



Australian Capital Territory

Medical Practitioners (Advertising) Regulation 1985

SL1985-14

made under the

Medical Practitioners Act 1930

Republication No 4

Effective: 10 November 2004 – 7 July 2005

Republication date: 10 November 2004

Last amendment made by SL1993-38
(republication includes editorial amendments
under Legislation Act)

Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Medical Practitioners (Advertising) Regulation 1985*, made under the *Medical Practitioners Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 10 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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made under the

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R4
10/11/04

Medical Practitioners (Advertising) Regulation 1985
Effective: 10/11/04-07/07/05

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Australian Capital Territory

Medical Practitioners (Advertising) Regulation 1985

made under the

Medical Practitioners Act 1930

1 Name of regulation

This regulation is the *Medical Practitioners (Advertising) Regulation 1985*.

2 Advertising—general

Subject to this regulation, a registered medical practitioner may advertise medical services in any way.

3 Electronic media

- (1) A registered medical practitioner must not advertise medical services—
 - (a) by television or radio broadcast; or
 - (b) by means of the public exhibition of a film (including a videotape); or
 - (c) by means of a computerised communication or database.
- (2) Subsection (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 relation to a medical matter on behalf of an organisation or in the public interest.

4 Advertising—prohibitions

- (1) A registered medical practitioner must not advertise medical services in a way that—
 - (a) is false, misleading or deceptive, or likely to mislead or deceive; or
 - (b) is vulgar or sensational; or
 - (c) claims or implies that any particular medical practitioner is superior to any other medical practitioner; or

- (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 subsection (1) (a), an advertisement is 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 must 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.

5 Records of advertisements

- (1) A registered medical practitioner must keep a record of the details of each advertisement for medical services authorised by the practitioner for 12 months after the publication of the advertisement.
- (2) Subsection (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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally called the *Medical Practitioners (Advertising) Regulations* and was originally made under a Commonwealth ordinance—the *Medical Practitioners Registration Ordinance 1930* No 13 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Medical Practitioners Registration Ordinance 1930* and the *Medical Practitioners (Advertising) Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

This regulation was renamed under the *Legislation Act 2001*.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1937* s 16, *Subordinate Laws Act 1989* s 6).

Legislation before becoming Territory enactment

Medical Practitioners (Advertising) Regulation 1985 No 14

notified 1 July 1985

commenced 1 July 1985

as amended by

Legislation after becoming Territory enactment

Medical Practitioners (Advertising) Regulations Amendment 1993 No 38

notified 18 October 1993

commenced 18 October 1993

Endnotes

4 Amendment history

as repealed by

**Health Professionals Legislation Amendment Act 2004 A2004-39
sch 5 pt 5.23**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 5 pt 5.23 awaiting commencement (s 2 and see Health
Professionals Act 2004 A2004-38, s 2)

Note default commencement under s 2: 8 July 2005

4 Amendment history

Name of regulation

s 1 am R3 LA; R4 LA

Advertising—general

s 2 sub 1993 No 38

Electronic media

s 3 sub 1993 No 38

Advertising—prohibitions

s 4 sub 1993 No 38

Records of advertisements

s 5 sub 1993 No 38

Notices

s 6 om 1993 No 38

Newspaper advertisements

s 7 om 1993 No 38

Change of practice

s 8 om 1993 No 38

Bold type

s 9 om 1993 No 38

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1985 No 14	31 October 1991
2	SL 1993 No 38	31 July 1999
3	SL1993-38	17 July 2002

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