

1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) BILL 1993

Amendments to be moved on behalf of the Government

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Circulated by the authority of the Minister for Health

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Explanatory Memorandum

Outline

The Medical Practitioners Registration (Amendment) Bill 1993 ("the Bill") amends the *Medical Practitioners Registration Act 1930* ("the Act") for the purpose of ensuring that the registration and certain other provisions of the Act are consistent with requirements for registration of medical practitioners as recommended by the Australian Health Ministers' Advisory Council and agreed to by the Australian Health Ministers' Conference.

The Government amendments

The Government amendments to the Bill, in part, arise out of the comments made by the Standing Committee on Scrutiny of Bills and Subordinate Legislation following the Committee's examination of the Bill. The amendments -

- amend *clause 16* of the Bill by enlarging the definition of the term "unsatisfactory professional conduct" under proposed new subsection 30(1);
- amend *clause 22* of the Bill by providing for a right to a review of a decision of the Medical Board, established under the Act, to impose conditions upon the registration of an intern under proposed new subsection 20(1) or to refuse to re-register a person under proposed new section 29C; and
- amend *clause 35* of the Bill to the effect that certain foreign trained medical practitioners will be liable to deregistration.

Details of the amendments are set out in the Attachment.

Amendments 1 and 2 - Clause 16

Amendments 1 and 2 amend *clause 16* of the Bill to provide for an enlarged definition of the term "unsatisfactory professional conduct" in proposed new subsection 30(1). As a result of this amendment where conduct of the type described in proposed new paragraph 30(1)(n) constitutes "professional misconduct" within the meaning of proposed new subsection 30(3), that is, where it is of a sufficiently serious nature to justify suspension of a practitioner from practising medicine or the removal of a practitioner's name from the Register, it will be a ground for the taking of disciplinary action against a practitioner under proposed new section 30A.

The inclusion of this new ground for the taking of such disciplinary action reflects the requirement that Board be capable of suspending or cancelling the registration of a practitioner where a practitioner's conduct, whether or not that conduct occurs in the practise of medicine, adversely affects the practitioner's practise of medicine or brings the medical profession into disrepute.

Amendment 3 - Clause 22

Amendment 3 amends *clause 22* of the Bill by amending proposed new paragraph 39C(a) to provide for a right of appeal to the A.C.T. Administrative Appeals Tribunal in respect of a decision of the Medical Board to impose conditions upon the registration of an intern under proposed new subsection 20(1).

Amendment 4 - Clause 22

Amendment 4 amends *clause 22* of the Bill by amending proposed new paragraph 39C(h) to provide for a right of appeal to the A.C.T. Administrative Appeals Tribunal in respect of a decision of the Medical Board to refuse to re-register a person as a medical practitioner under proposed new section 29C.

Amendments 5, 6 and 7 - Clause 35

Amendments 5, 6 and 7 amend *clause 35* of the Bill by removing *paragraph 35(d)*. The effect of these amendments is that a "foreign medical practitioner" within the meaning of *clause 34* of the Bill who does not satisfy the requirements of *paragraph 35(a), 35(b) or 35(c)* will be liable to deregistration by the Board.

This amendment reflects the new requirements for registration as a medical practitioner as agreed upon by the Australian Health Ministers' Conference and, in particular, the requirement that foreign trained medical practitioners, other than those from institutions accredited by the Australian Medical Council (AMC) or who have successfully completed the AMC examination for the purpose of gaining registration as a medical practitioner, who seek registration after 31 January 1992 must meet the revised qualification requirements in order to become registered as medical practitioners.