners Act 1930 (repealed)

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Interpretation for Act	2
4	Competence to practise medicine	3
5	Impairment	3
Part 2	Administration	
7	Establishment of board	4
8	Constitution of board	4

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Medical Practitioners Act 1930 (repealed)
Effective: 07/07/05

contents 1

		Page
Part 3	Registration	
Division 3.1	Qualifications for registration	
9	Entitlement to unconditional registration based on qualifications and training	5
10	Entitlement of interns to conditional registration	5
11	Registration under mutual recognition principle	6
12	Registration at discretion of board	6
13	Interim registration	8
14	Conditions of registration in cases of impairment	9
15	Refusal of registration if applicant convicted of offence	9
16	Refusal of registration if applicant deregistered outside ACT	10
17	Applicants to be competent and of good character	10
18	Restriction on registration of deregistered or suspended persons	11
Division 3.2	Registration procedure	
19	Applications for registration	11
20	Applications to be considered and determined	11
21	Registration of applicants	12
23	Conditions of registration	12
Division 3.3	Register of medical practitioners	
24	Register	12
25	Particulars to be entered in register	12
26	Certificate of registration	13
27	Change of address to be notified	15
28	Alteration of register	15
29	Deregistration on basis of disciplinary action under foreign law	16
30	Imposition of conditions imposed under foreign law	17
31	Cessation of registration	17
Division 3.4	Annual registration fees	
32	Annual registration fee	17
33	Practitioner's registration may be cancelled for nonpayment	18
34	Entitlement to re-registration on payment of fees	18

	Page
Part 4	The conduct of medical practice
35	Interpretation for pt 4 19
36	Cancellation or suspension of registration 22
37	Cancellation, suspension or restriction of right of practise on health grounds 22
38	Practising when registration suspended 23
39	Power of board to caution, reprimand etc 23
40	Power of board to impose fines 24
41	Application for re-registration 25
42	Inquiry by board 25
43	Publication of notice of decision 25
44	Effect of suspension 26
45	Registered medical practitioner to practise in registered name 26
46	Only registered medical practitioners to practise medicine 27
47	Advertising 28
48	Company not to provide medical service except through registered medical practitioner 28
49	Signing of certificates 28
50	Application of pt 4 28
51	Recovery of fees for medical services 29
52	Review of accounts for fees for medical services 30
53	Administration of estate of deceased medical practitioner 31
Part 4A	Appeals
54	Review of decisions 32
55	Notification of decisions 33
Part 5	Miscellaneous
56	Inspection of register 35
57	Publication of registered medical practitioners 35
58	Determination of fees 36
58A	Approved forms 36
59	Penalty for offences for which no other penalty provided 36
Part 6	Regulations

Contents

60	Regulation-making power	Page 37
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Endnotes

1	About the endnotes	38
2	Abbreviation key	38
3	Legislation history	39
4	Amendment history	44
5	Earlier republications	57
6	Renumbered provisions	57
7	Uncommenced amendments	60



Australian Capital Territory

Medical Practitioners Act 1930 (repealed)

An Act to provide for the registration of persons engaged in medical practice,
and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Medical Practitioners Act 1930*.

3 Interpretation for Act

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

(1) In this Act:

medical service means a medical service, attendance, operation or advice.

member means a member of the board.

Mutual Recognition Act means the *Mutual Recognition Act 1992* (Cwlth).

registered means registered under this Act.

registered medical practitioner means a person who is—

- (a) registered under this Act; or
- (b) to be deemed to be registered under this Act because of the Mutual Recognition Act, section 25.

the board means the Medical Board established by this Act.

the chairperson means the chairperson of the board.

the deputy chairperson means the deputy chairperson of the board.

the register means the register of medical practitioners kept under section 24.

- (2) For this Act, a person shall be deemed to practise medicine if—
- (a) he or she practises medicine personally on his or her own account or as a member of a firm; or
 - (b) in the course of a business carried on by him or her, a person or persons employed by him or her is or are engaged in the practice of medicine; or
 - (c) he or she is engaged in the practice of medicine as a person employed in a business carried on by another person (including a company) or by a firm.

4 Competence to practise medicine

For this Act, a person shall be taken to be competent to practise medicine only if the person—

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

5 Impairment

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise medicine.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

Part 2 Administration

7 Establishment of board

For this Act, there shall be a Medical Board, which shall be charged with the general administration of this Act.

8 Constitution of board

- (1) The board shall consist of—
 - (a) a chairperson, and 5 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
 - (b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*.
- (2) Of the members appointed under subsection (1) (a), 2 shall be persons who are not entitled to be registered by—
 - (a) a board within the meaning of the *Health Professions Boards (Procedures) Act 1981*; or
 - (b) the Dental Technicians and Dental Prosthetists Board.
- (3) Of the 2 members referred to in subsection (2), 1 shall be a lawyer.
- (4) A person shall not be eligible for appointment to any of the remaining 3 positions as a member unless—
 - (a) he or she is a registered medical practitioner; and
 - (b) he or she was, at all times during the 3 years immediately before his or her appointment, entitled, under the law of a State or Territory, to practise as a medical practitioner in that State or Territory.
- (5) The chairperson shall be the executive officer of the board.

Part 3 Registration

Division 3.1 Qualifications for registration

9 Entitlement to unconditional registration based on qualifications and training

- (1) A person is entitled to be registered as a medical practitioner if he or she has recognised medical qualifications and has successfully completed a period of internship or supervised training as required by the board.
- (2) For this section, a person has recognised medical qualifications if the person is a graduate of a medical school (whether within or outside Australia) accredited by the Australian medical Council Incorporated or has successfully completed examinations held by that council for the purposes of registration as a medical practitioner.
- (3) The entitlement under this section is an entitlement to registration that is not subject to any condition.

10 Entitlement of interns to conditional registration

- (1) A person is entitled to be registered as a medical practitioner subject to conditions imposed by the board if the person would be entitled to registration under section 9 except for the fact that he or she has not completed a period of internship or supervised training required by the board.
- (2) The conditions of registration that the board may impose under subsection (1) are any conditions the board considers appropriate for the purpose of enabling the person to complete that internship or training.

11 Registration under mutual recognition principle

- (1) A person who is licensed or registered as a medical practitioner under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a medical practitioner under this Act.
- (2) If the person's licence or registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's licence or registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that licence or registration is subject or conditions appropriate to give effect to any restriction to which that licence or registration is subject.

12 Registration at discretion of board

- (1) If a person is a graduate in medicine from an institution that is not accredited by the Australian Medical Council Incorporated, the board may register the person as a medical practitioner on a temporary basis to enable him or her to undertake a period of postgraduate training in medicine approved by the board.
- (2) If a person is a candidate for an examination held by the Australian Medical Council Incorporated and has been approved by that council to undertake a period of supervised training approved by the board before sitting for the examination, the board may register the person as a medical practitioner for the purpose of enabling him or her to undertake that training.
- (3) The board may register a person as a medical practitioner for the purpose of enabling the person to fill a medical teaching or research

position if the person has qualifications that the board considers appropriate for that purpose.

- (4) The board may register a person as a medical practitioner for the purpose of enabling an unmet area of need to be met if the board is satisfied that the person has suitable qualifications and experience to practise medicine in that area of need.
- (5) The board may register a person as a medical practitioner if the board is satisfied that he or she has specialist qualifications and experience in medicine recognised by the relevant Australian specialist college or institution and registration is for the purpose of enabling him or her to practise within that specialty.
- (6) The board may register a person as a medical practitioner if the board is satisfied that he or she has specialist qualifications and experience in medicine obtained outside Australia, being qualifications that are not recognised by the relevant Australian specialist college or institution, and registration is for the purpose of enabling him or her to undergo further specialist training or examination before being assessed for recognition by that college or institution.
- (7) Notwithstanding section 17, the board may register a person as a medical practitioner under this section although he or she does not have a command of the English language that is adequate for the practise of medicine if the board considers that registration is appropriate in the circumstances.
- (8) The board may register a person as a medical practitioner on a temporary basis if it is satisfied that it is in the public interest to do so.
- (9) The board may impose the conditions on the registration of a person as a medical practitioner under this section that it considers appropriate.

