

MEDICAL PRACTITIONERS (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 4 April, 1963.*

- No. 1.—Page 3, clause 2, line 14. *Omit* “eleven” *insert* “**thirteen**”.
- No. 2.—Page 3, clause 2, line 26. *Omit* “eight” *insert* “**ten**”.
- No. 3.—Page 3, clause 2, line 27. *Omit* “one” *insert* “**three**”.
- No. 4.—Page 3, clause 2, line 28. *Omit* “each of the following bodies”.
- No. 5.—Page 3, clause 2. *After* line 31 *insert* “**and one shall be nominated by each of the following bodies:—**”.
- No. 6.—Page 17, clause 4, lines 11 and 12. *Omit* “(proof whereof shall lie upon the registered person)”.
- No. 7.—Page 17, clause 4, lines 31 and 32. *Omit* “a person from time to time nominated by him; and” *insert* “**an officer, who is a medical practitioner, of the Department of Public Health from time to time nominated by him; and**”.
- No. 8.—Page 19, clause 4. *After* line 9 *insert—*

Every person, other than a member of the police force or a member of the Public Service, who makes a complaint or charge to the investigating committee alleging infamous conduct against any medical practitioner, shall deposit with the investigating committee the sum of five pounds (£5) at the time of lodging his complaint or charge.

If after considering the complaint or charge the investigating committee is of the opinion that the complaint or charge is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited. In the absence of such declaration the sum so deposited shall be refunded to the complainant.

MEDICAL PROFESSIONAL LICENSING BOARD

Division of Health Services Regulation
1400 Dwight Way, San Francisco, CA 94102

Re: [Name of Applicant], M.D., License No. [Number]

Subject: [Reason for Hearing]

The undersigned, being duly sworn, deposes and says:

I am the [Title] of the [Agency]

and have reviewed the [Type of Document]

submitted to me by [Name]

which is true and correct.

Subscribed and sworn to before me on [Date]

at [City and State]

[Signature]

[Title]

[Address]

[City and State]

[Zip Code]

[Phone Number]

[Filing Date]

[Signatures]

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 April, 1963.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 4 April, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1963.

An Act to amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith.

BE

13369 181—A

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

Short title,
citation
and com-
mencement.

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

10 (3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

15 **2.** (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales

Reconsti-
tution of
New South
Wales
Medical
Board.

20 Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

30 (3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

5 (b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

10 (4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

(a) (i) by omitting from subsection two of section five the words "not less than seven nor more than nine" and by inserting in lieu thereof the word "~~eleven~~ **thirteen**";

Sec. 5.
(Constitu-
tion of
board.)

15 (ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections:—

(3) The members of the board shall be—

20 (a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;

(b) a barrister or solicitor nominated by the Minister;

25 (c) a medical practitioner nominated by the Minister;

(d) ~~eight~~ **ten** other medical practitioners of whom ~~one~~ **three** shall be nominated by each of the following bodies:—

30 (i) ~~(i)~~ The New South Wales Branch of the Australian Medical Association;

and one shall be nominated by each of the following bodies:—

35 (i) ~~(ii)~~ the Senate of the University of Sydney;

(ii) ~~(iii)~~ the Council of the University of New South Wales;

(iii) ~~(iv)~~

Medical Practitioners (Amendment).

- 5
- (iii) ~~(iv)~~ The Royal Australasian College of Physicians;
- (iv) ~~(v)~~ The Royal Australasian College of Physicians, New South Wales State Committee;
- (v) ~~(vi)~~ the Royal Australasian College of Surgeons;
- 10 (vi) ~~(vii)~~ the Royal Australasian College of Surgeons, New South Wales State Committee;
- (vii) ~~(viii)~~ The Australian College of General Practitioners, New South Wales Faculty.

15 (4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

20 (5) A person referred to in subparagraph (iii) ~~(iv)~~ or (v) ~~(vi)~~ of paragraph (d) of subsection three of this section—

- 25 (a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and
- (b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

30 (6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for

35 re-appointment.

(iii)

Medical Practitioners (Amendment).

- (iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection :—
- 5 (8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.
- (b) by omitting subsection four of section six; Sec. 6.
(The president.)
- (c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph :— Sec. 7.
(Vacation of office.)
- 10 (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or
- (d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection :— Sec. 9.
(Casual vacancies.)
- 15 (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.
- 20
- (e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Quorum, etc.)
- 25 (1) At any meeting of the board, six members shall constitute a quorum.
- (f) by inserting at the end of section thirteen the following new subsection :— Sec. 13.
(Secretary.)
- 30 (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.
- 35 Any such authority may be of general application or may be limited to any particular case or class of cases. **3.**

Medical Practitioners (Amendment).

3. (1) The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire"; (Definitions.)
 (ii) by omitting subsection three of the same section;

5

- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—
 Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.

10

- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—

15

(a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales ; or

20

(b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite those qualifications in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications) ; and

25

30

- (i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column Two

35

Medical Practitioners (Amendment).

5 Two of the said Schedule
One, in the country in
which his qualification was
or qualifications were granted
or, where his qualification is
or qualifications are specified
10 in Column Two of the said
Schedule Two, in the country
in which he was granted the
qualification or qualifications
by virtue of which he was
admitted to the course for the
qualification or qualifications
held by him and specified in
15 Column Two of the said
Schedule Two; and

(ii) has a knowledge of the English
language adequate for the con-
duct of a medical practice in
20 the State of New South Wales,

but where a person is not entitled to be
registered or to practise as a medical
practitioner as is mentioned in sub-
paragraph (i) of this paragraph but
would be entitled to be so registered
or so to practise had he served as a
medical officer in one or more hos-
pitals or other institutions for some
specified period or periods, he shall for
30 the purposes of the said subparagraph
(i) be deemed to be entitled to be so
registered or so to practise if he has
served, for a period of twelve months
or more or for periods amounting in
35 the aggregate to twelve months or
more, as a medical officer in one or
more public hospitals or separate
institutions, within the meaning of the
Public Hospitals Act, 1929, as
40 amended by subsequent Acts, in New
South

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

5 (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";

10 (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph :—

15 and

20 (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;

25 (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";

30 (v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

5 (f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any
10 such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

15 (i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

20 (ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this
25 Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer,”;

30 (viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

35 In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C
of

Medical Practitioners (Amendment).

5 of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

10 (ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

(x) by inserting next after the same subsection the following new subsection:—

20 (1A) (a) The Governor may by proclamation published in the Gazette amend—

25 (i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or

30 (ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

35

Medical Practitioners (Amendment).

5 qualification that is granted by such
university, college or other body only
to a person who was admitted to the
course on the completion of which that
10 qualification is granted, by virtue of
his having obtained another qualifica-
tion certifying to his ability to practise
medicine or surgery, or by omit-
ting from that Schedule any such
particulars.

(b) The Schedules as so amended
shall be the Schedules to this Act.

15 (c) A recommendation to the
Governor for any amendment of Schedule One
or Schedule Two to this Act shall not be made
by the Minister except after consultation with
or on the recommendation of the board.

20 (xi) by omitting from paragraph (a) of subsection
two of the same section the words "part of the
British Empire or in some other country" and
by inserting in lieu thereof the words "country
outside the State of New South Wales";

(xii) by omitting from the same paragraph the words
"part or";

25 (xiii) by omitting from paragraph (a) of subsection
(2A) of the same section the words "part of
the British Empire or in some other country"
and by inserting in lieu thereof the words
30 "country outside the State of New South
Wales";

(xiv) by omitting from the same paragraph the words
"part or";

(xv) by omitting from paragraph (b) of the same
subsection the words "part or";

35 (xvi) by omitting from paragraph (b) of subsection
six of the same section the words "other part
of the British Empire or in any foreign";

(xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- 5
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- 10
- Sec. 20.
(Certificate of provisional registration may be granted.)
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- 15
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- 20
- (f) by omitting section 21B;
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- (g) (i) by omitting subsection one of section 21C and by inserting in lieu thereof the following subsection:—
- 25
- Sec. 21C.
(Licenses to practise medicine or surgery in limited circumstances.)
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- 30
- 35
- (b)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

5

(i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and

10

(ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

15

Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

20

25

(ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;

30

(iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963,”;

35

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

5 (4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, 10 public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, 15 issue to such holder a license—

(a) to practise in all branches of medicine and surgery; or

20 (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as 25 the Minister may direct.

The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered 30 person has as an assistant a person so licensed.

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

35 (vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

5 (viii) by inserting next after the same subsection the following new subsections : —

10 (5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

25 (5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

- 30 (a) accept an appointment as an honorary medical officer in any hospital or other institution;
- (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or
- 35 (c) act as a locum tenens to any registered person.

(h)

Medical Practitioners (Amendment).

- (h) by omitting from subsection one of section twenty-
 six the words "the United Kingdom or in the part
 of the British Empire or other country in which the
 degree or diploma referred to was granted" and by
 inserting in lieu thereof the words "any country".
- 5
- (2) Any person who was immediately before the com-
 mencement of this Act a registered person under the Principal
 Act shall, subject to the Principal Act, as amended by this
 Act, continue to be a registered person under the Principal
 10 Act, as so amended, notwithstanding the amendments made
 by subsection one of this section.
4. (1) The Principal Act is further amended—
- (a) (i) by omitting subsection one of section twenty-
 seven and by inserting in lieu thereof the
 following subsection :—
- 15 (1) A complaint or charge that any
 registered person—
- (a) has been convicted in New South Wales
 or elsewhere by any court of any
 20 felony, misdemeanour, crime or
 offence; or
- (b) has been guilty of habitual drunken-
 ness or of addiction to any deleterious
 drug; or
- 25 (c) has been guilty of infamous conduct
 in any professional respect,
 may be made to the investigating committee
 constituted under section 27A of this Act.
- Any such complaint or charge shall be made
 by way of statutory declaration.
- 30 The court before which any registered per-
 son is convicted in New South Wales of a
 felony or misdemeanour shall forward particu-
 lars of such conviction to the investigating
 committee

Sec. 26.
 (Removal
 from New
 South Wales
 register
 after re-
 moval from
 British
 or other
 register.)

Further
 amendment
 of Act No.
 37, 1938.

Sec. 27.
 (Disci-
 plinary
 provisions.)

cf. 4 and 5
 Eliz. 2,
 c. 76, s. 33
 or (1) (a).

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

(ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

(c) refuses or fails, without reasonable cause (~~proof whereof shall lie upon the registered person~~) to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

(b) by inserting next after section twenty-seven the following new section :—

27A. (1) There shall be an investigating committee which shall consist of the following persons—

(a) a stipendiary magistrate, who shall be chairman;

(b) the Director-General of Public Health, or a person from time to time nominated by him; and **an officer, who is a medical practitioner, of the Department of Public Health from time to time nominated by him; and**

(c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

New sec.
27A.

Investi-
gating
committee.

Medical Practitioners (Amendment).

5 (2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

10 For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

15 Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

20 If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

25 (3) The investigating committee—
(a) may dismiss any complaint or charge made to it;
30 (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or

(c)

Medical Practitioners (Amendment).

5 (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

(4) The proceedings of the investigating committee shall be held in camera.

10 **Every person, other than a member of the police force or a member of the Public Service, who makes a complaint or charge to the investigating committee alleging infamous conduct against any medical practitioner, shall deposit with the investigating committee the sum of five pounds (£5) at the**
15 **time of lodging his complaint or charge.**

20 **If after considering the complaint or charge the investigating committee is of the opinion that the complaint or charge is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited. In the absence of such declaration the sum so deposited shall be refunded to the complainant.**

25 (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph : — Sec. 28. (Disciplinary tribunal.)

The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.

30 (ii) by inserting next after subsection six of the same section the following new subsection : —

35 (6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.

If

Medical Practitioners (Amendment).

If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.

(iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".

(2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5. The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

(a) by inserting next after subsection one of section eighteen the following new subsection :—

Sec. 18.
(Application for registration.)

(1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.

(b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";

Sec. 24.
(Annual roll fee.)

(ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";

(iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;

(c)

Medical Practitioners (Amendment).

- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts"; Sec. 30. (Mental illness of registered person.)
- 5
- (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- 10
- (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- 15
- 20
- (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- 25
- (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- 30
- (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board"; (d)
- 35

Medical Practitioners (Amendment).

- (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";
- 5 (e) by omitting section thirty-two and by inserting in lieu thereof the following section :—
32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.
- 10
- 15
6. The Principal Act is further amended—
- (a) by inserting next after section thirty-nine the following new section :—
- 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- 20
- 25
- (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".
- 30

Sec. 31.
(Publica-
tion of
list of
registered
persons.)

Subst.
sec. 32.

Fees.

Further
amendment
of Act No.
37, 1938.

New sec.
39A.

Provisions
applicable
to
corporations.

Sec. 46.
(Publica-
tion of advertise-
ments con-
taining false
statements
concerning
medicines,
etc.)

