



Australian Capital Territory

Medical Practitioners (Advertising) Regulations¹ (Amendment)

Subordinate Law No. 38 of 1993²

The Australian Capital Territory Executive makes the following Regulations under the *Medical Practitioners Act 1930*.

Dated 15 October 1993.

WAYNE BERRY
Minister

TERRY CONNOLLY
Minister

Principal Regulations

1. In these Regulations, “Principal Regulations” means the Medical Practitioners (Advertising) Regulations.

Commencement

2. These Regulations commence on the day on which they are notified in the *Gazette*.

Substitution

3. Regulations 2 to 9 (inclusive) of the Principal Regulations are repealed and the following regulations substituted:

Advertising—general

“2. Subject to these Regulations, a registered medical practitioner may advertise medical services in any manner.

Electronic media

“3. (1) A registered medical practitioner shall not advertise medical services—

- (a) by television or radio broadcast;
- (b) by means of the public exhibition of a film (including a videotape); or
- (c) by means of a computerised communication or database.

“(2) Subregulation (1) does not prevent a registered medical practitioner from publicly identifying himself or herself as the author of a statement (whether written or oral) made in respect of a medical matter on behalf of an organisation or in the public interest.

Advertising—prohibitions

“4. (1) A registered medical practitioner shall not advertise medical services in a manner that—

- (a) is false, misleading or deceptive, or likely to mislead or deceive;
- (b) is vulgar or sensational;
- (c) claims or implies that any particular medical practitioner is superior to any other medical practitioner;
- (d) contains testimonials or other endorsements of a particular medical practitioner; or
- (e) is unprofessional or likely to bring the profession into disrepute.

“(2) For the purposes of paragraph (1) (a), an advertisement shall be taken to be false, misleading or deceptive, or likely to mislead or deceive, if—

- (a) it contains a material misrepresentation of fact; or

- (b) it is likely to create an unjustified expectation of beneficial treatment.

“(3) An advertisement for medical services shall not indicate that a particular medical practitioner practises at a place unless the practitioner regularly attends that place in the course of his or her practice.

Records of advertisements

“5. (1) A registered medical practitioner shall keep a record of the details of each advertisement for medical services authorised by the practitioner for a period of 12 months after the publication of the advertisement.

“(2) Subregulation (1) does not apply to advertising appearing on any invoice, statement, order, letterhead, business card, cheque or similar document ordinarily used in the course of the business of providing medical services.”.

NOTE

1. Reprinted as at 31 October 1991.
2. Notified in the ACT Gazette on 18 October 1993.