13 Interim registration

- (1) An applicant for registration may be granted interim registration if—
 - (a) the person is entitled to registration under section 9 but it is not practicable to wait until the board can consider the application; or
 - (b) the person would be entitled to registration under section 10 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant an applicant for registration interim registration in accordance with this section.
- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
 - (a) granted him or her registration; or
 - (b) refused his or her application for registration; or
 - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.
- (5) A person who holds interim registration is for all purposes to be taken to be a registered medical practitioner.
- (6) If a person who is registered as a medical practitioner held interim registration at the time of being so registered, the person's registration as a medical practitioner shall be taken to have occurred on the day on which he or she was granted interim registration.

- (7) Interim registration under this section shall be taken to have been granted by the board.

14 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) A registered medical practitioner who has had conditions imposed on his or her registration under this section (including conditions imposed on a review under this section) may apply to the board for a review of the conditions.
- (3) The board may decline to review the conditions if the application is made within 12 months after the conditions were last reviewed under this section.
- (4) On a review of conditions the board may alter or remove conditions or impose new conditions, as it considers appropriate.

15 Refusal of registration if applicant convicted of offence

- (1) Subject to subsection (3), the board may refuse an application for registration if—
- (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
- (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise medicine.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).

- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

16 Refusal of registration if applicant deregistered outside ACT

- (1) Subject to subsection (3), the board may refuse an application for registration if the applicant's name has been removed from a foreign medical register for any reason relating to conduct of the person amounting to professional misconduct (within the meaning of part 4) or on any basis relating to the person's physical or mental capacity to practise medicine.
- (2) A person's name shall be taken to have been removed from a foreign medical register if it is removed from any register or roll established or kept under any law of any country, State or other Territory providing for the registration, licensing or certification of medical practitioners under an Act.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

17 Applicants to be competent and of good character

- (1) Subject to subsection (2), the board shall not register a person as a medical practitioner unless it is satisfied that the person—
- (a) has the physical capacity, mental capacity and skill required to competently practise medicine; and
 - (b) has sufficient communication skills for the practise of medicine including an adequate command of the English language; and
 - (c) is of good character.

- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

18 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), if the registration of a person under this Act has been cancelled (otherwise than under section 29 or 33 (2)) or suspended (otherwise than under section 42 (2)) the person may not apply for re-registration or termination of the suspension, as the case may be, otherwise than under section 41.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 3.2 Registration procedure

19 Applications for registration

- (1) This section applies to applications for registration other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 58 (Determination of fees) for an application.

Note 2 If a form is approved under s 58A (Approved forms) for an application, the form must be used.

20 Applications to be considered and determined

The board shall consider each application under section 19 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

21 Registration of applicants

If a person who is applying for registration otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
 - (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
 - (c) is entitled to registration in accordance with this Act;
- the board shall, subject to this Act, register the applicant.

23 Conditions of registration

The conditions that the board may impose on registration at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 3.3 Register of medical practitioners

24 Register

- (1) The board shall keep a register called the register of medical practitioners.
- (2) The register may be maintained by electronic means.

25 Particulars to be entered in register

The registration of a person shall be effected by entering in the register—

- (a) the name of the person; and
- (b) the person's professional address or addresses in the ACT or, if he or she has no professional address in the ACT, his or her place of residence, whether within or outside the ACT; and
- (c) particulars of the person's qualifications; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) any condition to which the person's registration is subject; and
- (g) the other particulars (if any) prescribed under the regulations.

26 Certificate of registration

- (1) If a person is registered as a medical practitioner the board shall issue to him or her a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered under this Act and any conditions to which his or her registration is subject.
- (3) A certificate of registration is evidence that the person specified in the certificate was registered on the date specified in the certificate.
- (4) If a certificate issued under subsection (1) to a registered medical practitioner has been stolen, lost or destroyed, the board must, on application by the registered medical practitioner, issue a duplicate certificate.

Note A fee may be determined under s 58 (Determination of fees) for this section.

- (5) If—
 - (a) the board has given to a person written notice that his or her registration has been suspended or cancelled; and

- (b) 14 days has elapsed since the notice referred to in paragraph (a) was given;

the person shall give his or her certificate of registration to the chairperson.

- (6) A person who fails to comply with subsection (5) commits an offence.

Maximum penalty: 5 penalty units.

- (7) If a person whose registration has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.

- (8) If, after a certificate of registration has been issued to a person—

(a) conditions are imposed on the registration of the person; or

(b) conditions imposed on the registration of the person are varied;

the chairperson may, by written notice given to the person, require the person to give his or her certificate of registration to the chairperson within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.

- (9) A person who fails to comply with a notice under subsection (8) commits an offence.

Maximum penalty: 5 penalty units.

- (10) A notice for subsection (5) (a) or (8) may be given to a person by post addressed to him or her at his or her address last known to the chairperson.

- (11) It is a defence to a prosecution for an offence against subsection (6) or (9) that—

(a) the certificate has been destroyed; or

- (b) after diligent search, the defendant has been unable to find the certificate.

27 Change of address to be notified

If—

- (a) a change occurs in an address of a registered medical practitioner entered in the register under section 25; or
- (b) a registered medical practitioner establishes a professional address, or an additional professional address, in the ACT;

the registered medical practitioner shall, within 1 month of the change or establishment notify the chairperson in writing accordingly.

Maximum penalty: 5 penalty units.

28 Alteration of register

- (1) The board shall cause to be removed from the register the name of—
- (a) a registered medical practitioner who has died; or
- (b) a registered medical practitioner whose registration has been cancelled.
- (2) Subject to this section, the board shall, at the request of a registered medical practitioner, enter in the register particulars of any qualifications of the medical practitioner in medicine or surgery in addition to the qualifications that entitled the medical practitioner to registration.
- (3) Subject to this section, the board may, from time to time, at the request of a person or on its own initiative, make any other alterations to particulars in the register that are necessary.

Note A fee may be determined under s 58 (Determination of fees) for this section.

29 Deregistration on basis of disciplinary action under foreign law

- (1) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll kept under a law of a State or another Territory for any reason relating to—
- (a) conduct of the person that would constitute professional misconduct under part 4; or
 - (b) the physical or mental capacity of the person to practise medicine;

the board shall cancel the registration of the person.

- (2) If—
- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register or roll referred to in that subsection; and
 - (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person.

- (3) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll kept under a law of a place outside Australia for any reason relating to—
- (a) conduct of the person that would constitute professional misconduct under part 4; or
 - (b) the physical or mental capacity of the person to practise medicine;

the board may cancel the registration of the person.

- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

30 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a medical practitioner under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person under this Act.
- (2) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a medical practitioner under a law of a place outside Australia, the board may impose a similar condition on the registration of the person under this Act.

31 Cessation of registration

A registered medical practitioner ceases to be registered—

- (a) when the board gives the person notice that his or her registration has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

Division 3.4 Annual registration fees

32 Annual registration fee

- (1) On or before 30 September in each year, a registered medical practitioner must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.
- (2) The board shall send to each registered medical practitioner, not less than 1 month before 30 September in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered medical practitioner for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

33 Practitioner's registration may be cancelled for nonpayment

- (1) If a registered medical practitioner does not comply with section 32 (1), the board shall send to the medical practitioner a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.
- (2) The board shall cancel the registration of a medical practitioner to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

34 Entitlement to re-registration on payment of fees

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 58 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 58A (Approved forms) for an application, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register.
- (3) The board may refuse to re-register a person under this section if it is satisfied that the person is not competent to practise medicine or is not of good character.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register.

