

AUSTRALIAN CAPITAL TERRITORY

PHARMACY ORDINANCE 1967

EXPLANATORY MEMORANDUM

No. 18 of 1967

It is proposed to amend the professional registration ordinances relating to Medical, Practitioners, Dentists, Pharmacists, Veterinary Surgeons, Nurses and Optometrists in the A.C.T.

A provision is to be inserted in each of the above-mentioned ordinances to provide for the payment of fees and allowances to witnesses appearing before the various boards or at an enquiry conducted by the Minister or his delegate. The fees and allowances will be the same as those prescribed under the Public Works Committee Regulations and are those proposed for general adoption so far as tribunals, other than Courts, are concerned.

Following upon the establishment of a separate branch of the Department of Health to deal particularly with A.C.T. health matters, it is proposed to substitute the Commonwealth Director of Health, Australian Capital Territory, for the Director-General of Health as the Chairman of the Medical, Dental, Pharmacy, Optometrists and Nurses Registration Boards.

Apart from the foregoing, the following amendments are proposed for certain individual ordinances.

Section 39A and 39B of the Medical Practitioners Registration Ordinance 1930-1967, which relate to the recovery of fees by registered medical practitioners and the review by the Medical Board of fees on application by patients, are to be amended to increase from one to three months the period which must elapse before a medical practitioner may commence legal proceedings for recovery of fees and in which a patient may apply to the Medical Board to review a medical practitioner's account.

Provision is to be made in the Dentists Registration Ordinance 1931-1966, firstly, to clarify the conditions under which registered dentists may initiate legal proceedings for the recovery of fees and, secondly, to empower the Dental Board to review a dentist's fees upon application by the patient concerned. These new provisions will be similar to those in the Medical Practitioners Registration Ordinance 1930-1967 as proposed to be amended.

In preparing the drafts, the Parliamentary Draftsman has taken the opportunity to correct a number of long-standing anomalies in those sections of the ordinances which had to be amended for other reasons. These are all of a minor nature and do not disturb existing principles. Details of these minor amendments are set out in the attached Appendix.

APPENDIX

Change in Legislation	Ordinance Affected	Section
1. To remove the obligation on a medical practitioner to advise the Board on his certifying a registrant as insane. (This no longer conforms to current legal language on the subject and serves no practical purpose).	Medical Practitioners	27
	Nurses	27
	Dentists	28
2. To remove the obligations on the Registrar of Births, Deaths and Marriages to report the death of a registrant. (This has little practical value but makes the Registrar liable should he fail to so report a death).	Medical Practitioners	27
	Nurses	27
	Pharmacy	30
	Dentists	28
3. To reword for greater clarity the requirement placed on a registrant to report change of address.	Medical Practitioners	27
	Nurses	27
	Dentists	28
4. To amend the quorum provisions to ensure that a quorum comprises a majority of the full Board.	Pharmacy	7
	Nurses	6
	Optometrists	13
5. To improve drafting in “definitions” section.	Pharmacy	5
	Nurses	4
6. To remove a second sentence in a sub-section and remake as a separate sub-section.	Pharmacy	49
	Nurses	44
7. To remove doubt as to the right of a dental mechanic to make or repair dentures as an employee of or under contract to a dentist.	Dentists	34
8. To restate the provisions enable a medical practitioner to give and to charge for a dental service.	Dentists	36
9. To repeal existing provisions relating to rights of dentists and dental mechanics to charge and to replace those provisions with others with greater legal force.	Dentists	37 38A
10. To substitute the phrase “a person other than a registered nurse” for “an unregistered person”. This is done for legal reasons.	Nurses	38, 39 40 & 42
11. To extend the regulation – making power of the Minister so that he may make similar regulations in respect of nursing aids as he may now do in respect of nurses.	Nurses	48
12. To repeal the prohibition on the giving of false testimony. (This is covered by the Crimes Act).	Optometrists	43