

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

PUBLIC HEALTH (AMENDMENT) ORDINANCE 1989

NO. 10 of 1989

The Public Health (Amendment) Ordinance 1989 (the Amendment Ordinance) amends the Public Health Ordinance 1928 (the Principal Ordinance) by providing for the appointment of a Medical Officer of Health and by enabling fees under the Ordinance to be determined by the Minister instead of being set by Regulations.

The Medical Officer of Health is a statutory office responsible for ensuring that the legislation relating to public health and drugs in the Australian Capital Territory is complied with and for making judgments concerning medical matters arising under such legislation. Appointments of the Medical Officer of Health have previously been based on an implied power to do so contained in the definition of the Public Health Ordinance 1928. The Amendment Ordinance gives the Minister explicit power to appoint a Medical Officer of Health and makes provision for the terms and conditions of that appointment.

The Amendment Ordinance also enables the Minister to appoint an Acting Medical Officer of Health and enables the Medical Officer of Health to delegate any of his or her powers.

The proposed Ordinance simplifies the method of enabling fees to be charged by allowing them to be set by determination instead of by Regulations. These fees consist of various fees payable to the Australian Capital Territory Community and Health Service under the public health Regulations for the issuing of licences, for example for dairies, eating houses and meat vendors.

The amendments were given Ministerial approval on 3 December 1987.

Details of Amendment Ordinance are set out in the Attachment.

## ATTACHMENT

Section 1 provides for the short title of the Amendment Ordinance.

Section 2 provides that the "Principal Ordinance" means the Public Health Ordinance 1928.

Section 3 inserts a new definition of "determined fee".

Section 4 inserts new sections enabling the Minister to appoint a registered medical practitioner as the Medical Officer of Health. The various sections provide for a retirement age of 65, a maximum of a 6 year term of office, the fixing of terms and conditions of appointment, remuneration and allowances, leave of absence, resignation and termination of appointment. The sections also provide for the appointment of an acting Medical Officer of Health and enable the Medical Officer of Health to delegate any of his or her powers.

Section 5 inserts new sections enabling the Minister to determine fees for the purposes of the Ordinance by writing published in the Gazette, such fees to be payable to the Australian Capital Territory Community and Health Service.

Section 6 omits reference to fees and charges from matters in relation to which the Minister may make regulations.

Section 7 amends the Ordinance in the manner specified in the Schedule. The Schedule amends the Ordinance by inserting the feminine form of words after the masculine form in 2 sections.