Part 4 The conduct of medical practice

35 Interpretation for pt 4

- (1) In this part, a reference to *unsatisfactory professional conduct*, in relation to a registered medical practitioner, includes a reference to—
- (a) any conduct that demonstrates a lack of adequate knowledge, skill, judgment or care by the practitioner in the practise of medicine; and
 - (b) a contravention by the practitioner of this Act; and
 - (c) a contravention by the practitioner of a condition to which his or her registration is subject; and
 - (d) any conduct that results in the conviction of the practitioner for an offence against the *Health Insurance Act 1973* (Cwlth), section 128A, 128B, 129, 129AA or 129AAA; and
 - (e) subject to subsection (2), permitting an assistant who is employed by the practitioner in connection with the practitioner's professional practice, but who is not a registered medical practitioner, to attend, treat or perform operations on patients in relation to matters requiring professional discretion or skill; and
 - (f) subject to subsection (2), by the practitioner's presence, countenance, advice, assistance or cooperation, knowingly enabling a person who is not a registered medical practitioner to—
 - (i) perform an act of operative surgery (other than an act that consists wholly of manipulative surgery) on a patient in relation to a matter requiring professional discretion or skill; or

- (ii) issue or procure the issue of any certificate, notification, report or other similar document, or to engage in professional practice, as if the person were a registered medical practitioner; and
- (g) using any certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description in relation to himself or herself or in the practice of medicine, other than—
 - (i) a certificate, diploma, membership, degree, licence, letters, testimonial or other title, status, document or description—
 - (A) recorded in the register in relation to the practitioner; or
 - (B) used by the practitioner before the commencement of this section; or
 - (ii) the description *doctor*, *medical practitioner* or another expression recognised by the board generally or in an appropriate case for this paragraph; and
- (h) failing, without reasonable excuse, to attend (within a reasonable time after being requested to do so) on a person for the purpose of rendering professional services in the capacity of a registered medical practitioner if the practitioner has reasonable cause to believe that the person is in need of urgent attention by a registered medical practitioner unless the practitioner has taken all reasonable steps to ensure that another registered medical practitioner attends instead within a reasonable time; and
- (i) advertising, otherwise than as permitted by the regulations, for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, such an advertisement; and

- (j) canvassing, or employing an agent or canvasser, for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, the employment of an agent or canvasser for that purpose; and
- (k) any other improper or unethical conduct relating to the practice of medicine; and
- (l) any conduct by the practitioner, whether occurring in the practise of medicine or not, that adversely affects the practise of medicine by the practitioner or brings the medical profession into disrepute.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) In this part, a reference to ***unsatisfactory professional conduct*** in relation to a medical practitioner does not include conduct of the kind referred to in subsection (1) (e) or (f) if that conduct takes place in connection with—
 - (a) the proper training and instruction of registered medical students or other students; or
 - (b) the lawful employment of dressers, nurses, dispensers, surgery attendants, technicians or skilled mechanics, under the immediate personal supervision of the practitioner; or
 - (c) collaborating in experimental or research work in medicine with a person who is the holder of a university degree in science or another degree recognised by the board generally or in a particular case for this paragraph.
- (3) In this part, a reference to ***professional misconduct*** in relation to a medical practitioner is a reference to unsatisfactory professional conduct of a sufficiently serious nature to justify suspension of the practitioner from practising medicine or for the removal of the practitioner's name from the register.

36 Cancellation or suspension of registration

The board may—

- (a) cancel the registration of a person; or
- (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate;

if it is satisfied—

- (c) that the registration of the person was obtained by fraud or misrepresentation; or
- (d) that the medical qualification of the person has been withdrawn or cancelled by the body which granted it; or
- (e) that the person has contravened a condition to which his or her registration under this Act is subject; or
- (f) that the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise as a medical practitioner; or
- (g) that the person is guilty of habitual drunkenness or addiction to drugs; or
- (h) that the person is guilty of professional misconduct; or
- (i) that the person is not competent to practise medicine.

37 Cancellation, suspension or restriction of right of practise on health grounds

- (1) Subject to subsection (2), the board shall, when it is satisfied that the mental or physical condition of a person who is registered as a medical practitioner renders him or her unfit to practise medicine—
 - (a) cancel the registration of the person; or

- (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.
- (2) The board may, instead of cancelling or suspending the registration of a person, if it is satisfied that the person is fit to give or perform some medical services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person direct the person not to give or perform the medical services specified, whether individually or otherwise, in the order.
- (3) A person on whom an order under subsection (1) (b) or (2) has been served who gives or performs a medical service in contravention of that order shall, in giving or performing the service, be deemed to be a person other than a registered medical practitioner.

38 Practising when registration suspended

If a person whose registration as a medical practitioner has been suspended is convicted of an offence against section 46 or 49, the board may—

- (a) cancel the registration of the person; or
- (b) by order served on the person, suspend the registration of the person for the further period the board considers appropriate.

39 Power of board to caution, reprimand etc

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a registered medical practitioner:
 - (a) caution or reprimand the practitioner;
 - (b) order that the practitioner seek and undergo medical or psychiatric treatment or counselling;

- (c) impose on the practitioner's registration the conditions relating to the practise of medicine that the board considers appropriate;
 - (d) order that the practitioner complete specified educational courses;
 - (e) order that the practitioner report on his or her medical practice at the times, in the way and to the persons specified by the board;
 - (f) order that the practitioner seek and follow advice, in relation to the management of his or her medical practice, from persons specified by the board.
- (2) Subsection (1) (d) does not apply in relation to a registered medical practitioner who obtained registration under this Act because of the Mutual Recognition Act.

40 Power of board to impose fines

- (1) Subject to subsection (2), if the board finds that a registered medical practitioner has failed to comply with an order of the board under section 39 it may, by order served on the practitioner, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a practitioner on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
 - (a) cancel the registration of the practitioner; or

- (b) by order served on the practitioner, suspend the registration of the practitioner for the period the board considers appropriate.

41 Application for re-registration

- (1) If the registration of a person has been cancelled, otherwise than under section 33 (2), or suspended, otherwise than under section 42 (2), the person may apply for re-registration or termination of the suspension, as the case may be, on the ground that, because of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he or she should be re-registered or that his or her suspension should be terminated.
- (2) On application under this section the board may, if it is satisfied that, because of the change in circumstances, the person should be re-registered or his or her suspension should be terminated, order that the person be re-registered or that his or her suspension be terminated, as the case requires.

42 Inquiry by board

- (1) The board shall hold an inquiry before—
 - (a) cancelling the registration of a person; or
 - (b) suspending the registration of a person; or
 - (c) taking any action under section 39.
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.

43 Publication of notice of decision

- (1) The chairperson may prepare written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—

- (a) cancelling the registration of a person; or
- (b) suspending, otherwise than under subsection 42 (2), the registration of a person; or
- (c) taking any action in respect of a person under section 39; or
- (d) imposing a fine on a person under section 40;

and the reasons for the decision, including the findings on material questions of fact.

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The notice must not be notified until—

- (a) the period within which an application may be made to the administrative appeals tribunal for review of the decision has ended; and
- (b) if an application for review of the decision is made—the administrative appeals tribunal has given its decision on the application.

44 Effect of suspension

For this Act, a registered medical practitioner whose registration is suspended shall be deemed during the period of the suspension not to be a registered medical practitioner.