Sec. 53.
(Regu-
lations.)

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
5		
10	University of Queensland .. Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Adelaide .. South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Melbourne .. Victoria ..	Bachelor of Medicine and Bachelor of Surgery.
15	University of Western Australia. Western Australia	Bachelor of Medicine and Bachelor of Surgery.
	College of Physicians and Surgeons, Manitoba. Manitoba ..	Doctor of Medicine.
20	University of Manitoba .. Manitoba ..	Doctor of Medicine and Master of Surgery.
	Ceylon Medical College .. Ceylon ..	Licentiate in Medicine and Surgery.
	University of Ceylon .. Ceylon ..	Bachelor of Medicine and Bachelor of Surgery.
25	University of Hong Kong .. Hong Kong ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bombay .. India ..	Bachelor of Medicine and Bachelor of Surgery.
30	Royal University of Malta .. Malta ..	Doctor of Medicine.
	University of New Zealand .. New Zealand ..	Bachelor of Medicine and Bachelor of Surgery.
	King Edward VII College of Medicine. Singapore ..	Licentiate in Medicine and Surgery.
35	University of Cape Town .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Natal .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Pretoria .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
40	University of Witwatersrand .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Stellenbosch .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
45	University of Birmingham .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bristol .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Cambridge .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
50	University of Durham .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Leeds ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Liverpool ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of London ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
15	University of Manchester ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Oxford ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
20	University of Sheffield ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Wales ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Aberdeen ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
25	University of Edinburgh ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Glasgow ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
30	University of St. Andrews ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Queen's University of Belfast	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of London.	United Kingdom.. Licentiate or Member.
35	Royal College of Surgeons of England.	United Kingdom.. Member.
	Society of Apothecaries of London.	United Kingdom.. Licentiate in Medicine and Surgery or Licentiate.
40	Royal College of Physicians of Edinburgh.	United Kingdom.. Licentiate.
	Royal College of Surgeons of Edinburgh.	United Kingdom.. Licentiate.
	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom.. Licentiate.
45	University of Dublin ..	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
50	National University of Ireland.	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of Ireland.	Republic of Ireland Licentiate.
55	Royal College of Surgeons in Ireland.	Republic of Ireland Licentiate.
	Apothecaries' Hall of Dublin	Republic of Ireland Licentiate.

SCHEDULE

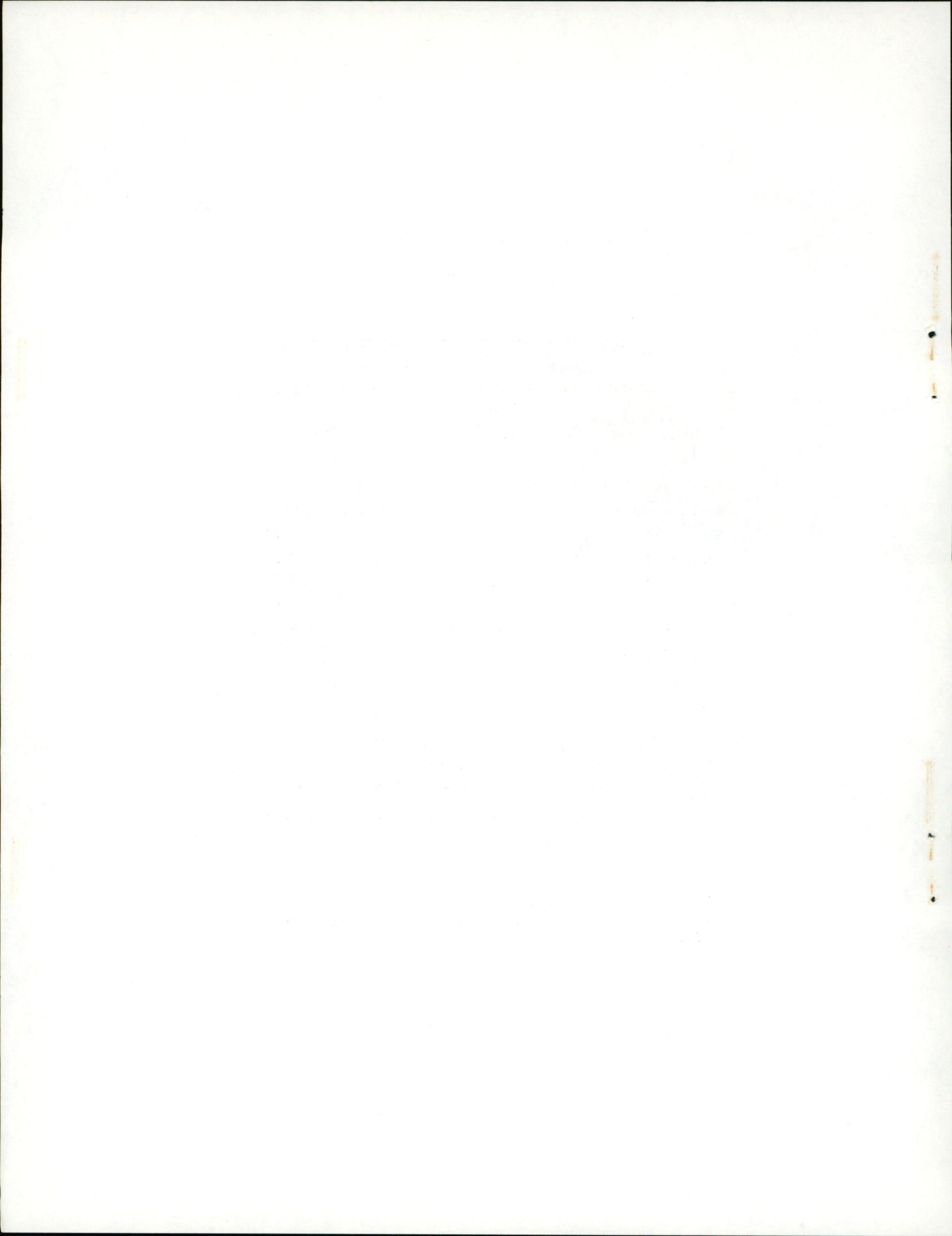
Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5	Place where university, college or other body is situated.	
	Name of university, college or other body.	
10	Royal Australasian College of Physicians.	New South Wales
	Royal Australasian College of Surgeons.	Victoria
15	University of Queensland ..	Queensland ..
	University of Adelaide ..	South Australia
	University of Melbourne ..	Victoria
20	University of New Zealand	New Zealand ..
	Royal College of Physicians of London.	United Kingdom
25	Royal College of Surgeons of England.	United Kingdom
	Royal College of Physicians of Edinburgh.	United Kingdom
	Royal College of Surgeons of Edinburgh.	United Kingdom
30	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom
	Royal College of Physicians of Ireland.	Republic of Ireland
35	Royal College of Surgeons in Ireland.	Republic of Ireland

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963
[2s. 4d.]



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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 April, 1963.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, April, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHIÆ II REGINÆ

Act No. , 1963.

An Act to amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith.

BE

13369 181—A

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows :—

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

Short title,
citation
and com-
mencement.

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

10 (3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

15 2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales
20 Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

Reconsti-
tution of
New South
Wales
Medical
Board.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board
25 before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application
30 day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

(3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

- 5 (b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

10 (4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection two of section five the words "not less than seven nor more than nine" and by inserting in lieu thereof the word ~~"eleven"~~ **"thirteen"**;

Sec. 5.
(Constitu-
tion of
board.)

15 (ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections:—

(3) The members of the board shall be—

20 (a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;

(b) a barrister or solicitor nominated by the Minister;

25 (c) a medical practitioner nominated by the Minister;

(d) ~~eight~~ **ten** other medical practitioners of whom ~~one~~ **three** shall be nominated by ~~each of the following~~ bodies:—

30 ~~(i)~~ The New South Wales Branch of the Australian Medical Association;

and one shall be nominated by each of the following bodies:—

35 (i) ~~(ii)~~ the Senate of the University of Sydney;

(ii) ~~(iii)~~ the Council of the University of New South Wales;

(iii) ~~(iv)~~

Medical Practitioners (Amendment).

- 5
- (iii) ~~(iv)~~ The Royal Australasian College of Physicians;
- (iv) ~~(v)~~ The Royal Australasian College of Physicians, New South Wales State Committee;
- (v) ~~(vi)~~ the Royal Australasian College of Surgeons;
- 10 (vi) ~~(vii)~~ the Royal Australasian College of Surgeons, New South Wales State Committee;
- (vii) ~~(viii)~~ The Australian College of General Practitioners, New South Wales Faculty.

15 (4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

20 (5) A person referred to in subparagraph (iii) ~~(iv)~~ or (v) ~~(vi)~~ of paragraph (d) of subsection three of this section—

- 25 (a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and
- (b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

30 (6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for

35 re-appointment.

(iii)

Medical Practitioners (Amendment).

(iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection :—

5 (8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.

(b) by omitting subsection four of section six ; Sec. 6.
(The president.)

(c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph :— Sec. 7.
(Vacation of office.)

10 (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts ; or

(d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection :— Sec. 9.
(Casual vacancies.)

15 (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.

(e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Quorum, etc.)

25 (1) At any meeting of the board, six members shall constitute a quorum.

(f) by inserting at the end of section thirteen the following new subsection :— Sec. 13.
(Secretary.)

30 (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.

35 Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

3. (1) The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire";
(ii) by omitting subsection three of the same section;

Sec. 3.
(Defini-
tions.)

- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—

Sec. 15.
(Register
of Medical
Practi-
tioners.)

Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.

- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—

Sec. 17.
(Qualifica-
tions for
future
registration.)

(a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

(b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite those qualifications in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications); and

(i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column

Two

Medical Practitioners (Amendment).

5 Two of the said Schedule
One, in the country in
which his qualification was
or qualifications were granted
or, where his qualification is
or qualifications are specified
10 in Column Two of the said
Schedule Two, in the country
in which he was granted the
qualification or qualifications
by virtue of which he was
admitted to the course for the
qualification or qualifications
15 held by him and specified in
Column Two of the said
Schedule Two; and

(ii) has a knowledge of the English
language adequate for the con-
duct of a medical practice in
20 the State of New South Wales,
but where a person is not entitled to be
registered or to practise as a medical
practitioner as is mentioned in sub-
paragraph (i) of this paragraph but
25 would be entitled to be so registered
or so to practise had he served as a
medical officer in one or more hos-
pitals or other institutions for some
specified period or periods, he shall for
30 the purposes of the said subparagraph
(i) be deemed to be entitled to be so
registered or so to practise if he has
served, for a period of twelve months
or more or for periods amounting in
35 the aggregate to twelve months or
more, as a medical officer in one or
more public hospitals or separate
institutions, within the meaning of the
Public Hospitals Act, 1929, as
40 amended by subsequent Acts, in New
South

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

5 (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";

10 (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph :—

and

15 (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;

20 (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";

25 (v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

5 (f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any
10 such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

15 (i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

20 (ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer.”;

30 (viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

35 In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C of

Medical Practitioners (Amendment).

of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

(ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

(x) by inserting next after the same subsection the following new subsection:—

(1A) (a) The Governor may by proclamation published in the Gazette amend—

(i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or

(ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

Medical Practitioners (Amendment).

5 qualification that is granted by such
university, college or other body only
to a person who was admitted to the
course on the completion of which that
10 qualification is granted, by virtue of
his having obtained another qualifica-
tion certifying to his ability to practise
medicine or surgery, or by omit-
ting from that Schedule any such
particulars.

(b) The Schedules as so amended
shall be the Schedules to this Act.

15 (c) A recommendation to the
Governor for any amendment of Schedule One
or Schedule Two to this Act shall not be made
by the Minister except after consultation with
or on the recommendation of the board.

20 (xi) by omitting from paragraph (a) of subsection
two of the same section the words "part of the
British Empire or in some other country" and
by inserting in lieu thereof the words "country
outside the State of New South Wales";

(xii) by omitting from the same paragraph the words
"part or";

25 (xiii) by omitting from paragraph (a) of subsection
(2A) of the same section the words "part of
the British Empire or in some other country"
and by inserting in lieu thereof the words
30 "country outside the State of New South
Wales";

(xiv) by omitting from the same paragraph the words
"part or";

(xv) by omitting from paragraph (b) of the same
subsection the words "part or";

35 (xvi) by omitting from paragraph (b) of subsection
six of the same section the words "other part
of the British Empire or in any foreign";

(xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- 5
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- 10
- Sec. 20.
(Certificate of provisional registration may be granted.)
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- 15
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- 20
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- (f) by omitting section 21B;
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- (g) (i) by omitting subsection one of section 21c and by inserting in lieu thereof the following subsection:—
- 25
- Sec. 21c.
(Licenses to practise medicine or surgery in limited circumstances.)
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- 30
- 35
- (b)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

- 5 (i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and
- 10 (ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

15 Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

20

25

- (ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;
- 30 (iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963,”;
- 35

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

5 (4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, 10 public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, 15 issue to such holder a license—

(a) to practise in all branches of medicine and surgery ; or

20 (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

25 but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as the Minister may direct.

