

EXPLANATORY STATEMENT  
AUSTRALIAN CAPITAL TERRITORY  
HEALTH AUTHORITY (AMENDMENT) ORDINANCE, 1987

Ordinance No. 23 of 1987

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The Health Authority (Amendment) Ordinance, 1987 (the proposed Ordinance) amends the Health Authority Ordinance 1985 (the principal Ordinance) - the amendments deal mainly with improvements to the provisions for appeals to the Administrative Appeals Tribunal by visiting medical and dental officers as a result of the perceived need to elevate such provisions to current standards. There are other miscellaneous changes such as the imposition of a time limitation on the notification and gazettal by the Health Authority on matters relating to the appointment of visiting medical and dental officers, including the content of such notification and the variation of clinical privileges. Some of the changes were recommended by the Senate Standing Committee on Regulations and Ordinances as a measure to ensure the Ordinance is consistent with Commonwealth administrative review requirements.

Section 3 amends sub-section 44(3) of the principal Ordinance and requires the Australian Capital Territory Health Authority (the Authority), after making a decision to refuse to appoint a person as a visiting medical or dental officer, to notify that person in writing within 28 days of making that decision. The principal Ordinance does not specify a time limit.

Section 4 alters sub-sections 47(1) and 47 (2) of the principal Ordinance and requires the Authority, after making a decision to suspend or cancel a person's appointment as a visiting medical or dental officer or to vary clinical privileges,

to notify that person in writing within 28 days of making that decision and must publish particulars of the decision in the Gazette. The principal Ordinance does not require the Authority to make the appropriate notification or specify a time limit.

Section 5 will change section 48 to enable review by the Administrative Appeals Tribunal of all decisions concerning clinical privileges and the hospital or institution at which these privileges are to be exercised. The principal Ordinance only allows the review of variations of clinical privileges and does not allow review of the decision as to where the privileges are to be exercised. Decisions concerning clinical privileges which varied from those applied for are not reviewable under the provisions of the principal Ordinance. This will no longer be the case under the proposed Ordinance.

Section 6 amends sub-section 49(3) of the principal Ordinance by omitting the word "adversely" so that any person whose interests are affected by the notice is entitled to apply to the Administrative Appeals Tribunal for a review of the decision. This will ensure the provision is consistent with the Administrative Appeals Tribunal Act, 1975.