

AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1958.

AN ORDINANCE

To provide for the Control of the Use of Fluoroscopes,
and for other purposes.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this fourteenth day of February, 1958.

W. J. SLIM
Governor-General.

By His Excellency's Command,

DONALD A. CAMERON
Minister of State for Health acting for
and on behalf of the Minister of
State for the Interior.

FLUOROSCOPES ORDINANCE 1958.

1. This Ordinance may be cited as the *Fluoroscopes Ordinance 1958*.* Citation.
2. In this Ordinance, unless the contrary intention appears— Definitions.
 - “approved institution” means an institution approved by the Director-General under section four of this Ordinance;
 - “exempt person” means a registered medical practitioner or a registered dentist;
 - “fluoroscope” means an instrument or other apparatus equipped with a screen that absorbs radiant energy when irradiated with X-rays and re-emits that energy as visible radiation;

* Notified in the *Commonwealth Gazette* on 6th March, 1958.

ie. by some other apparatus.

“qualified radiographer” means a person who has had not less than two years’ experience in operating fluoroscopes and—

(a) has received a certificate or diploma as a radiographer from a technical college in a State or Territory of the Commonwealth or from the Australasian Institute of Radiography; or

(b) possesses such qualifications in radiography as are approved in writing by the Director-General;

“registered dentist” has the same meaning as in the *Dentists Registration Ordinance 1931-1954*;

“registered medical practitioner” has the same meaning as in the *Medical Practitioners Registration Ordinance 1930-1956*;

“the Court” means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance 1930-1953* and constituted by a stipendiary magistrate;

“the Director-General” means the Director-General of Health of the Commonwealth or, in the event of his absence from duty or from the Territory, the officer for the time being performing the duties of the Director-General.

Persons other than exempt persons not to operate fluoroscopes.

3. Subject to this Ordinance, a person other than an exempt person shall not operate a fluoroscope.

Penalty: Fifty pounds.

Operation of fluoroscopes by universities and approved institutions.

4. The last preceding section does not apply to or in relation to the operation of a fluoroscope by a member of the staff or a student at—

(a) a university; or

(b) an institution that is approved in writing by the Director-General for the purpose of this section, if the fluoroscope is operated in the course of instruction, experiment or research by that university or approved institution.

Qualified radiographer deemed to be exempt person in certain circumstances.

5. A qualified radiographer while acting under the supervision or on the instructions of a registered medical practitioner or a registered dentist shall be deemed to be an exempt person for the purposes of this Ordinance.

Fluoroscope not to be used in fitting of foot-wear.

6. Notwithstanding anything in this Ordinance, a person shall not instal or use a fluoroscope for the purpose of assisting in the fitting or in the checking of the fitting of foot-wear.

Penalty: Fifty pounds.

7.—(1.) The Director-General may, by writing under his hand, approve of the operation of a fluoroscope by a person other than an exempt person for such purpose (not being a purpose referred to in the last preceding section) as he specifies in the instrument of approval.

Director-General may approve of operation of fluoroscopes.

(2.) Where the Director-General approves of the operation of a fluoroscope under the last preceding sub-section, he may also specify in the instrument of approval—

- (a) the name or description of the person who may operate the fluoroscope;
- (b) the type of fluoroscope that may be operated; and
- (c) conditions subject to which the fluoroscope may be operated.

(3.) Section three of this Ordinance does not apply to or in relation to the operation of a fluoroscope in accordance with an approval of the Director-General under this section.

8.—(1.) A person, other than an exempt person, who is in possession of a fluoroscope shall, within fourteen days after the commencement of this Ordinance, or after the fluoroscope comes into his possession, whichever last occurs, notify the Director-General in writing of his possession of the fluoroscope and furnish to the Director-General such information in relation to the fluoroscope as the Director-General requests.

Notification to Director-General of possession of fluoroscope.

Penalty: Fifty pounds.

(2.) Notwithstanding that the period specified in the last preceding sub-section has expired, or that a person to whom that sub-section applies has been convicted of an offence against that sub-section, a person to whom that sub-section applies continues, for so long as he fails to furnish the notification or information referred to in that sub-section after the expiration of that period or after the conviction, as the case may be, to be guilty of an offence, punishable upon conviction by a fine not exceeding Five pounds for each day for which that failure continues.

(3.) Nothing in sub-section (1.) of this section requires a university or an approved institution to notify the Director-General of the possession of a fluoroscope.

9.—(1.) The Director-General may, by notice in writing, direct a person who is required to notify the Director-General of the possession of a fluoroscope under the last preceding section to keep the fluoroscope at all times in an inoperative condition.

Director-General may direct a person to keep a fluoroscope in an inoperative condition.

(2.) A person shall comply with a direction under the last preceding sub-section.

Penalty: Fifty pounds.

Notification to
Director-
General of
sale or other
disposal of
fluoroscope.

10. A person who sells, or otherwise disposes of, a fluoroscope shall, within seven days after that sale or other disposal, notify the Director-General in writing of the fact of the sale or disposal and furnish to the Director-General such information in relation to the sale or disposal as the Director-General requests.

Penalty: Fifty pounds.

Entry of
premises.

11.—(1.) A person authorized in writing by the Director-General to act under this section may, at all reasonable times, enter premises in which there is a fluoroscope and inspect the fluoroscope.

(2.) The owner or occupier of the premises shall provide the authorized person with all reasonable facilities and assistance for the effective exercise of his powers under this section.

Penalty: Fifty pounds.

Appeal.

12.—(1.) Where, under section seven of this Ordinance, the Director-General refuses an application by a person for approval to operate a fluoroscope or, in approving such an application—

- (a) limits the approval to a specified purpose or a specified type of fluoroscope; or
- (b) imposes conditions subject to which the fluoroscope may be operated,

the Director-General shall, if requested so to do by that person, state in writing the reason for that refusal or qualified approval.

(2.) A person affected by a refusal or qualified approval referred to in the last preceding sub-section may, within thirty days after his receipt of the statement of the reason referred to in that sub-section, appeal to the Court for review of that refusal or qualified approval.

(3.) The Director-General shall be the respondent in any such appeal.

(4.) Jurisdiction to hear and determine an appeal under this section is given to the Court and, upon the hearing of the appeal, the Court may—

- (a) admit such evidence, either oral or upon affidavit or otherwise, as it thinks fit;
- (b) permit the examination and cross-examination of witnesses; and
- (c) order one party to pay the costs of the other party.

(5.) For the purpose of the last preceding sub-section, the evidence that may be given by or on behalf of the Director-

General shall not be deemed to be limited by reason of the Director-General having furnished a statement of the reason for his refusal or qualified approval of an application.

(6.) If the Court is satisfied that the Director-General had good and sufficient reason for his refusal or qualified approval of the application, it shall dismiss the appeal, or, if not so satisfied, it shall revoke the Director-General's refusal or qualified approval of the application and in its stead give such approval or qualified approval of the application as it thinks just.

(7.) For the purpose of the last preceding sub-section, the Court has and may exercise the discretion and powers conferred upon the Director-General by sub-sections (1.) and (2.) of section seven of this Ordinance.

(8.) For the purpose of sub-section (3.) of section seven of this Ordinance, an approval (including a qualified approval) given by the Court under this section shall be deemed to be an approval of the Director-General.

(9.) Subject to this section, the law of the Territory relating to the hearing and determination of actions by the Court in the exercise of its civil jurisdiction applies in relation to the hearing and determination of appeals under this section.