30 The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

35 (vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

5 (viii) by inserting next after the same subsection the following new subsections : —

10 (5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

25 (5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

(a) accept an appointment as an honorary medical officer in any hospital or other institution;

30 (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or

(c) act as a locum tenens to any registered person.

35

(h)

Medical Practitioners (Amendment).

5 (h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".

Sec. 26.
(Removal from New South Wales register after removal from British or other register.)

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

4. (1) The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

15 (a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

Sec. 27.
(Disciplinary provisions.)

(1) A complaint or charge that any registered person—

20 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence; or

cf. 4 and 5 Eliz. 2, c. 76, s. 33 (1) (a).

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or

25 (c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

30 Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

- (ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

(c) refuses or fails, without reasonable cause ~~(proof whereof shall lie upon the registered person)~~ to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

- (b) by inserting next after section twenty-seven the following new section :—

27A. (1) There shall be an investigating committee which shall consist of the following persons—

(a) a stipendiary magistrate, who shall be chairman;

(b) the Director-General of Public Health, or a person from time to time nominated by him; and **an officer, who is a medical practitioner, of the Department of Public Health from time to time nominated by him; and**

(c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

Medical Practitioners (Amendment).

5 (2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

10 For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

15 Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

20 If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

25 (3) The investigating committee—
(a) may dismiss any complaint or charge made to it;
(b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or

(c)

Medical Practitioners (Amendment).

5 (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

(4) The proceedings of the investigating committee shall be held in camera.

10 **Every person, other than a member of the police force or a member of the Public Service, who makes a complaint or charge to the investigating committee alleging infamous conduct against any**
15 **medical practitioner, shall deposit with the investigating committee the sum of five pounds (£5) at the time of lodging his complaint or charge.**

20 **If after considering the complaint or charge the investigating committee is of the opinion that the complaint or charge is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited. In the absence of such declaration the sum so deposited shall be refunded to the complainant.**

25 (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :— Sec. 28. (Disciplinary tribunal.)

The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.

30 (ii) by inserting next after subsection six of the same section the following new subsection :—

35 (6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.

If

Medical Practitioners (Amendment).

If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.

5

- (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".

10

(2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5. The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

- (a) by inserting next after subsection one of section eighteen the following new subsection :—
- (1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.
- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";
- (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";
- (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;
- (c)

20

Sec. 18.
(Application for registration.)

25

Sec. 24.
(Annual roll fee.)

30

35

Medical Practitioners (Amendment).

- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts"; Sec. 30. (Mental illness of registered person.)
- 5
- (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- 10
- (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- 15
- 20
- (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- 25
- (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- 30
- (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board"; (d)
- 35

Medical Practitioners (Amendment).

- (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";
- 5 (e) by omitting section thirty-two and by inserting in lieu thereof the following section :—
32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.
- 10
- 15
6. The Principal Act is further amended—
- (a) by inserting next after section thirty-nine the following new section :—
- 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- 20
- 25
- (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".
- 30

Sec. 31.
(Publication of list of registered persons.)

Subst. sec. 32.

Fees.

Further amendment of Act No. 37, 1938.

New sec. 39A.

Provisions applicable to corporations.

Sec. 46.
(Publication of advertisements containing false statements concerning medicines, etc.)

Sec. 53.
(Regulations.)

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.	
University, college or other body granting qualifications.			
5		Qualifications.	
	Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Queensland ..	Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Adelaide ..	South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Melbourne ..	Victoria ..	Bachelor of Medicine and Bachelor of Surgery.
15	University of Western Australia.	Western Australia	Bachelor of Medicine and Bachelor of Surgery.
	College of Physicians and Surgeons, Manitoba.	Manitoba ..	Doctor of Medicine.
20	University of Manitoba ..	Manitoba ..	Doctor of Medicine and Master of Surgery.
	Ceylon Medical College ..	Ceylon ..	Licentiate in Medicine and Surgery.
	University of Ceylon ..	Ceylon ..	Bachelor of Medicine and Bachelor of Surgery.
25	University of Hong Kong ..	Hong Kong ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bombay ..	India ..	Bachelor of Medicine and Bachelor of Surgery.
30	Royal University of Malta ..	Malta ..	Doctor of Medicine.
	University of New Zealand	New Zealand ..	Bachelor of Medicine and Bachelor of Surgery.
	King Edward VII College of Medicine.	Singapore ..	Licentiate in Medicine and Surgery.
35	University of Cape Town ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Natal ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Pretoria ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
40	University of Witwatersrand	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Stellenbosch ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
45	University of Birmingham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bristol ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Cambridge ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
50	University of Durham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Leeds ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Liverpool ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of London ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
15	University of Manchester ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Oxford ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
20	University of Sheffield ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Wales ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Aberdeen ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
25	University of Edinburgh ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Glasgow ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
30	University of St. Andrews..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Queen's University of Belfast	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of London.	United Kingdom.. Licentiate or Member.
35	Royal College of Surgeons of England.	United Kingdom.. Member.
	Society of Apothecaries of London.	United Kingdom.. Licentiate in Medicine and Surgery or Licentiate.
40	Royal College of Physicians of Edinburgh.	United Kingdom.. Licentiate.
	Royal College of Surgeons of Edinburgh.	United Kingdom.. Licentiate.
	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom.. Licentiate.
45	University of Dublin ..	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
50	National University of Ireland.	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of Ireland.	Republic of Ireland Licentiate.
55	Royal College of Surgeons in Ireland.	Republic of Ireland Licentiate.
	Apothecaries' Hall of Dublin	Republic of Ireland Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5		
	Name of university, college or other body.	Place where university, college or other body is situated.
10	Royal Australasian College of Physicians.	New South Wales
	Royal Australasian College of Surgeons.	Victoria
15	University of Queensland ..	Queensland ..
	University of Adelaide ..	South Australia
	University of Melbourne ..	Victoria
20	University of New Zealand	New Zealand ..
	Royal College of Physicians of London.	United Kingdom
25	Royal College of Surgeons of England.	United Kingdom
	Royal College of Physicians of Edinburgh.	United Kingdom
	Royal College of Surgeons of Edinburgh.	United Kingdom
30	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom
	Royal College of Physicians of Ireland.	Republic of Ireland
35	Royal College of Surgeons in Ireland.	Republic of Ireland

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, = 3 APR 1963*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1963.

An Act to amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith.

BE

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

Short title, citation and commencement.

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

10 (3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

15 2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales
20 Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

Reconstitution of New South Wales Medical Board.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board
25 before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed
30 day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

(3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

- 5 (b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

- 10 (4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection two of section five the words "not less than seven nor more than nine" and by inserting in lieu thereof the word "eleven"; *13*

Sec. 5.
(Constitu-
tion of
board.)

- 15 (ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections:—

(3) The members of the board shall be—

- 20 (a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;

(b) a barrister or solicitor nominated by the Minister;

- 25 (c) a medical practitioner nominated by the Minister;

10 (d) ~~eight~~ other medical practitioners of whom ~~one~~ shall be nominated by each of the following bodies:—

- 30 (i) The New South Wales Branch of the Australian Medical Association; *as follows*

(ii) the Senate of the University of Sydney;

- 35 (iii) the Council of the University of New South Wales;

(iv)

Medical Practitioners (Amendment).

- 5
- (iv) The Royal Australasian College of Physicians;
- (v) The Royal Australasian College of Physicians, New South Wales State Committee;
- (vi) the Royal Australasian College of Surgeons;
- 10 (vii) the Royal Australasian College of Surgeons, New South Wales State Committee;
- (viii) The Australian College of General Practitioners, New South Wales Faculty.

15 (4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

20 (5) A person referred to in subparagraph (iv) or (vi) of paragraph (d) of subsection three of this section—

(a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and

25

(b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

30 (6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for

35 re-appointment.

(iii)

Medical Practitioners (Amendment).

(iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection :—

5 (8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.

(b) by omitting subsection four of section six; Sec. 6.
(The president.)

(c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph :— Sec. 7.
(Vacation of office.)

10 (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or

15 (d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection :— Sec. 9.
(Casual vacancies.)

20 (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.

(e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Quorum, etc.)

25 (1) At any meeting of the board, six members shall constitute a quorum.

(f) by inserting at the end of section thirteen the following new subsection :— Sec. 13.
(Secretary.)

30 (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.

35 Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

3. (1) The Principal Act is further amended—
- Further amendment of Act No. 37, 1938.
- (a) (i) by omitting from subsection one of section three the definition of "The British Empire";
- Sec. 3. (Definitions.)
- (ii) by omitting subsection three of the same section;
- 5
- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—
- Sec. 15. (Register of Medical Practitioners.)
- Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.
- 10
- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—
- Sec. 17. (Qualifications for future registration.)
- (a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales; or
- 15
- (b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite those qualifications in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications); and
- 20
- 25
- 30
- (i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column
- 35
- Two

Medical Practitioners (Amendment).

5 Two of the said Schedule
One, in the country in
which his qualification was
or qualifications were granted
or, where his qualification is
or qualifications are specified
10 in Column Two of the said
Schedule Two, in the country
in which he was granted the
qualification or qualifications
by virtue of which he was
admitted to the course for the
qualification or qualifications
15 held by him and specified in
Column Two of the said
Schedule Two; and
(ii) has a knowledge of the English
language adequate for the con-
duct of a medical practice in
20 the State of New South Wales,
but where a person is not entitled to be
registered or to practise as a medical
practitioner as is mentioned in sub-
paragraph (i) of this paragraph but
25 would be entitled to be so registered
or so to practise had he served as a
medical officer in one or more hos-
pitals or other institutions for some
specified period or periods, he shall for
30 the purposes of the said subparagraph
(i) be deemed to be entitled to be so
registered or so to practise if he has
served, for a period of twelve months
or more or for periods amounting in
35 the aggregate to twelve months or
more, as a medical officer in one or
more public hospitals or separate
institutions, within the meaning of the
Public Hospitals Act, 1929, as
40 amended by subsequent Acts, in New
South

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

5 (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";

10 (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph :—

and

15 (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;

20 (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";

25 (v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

5

10

15

20

25

30

35

(f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

(i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

(ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer,”;

(viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C
of

Medical Practitioners (Amendment).

5 of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

10 (ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

15 (x) by inserting next after the same subsection the following new subsection :—

20 (1A) (a) The Governor may by proclamation published in the Gazette amend—

25 (i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or

30 (ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

35

Medical Practitioners (Amendment).

5 qualification that is granted by such
university, college or other body only
to a person who was admitted to the
course on the completion of which that
qualification is granted, by virtue of
his having obtained another qualifica-
tion certifying to his ability to practise
medicine or surgery, or by omit-
ting from that Schedule any such
10 particulars.

(b) The Schedules as so amended
shall be the Schedules to this Act.

15 (c) A recommendation to the
Governor for any amendment of Schedule One
or Schedule Two to this Act shall not be made
by the Minister except after consultation with
or on the recommendation of the board.

20 (xi) by omitting from paragraph (a) of subsection
two of the same section the words "part of the
British Empire or in some other country" and
by inserting in lieu thereof the words "country
outside the State of New South Wales";

(xii) by omitting from the same paragraph the words
"part or";

25 (xiii) by omitting from paragraph (a) of subsection
(2A) of the same section the words "part of
the British Empire or in some other country"
and by inserting in lieu thereof the words
"country outside the State of New South
30 Wales";

(xiv) by omitting from the same paragraph the words
"part or";

(xv) by omitting from paragraph (b) of the same
subsection the words "part or";

35 (xvi) by omitting from paragraph (b) of subsection
six of the same section the words "other part
of the British Empire or in any foreign";

(xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- 5
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- 10
- Sec. 20.
(Certificate of provisional registration may be granted.)
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- 15
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- 20
- (f) by omitting section 21B;
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- (g) (i) by omitting subsection one of section 21c and by inserting in lieu thereof the following subsection:—
- 25
- Sec. 21c.
(Licenses to practise medicine or surgery in limited circumstances.)
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- 30
- 35
- (b)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

5 (i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and

10 (ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

15 Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales
20 before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply
25 accordingly.

(ii) by omitting from subsection four of the same section the words "a fee of three pounds three shillings" and by inserting in lieu thereof the words "the prescribed fee";

30 (iii) by inserting in the same subsection after the words "institution or" the words ", where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners
35 (Amendment) Act, 1963,";

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

5 (4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical
10 officer in such State hospital, mental hospital, public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee,
15 issue to such holder a license—

(a) to practise in all branches of medicine and surgery; or

20 (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

25 but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as the Minister may direct.

