

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) ORDINANCE 1987

Ordinance No. 57 of 1987

The Medical Practitioners Registration (Amendment) Ordinance 1987 (the new Ordinance) amends the Medical Practitioners Registration Ordinance 1930 (the previous Ordinance) to shorten the time provided for recovery of fees by medical practitioners and to restrict access to registration in the Australian Capital Territory by licentiate holders. Licentiate holders are persons with medical qualifications obtained by external examination. These licentiate qualifications are not recognised for registration purposes by any of the Medical Councils in the Australian States or the Northern Territory, and the amendments in this respect are to make the registration practice of the Medical Board of the ACT uniform with that of Australian Medical Boards in other Australian jurisdictions.

The amendments also provide for recognition of qualifications by the Australian Medical Council Incorporated (the Council) and certain other minor miscellaneous changes. The Council is a body corporate formed in 1984 pursuant to an agreement reached at the Australian Health Ministers' Conference in April 1984. Its membership includes the nominees of each State and Territory Medical Board. One of the principal functions of the Council is the accreditation of medical schools and of courses leading to basic medical qualifications. Therefore, the amendments relating to recognition of medical qualifications by the Council are designed to ensure the continuing adequacy of qualifications used in support of applications for medical registration.

The amendments relating to recovery of fees are designed to bring the provisions of the previous Ordinance, in relation to recovery of fees by medical practitioners, more in line with common commercial practice for recovery of debts.

Section 1 sets out the short title of the new Ordinance.

Section 2 defines "Principal Ordinance" as the Medical Practitioners Registration Ordinance 1930.

Section 3 amends section 18 of the previous Ordinance to substitute Australian Capital Territory Health Authority for Capital Territory Health Commission.

Section 4 amends section 22 to provide that medical qualifications obtained prior to 1 January 1987 listed in Part A of the Schedule to the previous Ordinance entitle a person to apply to the Medical Board for registration as a medical practitioner. Qualifications obtained after 1 January 1987 are required to be recognised by the Australian Medical Council Incorporated for the purpose of entitlement to apply for registration and declared to be acceptable qualifications by the Minister by notice in the Gazette. There is also provision that the Minister shall not declare qualifications to be acceptable except in accordance with a recommendation of the Medical Board of the ACT. Section 4 also substitutes the word "person" for personal pronoun references, in accordance with current drafting practice.

Section 5 amends section 39A to reduce from 6 months to 1 month the period during which a medical practitioner is not entitled to take action to recover fees for medical services. This lesser period is considered more in line with normal commercial practice for recovery of debts. The person who owes the debt is still able to make application to the Medical Board for review of an account providing he lodges the application within 1 month pursuant to new section 39B which is inserted by section 6. New section 39B provides that the Board must consider the application within 3 months. Section 39A provides that the applicant has 1 month to repay the debt from the date the Board certifies the result of its review of the account.

Section 7 amends the Schedule to the previous Ordinance to reflect the amendment to section 22 of the previous Ordinance which provides for recognition of qualifications obtained prior to 1 January 1987 and listed in part A. Section 7 also transfers the New Zealand medical qualifications listed in Part A to Part B of the Schedule and omits from the list of medical qualifications entitling registration as a medical practitioner all qualifications obtained in the United Kingdom by external examination. These qualifications are not recognised by any of the other Australian Medical Boards and it is considered appropriate that the qualifications for registration purposes be uniform throughout Australia.