

# AUSTRALIAN CAPITAL TERRITORY

No. 26 of 1979

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An Ordinance to revise the penalties imposed by certain Ordinances

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 twenty-third day of August 1979.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

RALPH J. HUNT  
Minister of State for Health

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## ORDINANCES REVISION (PENALTIES) ORDINANCE 1979

1. This Ordinance may be cited as the *Ordinances Revision (Penalties) Ordinance 1979*.<sup>1</sup> Short title

2. (1) Section 32 of the *Dentists Registration Ordinance 1931* is repealed and the following section substituted:

“32. (1) Where—

(a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and

(b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

the person shall deliver his certificate of registration to the Chairman.

“(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

“(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

Surrender of  
certificate  
where name  
removed  
from  
Register

“(4) It is a defence to a prosecution for an offence against sub-section (1) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate.”

(2) Sections 41 and 41A of the *Dentists Registration Ordinance 1931* are repealed and the following sections substituted:

Summoning  
of witnesses

“41. A person summoned as a witness at an inquiry under this Ordinance shall not, without reasonable excuse—

- (a) fail to comply with a requirement of the summons;
- (b) refuse or fail to produce a document that he is required to produce; or
- (c) refuse or fail to answer a question put to him at the inquiry.

Penalty: \$500.

Penalty for  
offences

“41A. A person who commits a breach of a provision of this Ordinance for which no other penalty is provided is guilty of an offence and punishable, on conviction, by a fine not exceeding \$100.”

Amendment  
of the  
*Fluoroscopes  
Ordinance  
1958*

3. Section 8 of the *Fluoroscopes Ordinance 1958* is amended by omitting from sub-section (2)—

“Ten dollars for each day for which that failure continues”  
and substituting—

“an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400”.

Amendments  
of the  
*Medical  
Practitioners  
Registration  
Ordinance  
1930*

4. (1) In this section, “Principal Ordinance” means the *Medical Practitioners Registration Ordinance 1930*.

(2) Section 32 of the Principal Ordinance is repealed and the following section substituted:

Surrender of  
certificate  
where name  
removed  
from  
Register

“32. (1) Where—

- (a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and
- (b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given.

the person shall deliver his certificate of registration to the Chairman.

“(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

“(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(4) It is a defence to a prosecution for an offence against subsection (1) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate.”.

(3) Section 33 of the Principal Ordinance is amended by adding at the end thereof—

“Penalty: \$250.”.

(4) Section 36 of the Principal Ordinance is repealed and the following section substituted:

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

Penalty: \$2,000.

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

Penalty: \$500.”.

(5) Sections 42 and 42A of the Principal Ordinance are repealed and the following sections substituted:

“42. A person summoned as a witness at an inquiry under this Ordinance shall not, without reasonable excuse—

- (a) fail to comply with a requirement of the summons;
- (b) refuse or fail to produce a document that he is required to produce; or
- (c) refuse or fail to answer a question put to him at the inquiry.

Penalty: \$500.

“42A. A person who commits a breach of a provision of this Ordinance for which no other penalty is provided is guilty of an offence and punishable, on conviction, by a fine not exceeding \$100.”.

5. (1) Section 32 of the *Nurses Registration Ordinance 1933* is repealed and the following section substituted:

“32. (1) Where—

- (a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and

Company not to provide medical service except through registered medical practitioner

Summoning of witnesses

Penalty for offences for which no other penalty provided

Amendments of the *Nurses Registration Ordinance 1933*

Surrender of certificate where name removed from Register

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

the person shall deliver his certificate of registration to the Chairman.

“(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

“(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(4) It is a defence to a prosecution for an offence against sub-section (1) that—

- (a) the certificate has been destroyed; or  
 (b) after diligent search, the defendant has been unable to find the certificate.”.

(2) Section 33 of the *Nurses Registration Ordinance* 1933 is amended by adding at the end thereof—

“Penalty: \$250.”.

(3) Sections 45 and 46 of the *Nurses Registration Ordinance* 1933 are repealed and the following sections substituted:

Summoning  
of witnesses

“45. A person summoned as a witness at an inquiry under this Ordinance shall not, without reasonable excuse—

- (a) fail to comply with a requirement of the summons;  
 (b) refuse or fail to produce a document that he is required to produce; or  
 (c) refuse or fail to answer a question put to him at the inquiry.

Penalty: \$500.

Penalty for  
offences for  
which no  
other penalty  
provided

“46. A person who commits a breach of a provision of this Ordinance for which no other penalty is provided is guilty of an offence and punishable, on conviction, by a fine not exceeding \$100.”.