30 The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

35 (vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

- (vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";
- 5 (viii) by inserting next after the same subsection the following new subsections :—
- (5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be
10 amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name
15 of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.
- (5B) The holder of a license issued under
25 subsection four or (4A) of this section to practise as an assistant to a registered person shall not—
- (a) accept an appointment as an honorary medical officer in any hospital or other institution;
- 30 (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or
- (c) act as a locum tenens to any registered
35 person.
- (h)

Medical Practitioners (Amendment).

5 (h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".

Sec. 26.
(Removal from New South Wales register after removal from British or other register.)

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

4. (1) The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

15 (a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

Sec. 27.
(Disciplinary provisions.)

(1) A complaint or charge that any registered person—

20 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence; or

cf. 4 and 5 Eliz. 2, c. 76, s. 33 (1) (a).

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or

25 (c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

30 Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

5

(ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph : —

; or

10

(c) refuses or fails, without reasonable cause (proof whereof shall lie upon the registered person) to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

15

20

25

(b) by inserting next after section twenty-seven the following new section : — New sec. 27A.

27A. (1) There shall be an investigating committee which shall consist of the following persons— Investigating committee.

(a) a stipendiary magistrate, who shall be chairman;

30

(b) the Director-General of Public Health, or a person from time to time nominated by him; and

35

(c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

Medical Practitioners (Amendment).

5 (2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

10 For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

15 Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

20 If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

25 (3) The investigating committee—
(a) may dismiss any complaint or charge made to it;
30 (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or
35

(c)

Medical Practitioners (Amendment).

- (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.
- (4) The proceedings of the investigating committee shall be held in camera.
- 10 (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :— Sec. 28. (Disciplinary tribunal.)
- The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.
- 15 (ii) by inserting next after subsection six of the same section the following new subsection :—
- (6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.
- 20 If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.
- 25 (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".
- 30 (2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted
- 35

Medical Practitioners (Amendment).

constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5 **5.** The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) by inserting next after subsection one of section eighteen the following new subsection :—
- (1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.
- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";
- (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";
- (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;
- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- (iii)

Sec. 18.
(Applica-
tion for
registra-
tion.)

Sec. 24.
(Annual
roll fee.)

Sec. 30.
(Mental
illness of
registered
person.)

Medical Practitioners (Amendment).

- 5 (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- 10 (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- 15 (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- 20 (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board";
- 25 (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";
- 30 (e) by omitting section thirty-two and by inserting in lieu thereof the following section :—
- 35 32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner

Sec. 31.
(Publica-
tion of
list of
registered
persons.)

Subst.
sec. 32.

Fees.

Medical Practitioners (Amendment).

practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.

- 5 6. The Principal Act is further amended—
- Further amendment of Act No. 37, 1938.
- (a) by inserting next after section thirty-nine the following new section :—
- New sec. 39A.
- 10 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- Provisions applicable to corporations.
- 15 (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- Sec. 46.
(Publication of advertisements containing false statements concerning medicines, etc.)
- 20 (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".
- Sec. 53.
(Regulations.)
-

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		
5	Place where university, college or other body is situated.	Qualifications.
	Name of university, college or other body.	
10	University of Queensland .. Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Adelaide .. South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Melbourne .. Victoria ..	Bachelor of Medicine and Bachelor of Surgery.
15	University of Western Australia. Western Australia	Bachelor of Medicine and Bachelor of Surgery.
	College of Physicians and Surgeons, Manitoba. Manitoba ..	Doctor of Medicine.
20	University of Manitoba .. Manitoba ..	Doctor of Medicine and Master of Surgery.
	Ceylon Medical College .. Ceylon ..	Licentiate in Medicine and Surgery.
	University of Ceylon .. Ceylon ..	Bachelor of Medicine and Bachelor of Surgery.
25	University of Hong Kong .. Hong Kong ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bombay .. India ..	Bachelor of Medicine and Bachelor of Surgery.
30	Royal University of Malta .. Malta ..	Doctor of Medicine.
	University of New Zealand New Zealand ..	Bachelor of Medicine and Bachelor of Surgery.
	King Edward VII College of Medicine. Singapore ..	Licentiate in Medicine and Surgery.
35	University of Cape Town .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Natal .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Pretoria .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
40	University of Witwatersrand South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Stellenbosch .. South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
45	University of Birmingham .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Bristol .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Cambridge .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
50	University of Durham .. United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Leeds ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Liverpool ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of London ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
15	University of Manchester ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Oxford ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
20	University of Sheffield ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Wales ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Aberdeen ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
25	University of Edinburgh ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Glasgow ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
30	University of St. Andrews..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Queen's University of Belfast	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of London.	United Kingdom.. Licentiate or Member.
35	Royal College of Surgeons of England.	United Kingdom.. Member.
	Society of Apothecaries of London.	United Kingdom.. Licentiate in Medicine and Surgery or Licentiate.
40	Royal College of Physicians of Edinburgh.	United Kingdom.. Licentiate.
	Royal College of Surgeons of Edinburgh.	United Kingdom.. Licentiate.
	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom.. Licentiate.
45	University of Dublin ..	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
50	National University of Ireland.	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of Ireland.	Republic of Ireland Licentiate.
55	Royal College of Surgeons in Ireland.	Republic of Ireland Licentiate.
	Apothecaries' Hall of Dublin	Republic of Ireland Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
5		
10	Royal Australasian College of Physicians.	New South Wales
	Royal Australasian College of Surgeons.	Victoria
15	University of Queensland ..	Queensland ..
	University of Adelaide ..	South Australia
	University of Melbourne ..	Victoria
20	University of New Zealand	New Zealand ..
	Royal College of Physicians of London.	United Kingdom
25	Royal College of Surgeons of England.	United Kingdom
	Royal College of Physicians of Edinburgh.	United Kingdom
	Royal College of Surgeons of Edinburgh.	United Kingdom
30	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom
	Royal College of Physicians of Ireland.	Republic of Ireland
35	Royal College of Surgeons in Ireland.	Republic of Ireland

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[2s. 4d.]

SCHEDULE TWO

Item	Description	Quantity	Unit Price	Total
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

No. , 1963.

A BILL

To amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith.

[MR. SHEAHAN;—26 March, 1963.]

BE

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

- 5
1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".
- (2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.
- 10 (3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.
- (4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- 15 2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales
- 20 Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.
- (2) An application for registration as a medical practitioner made to the New South Wales Medical Board
- 25 before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed
- 30 day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.
- (3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Short title, citation and commencement.

Reconstitution of New South Wales Medical Board.

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

- 5 (b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

10 (4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection two of section five the words "not less than seven nor more than nine" and by inserting in lieu thereof the word "eleven";

Sec. 5.
(Constitu-
tion of
board.)

15 (ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections :—

(3) The members of the board shall be—

- 20 (a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;
- (b) a barrister or solicitor nominated by the Minister;
- 25 (c) a medical practitioner nominated by the Minister;
- (d) eight other medical practitioners of whom one shall be nominated by each of the following bodies :—

30 (i) The New South Wales Branch of the Australian Medical Association;

(ii) the Senate of the University of Sydney;

(iii) the Council of the University of New South Wales;

35

(iv)

Medical Practitioners (Amendment).

- 5
- (iv) The Royal Australasian College of Physicians;
- (v) The Royal Australasian College of Physicians, New South Wales State Committee;
- (vi) the Royal Australasian College of Surgeons;
- 10 (vii) the Royal Australasian College of Surgeons, New South Wales State Committee;
- (viii) The Australian College of General Practitioners, New South Wales Faculty.

15 (4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

20 (5) A person referred to in subparagraph (iv) or (vi) of paragraph (d) of subsection three of this section—

(a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and

25

(b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

30 (6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for

35 re-appointment.

(iii)

Medical Practitioners (Amendment).

- (iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection : —
- 5 (8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.
- (b) by omitting subsection four of section six; Sec. 6.
(The president.)
- (c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph : — Sec. 7.
(Vacation of office.)
- 10 (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or
- (d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection : — Sec. 9.
(Casual vacancies.)
- 15 (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.
- 20 (e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection : — Sec. 10.
(Quorum, etc.)
- 25 (1) At any meeting of the board, six members shall constitute a quorum.
- (f) by inserting at the end of section thirteen the following new subsection : — Sec. 13.
(Secretary.)
- 30 (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.
- 35 Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

3. (1) The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire"; (Definitions.)
- (ii) by omitting subsection three of the same section;
- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—
 Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.
- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—
 - (a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales ; or
 - (b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite that qualification in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications) ; and
 - (i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column Two

Medical Practitioners (Amendment).

5 Two of the said Schedule
One, in the country in
which his qualification was
or qualifications are granted
or, where his qualification is
or qualifications were specified
10 in Column Two of the said
Schedule Two, in the country
in which he was granted the
qualification or qualifications
by virtue of which he was
admitted to the course for the
qualification or qualifications
15 held by him and specified in
Column Two of the said
Schedule Two; and
(ii) has a knowledge of the English
language adequate for the con-
20 duct of a medical practice in
the State of New South Wales,
but where a person is not entitled to be
registered or to practise as a medical
practitioner as is mentioned in sub-
25 paragraph (i) of this paragraph but
would be entitled to be so registered
or so to practise had he served as a
medical officer in one or more hos-
pitals or other institutions for some
30 specified period or periods, he shall for
the purposes of the said subparagraph
(i) be deemed to be entitled to be so
registered or so to practise if he has
served, for a period of twelve months
35 or more or for periods amounting in
the aggregate to twelve months or
more, as a medical officer in one or
more public hospitals or separate
institutions, within the meaning of the
Public Hospitals Act, 1929, as
40 amended by subsequent Acts, in New
South

2
01
21
02
03
00

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

5 (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the 10 universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";

15 (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph : —

and

20 (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;

25 (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this 30 Act,";

(v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

5

(f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

10

15

(i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

20

(ii) on a full time basis as an assistant to a registered person or persons; or

25

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer,”;

30

(viii) by inserting in the same paragraph after the words “he has held” the word “any”;

35

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C of

Medical Practitioners (Amendment).

5 of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

10 (ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of
15 the Medical Practitioners (Amendment) Act, 1963, a period of three years.

(x) by inserting next after the same subsection the following new subsection :—

20 (1A) (a) The Governor may by proclamation published in the Gazette amend—

(i) Schedule One to this Act by inserting
25 in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other
30 body, or by omitting from that Schedule any such particulars; or

(ii) Schedule Two to this Act by inserting
35 in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

Medical Practitioners (Amendment).

5 qualification that is granted by such
university, college or other body only
to a person who was admitted to the
course on the completion of which that
qualification is granted, by virtue of
his having obtained another qualifica-
tion certifying to his ability to practise
medicine or surgery, or by omit-
ting from that Schedule any such
10 particulars.

(b) The Schedules as so amended
shall be the Schedules to this Act.

(c) A recommendation to the
15 Governor for any amendment of Schedule One
or Schedule Two to this Act shall not be made
by the Minister except after consultation with
or on the recommendation of the board.

(xi) by omitting from paragraph (a) of subsection
20 two of the same section the words "part of the
British Empire or in some other country" and
by inserting in lieu thereof the words "country
outside the State of New South Wales";

(xii) by omitting from the same paragraph the words
"part or";

25 (xiii) by omitting from paragraph (a) of subsection
(2A) of the same section the words "part of
the British Empire or in some other country"
and by inserting in lieu thereof the words
"country outside the State of New South
30 Wales";

(xiv) by omitting from the same paragraph the words
"part or";

(xv) by omitting from paragraph (b) of the same
subsection the words "part or";

35 (xvi) by omitting from paragraph (b) of subsection
six of the same section the words "other part
of the British Empire or in any foreign";

(xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- 5
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- 10
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- 15
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- 20
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- (f) by omitting section 21B;
- (g) (i) by omitting subsection one of section 21C and by inserting in lieu thereof the following subsection:—
- 25
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- 30
- 35
- (b)

Sec. 20.
(Certificate of provisional registration may be granted.)

Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)

Sec. 21B.
(Licenses to practise medicine or surgery.)

Sec. 21C.
(Licenses to practise medicine or surgery in limited circumstances.)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

5

(i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and

10

(ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

15

Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

20

25

(ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;

30

(iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963,”;

35

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

5 (4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, 10 public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, issue to such holder a license—

15 (a) to practise in all branches of medicine and surgery; or

20 (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as 25 the Minister may direct.

The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed. 30

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

35 (vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

5 (viii) by inserting next after the same subsection the following new subsections :—

10 (5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

25 (5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

- (a) accept an appointment as an honorary medical officer in any hospital or other institution;
- 30 (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or
- (c) act as a locum tenens to any registered person.

35

(h)

Medical Practitioners (Amendment).

- 5 (h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".
- Sec. 26.
(Removal from New South Wales register after removal from British or other register.)

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

10

4. (1) The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

- 15 (a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—
- Sec. 27.
(Disciplinary provisions.)

(1) A complaint or charge that any registered person—

- 20 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence; or
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
- 25 (c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

30 Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

Medical Practitioners (Amendment).

