

**AUSTRALIAN CAPITAL TERRITORY
MEDICAL PRACTITIONERS ACT 1930
DETERMINATION NO ...III.... OF 1993**

EXPLANATORY STATEMENT

The *Medical Practitioners Act 1930* provides for the registration of suitably qualified medical practitioners and for related purposes. In March 1993, the *Medical Practitioners Registration Act 1930* was amended by the passing of the *Medical Practitioners Registration (Amendment) Act 1993* by the Legislative Assembly. The *Medical Practitioners Act 1930* came into effect on 6 April 1993.

The passing of the *Medical Practitioners Registration (Amendment) Act 1993* resulted in a change in the long and short title of the Act, the repeal of some sections and insertion of new sections; and the renumbering of provisions so that sections bear consecutive Arabic numerals.

The *Medical Practitioners Act 1930* pursuant to the *Medical Practitioners (Amendment) Act 1993* provides for the granting of initial registration to suitably qualified medical practitioners, the annual renewal of registration and registration by virtue of the mutual recognition provisions pursuant to the *Mutual Recognition Act 1992 (Commonwealth)*.

It also provides the Medical Board with a discretionary power to register 'with conditions' medical practitioner's, for specific purposes.

Registration at the 'Discretion of the Board' include provisions to enable a person to:

- undertake a period of postgraduate training in medicine approved by the Board;
- undertake a period of supervised training for the purposes undertaking an examination held by the Australian Medical Council Incorporated;
- fill a research or teaching position if the Board considers that the person holds appropriate qualifications;
- enable an unmet area of need to be met;
- obtain further specialist training or undergo examination where the person holds overseas specialist qualifications which are not recognised by the relevant Australian specialist college;
- be temporarily registered if it considered by the Board that it is in the public interest to do so.

The Act also empowers the Minister, by notice published in the Gazette, to determine fees for the purpose of the Act. This provision was previously provided by section 42 of the *Medical Practitioners Registration Act 1930*. As a result of the renumbering provisions in the *Medical Practitioners Registration (Amendment) Act 1993* this power is now provided under section 58 of the *Medical Practitioners Act 1930*.

This instrument revokes all existing fees and determinations under the *Medical Practitioners Registration Act 1930* which relate to sections:

1. Subsection 22(3)(f), fee for application for registration;
2. Subsection 22A(4)(c), prescribed fee for registration of eminent medical practitioners;
3. Section 28A, special registration;
4. Section 29A, temporary registration;
5. Subsection 24A(1) annual registration fee;
6. Subsection 24A(5), entitlement to re-registration subject to payment of fee;
7. Subsection 24(3), fee for providing a duplicate certificate;
8. Subsection 26(4) alteration of particulars in the register;
9. Subsection 40(1)(a), inspect an entry in the register;
10. Subsection 40(1)(b), obtain a certified copy of an entry in the register; and

sets fees for equivalent provisions or new provisions under the *Medical Practitioners Act 1930* as per the attached chart. The explanatory statements which follow relate to the numbering in the foregoing paragraph.

1. Section 22 of the principal Act which included subsection 22(3)(f), providing for the payment of a prescribed fee to be paid together with an application for registration is repealed by the amendments.

The prescribed fee for registration was \$110.00.

The repealed provision is replaced by new subsection 19(2)(b) which provides for lodgement of applications for registration other than applications by persons who are entitled to registration pursuant to the *Mutual Recognition Act 1992 (Commonwealth)* and who lodge with Board a notice under that section.

Subsection 19(2)(b) of the *Medical Practitioners Act 1930* provides for a prescribed fee to be lodged with such an application.

It is proposed that the fee for this purpose be set at \$150.00. This is the fee that has been agreed by Medical Boards in all States and Territories for the purposes of uniformity across all jurisdictions. The fee includes an administrative fee which is paid to the Australian Medical Council Incorporated (AMC) for the purposes of entering the medical practitioners name and registration details on a national database known as the National Compendium of Medical Registers (NCOMR).

2. Section 22A of the principal Act which included subsection 22A(4)(c) providing for the payment of a prescribed fee for the registration of eminent medical practitioners was also repealed by the amendments.

This section has been replaced by the provisions under section 12 of the *Medical Practitioners Act 1930* which provides for 'Registration at the discretion of the Board'.

The provision for the payment of a prescribed fee associated with such applications is provided under subsection 19(2)(b) of the *Medical Practitioners Act 1930*.

It cannot be ascertained if a fee for the purpose of registering eminent medical practitioners was ever set or charged to applicants under this provision. It is appropriate that the fee be set at \$150.00 to ensure a consistent fee is payable with all applications for initial registration. All applicants are required to be entered on the NCMR and the Board pays a per capita levy to the AMC on all registrants.

3. Section 28A providing for 'special' registration was repealed and is replaced with the provisions under section 12 'Registration at the discretion of the Board'. Again it is difficult to determine the previous fiscal amount of the fee which was levied for the purpose of 'special' registration but it is reasonable that this be set at the initial registration fee level of \$150.00.

4. Section 29A providing for 'temporary' registration in the principal Act was also repealed and now is covered by the provision of subsection 12(8) registration at the discretion of the Board. The prescribed fee for 'temporary' registration was set at \$20.00.