Amendments  
of the  
*Optometrists  
Ordinance*  
1956

6. (1) In this section, “Principal Ordinance” means the *Optometrists Ordinance* 1956.

(2) Section 25 of the Principal Ordinance is repealed and the following section substituted:

“25. (1) Where—

(a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and

(b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

the person shall deliver his certificate of registration to the Chairman.

“(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

“(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(4) It is a defence to a prosecution for an offence against sub-section (1) that—

(a) the certificate has been destroyed; or

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

(3) Section 29 of the Principal Ordinance is repealed and the following section substituted:

“29. (1) Subject to this section, a person other than a registered optometrist shall not practise optometry.

Penalty: \$1,000.

“(2) Notwithstanding anything contained in the *Medical Practitioners Registration Ordinance 1930*, a registered optometrist may practise optometry.

“(3) Sub-section (1) does not apply to, or in relation to, a medical practitioner or a body corporate.”.

(4) Section 30 of the Principal Ordinance is amended by omitting from sub-section (1) all words after “optometrists” and substituting—

“Penalty: \$2,000.”.

(5) Section 32 of the Principal Ordinance is amended by omitting from sub-section (1) all words after paragraph (b) and substituting—

“Penalty: \$1,000.”.

(6) Section 35 of the Principal Ordinance is amended by omitting all words after “practitioner” and substituting—

“Penalty: \$1,000.”.

Surrender of certificate where name removed from Register

Unregistered persons not to practise optometry

Amendment  
of the  
*Pharmacy  
Ordinance  
1931*

7. (1) Section 34 of the *Pharmacy Ordinance* 1931 is repealed and the following section substituted:

Surrender of  
certificate of  
registration

“34. (1) Where—

- (a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and
- (b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

the person shall deliver his certificate of registration to the Chairman.

“(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

“(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(4) It is a defence to a prosecution for an offence against sub-section (1) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate.”.

(2) Section 50 of the *Pharmacy Ordinance* 1931 is repealed and the following section substituted:

Summoning  
of witnesses

“50. A person summoned as a witness at an inquiry under this Ordinance shall not, without reasonable excuse—

- (a) fail to comply with a requirement of the summons;
- (b) refuse or fail to produce a document that he is required to produce; or
- (c) refuse or fail to answer a question put to him at the inquiry.

Penalty: \$500.”.

(3) Section 52 of the *Pharmacy Ordinance* 1931 is repealed and the following section substituted:

Penalty for  
offences

“52. A person who commits a breach of a provision of this Ordinance for which no other penalty is provided is guilty of an offence and punishable, on conviction, by a fine not exceeding \$100.”.

8. Section 12 of the *Public Health Ordinance* 1928 is amended
- (a) by omitting from paragraph (p) "One hundred dollars" and substituting "\$500"; and
  - (b) by omitting from paragraph (p) "Ten dollars" and substituting "\$50".

Amendment  
of the *Public  
Health  
Ordinance  
1928*

9. Section 25 of the *Veterinary Surgeons Registration Ordinance* 1965 is repealed and the following section substituted:

Amendment  
of the  
*Veterinary  
Surgeons  
Registration  
Ordinance  
1965*

"25. (1) Where—

- (a) the Chairman has given to a person notice in writing that his name has been removed from the Register in pursuance of this Part; and
- (b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

Surrender of  
certificate  
where name  
removed  
from  
Register

the person shall deliver his certificate of registration to the Chairman.

"(2) A person who fails to comply with sub-section (1) is guilty of an offence punishable, on conviction, by a fine not exceeding an amount calculated at the rate of \$20 for every day during which the offence continues and, in any case, not exceeding \$400.

"(3) A notice for the purpose of paragraph (1) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

"(4) It is a defence to a prosecution for an offence against sub-section (1) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate."

10. The Ordinances specified in the Schedule are amended as set out in the Schedule.

Amendments  
of  
Ordinances

11. (1) Section 16 of the *Nurses Registration Ordinance* 1933 is repealed.

(2) Section 17 of the *Pharmacy Ordinance* 1931 is repealed.

(3) Sections 9 and 10 of the *Public Health Ordinance* 1928 are repealed.

