

AUSTRALIAN CAPITAL TERRITORY

No. 38 of 1979

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 fifth day of December 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

RALPH J. HUNT
Minister of State for Health

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) ORDINANCE 1979

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| Short title | 1. This Ordinance may be cited as the <i>Medical Practitioners Registration (Amendment) Ordinance 1979</i> . ¹ |
| Principal Ordinance | 2. In this Ordinance, "Principal Ordinance" means the <i>Medical Practitioners Registration Ordinance 1930</i> . ² |
| Commencement | 3. 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> . |
| Registration by the Board | 4. Section 22 of the Principal Ordinance is amended—
(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:
“(1) A person is entitled to apply to the Board for registration as a medical practitioner—
(a) if he holds the approved qualification, or each of the approved qualifications, referred to in an item in Part A or Part B of the Schedule;
(b) if he holds qualifications in medicine and surgery that have been declared by the Minister, by notice published in the <i>Gazette</i> , to be acceptable qualifications for the purposes of this paragraph; or |

(c) if—

- (i) he holds qualifications in medicine and surgery that have been declared by the Minister, by notice published in the *Gazette*, to be acceptable qualifications for the purposes of this paragraph;
- (ii) he has, for periods amounting in the aggregate to not less than 12 months, undertaken training, or gained experience, in the practice of medicine and surgery in a hospital or hospitals in Australia or any other country;
- (iii) he has passed to the satisfaction of the Board written, oral and clinical examinations conducted by or on behalf of the Board in accordance with a determination made, on the recommendation of the Board, by the Minister for the purposes of this sub-paragraph and published by notice in the *Gazette*; and
- (iv) he has, if required by the Board, under such supervision as is required by the Board and to the satisfaction of the Board, undertaken training, or gained experience, in the practice of medicine and surgery in a hospital or hospitals in Australia for a period, determined by the Board, of not more than 12 months.

“(1A) The Minister shall not exercise his power to declare qualifications to be acceptable qualifications for the purposes of paragraph (1)(b) or (c) except in accordance with a recommendation of the Board.

“(1B) The Board shall not recommend to the Minister that qualifications in medicine and surgery be declared by the Minister to be acceptable qualifications for the purposes of paragraph (1)(b) unless the qualifications are substantially equivalent to an approved qualification, or approved qualifications, referred to in an item in Part A or Part B of the Schedule.

“(1C) The Board shall not recommend to the Minister that qualifications in medicine and surgery be declared by the Minister to be acceptable qualifications for the purposes of paragraph (1)(c) unless the qualifications are the whole of the qualifications (excluding training or experience of the kind referred to in sub-paragraph (1)(c)(ii)) that would entitle a person to practise as a medical practitioner in the country in which the qualifications were granted or any part of that country.

“(2) An application under sub-section (1) shall be in writing signed by the applicant and shall—

- (a) set out particulars of—
 - (i) the qualifications of the applicant in medicine and surgery;
 - (ii) the training undertaken by the applicant in the practice of medicine and surgery;
 - (iii) the experience of the applicant as a medical practitioner; and
 - (iv) the places in which the applicant has practised as a medical practitioner; and
- (b) state whether the applicant’s right to practise as a medical practitioner in any place has, at any time, been suspended or cancelled.

“(2AA) An application under sub-section (1) shall be lodged with the Board, together with—

- (a) the prescribed fee; and
- (b) a testimonial, diploma, licence or certificate testifying to each of the qualifications of the applicant.”;
- (b) by omitting paragraph (3) (c) and substituting the following paragraph:
 - “(c) his knowledge of the English language is adequate for the purpose of practising as a medical practitioner.”;
 - and
- (c) by inserting after sub-section (3) the following sub-section:
 - “(3A) Paragraph (3) (e) does not apply in relation to a person in relation to whom paragraph (1) (c) applies.”.

5. Section 38A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “paragraph (e) of sub-section (3) of section twenty-two of this Ordinance” and substituting “sub-paragraph 22 (1) (c) (ii) or (iv) or paragraph 22 (3) (e);
- (b) by omitting from sub-section (3) “the Canberra Hospital or the Woden Valley Hospital” and substituting “a hospital approved by the Board for the time being for the purposes of this sub-section”; and
- (c) by omitting sub-section (4) and substituting the following sub-section:

“(4) In this section—

- ‘approved’ means approved in writing by the Board;
- ‘qualified person’ means a person who is entitled under sub-section 22 (1) to apply to the Board for registration as a medical practitioner but has not had the training or experience referred to in

Appointment
of approved
qualified
person

sub-paragraph 22 (1) (c) (ii) or (iv) or paragraph 22 (3) (e).”.