It is proposed that the fee be increased to \$100.00 which is equivalent to the fee payable for registration under mutual recognition provisions. It is anticipated that the majority of persons seeking temporary registration for the purposes of undertaking locum work will be eligible for registration under the mutual recognition provisions.

5. Section 24A(1) of the principal Act requiring medical practitioners to notify address and pay the prescribed annual registration renewal fee was repealed by the amendments and is replaced by subsection 32(1) in the *Medical Practitioners Act 1930*.

The existing prescribed annual registration fee is \$75.00 and it is proposed that this be increased to \$100.00 which is consistent with the fees set in other jurisdiction and which have been agreed to by all Medical Registration Authorities.

6. The entitlement for a medical practitioner to re-registration where registration was cancelled for failure to pay the annual fee was provided in subsection 24A(5) and was subject to the payment of the prescribed fee. The person could be re-registered by paying the annual fee of \$75.00 within 12 months.

The repeal of section 24A has necessitated for a similar provision to be included in the amended Act and this is provided in subsection 34(2)(b), however the fee will need to be accompanied by an application to the Board.

The recommended fee for this should be \$100.00 which is consistent with both the annual renewal registration fee and the fee pursuant to registration under mutual recognition.

7. Subsection 24(3) of the principal Act provided for a duplicate certificate to be issued to a medical practitioner where the original has been lost or destroyed, subject to the payment of the prescribed fee. This is now provided under subsection 26(3) in the amended Act.

The prescribed fee for this purpose was set at \$10.00. There appears to be a inconsistency between the various ACT health registration Boards as to the fee charged for this provision. The Nurses Board has a set fee of \$30.00 for registered nurses and \$20.00 for enrolled nurses and the Chiropractors Board has a fee of \$20.00.

It is therefore proposed to increase the fee for medical practitioners to \$30.00 and then standardise the fees payable under this provision the same in all Acts when they are next reviewed.

8. Subsection 26(4) of the principle Act provided for the payment of a prescribed fee in respect to any alterations made to particulars in the register which may be made from time to time at the request of the person. This provision is now provided under subsection 28(4) of the *Medical Practitioners Act 1930*.

The fee for alteration to entries in the register are \$10.00 and it is not anticipated that this fee should be increased.

9. Subsection 40(1)(a) of the principal Act provided for a person upon the payment of a prescribed fee to inspect an entry in the register. The fee was set at \$2.00 per entry. This provision is now provided under subsection 56(1)(a). It is recommended that the fee be increased to \$5.00 per entry to make the fee consistent with those of other Boards.

10. Subsection 40(1)(b) of the principal Act provided for a person upon the payment of a prescribed fee to obtain a certified copy of an entry in the register. The fee was set at \$2.00 per entry. This provision is now provided under subsection 56(1)(b). It is recommended that the fee be increased to \$5.00 per entry to make the fee consistent with those of other Boards.

11. A new category of registration has been introduced pursuant to the *Mutual Recognition Act 1992 (Commonwealth)*. This new provision is mirrored in section 11 of the *Medical Registration Act 1930* and a provision for the payment of a prescribed fee for applications associated with those provisions are provided by section 22 of the Act.

It is recommended that the fee for the purpose of registration under the mutual recognition provisions be set at \$100.00. This again is consistent with the agreement of Medical Registration Authorities in all States and Territories to have a uniform fee across all jurisdictions.

Medical Practitioners Registration Act 1930 (Old Act)	Old Fee	Medical Practitioners Act 1930 (New Act)	New Fee
Subsection 22(3)(f) application for registration	\$110.00	Subsection 19(2)(b) application for registration other than pursuant to mutual recognition.	\$150.00
Subsection 22A(4)(c) prescribed fee for registration of eminent medical practitioners		Section 12 registration at the discretion of the Board (Section 19(2)(b) applies)	\$150.00
Section 28A special registration		Section 12 registration at the discretion of the Board (Section 19(2)(b) applies)	\$150.00
Section 29A temporary registration	\$20.00	Subsection 12(8) temporary registration at the discretion of the Board	\$100.00
Subsection 24A(1) annual registration fee	\$75.00	Subsection 32(1) annual registration fee	\$100.00
Subsection 24A(5) entitlement to re-registration subject to payment of fee	\$75.00	Subsection 34(2)(b) entitlement to re- registration subject to payment of fee	\$100.00
Subsection 24(3) fee for a duplicate certificate	\$10.00	Subsection 26(3) fee for a duplicate certificate	\$30.00
Subsection 26(4) alteration of particulars in the register	\$10.00	Subsection 28(4) alteration of particulars in the register	\$10.00
Subsection 40(1)(a) inspect an entry in the register	\$2.00 per entry	Subsection 56(1)(a) inspect an entry in the register	\$5.00
Subsection 40(1)(b) obtain a certified copy of an entry in the register	\$2.00 per entry	Subsection 56(1)(b) obtain a certified copy of an entry in the register	\$5.00
Not Applicable	N/A	Section 22 fee for registration pursuant to Mutual Recognition Act.	\$100.00