5 committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

(ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

10 (c) refuses or fails, without reasonable cause (proof whereof shall lie upon the registered person) to attend, within a reasonable time after being requested to do so, upon a person for the purpose
15 of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical
20 practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

25 (b) by inserting next after section twenty-seven the following new section :— New sec. 27A.

27A. (1) There shall be an investigating committee which shall consist of the following persons— Investigating committee.

- (a) a stipendiary magistrate, who shall be chairman;
- 30 (b) the Director-General of Public Health, or a person from time to time nominated by him; and
- (c) a medical practitioner nominated by
35 The New South Wales Branch of the Australian Medical Association.

Medical Practitioners (Amendment).

5 (2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

10 For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

15 Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

20 If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

(3) The investigating committee—

25 (a) may dismiss any complaint or charge made to it;

30 (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or

(c)

Medical Practitioners (Amendment).

5 (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

(4) The proceedings of the investigating committee shall be held in camera.

10 (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :— Sec. 28. (Disciplinary tribunal.)

The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.

15 (ii) by inserting next after subsection six of the same section the following new subsection :—

20 (6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.

25 If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.

30 (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".

35 (2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted

Medical Practitioners (Amendment).

constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5 5. The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) by inserting next after subsection one of section eighteen the following new subsection : —

Sec. 18.
(Applica-
tion for
registra-
tion.)

10 (1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.

- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";

Sec. 24.
(Annual
roll fee.)

15 (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";

20 (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;

- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";

Sec. 30.
(Mental
illness of
registered
person.)

25 (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";

(iii)

Medical Practitioners (Amendment).

- 5 (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- 10 (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- 15 (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- 20 (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board";
- 25
- 30 (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible"; Sec. 31. (Publication of list of registered persons.)
- (e) by omitting section thirty-two and by inserting in lieu thereof the following section :— Subst. sec. 32.
- 35 32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner Fees.

Medical Practitioners (Amendment).

practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.

- 5 6. The Principal Act is further amended—
- Further amendment of Act No. 37, 1938.
- (a) by inserting next after section thirty-nine the following new section :—
- New sec. 39A.
- 10 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- Provisions applicable to corporations.
- 15 (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- Sec. 46. (Publication of advertisements containing false statements concerning medicines, etc.)
- 20 (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".
- Sec. 53. (Regulations.)

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Queensland .. Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Adelaide .. South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
	University of Melbourne .. Victoria	Bachelor of Medicine and Bachelor of Surgery.
15	University of Western Australia. Western Australia	Bachelor of Medicine and Bachelor of Surgery.
	College of Physicians and Surgeons, Manitoba. Manitoba ..	Doctor of Medicine.
20	University of Manitoba .. Manitoba	Doctor of Medicine and Master of Surgery.
	Ceylon Medical College .. Ceylon	Licentiate in Medicine and Surgery.
	University of Ceylon .. Ceylon	Bachelor of Medicine and Bachelor of Surgery.
25	University of Hong Kong .. Hong Kong	Bachelor of Medicine and Bachelor of Surgery.
	University of Bombay .. India	Bachelor of Medicine and Bachelor of Surgery.
30	Royal University of Malta .. Malta	Doctor of Medicine.
	University of New Zealand .. New Zealand	Bachelor of Medicine and Bachelor of Surgery.
	King Edward VII College of Medicine. Singapore ..	Licentiate in Medicine and Surgery.
35	University of Cape Town .. South Africa	Bachelor of Medicine and Bachelor of Surgery.
	University of Natal .. South Africa	Bachelor of Medicine and Bachelor of Surgery.
	University of Pretoria .. South Africa	Bachelor of Medicine and Bachelor of Surgery.
40	University of Witwatersrand .. South Africa	Bachelor of Medicine and Bachelor of Surgery.
	University of Stellenbosch .. South Africa	Bachelor of Medicine and Bachelor of Surgery.
45	University of Birmingham .. United Kingdom	Bachelor of Medicine and Bachelor of Surgery.
	University of Bristol .. United Kingdom	Bachelor of Medicine and Bachelor of Surgery.
	University of Cambridge .. United Kingdom	Bachelor of Medicine and Bachelor of Surgery.
50	University of Durham .. United Kingdom	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Leeds ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Liverpool ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of London ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
15	University of Manchester ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Oxford ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
20	University of Sheffield ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Wales ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Aberdeen ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
25	University of Edinburgh ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Glasgow ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
30	University of St. Andrews..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Queen's University of Belfast	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of London.	United Kingdom.. Licentiate or Member.
35	Royal College of Surgeons of England.	United Kingdom.. Member.
	Society of Apothecaries of London.	United Kingdom.. Licentiate in Medicine and Surgery or Licentiate.
40	Royal College of Physicians of Edinburgh.	United Kingdom.. Licentiate.
	Royal College of Surgeons of Edinburgh.	United Kingdom.. Licentiate.
	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom.. Licentiate.
45	University of Dublin ..	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
50	National University of Ireland.	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of Ireland.	Republic of Ireland Licentiate.
55	Royal College of Surgeons in Ireland.	Republic of Ireland Licentiate.
	Apothecaries' Hall of Dublin	Republic of Ireland Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5	Place where university, college or other body is situated.	
	Name of university, college or other body.	
10	Royal Australasian College of Physicians.	New South Wales
	Royal Australasian College of Surgeons.	Victoria
15	University of Queensland ..	Queensland ..
	University of Adelaide ..	South Australia
	University of Melbourne ..	Victoria
20	University of New Zealand	New Zealand ..
	Royal College of Physicians of London.	United Kingdom
25	Royal College of Surgeons of England.	United Kingdom
	Royal College of Physicians of Edinburgh.	United Kingdom
	Royal College of Surgeons of Edinburgh.	United Kingdom
30	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom
	Royal College of Physicians of Ireland.	Republic of Ireland
35	Royal College of Surgeons in Ireland.	Republic of Ireland

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[2s. 4d.]

MEMORANDUM FOR THE RECORD

SUBJECT: [Illegible]

Reference is made to [Illegible]

[Illegible]

2

[Illegible]

10

[Illegible]

11

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

114-101

MEDICAL PRACTITIONERS (AMENDMENT) BILL, 1963.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase to eleven the number of members constituting the New South Wales Medical Board;
- (b) to vary the requirements relating to qualifications for registration as a medical practitioner with respect to persons who have obtained qualifications in countries outside New South Wales;
- (c) to require persons seeking registration as medical practitioners by virtue of a foreign qualification to have an adequate knowledge of the English language;
- (d) to reduce to three years the period for which a certificate of regional registration under section 21A, or a license to practise under section 21C (4), of the Medical Practitioners Act, 1938, as amended by subsequent Acts, must be held before the holder is entitled to registration as a medical practitioner;
- (e) to extend the provisions of section 21C of the Act so that persons domiciled in any State of Australia on 31st December, 1962, or such later date as may be prescribed, may obtain a license to practise under supervision under subsection three of that section;
- (f) to restrict the issue of licenses to practise without supervision under section 21C of the Act so that a licensee is unable to obtain a license to practise as an assistant to a medical practitioner until he has practised as a medical officer without supervision in a hospital or other institution for a period of one year, in addition to the period of one year during which he practised under supervision;
- (g) to prohibit a licensee under section 21C of the Act from accepting any appointment as a medical officer in any hospital or other institution, entering into partnership with a medical practitioner or acting as a locum tenens to a medical practitioner;
- (h) to require all complaints or charges of misconduct that may lead to the deregistration of a medical practitioner to be considered in the first place by an investigating committee comprising a stipendiary magistrate, the Director-General of Public Health or his nominee and a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association, and to provide that where the committee considers the complaint or charge to be of a sufficiently serious nature it shall refer it to the disciplinary tribunal;
- (i) to extend the provisions of section 27 of the Act so that a complaint or charge may be preferred where a registered person has been guilty of any crime or offence;

- (j) to extend the meaning of the expression "infamous conduct in any professional respect" to include failure to attend, when requested to do so, and provide medical attention or to cause another medical practitioner to attend and provide such attention ;
- (k) to require the publication of the list of names and addresses entered in the medical register to be made as early as possible instead of in January in each year ;
- (l) to extend to corporations the operation of sections 41A (2) (treatment of certain diseases by unregistered persons) 41B (fees not recoverable by unregistered persons) 42 (2) (a) (certain advertising by unregistered persons prohibited) and 43 (penalties for offences under section 42) of the Act ;
- (m) to make other amendments of a minor or consequential nature.

No. , 1963.

A BILL

To amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith.

[MR. SHEAHAN;—26 March, 1963.]

BE

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows :—

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

Short title,
citation
and com-
mencement.

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

10 (3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

15 2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales
20 Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

Reconsti-
tution of
New South
Wales
Medical
Board.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board
25 before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed
30 day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

(3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters
necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

- 5 (b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

- 10 (4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection two of section five the words “not less than seven nor more than nine” and by inserting in lieu thereof the word “eleven”;

Sec. 5.
(Constitu-
tion of
board.)

- 15 (ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections :—

(3) The members of the board shall be—

- 20 (a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;
- (b) a barrister or solicitor nominated by the Minister;
- 25 (c) a medical practitioner nominated by the Minister;
- (d) eight other medical practitioners of whom one shall be nominated by each of the following bodies :—
- 30 (i) The New South Wales Branch of the Australian Medical Association;
- (ii) the Senate of the University of Sydney;
- 35 (iii) the Council of the University of New South Wales;

(iv)

Medical Practitioners (Amendment).

- (iv) The Royal Australasian College of Physicians;
 - 5 (v) The Royal Australasian College of Physicians, New South Wales State Committee;
 - (vi) the Royal Australasian College of Surgeons;
 - 10 (vii) the Royal Australasian College of Surgeons, New South Wales State Committee;
 - (viii) The Australian College of General Practitioners, New South Wales Faculty.
- 15 (4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.
- 20 (5) A person referred to in subparagraph (iv) or (vi) of paragraph (d) of subsection three of this section—
- 25 (a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and
 - (b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.
- 30 (6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for
- 35 re-appointment.

(iii)

Medical Practitioners (Amendment).

- (iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection :—
- 5 (8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.
- (b) by omitting subsection four of section six; Sec. 6.
(The president.)
- (c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph :— Sec. 7.
(Vacation of office.)
- 10 (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or
- (d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection :— Sec. 9.
(Casual vacancies.)
- 15 (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.
- 20
- (e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Quorum, etc.)
- 25 (1) At any meeting of the board, six members shall constitute a quorum.
- (f) by inserting at the end of section thirteen the following new subsection :— Sec. 13.
(Secretary.)
- 30 (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.
- 35 Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

3. (1) The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire";
(ii) by omitting subsection three of the same section;

Sec. 3.
(Defini-
tions.)

- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—

Sec. 15.
(Register
of Medical
Practi-
tioners.)

Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.

- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—

Sec. 17.
(Qualifica-
tions for
future
registration.)

(a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

(b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite that qualification in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications); and

- (i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column

Two

Medical Practitioners (Amendment).

5 Two of the said Schedule
One, in the country in
which his qualification was
or qualifications are granted
or, where his qualification is
or qualifications were specified
10 in Column Two of the said
Schedule Two, in the country
in which he was granted the
qualification or qualifications
by virtue of which he was
admitted to the course for the
qualification or qualifications
15 held by him and specified in
Column Two of the said
Schedule Two; and

(ii) has a knowledge of the English
language adequate for the con-
duct of a medical practice in
20 the State of New South Wales,
but where a person is not entitled to be
registered or to practise as a medical
practitioner as is mentioned in sub-
paragraph (i) of this paragraph but
25 would be entitled to be so registered
or so to practise had he served as a
medical officer in one or more hos-
pitals or other institutions for some
specified period or periods, he shall for
30 the purposes of the said subparagraph
(i) be deemed to be entitled to be so
registered or so to practise if he has
served, for a period of twelve months
or more or for periods amounting in
35 the aggregate to twelve months or
more, as a medical officer in one or
more public hospitals or separate
institutions, within the meaning of the
Public Hospitals Act, 1929, as
40 amended by subsequent Acts, in New
South

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

- 5 (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";
- 10
- 15 (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph :—
- and
- 20 (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;
- 25 (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";
- 30
- (v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";
- (vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

5 (f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any
10 such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

15 (i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

20 (ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this
25 Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer,”;

30 (viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

35 In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C
of

Medical Practitioners (Amendment).

of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

(ii) means, where the person applying for registration was the holder of a license under subsection four of section 21c of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

(x) by inserting next after the same subsection the following new subsection :—

(1A) (a) The Governor may by proclamation published in the Gazette amend—

(i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or

(ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

Medical Practitioners (Amendment).

5 qualification that is granted by such
university, college or other body only
to a person who was admitted to the
course on the completion of which that
10 qualification is granted, by virtue of
his having obtained another qualifica-
tion certifying to his ability to practise
medicine or surgery, or by omit-
ting from that Schedule any such
particulars.