6. The Schedule to the Principal Ordinance is repealed and the following Schedule substituted:

SCHEDULE

Section 22

APPROVED QUALIFICATIONS

Part A—Qualifications granted in Australia and New Zealand

Item	Qualifications
1	Bachelor of Medicine and Bachelor of Surgery, University of New South Wales
2	Bachelor of Medicine, University of Sydney
3	Bachelor of Medicine and Chirurgiae Magister, University of Sydney
4	Bachelor of Medicine and Bachelor of Surgery, University of Sydney
5	Bachelor of Medicine and Bachelor of Surgery, University of Queensland
6	Bachelor of Medicine and Bachelor of Surgery, University of Adelaide
7	Bachelor of Medicine and Bachelor of Surgery, University of Melbourne
8	Bachelor of Medicine and Bachelor of Surgery, Monash University
9	Bachelor of Medicine and Bachelor of Surgery, University of Western Australia
10	Bachelor of Medicine and Bachelor of Surgery, University of Tasmania
11	Bachelor of Medicine and Bachelor of Surgery, University of Otago
12	Bachelor of Medicine and Bachelor of Surgery, University of New Zealand

Part B—Qualifications granted in the United Kingdom and Ireland

Item	Qualifications
1	Bachelor of Medicine and Bachelor of Surgery, University of Birmingham
2	Bachelor of Medicine and Bachelor of Surgery, University of Bristol
3	Bachelor of Medicine and Bachelor of Surgery, University of Cambridge
4	Bachelor of Medicine and Bachelor of Surgery, University of Durham
5	Bachelor of Medicine and Bachelor of Surgery, University of Leeds
6	Bachelor of Medicine and Bachelor of Surgery, University of Liverpool
7	Bachelor of Medicine and Bachelor of Surgery, University of London
8	Bachelor of Medicine and Bachelor of Surgery, University of Manchester
9	Bachelor of Medicine and Bachelor of Surgery, University of Newcastle upon Tyne
10	Bachelor of Medicine and Bachelor of Surgery, University of Nottingham
11	Bachelor of Medicine and Bachelor of Surgery, University of Oxford
12	Bachelor of Medicine and Bachelor of Surgery, University of Sheffield
13	Bachelor of Medicine, University of Southampton
14	Bachelor in Medicine and Bachelor in Surgery, University of Wales
15	Bachelor of Medicine and Bachelor of Surgery, University of Aberdeen
16	Bachelor of Medicine and Bachelor of Surgery, University of Dundee
17	Bachelor of Medicine and Bachelor of Surgery, University of Edinburgh
18	Bachelor of Medicine and Bachelor of Surgery, University of Glasgow
19	Bachelor of Medicine and Bachelor of Surgery, University of St Andrews
20	Bachelor of Medicine and Bachelor of Surgery, Queen's University of Belfast
21	Bachelor in Medicine and Bachelor in Surgery, University of Dublin
22	Licentiate in Medicine and Licentiate in Surgery, University of Dublin
23	Bachelor of Medicine and Bachelor of Surgery, National University of Ireland
24	Licentiate, Royal College of Physicians of London; and Member, Royal College of Surgeons of England
25	Licentiate in Medicine and Surgery, Society of Apothecaries of London
26	Licentiate, Society of Apothecaries of London

SCHEDULE—continued

Item	Qualifications
27	Licentiate, Royal College of Physicians of Edinburgh; Licentiate, Royal College of Surgeons of Edinburgh; and Licentiate, Royal College of Physicians and Surgeons of Glasgow or Royal Faculty of Physicians and Surgeons of Glasgow
28	Licentiate and Licentiate in Midwifery, Royal College of Physicians of Ireland; and Licentiate and Licentiate in Midwifery, Royal College of Surgeons in Ireland
29	Licentiate, Apothecaries' Hall of Dublin

Transitional 7. Notwithstanding the amendments of the Principal Ordinance made by this Ordinance—

- (a) any registration that was in force under section 22 of the Principal Ordinance immediately before the commencement of this Ordinance continues in force, and the Principal Ordinance as amended by this Ordinance has effect in relation to that registration, as if—
 - (i) this Ordinance had been in operation when that registration was granted; and
 - (ii) that registration had been granted under the Principal Ordinance as amended by this Ordinance;
- (b) where before the commencement of this Ordinance a person had applied for registration and the Board had neither refused the application nor granted registration to the person, the Principal Ordinance as in force immediately before the commencement of this Ordinance continues to apply in relation to that application and—
 - (i) the Board may cause the person to be registered or may refuse to register the person; and
 - (ii) an appeal under section 39C may be heard and determined,
 as if this Ordinance had not been made; and
- (c) where the Board causes a person to be registered in pursuance of paragraph (b), this Ordinance has effect in relation to that registration as if that registration had been granted under the Principal Ordinance as amended by this Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 12 December 1979.
2. 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; and Nos. 43 and 46, 1978.