## SCHEDULE

Section 10

Provision amended	Omit	Substitute
<b>CIGARETTE CONTAINERS (LABELLING) ORDINANCE 1972</b>		
Sub-section 5 (1)	Two hundred dollars	\$500
Sub-section 6 (1)	Two hundred dollars	\$500
<b>DENTISTS REGISTRATION ORDINANCE 1931</b>		
Section 14	One hundred dollars	\$500
Section 15	One hundred dollars	\$500
Section 26	Two hundred dollars	\$1,000
Section 33	Twenty dollars	\$250
Section 34	Two hundred dollars	\$1,000
Section 35	Twenty dollars	\$500
Section 43	Twenty dollars	\$100
<b>FLUOROSCOPES ORDINANCE 1958</b>		
Section 3	One hundred dollars	\$500
Section 6	One hundred dollars	\$500
Sub-section 8 (1)	One hundred dollars	\$500
Section 9	One hundred dollars	\$500
Section 10	One hundred dollars	\$500
Section 11	One hundred dollars	\$500
<b>MEAT ORDINANCE 1931</b>		
Sub-section 7 (1)	One hundred dollars	\$500
Section 7A	One hundred dollars	\$500
Section 9	Twenty dollars	\$500
Section 11	Two hundred dollars	\$500
Sub-section 15 (3)	One hundred dollars	\$500
Section 20	One hundred dollars	\$250
<b>MEDICAL PRACTITIONERS REGISTRATION ORDINANCE 1930</b>		
Section 14	One hundred dollars	\$500
Section 15	One hundred dollars	\$500
Section 25	Two hundred dollars	\$1,000
Section 34	Two hundred dollars	\$1,000
Section 35	Twenty dollars	\$500
Section 44	Forty dollars	\$100
<b>NURSES REGISTRATION ORDINANCE 1933</b>		
Section 14	One hundred dollars	\$500
Section 15	One hundred dollars	\$500
Section 25	Two hundred dollars	\$1,000
Section 28M	Two hundred dollars	\$1,000
Section 34	Two hundred dollars	\$1,000
Section 37	Twenty dollars	\$500
Section 48	Forty dollars	\$100
<b>OPTOMETRISTS ORDINANCE 1956</b>		
Section 19	Two hundred dollars	\$1,000
Section 33	One hundred dollars	\$1,000
Sub-section 33A (1)	One hundred dollars	\$500
Sub-section 39 (1)	One hundred dollars	\$500
Sub-section 40 (1)	One hundred dollars	\$500
Section 46	Two hundred dollars	\$500
Section 48	Forty dollars	\$100
<b>PHARMACY ORDINANCE 1931</b>		
Section 15	One hundred dollars	\$500
Section 16	One hundred dollars	\$500
Section 28	Two hundred dollars	\$1,000
Sub-section 35 (1)	Two hundred dollars	\$1,000
Sub-section 44 (1)	Twenty dollars	\$250

## SCHEDULE—continued

Provision amended	Omit	Substitute
Sub-section 45 (1)	One hundred dollars or imprisonment for six months	\$500 or imprisonment for 6 months
Sub-section 46 (4)	One hundred dollars	\$500
Section 47	Two hundred dollars	\$1,000
Section 50	Forty dollars	\$500
Section 51	Two hundred dollars	\$500
Section 54	Forty dollars	\$100
<b>STOCK DISEASES ORDINANCE 1933</b>		
Section 11	Two hundred dollars	\$1,000
Section 12	One hundred dollars	\$250
<b>TUBERCULOSIS ORDINANCE 1950</b>		
Section 11	Two hundred dollars or imprisonment for six months	\$500 or imprisonment for 6 months
Section 13	Two hundred dollars, or imprisonment for a period not exceeding six months	\$500, or imprisonment for a period not exceeding 6 months
<b>VENEREAL DISEASES ORDINANCE 1956</b>		
Section 20	Two hundred dollars or imprisonment for six months	\$500 or imprisonment for 6 months
Section 21	Two hundred dollars, or imprisonment for a period not exceeding six months	\$500, or imprisonment for a period not exceeding 6 months
<b>VETERINARY SURGEONS REGISTRATION ORDINANCE 1965</b>		
Section 18	Two hundred dollars	\$1,000
Sub-section 19 (1)	Ten dollars	\$100
Sub-section 19 (2)	Ten dollars	\$100
Sub-section 29 (1)	Two hundred dollars	\$1,000
Section 30	One hundred dollars	\$250
Sub-section 31 (1)	Twenty dollars	\$500
Sub-section 31 (2)	Twenty dollars	\$500
Sub-section 37 (1)	One hundred dollars	\$500
Sub-section 38 (1)	One hundred dollars	\$500
Section 43	Forty dollars	\$100

## NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 31 August 1979.