

AUSTRALIAN CAPITAL TERRITORY

No. 48 of 1981

AN ORDINANCE

To amend the *Medical Practitioners Registration Ordinance 1930*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this third day of December 1981.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR
Minister of State for Health

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) ORDINANCE 1981

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| Short title | 1. This Ordinance may be cited as the <i>Medical Practitioners Registration (Amendment) Ordinance 1981</i> .* |
| Commence-
ment | 2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the <i>Gazette</i> . |
| Principal
Ordinance | 3. In this Ordinance, "Principal Ordinance" means the <i>Medical Practitioners Registration Ordinance 1930</i> .† |
| Interpret-
ation | 4. Section 4 of the Principal Ordinance is amended—
(a) by omitting the definitions of "the Election Ordinance" and "the Court of Petty Sessions"; and
(b) by adding at the end thereof the following definition:
"the Tribunal" means the Administrative Appeals Tribunal established by the <i>Administrative Appeals Tribunal Act 1975</i> ." |

* Notified in the *Commonwealth of Australia Gazette* on 9 December 1981.

† Ordinance No. 13, 1930 as amended by No. 7, 1931; No. 23, 1933; No. 27, 1937; No. 2, 1939; No. 4, 1950; No. 9, 1954; No. 5, 1956; No. 13, 1958; No. 2, 1962; No. 3, 1963; No. 1, 1964; No. 19, 1966; Nos. 14 and 15, 1967; No. 21, 1969; No. 34, 1970; No. 44, 1973; No. 17, 1975; No. 40, 1976; No. 65, 1977; Nos. 43 and 46, 1978; Nos. 26 and 38, 1979; and No. 47, 1980.

5. Section 5 of the Principal Ordinance is amended by omitting sub-sections (2) and (3).

Establishment of Medical Board

6. Section 6 of the Principal Ordinance is amended—

Constitution of Board

(a) by omitting sub-section (1) and substituting the following sub-section:

“ (1) The Board shall consist of—

(a) a Chairman, and 3 other members, appointed in accordance with the *Health Professions Boards (Procedures) Ordinance* 1981; and

(b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Ordinance* 1980.”;

(b) by omitting sub-section (3) and substituting the following sub-section:

“ (3) The Chairman shall be the executive officer of the Board.”; and

(c) by omitting sub-sections (5), (6), (7), (8) and (9).

7. Sections, 7, 8, 8A, 9, 10, 11, 12, 13, 14, 15 and 17 of the Principal Ordinance are repealed.

Repeal

8. Section 23 of the Principal Ordinance is repealed.

Repeal

9. Section 24 of the Principal Ordinance is amended by omitting sub-section (2).

Proof of registration

10. Section 31 of the Principal Ordinance is repealed and the following section substituted:

“ 31. (1) The Board shall hold an inquiry before—

Inquiry by Board

(a) removing the name of a person from the Register;

(b) suspending the registration of a person;

(c) reprimanding a person; or

(d) withdrawing an approval of a qualified person for the purposes of section 38A.

“ (2) Pending the holding of an inquiry under sub-section (1), the Board may suspend temporarily the registration or approval, as the case may be, of the person to whom the inquiry relates.”.

11. Section 31A of the Principal Ordinance is repealed.

Repeal

12. Section 31B of the Principal Ordinance is repealed and the following section substituted:

Publication
of notice of
decision

“ 31B. (1) The Chairman may, if he thinks fit, cause a notice of a decision of the Board or of the Tribunal on application for review of a decision of the Board—

- (a) removing the name of a person from the Register;
- (b) reprimanding a person; or
- (c) suspending, otherwise than under sub-section 31 (2), the registration of a person,

and the reasons for the decision, including the findings on material questions of fact, to be published in the *Gazette*.

“ (2) A notice of a decision shall not be published under sub-section (1) until—

- (a) the period within which an application may be made to the Tribunal for review of the decision has expired; and
- (b) if an application for review of the decision is made, the Tribunal has given its decision on the application.”.

Appointment
of approved
qualified
person as
medical
officer

13. Section 38A of the Principal Ordinance is amended by omitting sub-section (2).

Withdrawal
of approval

14. Section 38B of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “, subject to the next, succeeding sub-section,”;
- (b) by omitting sub-section (2); and
- (c) by omitting from sub-section (3) “ of this Ordinance as applied by the last preceding sub-section ”.

Review of
accounts
for fees
for medical
services

15. Section 39B of the Principal Ordinance is amended by omitting sub-section (7).

16. Section 39C of the Principal Ordinance is repealed and the following section substituted:

Appeal

“ 39C. Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to register, or to re-register, a person;
- (b) removing the name of a person from the Register;
- (c) reprimanding a person;
- (d) suspending, otherwise than under sub-section 31 (2), the registration of a person;

- (e) refusing to issue, or cancelling, a permit under section 28A;
or
- (f) refusing to approve, or withdrawing an approval of, a
qualified person for the purposes of section 38A.”.

17. Sections 40, 41, 42 and 43 of the Principal Ordinance are **Repeal**
repealed.

18. Section 44 of the Principal Ordinance is amended by omitting **Regulations**
paragraph (a).

19. (1) The person who was, immediately before the commence- **Transitional**
ment of this Ordinance, the Chairman of the Board continues to be the
Chairman of the Board as if he had been appointed as the Chairman
under the Principal Ordinance as amended by this Ordinance and holds
office subject to the *Health Professions Boards (Procedures) Ordinance*
1981.

(2) The person who was, immediately before the commencement
of this Ordinance, the Deputy Chairman of the Board continues to be
the Deputy Chairman of the Board as if he had been elected as the
Deputy Chairman under the *Health Professions Boards (Procedures)*
Ordinance 1981 and holds office subject to that Ordinance.

(3) A person who was, immediately before the commencement of
this Ordinance, a member of the Board continues to be a member of the
Board as if he had been appointed or elected as a member under the
Principal Ordinance as amended by this Ordinance and holds office
subject to the *Health Professions Boards (Procedures) Ordinance*
1981.

(4) An expression in this section that is defined in the Principal
Ordinance as amended by this Ordinance has the same meaning for the
purposes of this section as it has in the Principal Ordinance as so
amended.