(b) The Schedules as so amended
shall be the Schedules to this Act.

15 (c) A recommendation to the
Governor for any amendment of Schedule One
or Schedule Two to this Act shall not be made
by the Minister except after consultation with
or on the recommendation of the board.

20 (xi) by omitting from paragraph (a) of subsection
two of the same section the words "part of the
British Empire or in some other country" and
by inserting in lieu thereof the words "country
outside the State of New South Wales";

(xii) by omitting from the same paragraph the words
"part or";

25 (xiii) by omitting from paragraph (a) of subsection
(2A) of the same section the words "part of
the British Empire or in some other country"
and by inserting in lieu thereof the words
"country outside the State of New South
30 Wales";

(xiv) by omitting from the same paragraph the words
"part or";

(xv) by omitting from paragraph (b) of the same
subsection the words "part or";

35 (xvi) by omitting from paragraph (b) of subsection
six of the same section the words "other part
of the British Empire or in any foreign";

(xvii)

Medical Practitioners (Amendment).

- 5 (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- 10 (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- 15 (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- 20 (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- (f) by omitting section 21B;
- 25 (g) (i) by omitting subsection one of section 21c and by inserting in lieu thereof the following subsection :—
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- (b)
- 30
- 35
- Sec. 20.
(Certificate of provisional registration may be granted.)
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- Sec. 21c.
(Licenses to practise medicine or surgery in limited circumstances.)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

5

(i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and

10

(ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

15

Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

20

25

(ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;

30

(iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963.”;

35

(iv)

Medical Practitioners (Amendment).

- (iv) by inserting next after subsection four of the same section the following new subsection :—
- 5 (4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, issue to such holder a license—
- 10 (a) to practise in all branches of medicine and surgery; or
- 15 (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,
- 20 but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as the Minister may direct.
- 25 The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.
- 30 (v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";
- 35 (vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";
- (vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

5 (viii) by inserting next after the same subsection the following new subsections : —

10 (5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

15 (5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

25 (a) accept an appointment as an honorary medical officer in any hospital or other institution;

30 (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or

35 (c) act as a locum tenens to any registered person.

(h)

Medical Practitioners (Amendment).

(h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".

Sec. 26.
(Removal from New South Wales register after removal from British or other register.)

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

4. (1) The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

(a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection:—

Sec. 27.
(Disciplinary provisions.)

(1) A complaint or charge that any registered person—

(a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;

cf. 4 and 5 Eliz. 2, c. 76, s. 33 or (1) (a).

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or

(c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

5

(ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

10

(c) refuses or fails, without reasonable cause (proof whereof shall lie upon the registered person) to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

15

20

(b) by inserting next after section twenty-seven the following new section :—

25

27A. (1) There shall be an investigating committee which shall consist of the following persons—

New sec.
27A.
Investi-
gating
committee.

(a) a stipendiary magistrate, who shall be chairman;

30

(b) the Director-General of Public Health, or a person from time to time nominated by him; and

35

(c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

Medical Practitioners (Amendment).

5 (2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

10 For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

15 Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

20 If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

25 (3) The investigating committee—
(a) may dismiss any complaint or charge made to it;
30 (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or
35

(c)

Medical Practitioners (Amendment).

- 5 (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.
- (4) The proceedings of the investigating committee shall be held in camera.
- 10 (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :— Sec. 28. (Disciplinary tribunal.)
- The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.
- 15 (ii) by inserting next after subsection six of the same section the following new subsection :—
- (6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.
- 20 If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.
- 25 (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".
- 30 (2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted
- 35

Medical Practitioners (Amendment).

constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5 5. The Principal Act is further amended—

Further
amendment
of Act No.
37, 1938.

- (a) by inserting next after subsection one of section eighteen the following new subsection : — Sec. 18.
(Applica-
tion for
registra-
tion.)
- 10 (1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.
- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every"; Sec. 24.
(Annual
roll fee.)
- 15 (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";
- 20 (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;
- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts"; Sec. 30.
(Mental
illness of
registered
person.)
- 25
- 30 (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- (iii)

Medical Practitioners (Amendment).

- 5 (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- 10 (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- 15 (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- 20 (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board";
- 25 (d) by omitting from subsection one of section thirty-
 one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";
- 30 (e) by omitting section thirty-two and by inserting in lieu thereof the following section : —
- 35 32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner

Sec. 31.
 (Publica-
 tion of
 list of
 registered
 persons.)

Subst.
 sec. 32.

Fees.

Medical Practitioners (Amendment).

practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.

- 5 6. The Principal Act is further amended—
- Further amendment of Act No. 37, 1938.
- (a) by inserting next after section thirty-nine the following new section:—
- New sec. 39A.
- 10 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- Provisions applicable to corporations.
- 15 (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- Sec. 46.
(Publication of advertisements containing false statements concerning medicines, etc.)
- 20 (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".
- Sec. 53.
(Regulations.)

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Queensland ..	Queensland .. Bachelor of Medicine and Bachelor of Surgery.
	University of Adelaide ..	South Australia .. Bachelor of Medicine and Bachelor of Surgery.
	University of Melbourne ..	Victoria Bachelor of Medicine and Bachelor of Surgery.
15	University of Western Australia.	Western Australia Bachelor of Medicine and Bachelor of Surgery.
	College of Physicians and Surgeons, Manitoba.	Manitoba .. Doctor of Medicine.
20	University of Manitoba ..	Manitoba Doctor of Medicine and Master of Surgery.
	Ceylon Medical College ..	Ceylon Licentiate in Medicine and Surgery.
	University of Ceylon ..	Ceylon Bachelor of Medicine and Bachelor of Surgery.
25	University of Hong Kong ..	Hong Kong .. Bachelor of Medicine and Bachelor of Surgery.
	University of Bombay ..	India Bachelor of Medicine and Bachelor of Surgery.
30	Royal University of Malta ..	Malta Doctor of Medicine.
	University of New Zealand	New Zealand .. Bachelor of Medicine and Bachelor of Surgery.
	King Edward VII College of Medicine.	Singapore .. Licentiate in Medicine and Surgery.
35	University of Cape Town ..	South Africa .. Bachelor of Medicine and Bachelor of Surgery.
	University of Natal ..	South Africa .. Bachelor of Medicine and Bachelor of Surgery.
	University of Pretoria ..	South Africa .. Bachelor of Medicine and Bachelor of Surgery.
40	University of Witwatersrand	South Africa .. Bachelor of Medicine and Bachelor of Surgery.
	University of Stellenbosch..	South Africa .. Bachelor of Medicine and Bachelor of Surgery.
45	University of Birmingham..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Bristol ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Cambridge ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
50	University of Durham ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5 Name of university, college or other body.	Place where university, college or other body is situated.	
10	University of Leeds ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Liverpool ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
15	University of London ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Manchester ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Oxford ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
20	University of Sheffield ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Wales ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Aberdeen ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
25	University of Edinburgh ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	University of Glasgow ..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
30	University of St. Andrews..	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Queen's University of Belfast	United Kingdom.. Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of London.	United Kingdom.. Licentiate or Member.
35	Royal College of Surgeons of England.	United Kingdom.. Member.
	Society of Apothecaries of London.	United Kingdom.. Licentiate in Medicine and Surgery or Licentiate.
40	Royal College of Physicians of Edinburgh.	United Kingdom.. Licentiate.
	Royal College of Surgeons of Edinburgh.	United Kingdom.. Licentiate.
	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom.. Licentiate.
45	University of Dublin ..	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
50	National University of Ireland.	Republic of Ireland Bachelor of Medicine and Bachelor of Surgery.
	Royal College of Physicians of Ireland.	Republic of Ireland Licentiate.
55	Royal College of Surgeons in Ireland.	Republic of Ireland Licentiate.
	Apothecaries' Hall of Dublin	Republic of Ireland Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
5	Place where university, college or other body is situated.	
	Name of university, college or other body.	
10	Royal Australasian College of Physicians.	New South Wales Member or Fellow.
	Royal Australasian College of Surgeons.	Victoria Member or Fellow.
15	University of Queensland ..	Queensland .. Doctor of Medicine or Master of Surgery.
	University of Adelaide ..	South Australia Doctor of Medicine or Master of Surgery.
	University of Melbourne ..	Victoria Doctor of Medicine or Master of Surgery.
20	University of New Zealand	New Zealand .. Doctor of Medicine or Master of Surgery.
	Royal College of Physicians of London.	United Kingdom Member or Fellow.
25	Royal College of Surgeons of England.	United Kingdom Member or Fellow.
	Royal College of Physicians of Edinburgh.	United Kingdom Member or Fellow.
	Royal College of Surgeons of Edinburgh.	United Kingdom Fellow.
30	Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom Fellow.
	Royal College of Physicians of Ireland.	Republic of Ireland Member or Fellow.
35	Royal College of Surgeons in Ireland.	Republic of Ireland Fellow.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 22, 1963.

An Act to amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith. [Assented to, 10th April, 1963.]

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

Short title,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Reconsti-
tution of
New South
Wales
Medical
Board.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

(3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

(b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

(4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

(a) (i) by omitting from subsection two of section five the words “not less than seven nor more than nine” and by inserting in lieu thereof the word “thirteen”;

Sec. 5.
(Constitu-
tion of
board.)

(ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections :—

(3) The members of the board shall be—

(a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;

(b) a barrister or solicitor nominated by the Minister;

(c) a medical practitioner nominated by the Minister;

(d) ten other medical practitioners of whom three shall be nominated by The New South Wales Branch of the Australian Medical Association; and one shall be nominated by each of the following bodies :—

(i) the Senate of the University of Sydney;

(ii) the Council of the University of New South Wales;

(iii)

Medical Practitioners (Amendment).

- (iii) The Royal Australasian College of Physicians;
- (iv) The Royal Australasian College of Physicians, New South Wales State Committee;
- (v) the Royal Australasian College of Surgeons;
- (vi) the Royal Australasian College of Surgeons, New South Wales State Committee;
- (vii) The Australian College of General Practitioners, New South Wales Faculty.

(4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

(5) A person referred to in subparagraph (iii) or (v) of paragraph (d) of subsection three of this section—

- (a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and
- (b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

(6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for re-appointment.

(iii)

Medical Practitioners (Amendment).

(iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection :—

(8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.

(b) by omitting subsection four of section six ; Sec. 6.
(The president.)

(c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph :— Sec. 7.
(Vacation of office.)

(c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts ; or

(d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection :— Sec. 9.
(Casual vacancies.)

(2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.

(e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Quorum, etc.)

(1) At any meeting of the board, six members shall constitute a quorum.

(f) by inserting at the end of section thirteen the following new subsection :— Sec. 13.
(Secretary.)

(2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.

Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

Further amendment of Act No. 37, 1938.

3. (1) The Principal Act is further amended—

Sec. 3.
(Definitions.)

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire";
(ii) by omitting subsection three of the same section;

Sec. 15.
(Register of Medical Practitioners.)

- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—

Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.

Sec. 17.
(Qualifications for future registration.)

- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—

(a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

(b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite those qualifications in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications); and

(i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column

Two

Medical Practitioners (Amendment).

Two of the said Schedule One, in the country in which his qualification was or qualifications were granted or, where his qualification is or qualifications are specified in Column Two of the said Schedule Two, in the country in which he was granted the qualification or qualifications by virtue of which he was admitted to the course for the qualification or qualifications held by him and specified in Column Two of the said Schedule Two; and

- (ii) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

but where a person is not entitled to be registered or to practise as a medical practitioner as is mentioned in subparagraph (i) of this paragraph but would be entitled to be so registered or so to practise had he served as a medical officer in one or more hospitals or other institutions for some specified period or periods, he shall for the purposes of the said subparagraph (i) be deemed to be entitled to be so registered or so to practise if he has served, for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more, as a medical officer in one or more public hospitals or separate institutions, within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts, in New South

(iv)

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

(ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";

(iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph :—

and

(iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;

(iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";

(v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

(f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

(i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

(ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer;”;

(viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C of

Medical Practitioners (Amendment).

of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

- (ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

(x) by inserting next after the same subsection the following new subsection:—

(1A) (a) The Governor may by proclamation published in the Gazette amend—

- (i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or

- (ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

Medical Practitioners (Amendment).

qualification that is granted by such university, college or other body only to a person who was admitted to the course on the completion of which that qualification is granted, by virtue of his having obtained another qualification certifying to his ability to practise medicine or surgery, or by omitting from that Schedule any such particulars.

(b) The Schedules as so amended shall be the Schedules to this Act.

(c) A recommendation to the Governor for any amendment of Schedule One or Schedule Two to this Act shall not be made by the Minister except after consultation with or on the recommendation of the board.

