Medical Practitioners (Advertising) Regulation 1985

SL1985-14

made under the

Medical Practitioners Act 1930

Republication No 4
Effective: 10 November 2004 – 7 July 2005

Republication date: 10 November 2004

Last amendment made by SL1993-38
(republication includes editorial amendments under Legislation Act)

Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel
About this republication

The republished law

This is a republication of the Medical Practitioners (Advertising) Regulation 1985, made under the Medical Practitioners Act 1930 (including any amendment made under the Legislation Act 2001, part 11.3 (Editorial changes)) as in force on 10 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 10 November 2004.

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 includes 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 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 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.
Medical Practitioners (Advertising) Regulation 1985

made under the

Medical Practitioners Act 1930

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Medical Practitioners (Advertising) Regulation 1985

made under the

Medical Practitioners Act 1930
1 Name of regulation

This regulation is the Medical Practitioners (Advertising) Regulation 1985.

2 Advertising—general

Subject to this regulation, a registered medical practitioner may advertise medical services in any way.

3 Electronic media

(1) A registered medical practitioner must not advertise medical services—

(a) by television or radio broadcast; or

(b) by means of the public exhibition of a film (including a videotape); or

(c) by means of a computerised communication or database.

(2) Subsection (1) does not prevent a registered medical practitioner from publicly identifying himself or herself as the author of a statement (whether written or oral) made in relation to a medical matter on behalf of an organisation or in the public interest.

4 Advertising—prohibitions

(1) A registered medical practitioner must not advertise medical services in a way that—

(a) is false, misleading or deceptive, or likely to mislead or deceive; or

(b) is vulgar or sensational; or

(c) claims or implies that any particular medical practitioner is superior to any other medical practitioner; or
(d) contains testimonials or other endorsements of a particular medical practitioner; or

(e) is unprofessional or likely to bring the profession into disrepute.

(2) For subsection (1) (a), an advertisement is taken to be false, misleading or deceptive, or likely to mislead or deceive, if—

(a) it contains a material misrepresentation of fact; or

(b) it is likely to create an unjustified expectation of beneficial treatment.

(3) An advertisement for medical services must not indicate that a particular medical practitioner practises at a place unless the practitioner regularly attends that place in the course of his or her practice.

5 Records of advertisements

(1) A registered medical practitioner must keep a record of the details of each advertisement for medical services authorised by the practitioner for 12 months after the publication of the advertisement.

(2) Subsection (1) does not apply to advertising appearing on any invoice, statement, order, letterhead, business card, cheque or similar document ordinarily used in the course of the business of providing medical services.
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

Assembly  (prev...) = previously

disallowed = disallowed by the Legislative  pt = part

div = division  r = rule/subrule
exp = expires/expired  renum = renumbered
Gaz = gazette  reloc = relocated
hdp = heading  R[X] = Republication No
IA = Interpretation Act 1967  RI = reissue
ins = inserted/added  s = section/subsection
LA = Legislation Act 2001  sch = schedule
LR = legislation register  sdiv = subdivision
LRA = Legislation (Republication) Act 1996  sub = substituted
mod = modified/modification  SL = Subordinate Law
o = order
om = omitted/repealed  underlining = whole or part not commenced

or to be expired
3 Legislation history

This regulation was originally called the Medical Practitioners (Advertising) Regulations and was originally made under 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, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The Medical Practitioners Registration Ordinance 1930 and the Medical Practitioners (Advertising) Regulations were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance 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).

This regulation was renamed under the Legislation Act 2001.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see Interpretation Ordinance 1937 s 16, Subordinate Laws Act 1989 s 6).

Legislation before becoming Territory enactment

Medical Practitioners (Advertising) Regulation 1985 No 14
notified 1 July 1985
commenced 1 July 1985

as amended by

Legislation after becoming Territory enactment

Medical Practitioners (Advertising) Regulations Amendment 1993 No 38
notified 18 October 1993
commenced 18 October 1993
Endnotes

4 Amendment history

as repealed by

Health Professionals Legislation Amendment Act 2004 A2004-39
sch 5 pt 5.23
notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 5 pt 5.23 awaiting commencement (s 2 and see Health Professionals Act 2004 A2004-38, s 2)
Note default commencement under s 2: 8 July 2005

4 Amendment history

Name of regulation
s 1 am R3 LA; R4 LA

Advertising—general
s 2 sub 1993 No 38

Electronic media
s 3 sub 1993 No 38

Advertising—prohibitions
s 4 sub 1993 No 38

Records of advertisements
s 5 sub 1993 No 38

Notices
s 6 om 1993 No 38

Newspaper advertisements
s 7 om 1993 No 38

Change of practice
s 8 om 1993 No 38

Bold type
s 9 om 1993 No 38
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. Except for the footer, electronic and printed versions of an authorised republication are identical.

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