45 Registered medical practitioner to practise in registered name

A registered medical practitioner shall not practise medicine under a name other than the name under which he or she is registered.

Maximum penalty: 50 penalty units.

46 Only registered medical practitioners to practise medicine

- (1) A person other than a registered medical practitioner shall not—
- (a) give or perform, for fee or reward, a medical service; or
 - (b) advertise or hold himself or herself out as being, or in any way pretend to be, or take or use the name or title (alone or in conjunction with any other title, word or letter) of a physician, doctor of medicine, licentiate in medicine or surgery, master in surgery, bachelor of medicine or surgery, surgeon, medically qualified or registered practitioner, apothecary, accoucheur, or any other medical or surgical name or title; or
 - (c) advertise or hold himself or herself out, directly or indirectly by any name, word, letter, title or designation, whether expressed in words, or by letters, or partly in one and partly in the other (either alone or in conjunction with any other word or words, or by any other means whatsoever) as being entitled or qualified, able or willing to give or perform a medical service.
- (2) Any person, who for himself or herself or as assistant, servant, agent or manager, does or permits any act, matter, or thing contrary to this section or any part of it, commits an offence.

Maximum penalty:

- (a) for a breach of subsection (1) (a)—50 penalty units, imprisonment for 6 months or both; or
- (b) for a breach of subsection (1) (b) or (c)—30 penalty units.

47 Advertising

Any person who exhibits or publishes, or causes, permits or suffers to be exhibited or published any letter, circular, placard, handbill, card, or advertisement of any kind by which any person advertises or holds himself or herself out contrary to section 46 commits an offence.

Maximum penalty: 30 penalty units.

48 Company not to provide medical service except through registered medical practitioner

- (1) A body corporate shall not provide, or offer to provide, a medical service except through a registered medical practitioner.

Maximum penalty: 250 penalty units.

- (2) A body corporate shall not advertise that it will provide a medical service whether through a registered medical practitioner or otherwise.

Maximum penalty: 150 penalty units.

49 Signing of certificates

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

- (a) any certificate required by any law in force in the ACT from a registered medical practitioner or a medical practitioner; or
- (b) any medical certificate of the cause of death of any deceased person.

U 50 Application of pt 4

Nothing in this part shall prejudice or affect—

- (a) the giving or performance, in any case of emergency, of a medical service by a medical practitioner duly registered under the law in force in any State or Territory; or
- (b) the lawful business or occupation of a dentist, pharmacist or nurse.

51 Recovery of fees for medical services

- (1) Only a registered medical practitioner is entitled to sue or counterclaim for, set off or recover fees or remuneration for a medical service.
- (2) A registered medical practitioner is not entitled to begin proceedings for the recovery of fees or remuneration for a medical service given to a person or a dependant of a person unless—
 - (a) an account for the fees or remuneration has been served on the person; and
 - (b) the account is unpaid—
 - (i) if the person has applied for a review of the account in accordance with section 52 (1)—at the end of 1 month after the date when a certificate under section 52 (2) was issued in relation to the account; or
 - (ii) in any other case—at the end of a period of 1 month after the date of service of the account.
- (3) An account referred to in subsection (2) shall specify—
 - (a) the amount claimed; and
 - (b) the nature of the relevant medical service; and
 - (c) the date or dates when the medical service was given; and
 - (d) the name of the person for whom the service was given.
- (4) Service of an account on a person for this section may be effected only by giving it to the person personally or by sending it by prepaid

post addressed to the person at the place of residence of the person last known to the medical practitioner issuing the account.

- (5) Subsection (2) does not apply in relation to proceedings begun by a registered medical practitioner under the *Court Procedures Act 2004*, sections 63 to 69 in relation to a claim for fees or remuneration for a medical service given to a person or to a dependant of a person.
- (6) Subsection (5) and this subsection expire on the existing rules expiry day under the *Court Procedures Act 2004*, section 60 (3).

52 Review of accounts for fees for medical services

- (1) A person liable to pay fees for remuneration for a medical service may, within 1 month after service on the person of an account for the fees or remuneration in accordance with section 51, apply to the board to review the account.
- (2) The board shall, within 3 months of receiving an application under subsection (1), review the account and certify, by writing signed by the chairperson or deputy chairperson of the board, of the amount that, in the board's opinion, is a reasonable amount of fees or remuneration for the medical service.
- (3) The board may require the evidence to be given that it considers appropriate for the purpose of a review under this section and may fix a time within which evidence shall be given.
- (4) If a person does not give, within the time fixed, the evidence required by the board under subsection (3), the board may proceed to review an account for fees or remuneration of a medical service without the evidence.
- (5) In the review of an account for fees or remuneration for a medical service, the board shall have regard, in particular, to—
 - (a) the time occupied in giving, and the nature of, the medical service; and

- (b) the distance between the consulting room or residence of the registered medical practitioner and the place where the practitioner gave the medical service; and
 - (c) the hours of the day or night where the registered medical practitioner gave the medical service; and
 - (d) the degree of skill, knowledge or experience required in the giving of the medical service; and
 - (e) whether the registered medical practitioner gave the medical service in the capacity of specialist, consultant or general practitioner; and
 - (f) any special circumstances submitted by the registered medical practitioner.
- (6) The board shall send a copy of a certificate of the board under subsection (2) by post to the person who gave the medical service at the person's business address, or at the person's professional address or at 1 of the person's professional addresses, last known to the board.
- (7) A certificate of the board under subsection (2) is admissible as evidence in proceedings for the recovery of the fees or remuneration to which the account referred to in the certificate relates.

53 Administration of estate of deceased medical practitioner

On the death of a registered medical practitioner who was at the time of his or her death carrying on business as a medical practitioner, an executor or executrix of the will of the deceased practitioner, or an administrator, administratrix or trustee of the estate of the deceased practitioner, may continue the business for 6 months or for any longer period that the board, on application by the executor, executrix, administrator, administratrix or trustee, permits, if the practice of medicine in the business is carried on by a registered medical practitioner.

Part 4A Appeals

54 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 10 (1), 12 (9), 14 (1) or 30 (2) to impose conditions on the registration of a person; or
- (b) under section 13 (4) to cancel the interim registration of a person; or
- (c) under section 14 (3) to decline to review conditions imposed on the registration of a person; or
- (d) under section 14 (4) to refuse to alter or remove conditions imposed on the registration of a person; or
- (e) under section 14 (4) to impose new conditions on the registration of a person; or
- (f) under section 20 to refuse to register a person; or
- (g) under section 29 (3), 36 (a), 37 (1) (a), 38 (a) or 40 (4) (a) to cancel the registration of a person; or
- (h) under section 29 (4), 34 or 41 (2) to refuse to re-register a person; or
- (i) under section 36 (b), 37 (1) (b), 38 (b), 40 (4) (b) or 42 (2) to suspend the registration of a person; or
- (j) under section 37 (2) to direct a person not to give or perform specified medical services; or
- (k) under section 39 (1) to take any action of a kind specified in that subsection in relation to a registered medical practitioner; or

- (l) under section 40 (1) to impose a fine on a registered medical practitioner; or
- (m) under section 41 (2) to refuse to terminate the suspension of the registration of a person; or
- (n) under section 52 (2) to certify the amount that, in the opinion of the board, is a reasonable amount of fees or remuneration for a medical service; or
- (o) under section 53 to refuse to extend beyond 6 months the period during which the executor or executrix of the will of a deceased medical practitioner, or the administrator, administratrix or trustee of the estate of a deceased medical practitioner, may continue the business of the practitioner; or
- (p) under section 53 to fix a period longer than 6 months during which the executor or executrix of the will of a deceased medical practitioner, or the administrator, administratrix or trustee of the estate of a deceased medical practitioner, may continue the business of the practitioner.