(xi) by omitting from paragraph (a) of subsection two of the same section the words "part of the British Empire or in some other country" and by inserting in lieu thereof the words "country outside the State of New South Wales";

(xii) by omitting from the same paragraph the words "part or";

(xiii) by omitting from paragraph (a) of subsection (2A) of the same section the words "part of the British Empire or in some other country" and by inserting in lieu thereof the words "country outside the State of New South Wales";

(xiv) by omitting from the same paragraph the words "part or";

(xv) by omitting from paragraph (b) of the same subsection the words "part or";

(xvi) by omitting from paragraph (b) of subsection six of the same section the words "other part of the British Empire or in any foreign";

(d)

(xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- Sec. 20.
(Certificate of provisional registration may be granted.)
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- (f) by omitting section 21B;
- Sec. 21C.
(Licenses to practise medicine or surgery in limited circumstances.)
- (g) (i) by omitting subsection one of section 21c and by inserting in lieu thereof the following subsection:—
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- (b)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

(i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and

(ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

(ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;

(iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963,”;

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

(4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, issue to such holder a license—

(a) to practise in all branches of medicine and surgery; or

(b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as the Minister may direct.

The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

(vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

(viii) by inserting next after the same subsection the following new subsections :—

(5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

(5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

(a) accept an appointment as an honorary medical officer in any hospital or other institution ;

(b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person ; or

(c) act as a locum tenens to any registered person.

(h)

Medical Practitioners (Amendment).

Sec. 26.
(Removal
from New
South Wales
register
after re-
moval from
British
or other
register.)

- (h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

Further
amendment
of Act No.
37, 1938.

4. (1) The Principal Act is further amended—

Sec. 27.
(Disci-
plinary
provisions.)

- (a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

(1) A complaint or charge that any registered person—

cf. 4 and 5
Eliz. 2,
c. 76, s. 33
(1) (a).

(a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence; or

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or

(c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

- (ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

- (c) refuses or fails, without reasonable cause to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

- (b) by inserting next after section twenty-seven the following new section :— New sec.
27A.

27A. (1) There shall be an investigating committee which shall consist of the following persons— Investi-
gating
committee.

- (a) a stipendiary magistrate, who shall be chairman ;
- (b) the Director-General of Public Health, or an officer, who is a medical practitioner, of the Department of Public Health from time to time nominated by him ; and
- (c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

Medical Practitioners (Amendment).

(2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

(3) The investigating committee—

- (a) may dismiss any complaint or charge made to it;
- (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or

(c)

Medical Practitioners (Amendment).

(c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

(4) The proceedings of the investigating committee shall be held in camera.

Every person, other than a member of the police force or a member of the Public Service, who makes a complaint or charge to the investigating committee alleging infamous conduct against any medical practitioner, shall deposit with the investigating committee the sum of five pounds (£5) at the time of lodging his complaint or charge.

If after considering the complaint or charge the investigating committee is of the opinion that the complaint or charge is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited. In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :— Sec. 28.
(Disciplinary tribunal.)

The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.

(ii) by inserting next after subsection six of the same section the following new subsection :—

(6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.

Medical Practitioners (Amendment).

If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.

- (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".

(2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

5. The Principal Act is further amended—

Further amendment of Act No. 37, 1938.

Sec. 18.
(Application for registration.)

- (a) by inserting next after subsection one of section eighteen the following new subsection :—

(1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.

Sec. 24.
(Annual roll fee.)

- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";
- (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";
- (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;

(c)

Medical Practitioners (Amendment).

- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts"; Sec. 30. (Mental illness of registered person.)
- (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board"; (d)

Medical Practitioners (Amendment).

Sec. 31.
(Publica-
tion of
list of
registered
persons.)

- (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";

Subst.
sec. 32.

- (e) by omitting section thirty-two and by inserting in lieu thereof the following section :—

Fees.

32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.

Further
amendment
of Act No.
37, 1938.

6. The Principal Act is further amended—

New sec.
39A.

- (a) by inserting next after section thirty-nine the following new section :—

Provisions
applicable
to
corporations.

39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.

Sec. 46.
(Publication
of advertise-
ments con-
taining false
statements
concerning
medicines,
etc.)

- (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";

Sec. 53.
(Regu-
lations.)

- (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
University of Queensland ..	Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
University of Adelaide ..	South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
University of Melbourne ..	Victoria	Bachelor of Medicine and Bachelor of Surgery.
University of Western Australia.	Western Australia	Bachelor of Medicine and Bachelor of Surgery.
College of Physicians and Surgeons, Manitoba.	Manitoba ..	Doctor of Medicine.
University of Manitoba ..	Manitoba	Doctor of Medicine and Master of Surgery.
Ceylon Medical College ..	Ceylon	Licentiate in Medicine and Surgery.
University of Ceylon ..	Ceylon	Bachelor of Medicine and Bachelor of Surgery.
University of Hong Kong ..	Hong Kong ..	Bachelor of Medicine and Bachelor of Surgery.
University of Bombay ..	India	Bachelor of Medicine and Bachelor of Surgery.
Royal University of Malta ..	Malta	Doctor of Medicine.
University of New Zealand	New Zealand ..	Bachelor of Medicine and Bachelor of Surgery.
King Edward VII College of Medicine.	Singapore ..	Licentiate in Medicine and Surgery.
University of Cape Town ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Natal	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Pretoria ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Witwatersrand	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Stellenbosch ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Birmingham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Bristol ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Cambridge ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Durham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
University of Leeds ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Liverpool ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of London ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Manchester ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Oxford ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Sheffield ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Wales ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Aberdeen ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Edinburgh ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Glasgow ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of St. Andrews..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
Queen's University of Belfast	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
Royal College of Physicians of London.	United Kingdom..	Licentiate or Member.
Royal College of Surgeons of England.	United Kingdom..	Member.
Society of Apothecaries of London.	United Kingdom..	Licentiate in Medicine and Surgery or Licentiate.
Royal College of Physicians of Edinburgh.	United Kingdom..	Licentiate.
Royal College of Surgeons of Edinburgh.	United Kingdom..	Licentiate.
Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom..	Licentiate.
University of Dublin ..	Republic of Ireland	Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
National University of Ireland.	Republic of Ireland	Bachelor of Medicine and Bachelor of Surgery.
Royal College of Physicians of Ireland.	Republic of Ireland	Licentiate.
Royal College of Surgeons in Ireland.	Republic of Ireland	Licentiate.
Apothecaries' Hall of Dublin	Republic of Ireland	Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
Royal Australasian College of Physicians.	New South Wales	Member or Fellow.
Royal Australasian College of Surgeons.	Victoria	Member or Fellow.
University of Queensland ..	Queensland ..	Doctor of Medicine or Master of Surgery.
University of Adelaide ..	South Australia ..	Doctor of Medicine or Master of Surgery.
University of Melbourne ..	Victoria	Doctor of Medicine or Master of Surgery.
University of New Zealand ..	New Zealand ..	Doctor of Medicine or Master of Surgery.
Royal College of Physicians of London.	United Kingdom	Member or Fellow.
Royal College of Surgeons of England.	United Kingdom	Member or Fellow.
Royal College of Physicians of Edinburgh.	United Kingdom	Member or Fellow.
Royal College of Surgeons of Edinburgh.	United Kingdom	Fellow.
Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom	Fellow.
Royal College of Physicians of Ireland.	Republic of Ireland	Member or Fellow.
Royal College of Surgeons in Ireland.	Republic of Ireland	Fellow.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

WILLIAM W. (Mason)

SCHEDULE TWO

COLUMN TWO

COLUMN ONE

Column Two	Column One
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...
Member of the...	...

...

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 April, 1963.*

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

Act No. 22, 1963.

An Act to amend the law relating to the registration of medical practitioners and the licensing of persons to practise as medical practitioners; to provide for the constitution of an Investigating Committee to investigate complaints and charges against medical practitioners; to enlarge the scope of matters within the meaning of infamous conduct in any professional respect; and for purposes connected therewith. [Assented to, 10th April, 1963.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Medical Practitioners (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

Short title,
citation
and com-
mencement.

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1963".

(2) The Medical Practitioners Act, 1938-1961, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1963.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Reconsti-
tution of
New South
Wales
Medical
Board.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day shall be not earlier than the day appointed pursuant to subsection four of section one of this Act and is in this section referred to as the "appointed day"), the New South Wales Medical Board shall be reconstituted and shall consist of eleven members who shall be appointed in accordance with section five of the Principal Act, as amended by this section.

(2) An application for registration as a medical practitioner made to the New South Wales Medical Board before the appointed day and not finally dealt with before that day shall be deemed to have been made to the New South Wales Medical Board as reconstituted under this section and any determination made in respect of such an application by the New South Wales Medical Board before the appointed day shall be deemed to have been made by the New South Wales Medical Board as reconstituted under this section.

(3) (a) For the purposes only of the appointment of persons to be members of the New South Wales Medical Board as reconstituted under this section, and of any matters necessary

Medical Practitioners (Amendment).

necessary for or incidental to such appointment or reconstitution the provisions of subsection four of this section shall commence upon the day appointed pursuant to subsection four of section one of this Act.

(b) The persons so appointed shall assume their offices as members of the New South Wales Medical Board upon the appointed day; and on that day the provisions of subsection four of this section shall come into force for all purposes.

(4) The Principal Act is amended—

Amendment
of Act No.
37, 1938.

(a) (i) by omitting from subsection two of section five the words “not less than seven nor more than nine” and by inserting in lieu thereof the word “thirteen”; Sec. 5.
(Constitu-
tion of
board.)

(ii) by omitting subsections three, four, five and six of the same section and by inserting in lieu thereof the following subsections :—

(3) The members of the board shall be—

(a) the Under Secretary, Department of Public Health, or a person from time to time nominated by him;

(b) a barrister or solicitor nominated by the Minister;

(c) a medical practitioner nominated by the Minister;

(d) ten other medical practitioners of whom three shall be nominated by The New South Wales Branch of the Australian Medical Association; and one shall be nominated by each of the following bodies :—

(i) the Senate of the University of Sydney;

(ii) the Council of the University of New South Wales;

(iii)

Medical Practitioners (Amendment).

- (iii) The Royal Australasian College of Physicians;
- (iv) The Royal Australasian College of Physicians, New South Wales State Committee;
- (v) the Royal Australasian College of Surgeons;
- (vi) the Royal Australasian College of Surgeons, New South Wales State Committee;
- (vii) The Australian College of General Practitioners, New South Wales Faculty.

(4) A person referred to in paragraph (c) or (d) of subsection three of this section shall be disqualified from acting as a member if he ceases to be a registered person.

(5) A person referred to in subparagraph (iii) or (v) of paragraph (d) of subsection three of this section—

- (a) shall not be eligible for appointment as a member unless at the time of his appointment he is resident, and practises as a medical practitioner, in the State of New South Wales; and
- (b) shall be disqualified from acting as a member if he ceases to be so resident and to so practise.

(6) A member of the board, other than the member referred to in paragraph (a) of subsection three of this section, shall, subject to this Act, hold office as such member for a period of five years from the date of his appointment, but shall be eligible for re-appointment.

(iii)

Medical Practitioners (Amendment).

(iii) by omitting subsections eight and nine of the same section and by inserting in lieu thereof the following subsection : —

(8) Each member of the board who is not a public servant shall be paid such fees as may be prescribed.

- (b) by omitting subsection four of section six; Sec. 6.
(The president.)
- (c) by omitting paragraph (c) of section seven and by inserting in lieu thereof the following paragraph : — Sec. 7.
(Vacation of office.)
- (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or
- (d) by omitting subsection two of section nine and by inserting in lieu thereof the following subsection : — Sec. 9.
(Casual vacancies.)
- (2) Where a casual vacancy occurs in the office of a member, other than the member referred to in paragraph (a) of subsection three of section five of this Act, the member appointed to the vacant office shall have the same qualification and shall be appointed on the same nomination as his predecessor.
- (e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection : — Sec. 10.
(Quorum, etc.)
- (1) At any meeting of the board, six members shall constitute a quorum.
- (f) by inserting at the end of section thirteen the following new subsection : — Sec. 13.
(Secretary.)
- (2) Where an application for registration or the issue of a license under this Act has been approved in accordance with the provisions of this Act, the secretary may, on behalf of the board, sign the certificate in respect of such registration or the license issued pursuant to such approval where he has been authorised by the board to do so.

Any such authority may be of general application or may be limited to any particular case or class of cases.

Medical Practitioners (Amendment).

Further amendment of Act No. 37, 1938.

Sec. 3.
(Definitions.)

3. (1) The Principal Act is further amended—

- (a) (i) by omitting from subsection one of section three the definition of "The British Empire";
(ii) by omitting subsection three of the same section;

Sec. 15.
(Register of Medical Practitioners.)

- (b) by inserting at the end of subsection two of section fifteen the following new paragraph :—

Upon registration, a person shall be entitled to receive from the board a certificate of registration in the prescribed form.

Sec. 17.
(Qualifications for future registration.)

