

AUSTRALIAN CAPITAL TERRITORY
MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) ORDINANCE, 1984
EXPLANATORY STATEMENT

Ordinance No. 13 of 1984

The Medical Practitioners Registration (Amendment) Ordinance 1984 (the amending Ordinance) amends the Medical Practitioners Registration Ordinance, 1930 (the existing Ordinance) as the fourth and final stage in the review of that legislation. The first stage comprised amendments consequential upon the Health Professions Boards (Elections) Ordinance 1980, the second amendments were consequential upon the Health Professions Boards (Procedures) Ordinance 1981 and stage 3 introduced new categories of registration for medical practitioners and a corresponding new scale of charges. The Ordinance makes several substantive changes to the existing law. Each of these changes, except the one relating to educational qualifications which is effected by section 26 of the proposed Ordinance is to be standard in ACT health profession registration legislation.

With the repeal of the Medical Practitioners Registration Regulations, the substance of the regulations are carried out by the amending Ordinance. Firstly, the fees which were prescribed by regulation are by new section 42 to be determined by the Minister for Health by written notice published in the Gazette. This change is made possible by an amendment in 1982 to the Seat of Government (Administration) Act 1910 which aimed at reducing the workload of the legislative draftsman. Secondly, the exceptions previously provided for in the Regulations with respect to the limitations on advertising by medical practitioners has been incorporated in the Ordinance itself (Section 8(f) of the proposed Ordinance).

The third substantive change is a provision which allows the Medical Board to suspend the registration or limit the scope of practice of a medical practitioner

on the grounds that his or her mental or physical condition requires this to be done in the public interest. The Board is required to reconsider any action taken under this provision at intervals not exceeding 12 months (section 9).

The fourth substantive change enables the business of a deceased medical practitioner to be carried on after his death for a prescribed period by an executor, administrator or trustee of his estate provided that the practice of medicine in the business is carried on by a registered medical practitioner (section 20).

The fifth substantive change requires the Medical Board, when it makes an adverse decision, to inform the person in relation to whom the decision was made, of the decision, the findings of the Board on material questions of fact and the reasons for the decision (section 22).

The sixth substantive change requires the Medical Board to publish in the Commonwealth Gazette annually the names and professional addresses of all medical practitioners registered under the Ordinance (section 24).

The seventh substantive change is the amendment of the Schedule which sets out the Australian and New Zealand educational qualifications which are registrable for the purposes of the Ordinance by incorporating medical degrees (and the institutions which award them) which have been instituted since the last amendment of the Schedule (section 26).

In addition, changes which are consequential upon the foregoing substantive amendments and changes which are of a formal or minor procedural nature are also included in the amending Ordinance.

Ord. No 10/82