55 Notification of decisions

- (1) If a decision of the kind referred to in section 54 (a), (c), (d), (e), (f), (g), (h), (k), (m), (n), (o) or (p) is made, the board shall give written notice of the decision—
 - (a) for a decision referred to in section 54 (a)—to the person on whose registration conditions have been imposed; or
 - (b) for a decision referred to in section 54 (c) or (d)—to the person whose registration is subject to the conditions; or
 - (c) for a decision referred to in section 54 (e)—to the person on whose registration the new conditions are imposed; or
 - (d) for a decision referred to in section 54 (f)—to the person whose application for registration has been refused; or

- (e) for a decision referred to in section 54 (g)—to the person whose registration has been cancelled; or
 - (f) for a decision referred to in section 54 (h)—to the person whose application for re-registration has been refused; or
 - (g) for a decision referred to in section 54 (k)—to the registered medical practitioner in relation to whom the action has been taken; or
 - (h) for a decision referred to in section 54 (m)—to the person whose registration has been suspended; or
 - (i) for a decision referred to in section 54 (n)—to the person who requested the review of the account; or
 - (j) for a decision referred to in section 54 (o) or (p)—to the executor or executrix of the will of the deceased medical practitioner or the administrator, administratrix or trustee of the estate of the deceased practitioner.
- (2) A notice under section 13 (4) or subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) An order under section 36 (b), 37 (1) (b), 37 (2), 38 (b), 40 (1), 40 (4) (b) or 42 (2) shall have endorsed on it or attached to it a statement in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989* section 25B (1).

Part 5 Miscellaneous

56 Inspection of register

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 58 (Determination of fees) for this section.

- (2) The board may, on request by the registration authority of a State, Territory or place outside Australia and without payment by the registration authority of a fee, provide a certified copy of the register to that registration authority.
- (3) In this section:

registration authority means a person or body empowered by or under the law of a State, Territory or place outside Australia to register medical practitioners or otherwise to authorise the practice of medicine.

57 Publication of registered medical practitioners

- (1) The board must, as soon as practicable after 1 July in each year, prepare a written notice containing the names of all medical practitioners registered under this Act on that day and the professional address, or professional addresses (if any), of each of those medical practitioners.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

58 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

58A Approved forms

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

59 Penalty for offences for which no other penalty provided

A person who commits a breach of a provision of this Act for which no other penalty is provided commits an offence.

Maximum penalty: 10 penalty units.

Part 6 Regulations

60 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Medical Practitioners Registration Ordinance 1930* No 13 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was later renamed as the *Medical Practitioners Act 1930* by the *Medical Practitioners Registration (Amendment) Act 1993* No 21 (see s 5).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Medical Practitioners Act 1930 No 13

notified 7 August 1930

commenced 1 November 1930 (s 2 and Cwlth Gaz 1930 p 1940)

as amended by

Medical Practitioners Registration Ordinance 1931 No 7

notified 30 April 1931

commenced 30 April 1931

Medical Practitioners Registration Ordinance 1933 No 23

notified 28 September 1933

commenced 28 September 1933

Ordinances Revision Ordinance 1937 No 27

notified 23 December 1937

commenced 23 December 1937

Medical Practitioners Registration Ordinance 1939 No 2

notified 4 May 1939

commenced 4 May 1939

Endnotes

3 Legislation history

Medical Practitioners Registration Ordinance 1950 No 4

notified 27 July 1950
commenced 27 July 1950

Medical Practitioners Registration Ordinance 1954 No 9

notified 5 April 1954
commenced 5 April 1954

Medical Practitioners Registration Ordinance 1956 No 5

notified 19 April 1956
commenced 19 April 1956

Medical Practitioners Registration Ordinance 1958 No 13

notified 31 July 1958
commenced 31 July 1958

Medical Practitioners Registration Ordinance 1962 No 2

notified 29 March 1962
commenced 29 March 1962

Medical Practitioners Registration Ordinance 1963 No 3

notified 4 April 1963
commenced 4 April 1963

Medical Practitioners Registration Ordinance (No 2) 1963, 1964 No 1

notified 23 January 1964
commenced 23 January 1964

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966
commenced 23 December 1966

Medical Practitioners Registration Ordinance 1967 No 14

notified 24 May 1967
commenced 24 May 1967

Medical Practitioners Registration Ordinance (No 2) 1967 No 15

notified 8 June 1967
commenced 8 June 1967

Medical Practitioners Registration Ordinance 1969 No 21

notified 11 September 1969
commenced 11 September 1969

Medical Practitioners Registration Ordinance 1970 No 34

notified 27 October 1970
commenced 27 October 1970

Medical Practitioners Registration Ordinance 1973 No 44

notified 1 November 1973
commenced 1 November 1973

Ordinances Revision (Health Commission) Ordinance 1975 No 17

notified 1 July 1975
commenced 1 July 1975

Medical Practitioners Registration (Amendment) Ordinance 1976 No 40

notified 30 August 1976
commenced 30 August 1976

Ordinances Revision Ordinance 1977 No 65

notified 22 December 1977
commenced 22 December 1977

Medical Practitioners Registration (Amendment) Ordinance 1978 No 43

notified 19 December 1978
commenced 19 December 1978

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978
commenced 28 December 1978

Ordinances Revision (Penalties) Ordinance 1979 No 26

notified 31 August 1979
commenced 31 August 1979

Medical Practitioners Registration (Amendment) Ordinance 1979 No 38

notified 12 December 1979
commenced 1 January 1980 (Cwlth Gaz 1979 No S276)

Medical Practitioners Registration (Amendment) Ordinance 1980 No 47

notified 23 December 1980
commenced 2 March 1981 (Cwlth Gaz 1981 No G7)

Endnotes

3 Legislation history

**Medical Practitioners Registration (Amendment) Ordinance 1981
No 48**

notified 9 December 1981
commenced 31 December 1981 (Cwlth Gaz 1981 No S273)

**Medical Practitioners Registration (Amendment) Ordinance 1982
No 30**

notified 28 June 1982
commenced 30 June 1982 (Cwlth Gaz 1982 No S139)

**Medical Practitioners Registration (Amendment) Ordinance (No 2)
1982 No 41**

notified 30 June 1982
commenced 30 June 1982

**Medical Practitioners Registration (Amendment) Ordinance 1984
No 13 1984**

notified 10 May 1984
commenced 25 May 1984 (Cwlth Gaz 1984 No S182)

**Medical Practitioners Registration (Amendment) Ordinance 1985
No 13**

notified 4 April 1985
commenced 1 July 1985 (Cwlth Gaz 1985 No S233)

**Medical Practitioners Registration (Amendment) Ordinance 1987
No 57**

notified 2 November 1987
commenced 2 November 1987

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989
No S164)

Legislation after becoming Territory enactment**Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Health (Consequential Provisions) Act 1993 No 14 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993 (s 2)

Medical Practitioners Registration (Amendment) Act 1993 No 21

notified 5 April 1993 (Gaz 1993 No S47)
ss 1-3 commenced 5 April 1993 (s 2 (1))
remainder commenced 6 April 1993 (s 2 (2) and Gaz 1993 No S58)

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2 and see Gaz 1993 No S16)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Medical Practitioners (Amendment) Act 1997 No 109

notified 24 December 1997 (Gaz 1997 No S420)
commenced 24 December 1997 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Endnotes

4 Amendment history

Legislation (Consequential Amendments) Act 2001 No 44 pt 247

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 247 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Medical Practitioners (Maternal Health) Amendment Act 2002 No 26

notified LR 9 September 2002
s 1, s 2 commenced 9 September 2002 (LA s 75)
remainder commenced 10 September 2002 (s 2 (1))

