

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE MINISTER OF STATE FOR HEALTH

AUSTRALIAN CAPITAL TERRITORY

ORDINANCES REVISION (PENALTIES) ORDINANCE 1979

26 of 1979

The Ordinances Revision (Penalties) Ordinance 1979 updates monetary penalties in the Australian Capital Territory legislation administered by the Minister of State for Health. The amending Ordinance does not change the substance of any legislation but merely updates penalties and the form of some provisions and removes inconsistencies with other legislation.

This review of monetary penalties became necessary in order to overcome the effects of inflation, to make monetary penalties commensurate with the seriousness of their respective offences and to make the penalties imposed for breaches of the various Ordinances consistent where similar offences or offences of equivalent gravity are involved.

The opportunity has also been taken to repeal certain offences where those offences are included in other legislation. The offences in question, which are to be found in the Nurses Registration Ordinance 1933, the Pharmacy Ordinance 1931 and the Public Health Ordinance 1928, relate to the crimes of giving false testimony, bribery and corruption, the forgery of documents and the fraudulent use thereof. These offences are dealt with under sections of the Commonwealth Crimes Act 1914 which have the same effect.

The following legislation is amended by this Ordinance

Dentists Registration Ordinance 1931
Medical Practitioners Registration Ordinance 1930
Nurses Registration Ordinance 1933
Veterinary Surgeons Registration Ordinance 1965
Pharmacy Ordinance 1931
Optometrists Ordinance 1956
Stock Diseases Ordinance 1933
Public Health Ordinance 1928
Meat Ordinance 1931
Fluoroscopes Ordinance 1958
Cigarette Containers (Labelling) Ordinance 1972
Tuberculosis Ordinance 1950
Venereal Diseases Ordinance 1956

The first six Ordinances mentioned above are affected, in the main, in those sections which provide for offences relating to the registration of professional persons. For instance, under the Dentists Registration Ordinance 1931, the Medical

Practitioners Registration Ordinance 1930, the Optometrists Ordinance 1956 and the Pharmacy Ordinance 1931 the penalty of \$200 for an unregistered person who engages in professional practice is increased to \$1000.

The remaining seven Ordinances are primarily amended in those sections which bear on public health matters. For example, under the Stock Diseases Ordinance 1933 the penalty for abandoning infected stock or permitting infected stock to stray was a penalty of \$200; whereas the new penalty is \$1000. The Meat Ordinance 1931 provided for a penalty of \$20 for slaughtering, without the requisite consent, an animal for food at any place in the Territory other than a public abattoir or approved slaughtering place; this penalty is increased to \$500. Under the Fluoroscopes Ordinance 1958 the penalty of \$100 for using a fluoroscope for the purpose of assisting in the fitting of footwear is increased to \$500.

The Ordinances Revision (Penalties) Ordinance 1979 was referred to the Australian Capital Territory Legislative Assembly, prior to its being abolished, and was accepted without amendment on 23 April 1979 by the Assembly.