

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 22 December, 1920.

New South Wales.



ANNO UNDECIMO

GEORGII V REGIS.

Act No. , 1920.

An Act to provide for the taxing of medical practitioners' charges; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. This Act may be cited as the "Medical Practitioners Charges Act, 1920."

4903

101—A

2.

Medical Practitioners Charges.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpre-
tation.

5 “Bill” means the memorandum of charges or fees for professional attendance caused by a medical practitioner to be delivered or posted to a patient or to be left for such patient at his place of business, dwelling-house, or last-known place of abode.

10 “Board” means the Medical Practitioners’ Charges Taxation Board established under this Act.

15 “Medical practitioner” means a legally qualified medical practitioner within the meaning of section four of the Medical Practitioners Act, 1912, as inserted by section two of the Medical Practitioners (Amendment) Act, 1915:

“Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.

20 “Patient” means a person who has been or is being attended professionally by a medical practitioner, and includes the legal personal representative of a deceased patient.

25 “Prescribed” means prescribed by this Act or by any regulation made thereunder.

30 “Professional attendance” includes medical attendance and surgical operations and (where charged for by the medical practitioner) medicine, hospital and nursing charges, and anæsthetist’s fees.

3. (1) There shall be constituted under this Act a Medical
Practitioners,
Charges
Taxation
Board. board to be known as the ‘Medical Practitioners’ Charges Taxation Board,’ which shall consist of three members, namely,—

35 (a) the Director-General of Public Health, who shall be the chairman of the board;

(b) the Under Secretary of the Public Health and Motherhood Department; and

40 (c) a medical practitioner nominated by the New South Wales Branch of the British Medical Association, or, failing such nomination, a medical practitioner to be nominated by the Minister.

(2)

Medical Practitioners Charges.

(2) Such board shall sit at such times and places as it shall fix.

(3) Where all the members of the board are present at any meeting thereof, the decision of the 5 majority shall be the decision of the board.

(4) Where only two members, of whom one is the chairman, are present at any such meeting, the chairman shall have a casting as well as a deliberative vote.

(5) Where only two members, of whom neither is 10 the chairman, are present at any such meeting and are unable to agree on any matter, such matter shall be referred to the chairman, and his decision thereon shall be the decision of the board.

(6) All meetings of the board shall be held in 15 camera.

4. No action shall be brought by any medical practitioner in respect of any charges for professional attendance until the expiration of one month after a bill particularising such charges has been delivered or 20 posted to or left with the patient. No action by medical practitioner for one month after bill delivered.

5. (1) Upon application made to the board within such month and in the prescribed form such patient shall be entitled to a hearing before the board at a 25 place and on a day to be fixed by the board. Hearing before board.

(2) The board may for good cause extend the time within which such application may be made, and during such extended time no action shall be brought or 30 proceeded with by the medical practitioner.

(3) When the board fixes a day for a hearing not less than seven days' notice of such hearing shall be 35 given by the board to the medical practitioner.

6. Pending such hearing and the expiry of the time for payment hereinafter specified no action shall be brought or proceeded with by the medical practitioner 40 in respect of such charges or any part thereof. Stay of action pending hearing and expiry of time for payment.

7. (1) Upon the day so fixed, or upon a later day to be fixed by the board in its discretion, the board shall inquire into the charges made in such bill, and shall award such amount as it deems reasonable in the 45 circumstances. Board may fix a reasonable charge.

(2) Either party may be heard in person or by his agent (including a solicitor but not counsel) there- unto authorised in writing. (3)

Medical Practitioners Charges.

(3) The board may in its discretion hear and determine the matter on oral or on affidavit evidence, or on partly oral and partly affidavit evidence, provided that any deponent to an affidavit may be required to
5 attend for cross-examination.

8. The board, in determining the amount of such charge, shall (without limiting the generality of its powers under this Act) have regard to—

Board to have regard to certain matters.

- 10 (1) the time occupied in and the nature of the professional attendance ;
- (2) the distance between the consulting-room or residence of the medical practitioner and the place at which he attended the patient ;
- 15 (3) the hours of the day or night at which he attended the patient ;
- (4) the means and position in life of the patient ; and
- (5) whether the medical practitioner attended in the capacity of a specialist, consultant, or
20 general practitioner.

9. (1) The expenses incurred by the board (if any) in such hearing shall be paid—

Costs.

- 25 (a) by the medical practitioner, if the bill when taxed be less by one-sixth than the amount of the bill ; and
- (b) by the patient, if the bill when taxed be not less by one-sixth than such amount.

(2) The amount of such expenses shall be assessed by the board and, as the case may be, added to or deducted
30 from the amount awarded by the board in respect of the bill.

10. The decision of the board shall be final and conclusive.

Board's decision final.

11. Either party shall be entitled, on payment of a prescribed fee (if any), to obtain from the chairman of the board a certificate in a prescribed form embodying such award.

Certificate of award.

12. If the patient either fails to pay or to make satisfactory arrangements to pay the amount so awarded
40 within twenty-eight days after such day upon which such

Award to have effect of a judgment of District Court.

Medical Practitioners Charges.

such award was made, the medical practitioner may lodge such certificate—

5 (a) where such amount does not exceed thirty pounds with the registrar of the Court of Petty Sessions in or nearest to the place where the patient resides or carries on business ; or

10 (b) where such amount exceeds thirty pounds with the registrar of the District Court in or nearest to such place, and such award shall thereupon operate and be enforceable in the same manner as a judgment or order of such Court of Petty Sessions or District Court to the same effect.

15 **13.** This Act shall not apply in any case where there is an agreement in writing, whether made before or after the commencement of this Act, which is signed by or on behalf of the medical practitioner and the patient or any person on his or her behalf and which fixes in advance the amount to be paid for the professional attendance. Act not to apply to certain contracts.

20 **14.** Nothing in this Act shall be deemed to affect the rights of the medical practitioner to proceed under the "Arrest on Mesne Process Act, 1902." in any case to which that Act would apply, if this Act had not been passed. Saving.

25 **15.** (1) The board may, with the approval of the Governor, make such regulations as may be necessary or convenient for carrying into effect the provisions of this Act and for prescribing the procedure to be followed, the forms to be used, and the fees (if any) to be paid thereunder. Regulations.

30 (2) Such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, or part thereof, such
40 regulation or part shall thereupon cease to have effect.

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1. This Act may be cited as the "Medical Practitioners Charges Act, 1920." Short title.

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(b) the Under Secretary of the Public Health and Motherhood Department; and

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