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.54

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.54 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

Optometrists Legislation Amendment Act 2005 A2005-9 sch 1 pt 1.2

notified LR 14 March 2005
s 1, s 2 commenced 14 March 2005 (LA s 75 (1))
[sch 1 pt 1.2 awaiting commencement \(s 2\)](#)

Note default commencement under LA s 79: 14 September 2005

Health Legislation Amendment Act 2005 A2005-28 sch 1 pt 1.4

notified LR 6 July 2005
s 1, s 2 commenced 6 July 2005 (LA s 75 (1))
sch 1 pt 1.4 commenced 7 July 2005 (s 2)

as repealed by

Health Professionals Act 2004 A2004-38 s 136 (1) (f)

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
s 136 (1) (f) commenced 7 July 2005 (s 2 (1) and CN2005-11)

4 Amendment history

Title	
title	am 1993 No 21 s 4
Name of Act	
s 1	am 1993 No 21 s 5

Commencement

s 2 om 2001 No 44 amdt 1.2837

Interpretation for Act

s 3 orig s 3 sub 1962 No 2
 am 1963 No 3
 om 1977 No 65
 (prev s 4) am 1954 No 9; 1962 No 2; 1963 No 3
 sub 1964 No 1
 am 1967 No 15; 1975 No 17; 1978 No 46; 1980 No 47; 1981
 No 48; 1982 No 30; 1984 No 13; 1989 No 38 sch 1; 1993
 No 21 s 6, sch
 renum 1993 No 21 s 40
 am 2001 No 44 amdt 1.2838; ss renum R5 LA
 def **Mutual Recognition Act** ins 1993 No 21 s 6
 def **registered medical practitioner** sub 1993 No 21 s 6
 def **the chairperson** am 1993 No 21 sch
 def **the deputy chairperson** am 1993 No 21 sch
 def **the register** am 1993 No 21 sch
 def **the tribunal** om 1989 No 38 sch 1
 def **tribunal** ins 1989 No 38 sch 1
 om 1994 No 60 sch 1

Competence to practise medicine

s 4 orig s 4 renum as s 3
 (prev s 4A) ins 1993 No 21 s 7
 renum 1993 No 21 s 40

Competence to practise medicine

s 4A renum as s 4

Impairment

s 4B renum as s 5

Position of Crown

s 4C renum as s 6

Impairment

s 5 orig s 5 renum as s 7
 (prev s 4B) ins 1993 No 21 s 7
 renum 1993 No 21 s 40
 om 1993 No 44 sch 2

Position of Crown

s 6 orig s 6 renum as s 8
 (prev s 4C) ins 1993 No 21 s 7
 renum 1993 No 21 s 40
 om 1993 No 44 sch 2

Endnotes

4 Amendment history

Establishment of board

s 7 orig s 7 om 1981 No 48
(prev s 5) am 1981 No 48
renum 1993 No 21 s 40

Constitution of board

s 8 orig s 8 sub 1980 No 47
om 1981 No 48
(prev s 6) am 1954 No 9; 1962 No 2; 1967 No 15; 1969 No 21;
1975 No 17; 1980 No 47; 1981 No 48; 1993 No 21 sch
renum 1993 No 21 s 40
am 1997 No 109 s 4; ss renum R5 LA

Term of office of elected members

s 8A ins 1980 No 47
om 1981 No 48

Registration

pt 3 hdg am 1993 No 21 s 8

Qualifications for registration

div 3.1 hdg (prev pt 3 div 1 hdg) ins 1993 No 21 s 9
renum R5 LA

Entitlement to unconditional registration based on qualifications and training

s 9 orig s 9 sub 1933 No 23
am 1962 No 2
om 1981 No 48
(prev s 19) sub 1993 No 21 s 9
renum 1993 No 21 s 40

Entitlement of interns to conditional registration

s 10 orig s 10 am 1954 No 9; 1980 No 47
om 1981 No 48
(prev s 20) am 1980 No 47
om 1982 No 30
ins 1993 No 21 s 9
renum 1993 No 21 s 40

Registration under mutual recognition principle

s 11 orig s 11 am 1967 No 15; 1970 No 34
om 1981 No 48
(prev s 21) am 1931 No 7; 1937 No 27; 1954 No 9
om 1962 No 2
ins 1993 No 21 s 9
renum 1993 No 21 s 40

Registration at discretion of board

s 12 orig s 12 om 1981 No 48
(prev s 22) am 1939 No 2; 1954 No 9; 1956 No 5
sub 1962 No 2
am 1963 No 3; 1964 No 1; 1978 No 43; 1979 No 38; 1982
No 30; 1982 No 41; 1984 No 13; 1987 No 57
sub 1993 No 21 s 9
renum 1993 No 21 s 40

Interim registration

s 13 orig s 13 om 1981 No 48
(prev s 22A) ins 1982 No 30
am 1984 No 13
sub 1993 No 21 s 9
renum 1993 No 21 s 40

Conditions of registration in cases of impairment

s 14 orig s 14 am 1966 No 19; 1979 No 26
om 1981 No 48
(prev s 22B) ins 1984 No 13
sub 1993 No 21 s 9
renum 1993 No 21 s 40

Refusal of registration if applicant convicted of offence

s 15 orig s 15 am 1966 No 19; 1979 No 26
om 1981 No 48
(prev s 22C) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Refusal of registration if applicant deregistered outside ACT

s 16 orig s 16 om 1963 No 3
(prev s 22D) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Applicants to be competent and of good character

s 17 orig s 17 om 1981 No 48
(prev s 22E) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Restriction on registration of deregistered or suspended persons

s 18 orig s 18 sub 1982 No 41
am 1987 No 57; 1990 No 63 sch 1
om 1993 No 14 sch 1
(prev s 22F) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Registration procedure

div 3.2 hdg (prev pt 3 div 2 hdg) ins 1993 No 21 s 9
renum R5 LA

Endnotes

4 Amendment history

Applications for registration

s 19 orig s 19 renum as s 9
(prev s 22G) ins 1993 No 21 s 9
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2839

Applications to be considered and determined

s 20 orig s 20 renum as s 10
(prev 22H) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Registration of applicants

s 21 orig s 21 renum as s 11
(prev s 22J) ins 1993 No 21 s 9
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2840

Fee for registration pursuant to Mutual Recognition Act

s 22 orig s 22 renum as s 12
(prev s 22K) ins 1993 No 21 s 9
renum 1993 No 21 s 40
om 2001 No 44 amdt 1.2841

Interim registration

s 22A renum as s 13

Conditions of registration in cases of impairment

s 22B renum as s 14

Refusal of registration if applicant convicted of offence

s 22C renum as s 15

Refusal of registration if applicant deregistered outside ACT

s 22D renum as s 16

Applicants to be competent and of good character

s 22E renum as s 17

Restriction on registration of deregistered or suspended persons

s 22F renum as s 18

Applications for registration

s 22G renum as s 19

Applications to be considered and determined

s 22H renum as s 20

Registration of applicants

s 22J renum as s 21

Fee for registration pursuant to Mutual Recognition Act

s 22K renum as s 22

Conditions of registration

s 22L renum as s 23

Register

s 22M renum as s 24

Conditions of registration

s 23 orig s 23 renum as s 25
(prev s 22L) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Register of medical practitioners

div 3.3 hdg (prev pt 3 div 4 hdg) ins 1993 No 21 s 9
renum R5 LA

Register

s 24 orig s 24 renum as s 26
(prev s 22M) ins 1993 No 21 s 9
renum 1993 No 21 s 40

Medical practitioners to notify address and pay annual fee

s 24A orig s 24A ins 1982 No 30
om 1993 No 21 s 12

Change of address to be notified

s 24B renum as s 27
am 1993 No 21

Particulars to be entered in register

s 25 orig s 25 am 1956 No 5; 1966 No 19; 1979 No 26
om 1982 No 30
(prev s 23) am 1937 No 27
sub 1963 No 3
om 1981 No 48
ins 1982 No 30
am 1993 No 21 s 10, sch
renum 1993 No 21 s 40; ss renum R5 LA

Certificate of registration

s 26 orig s 26 renum as s 28
(prev s 24) sub 1954 No 9
am 1981 No 48
sub 1982 No 30
am 1993 No 21 s 11, sch
renum 1993 No 21 s 40
am 1998 No 54 sch; 2001 No 44 amdt 1.2842; ss renum
R5 LA (see 2001 No 44 amdt 1.2843)

Endnotes

4 Amendment history

Change of address to be notified

s 27 orig s 27 renum as s 29
(prev s 24B) ins 1982 No 30
am 1993 No 21 s 13, sch
renum 1993 No 21 s 40
am 1994 No 81 sch

Alteration of register

s 28 orig s 28 renum as s 30
(prev s 26) am 1954 No 9
sub 1958 No 13; 1982 No 30
am 1993 No 21 s 14, sch
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2844; amdt 1.2845

Special registration

s 28A ins 1967 No 14
sub 1982 No 30
om 1993 No 21 s 15

Deregistration on basis of disciplinary action under foreign law

s 29 orig s 29 renum as s 31
(prev s 27) sub 1967 No 15
om 1982 No 30
ins 1993 No 21 s 15
renum 1993 No 21 s 40

Annual registration fee

s 29A renum as s 32

Practitioner's registration may be cancelled for nonpayment

s 29B renum as s 33

Entitlement to re-registration on payment of fees

s 29C renum as s 34

Imposition of conditions imposed under foreign law

s 30 orig s 30 renum as s 35
(prev s 28) om 1982 No 30
ins 1993 No 21 s 15
renum 1993 No 21 s 40

Cancellation or suspension of registration

s 30A renum as s 36

Cancellation, suspension or restriction of right of practise on health grounds

s 30AB renum as s 37

Practising when registration suspended

s 30AC renum as s 38

Power of board to caution, reprimand etc

s 30AD renum as s 39

Power of board to impose fines

s 30AE renum as s 40

Application of re-registration

s 30B renum as s 41

Cessation of registration

s 31 orig s 31 renum as s 42
(prev s 29) om 1931 No 7
ins 1962 No 2
am 1976 No 40
sub 1982 No 30; 1993 No 21 s 15
renum 1993 No 21 s 40

s 31A ins 1963 No 3
om 1981 No 48

Publication of notice of decision

s 31B renum as s 43

Effect of suspension

s 31C renum as s 44

Annual registration fees

div 3.4 hdg (prev pt 3 div 4 hdg) ins 1993 No 21 s 15
sub as div 3.4 hdg 2001 No 44 amdt 1.2846

Annual registration fee

s 32 hdg sub 2001 No 44 amdt 1.2847
s 32 orig s 32 am 1931 No 7; 1966 No 19
sub 1979 No 26
om 1982 No 30
(prev s 29A) ins 1982 No 30
sub 1993 No 21 s 15
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2848

Practitioner's registration may be cancelled for nonpayment

s 33 orig s 33 renum as s 45
(prev s 29B) ins 1982 No 30
sub 1993 No 21 s 15
renum 1993 No 21 s 40

Endnotes

4 Amendment history

Entitlement to re-registration on payment of fees

s 34 orig s 34 renum as s 46
(prev s 29C) ins 1993 No 21 s 15
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2849, amdt 1.2850

Interpretation for pt 4

s 35 orig s 35 renum as s 47
(prev s 30) am 1933 No 23; 1937 No 27; 1954 No 9; 1958
No 13; 1963 No 3; 1982 No 30; 1984 No 13; 1985 No 13
sub 1993 No 21 s 16
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2851, amdt 1.2852; pars renum R5 LA

Cancellation or suspension of registration

s 36 orig s 36 renum as s 48
(prev s 30A) ins 1984 No 13
sub 1993 No 21 s 16
renum 1993 No 21 s 40
pars renum R5 LA

Cancellation, suspension or restriction of right of practise on health grounds

s 37 orig s 37 am 1963 No 3
om 1984 No 13
(prev s 30AB) ins 1993 No 21 s 16
renum 1993 No 21 s 40

Practising when registration suspended

s 38 orig s 38 renum as s 49
(prev s 30AC) ins 1993 No 21 s 16
renum 1993 No 21 s 40

Appointment of approved qualified person as medical officer

s 38A ins 1954 No 9
sub 1956 No 5
am 1962 No 2; 1973 No 44; 1979 No 38; 1981 No 48; 1984
No 13
om 1993 No 21 s 21

Withdrawal of approval

s 38B ins 1956 No 5
am 1963 No 3; 1981 No 48; 1982 No 30; 1984 No 13
om 1993 No 21 s 21

Power of board to caution, reprimand etc

s 39 orig s 39 renum as s 50
(prev s 30AD) ins 1993 No 21 s 16
renum 1993 No 21 s 40

Recovery of fees for medical services

s 39A renum as s 51

Review of accounts for fees for medical services

s 39B renum as s 52

Administration of estate of deceased medical practitioner

s 39BA renum as s 53

Review of decisions

s 39C renum as s 54

Notification of decisions

s 39D renum as s 55

Power of board to impose fines

s 40 orig s 40 renum as s 56
(prev s 30AE) ins 1993 No 21 s 16
renum 1993 No 21 s 40

Application for re-registration

s 41 orig s 41 renum as s 57
(prev s 30B) ins 1984 No 13
am 1993 No 21 s 17, sch
renum 1993 No 21 s 40

Inquiry by board

s 42 orig s 42 renum as s 58
(prev s 31) am 1963 No 3
sub 1981 No 48
am 1982 No 30; 1984 No 13; 1993 No 21 s 18
renum 1993 No 21 s 40

Penalty for offences for which no other penalty provided

s 42A renum as s 59

Publication of notice of decision

s 43 orig s 43 om 1981 No 48
(prev s 31B) ins 1963 No 3
sub 1981 No 48
am 1982 No 30; 1993 No 21 s 19, sch
renum 1993 No 21 s 40
am 1994 No 60 sch 1; 2001 No 44 amdts 1.2853-1.2856

Effect of suspension

s 44 orig s 44 renum as s 60
(prev s 31C) ins 1963 No 3
renum 1993 No 21 s 40

Endnotes

4 Amendment history

Registered medical practitioners to practise in registered name

s 45 (prev s 33) am 1979 No 26
sub 1984 No 13
am 1993 No 21 sch
renum 1993 No 21 s 40
am 1994 No 81 sch

Only registered medical practitioners to practise medicine

s 46 (prev s 34) am 1950 No 4; 1962 No 2; 1966 No 19; 1979
No 26; 1984 No 13; 1993 No 21 sch
renum 1993 No 21 s 40
am 1994 No 81 sch

Advertising

s 47 (prev s 35) am 1966 No 19; 1979 No 26; 1984 No 13; 1993
No 21 sch
renum 1993 No 21 s 40
am 1994 No 81 sch

Company not to provide medical service except through registered medical practitioner

s 48 (prev s 36) sub 1962 No 2
am 1966 No 19
sub 1979 No 26
am 1993 No 21 sch
renum 1993 No 21 s 40
am 1994 No 81 sch

Signing of certificates

s 49 (prev s 38) am 1963 No 3; 1984 No 13
renum 1993 No 21 s 40

Application of pt 4

s 50 (prev s 39) am 1962 No 2; 1984 No 13
renum 1993 No 21 s 40
am A2005-9 amdt 1.3

Recovery of fees for medical services

s 51 (prev s 39A) ins 1933 No 23
sub 1962 No 2
am 1967 No 15; 1984 No 13; 1987 No 57
renum 1993 No 21 s 40
ss renum R5 LA
am A2004-60 amdt 1.592, amdt 1.593
(5), (6) exp 1 July 2006 (s 51 (6))

Review of accounts for fees for medical services

s 52 (prev s 39B) ins 1962 No 2
am 1967 No 15; 1981 No 48; 1984 No 13; 1987 No 57; 1993
No 21 sch
renum 1993 No 21 s 40
ss renum R5 LA

Administration of estate of deceased medical practitioner

s 53 (prev s 39BA) ins 1984 No 13
am 1993 No 21 sch
renum 1993 No 21 s 40

Appeals

pt 4A hdg ins 1963 No 3

Review of decisions

s 54 (prev s 39C) ins 1963 No 3
sub 1981 No 48
am 1982 No 30; 1984 No 13
sub 1993 No 21 s 22
renum 1993 No 21 s 40
am 1994 No 60 sch 1; pars renum R5 LA

Notification of decisions

s 55 (prev s 39D) ins 1984 No 13
am 1989 No 38 sch 1
sub 1993 No 21 s 22
renum 1993 No 21 s 40
am 1994 No 60 sch 1; pars renum R5 LA

Abortions

pt 4B hdg ins 2002 No 26 s 4
reloc to Health Act 1993 pt 5A hdg by A2005-28 amdt 1.70

Meaning of *abortion* for pt 5A

s 55A hdg am A2005-28 amdt 1.66
s 55A ins 2002 No 26 s 4
reloc to Health Act 1993 s 30A by A2005-28 amdt 1.70

Only doctor may carry out abortion

s 55B hdg am A2005-28 amdt 1.67
s 55B ins 2002 No 26 s 4
am A2005-28 amdt 1.68
reloc to Health Act 1993 s 30B by A2005-28 amdt 1.70

Abortion to be carried out in approved medical facility

s 55C ins 2002 No 26 s 4
am A2005-28 amdt 1.69
reloc to Health Act 1993 s 30C by A2005-28 amdt 1.70

Endnotes

4 Amendment history

Approval of facilities

s 55D ins 2002 No 26 s 4
reloc to Health Act 1993 s 30D by A2005-28 amdt 1.70

No obligation to carry out abortion

s 55E ins 2002 No 26 s 4
reloc to Health Act 1993 s 30E by A2005-28 amdt 1.70

Miscellaneous

pt 5 hdg sub No 30 1982

Inspection of register

s 56 (prev s 40) om 1981 No 48
ins 1982 No 30
am 1984 No 13
renum 1993 No 21 s 40
am 2001 No 44 amdt 1.2857

Publication of registered medical practitioners

s 57 (prev s 41) am 1933 No 23; 1954 No 9; 1963 No 3; 1967
No 15; 1970 No 34; 1975 No 17
om 1981 No 48
ins 1984 No 13
renum 1993 No 21 s 40
am 2001 No 44 amdts 1.2858-1.2860

Determination of fees

s 58 (prev s 42) am 1966 No 19
sub 1979 No 26
om 1981 No 48
ins 1984 No 13
renum 1993 No 21 s 40
sub 2001 No 44 amdt 1.2861

Approved forms

s 58A ins 2001 No 44 amdt 1.2861

Penalty for offences for which no other penalty provided

s 59 (prev s 42A) ins 1933 No 23
am 1966 No 19
sub 1979 No 26
renum 1993 No 21 s 40
am 1994 No 81 sch

Regulation-making power

s 60 (prev s 44) am 1966 No 19; 1979 No 26; 1981 No 48; 1984
No 13; 1989 No 38 sch 1
renum 1993 No 21 s 40
sub 2001 No 44 amdt 1.2862

Approved qualifications

sch ins 1978 No 43
 sub 1979 No 38
 am 1984 No 13; 1987 No 57
 om 1993 No 21 s 23

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	31 August 1991
2	Act 1993 No 21	31 July 1993
3	Act 1993 No 44	31 January 1994
4	Act 1994 No 81	28 February 1995
5	Act 1998 No 54	31 January 1999
6	Act 2001 No 44	31 July 2002
7	A2002-26	10 September 2002
8	A2004-60	10 January 2005

6 Renumbered provisions

as made by the *Medical Practitioners Registration (Amendment) Act 1993* No 21 s 40.

previous number	provision heading	renumbered or inserted as
4	Interpretation for Act	3
4A	Competence to practise medicine	4
4B	Impairment	5
4C	Constitution of board	6

R9 Medical Practitioners Act 1930 (repealed) page 57
 07/07/05 Effective: 07/07/05

Endnotes

6 Renumbered provisions

previous number	provision heading	renumbered or inserted as
5	Establishment of board	7
6	Constitution of board	8
19	Entitlement to unconditional registration based on qualifications and training	9
20	Entitlement of interns to conditional registration	10
21	Registration under mutual recognition principle	11
22	Registration at discretion of board	12
22A	Interim registration	13
22B	Conditions of registration in cases of impairment	14
22C	Refusal of registration if applicant convicted of offence	15
22D	Refusal of registration if applicant deregistered outside ACT	16
22E	Applicants to be competent and of good character	17
22F	Restriction on registration of deregistered or suspended persons	18
22G	Applications for registration	19
22H	Applications to be considered and determined	20
22J	Registration of applicants	21
22K	Fee for registration pursuant to Mutual Recognition Act	22
22L	Conditions of registration	23
22M	Register	24
23	Particulars to be entered in register	25
24	Certificate of registration	26
24B	Change of address to be notified	27
26	Alteration of register	28
27	Deregistration on basis of disciplinary action under foreign law	29

previous number	provision heading	renumbered or inserted as
28	Imposition of conditions imposed under foreign law	30
29	Cessation of registration	31
29A	Annual registration fee	32
29B	Practitioner's registration may be cancelled for nonpayment	33
29C	Entitlement to re-registration on payment of fees	34
30	Interpretation for pt 4	35
30A	Cancellation or suspension of registration	36
30AB	Cancellation, suspension or restriction of right of practise on health grounds	37
30AC	Practising when registration suspended	38
30AD	Power of board to caution, reprimand etc	39
30AE	Power of board to impose fines	40
30B	Application for re-registration	41
31	Inquiry by board	42
31B	Publication of notice of decision	43
31C	Effect of suspension	44
33	Registered medical practitioner to practise in registered name	45
34	Only registered medical practitioners to practise medicine	46
35	Advertising	47
36	Company not to provide medical service except through registered medical practitioner	48
38	Signing of certificates	49
39	Application of pt 4	50
39A	Recovery of fees for medical services	51
39B	Review of accounts for fees for medical services	52

Endnotes

7 Uncommenced amendments

previous number	provision heading	renumbered or inserted as
39BA	Administration of estate of deceased medical practitioner	53
39C	Review of decisions	54
39D	Notification of decisions	55
40	Inspection of register	56
41	Publication of registered medical practitioners	57
42	Determination of fees	58
42A	Penalty for offences for which no other penalty provided	59
44	Regulation-making power	60

7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Optometrists Legislation Amendment Act 2005 A2005-9 sch 1 pt 1.2

Part 1.2 Medical Practitioners Act 1930

[1.3] Section 50 (b)

substitute

- (b) the lawful business or occupation of a dentist, nurse, optometrist or pharmacist.

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