- (c) (i) by omitting paragraphs (a) and (b) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :—

(a) is the holder of a degree in medicine or surgery, granted after due examination by the University of Sydney or the University of New South Wales; or

(b) is the holder of the qualifications specified in Column Two of Schedule One, or Column Two of Schedule Two, to this Act granted by the university, college or other body specified opposite those qualifications in Column One of the said Schedule One or Column One of the said Schedule Two, as the case may be (or where there is more than one qualification so specified and they are shown as alternative qualifications, is the holder of either or any of such qualifications); and

(i) is or was by law entitled to be registered or to practise as a medical practitioner, where his qualification is, or qualifications are, specified in Column

Two

Medical Practitioners (Amendment).

Two of the said Schedule One, in the country in which his qualification was or qualifications were granted or, where his qualification is or qualifications are specified in Column Two of the said Schedule Two, in the country in which he was granted the qualification or qualifications by virtue of which he was admitted to the course for the qualification or qualifications held by him and specified in Column Two of the said Schedule Two; and

- (ii) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

but where a person is not entitled to be registered or to practise as a medical practitioner as is mentioned in subparagraph (i) of this paragraph but would be entitled to be so registered or so to practise had he served as a medical officer in one or more hospitals or other institutions for some specified period or periods, he shall for the purposes of the said subparagraph (i) be deemed to be entitled to be so registered or so to practise if he has served, for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more, as a medical officer in one or more public hospitals or separate institutions, within the meaning of the Public Hospitals Act, 1929, as amended by subsequent Acts, in New South

Medical Practitioners (Amendment).

South Wales or in any private hospital or other institution, approved by the board, in New South Wales; or

- (ii) by omitting from paragraph (c) of the same subsection the words "in some country not being part of the British Empire" and by inserting in lieu thereof the words "outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act";
- (iii) by omitting from subparagraph (iii) of the same paragraph the word "or" and by inserting in lieu thereof the following word and new subparagraph : —
 - and
 - (iv) has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales; or;
- (iv) by omitting from paragraph (d) of the same subsection the words "in some part of the British Empire or some other country" and by inserting in lieu thereof the words "in some country outside the State of New South Wales, not being a school of medicine associated with one of the universities, colleges or other bodies referred to in Column One of Schedule One, or Column One of Schedule Two, to this Act,";
- (v) by omitting from paragraph (e) of the same subsection the word "five" and by inserting in lieu thereof the word "three";

(vi)

Medical Practitioners (Amendment).

(vi) by omitting paragraph (f) of the same subsection and by inserting in lieu thereof the following paragraph :—

(f) has held a certificate of regional registration under section 21A of this Act and a license under subsection four or (4A) of section 21C of this Act, the respective periods for which he has held such certificate and any such license aggregating the prescribed period and has, during the period or periods during which he has held any such license, been employed—

(i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which the said section 21C relates; or

(ii) on a full time basis as an assistant to a registered person or persons; or

(vii) by omitting from paragraph (g) of the same subsection the words “of section 21C of this Act for a period or periods aggregating four years or more” and by inserting in lieu thereof the words “or (4A) of section 21C of this Act for the prescribed period, or periods aggregating the prescribed period, or longer,”;

(viii) by inserting in the same paragraph after the words “he has held” the word “any”;

(ix) by omitting the proviso to the same subsection and by inserting in lieu thereof the following paragraph :—

In paragraphs (f) and (g) of this subsection “prescribed period”—

(i) means, where the person applying for registration was the holder of a license under subsection four of section 21C
of

Medical Practitioners (Amendment).

of this Act and before he held such license was the holder of a license under subsection three of that section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of four years;

- (ii) means, where the person applying for registration was the holder of a license under subsection four of section 21C of this Act and before he held such license was the holder of a license under subsection three of that section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, a period of three years.

- (x) by inserting next after the same subsection the following new subsection:—

(1A) (a) The Governor may by proclamation published in the Gazette amend—

- (i) Schedule One to this Act by inserting in Column One of that Schedule particulars of any university, college or other body outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in medicine or surgery granted by such university, college or other body, or by omitting from that Schedule any such particulars; or
- (ii) Schedule Two to this Act by inserting in Column One of that Schedule particulars of any university, college or other body, whether within or outside the State of New South Wales, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification

Medical Practitioners (Amendment).

qualification that is granted by such university, college or other body only to a person who was admitted to the course on the completion of which that qualification is granted, by virtue of his having obtained another qualification certifying to his ability to practise medicine or surgery, or by omitting from that Schedule any such particulars.

(b) The Schedules as so amended shall be the Schedules to this Act.

(c) A recommendation to the Governor for any amendment of Schedule One or Schedule Two to this Act shall not be made by the Minister except after consultation with or on the recommendation of the board.

- (xi) by omitting from paragraph (a) of subsection two of the same section the words "part of the British Empire or in some other country" and by inserting in lieu thereof the words "country outside the State of New South Wales";
- (xii) by omitting from the same paragraph the words "part or";
- (xiii) by omitting from paragraph (a) of subsection (2A) of the same section the words "part of the British Empire or in some other country" and by inserting in lieu thereof the words "country outside the State of New South Wales";
- (xiv) by omitting from the same paragraph the words "part or";
- (xv) by omitting from paragraph (b) of the same subsection the words "part or";
- (xvi) by omitting from paragraph (b) of subsection six of the same section the words "other part of the British Empire or in any foreign";
- (xvii)

Medical Practitioners (Amendment).

- (xvii) by omitting from paragraph (c) of the same subsection the words "of unsound mind" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,";
- Sec. 20.
(Certificate of provisional registration may be granted.)
- (d) by omitting from subsection one of section twenty the words "registration fee required by section thirty-two of this Act" and by inserting in lieu thereof the words "prescribed fee";
- Sec. 21A.
(Registration for the practice of medicine and surgery in certain areas.)
- (e) (i) by omitting from paragraph (a) of subsection two of section 21A the words "part of the British Empire or some other country" wherever occurring and by inserting in lieu thereof the words "country outside the State of New South Wales";
- (ii) by omitting from subparagraph (i) of the same paragraph the words "part or";
- (iii) by omitting from subsection three of the same section the word "seven" and by inserting in lieu thereof the word "fourteen";
- Sec. 21B.
(Licenses to practise medicine or surgery.)
- (f) by omitting section 21B;
- Sec. 21C.
(Licenses to practise medicine or surgery in limited circumstances.)
- (g) (i) by omitting subsection one of section 21c and by inserting in lieu thereof the following subsection:—
- (1) Any person who—
- (a) resided or was domiciled in the State of New South Wales or in any other State or Territory of the Commonwealth of Australia on the thirty-first day of December, one thousand nine hundred and sixty-two, or where a later date has been prescribed, before such later date; and
- (b)

Medical Practitioners (Amendment).

(b) proves to the satisfaction of the board—

- (i) the several matters referred to in paragraph (a) of subsection two of section seventeen of this Act; and
- (ii) that he has a knowledge of the English language adequate for the conduct of a medical practice in the State of New South Wales,

may apply to the board for a license under subsection three of this section.

Where a regulation is made prescribing a later date for the purposes of this subsection, the regulation may provide that the provisions of this subsection shall on and from that later date apply only to persons who resided or were domiciled in the State of New South Wales before such later date, or to those persons and to persons who resided or were domiciled in any other State or Territory of the Commonwealth of Australia before such later date, and the provisions of this subsection shall apply accordingly.

- (ii) by omitting from subsection four of the same section the words “a fee of three pounds three shillings” and by inserting in lieu thereof the words “the prescribed fee”;
- (iii) by inserting in the same subsection after the words “institution or” the words “, where such person is the holder of a license under subsection three of this section granted before the commencement of the Medical Practitioners (Amendment) Act, 1963,”;

(iv)

Medical Practitioners (Amendment).

(iv) by inserting next after subsection four of the same section the following new subsection :—

(4A) Where the holder of a license under subsection four of this section granted after the commencement of the Medical Practitioners (Amendment) Act, 1963, has after passing the prescribed test referred to in that subsection completed to the satisfaction of the Minister a period of twelve months' service as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution as the Minister may have directed pursuant to the said subsection four, the board shall, upon payment of the prescribed fee, issue to such holder a license—

(a) to practise in all branches of medicine and surgery; or

(b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution, or as an assistant to such registered person, as the Minister may direct.

The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.

(v) by omitting from subsection five of the same section the words "or four" and by inserting in lieu thereof the words ", four or (4A)";

(vi) by inserting in the same subsection after the word "year" the words ", or such lesser period as may be specified in the license,";

(vii)

Medical Practitioners (Amendment).

(vii) by omitting from the same subsection the words "like period" and by inserting in lieu thereof the words "period not exceeding twelve months";

(viii) by inserting next after the same subsection the following new subsections : —

(5A) The holder of a license issued under subsection three, four or (4A) of this section may apply to the Minister for the license to be amended at any time during its currency by substituting for the name of the State hospital, mental hospital, public hospital, private hospital or other institution in which the holder thereof is entitled to practise as a medical officer in accordance with the license the name of any other such hospital or institution, or by substituting for the name of any registered person to whom the holder of the license is entitled in accordance with the license to act as an assistant the name of any other registered person, and the Minister may amend the license accordingly.

(5B) The holder of a license issued under subsection four or (4A) of this section to practise as an assistant to a registered person shall not—

- (a) accept an appointment as an honorary medical officer in any hospital or other institution;
- (b) enter into a partnership relating to the practice of medicine or surgery, or any branch of medicine or surgery, with any registered person; or
- (c) act as a locum tenens to any registered person.

(h)

Medical Practitioners (Amendment).

Sec. 26.
(Removal
from New
South Wales
register
after re-
moval from
British
or other
register.)

- (h) by omitting from subsection one of section twenty-six the words "the United Kingdom or in the part of the British Empire or other country in which the degree or diploma referred to was granted" and by inserting in lieu thereof the words "any country".

(2) Any person who was immediately before the commencement of this Act a registered person under the Principal Act shall, subject to the Principal Act, as amended by this Act, continue to be a registered person under the Principal Act, as so amended, notwithstanding the amendments made by subsection one of this section.

Further
amendment
of Act No.
37, 1938.

4. (1) The Principal Act is further amended—

Sec. 27.
(Disci-
plinary
provisions.)

- (a) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

(1) A complaint or charge that any registered person—

- (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence; or
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
- (c) has been guilty of infamous conduct in any professional respect,

may be made to the investigating committee constituted under section 27A of this Act.

Any such complaint or charge shall be made by way of statutory declaration.

The court before which any registered person is convicted in New South Wales of a felony or misdemeanour shall forward particulars of such conviction to the investigating committee

cf. 4 and 5
Eliz. 2,
c. 76, s. 33
(1) (a).

Medical Practitioners (Amendment).

committee and any coroner may direct a transcript of evidence given in proceedings before him which appears to implicate any registered person, to be forwarded to the investigating committee.

- (ii) by inserting at the end of paragraph (b) of subsection two of the same section the following word and new paragraph :—

; or

- (c) refuses or fails, without reasonable cause to attend, within a reasonable time after being requested to do so, upon a person for the purpose of rendering professional services in his capacity as a medical practitioner in any case where he has reasonable cause to believe that such person is in need of urgent attention by a medical practitioner but shall not be guilty under this paragraph of such conduct if he causes another medical practitioner to attend as aforesaid.

- (b) by inserting next after section twenty-seven the following new section :— New sec.
27A.

27A. (1) There shall be an investigating committee which shall consist of the following persons— Investigating
committee.

- (a) a stipendiary magistrate, who shall be chairman;
- (b) the Director-General of Public Health, or an officer, who is a medical practitioner, of the Department of Public Health from time to time nominated by him; and
- (c) a medical practitioner nominated by The New South Wales Branch of the Australian Medical Association.

(2)

Medical Practitioners (Amendment).

(2) The investigating committee shall cause all complaints and charges against registered persons received by it in accordance with the provisions of section twenty-seven of this Act to be investigated.

For the purpose of any investigation conducted by it the investigating committee may administer an oath and may by notice in writing signed by the chairman require any person to attend at any place and at the time specified in the notice for the purpose of giving evidence before the investigating committee or producing any document relating to the investigation.

Any such notice may be served by delivering it personally to the person to whom it is addressed or by leaving it for him with some person apparently over the age of fourteen years at his address last known to the committee.

If any person on whom any such notice is served as aforesaid refuses or fails to comply with the requirements thereof, such person shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty pounds.

(3) The investigating committee—

- (a) may dismiss any complaint or charge made to it;
- (b) if it is satisfied of the truth of the complaint or charge but does not consider that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal constituted under section twenty-eight of this Act, after giving the registered person against whom the complaint or charge was made an opportunity to appear before it and to make written representations to it, may caution or reprimand such registered person; or

(c)

Medical Practitioners (Amendment).

- (c) if it is satisfied that a prima facie case has been made out and considers that the complaint or charge is sufficiently serious to warrant its being referred to the disciplinary tribunal so constituted, shall refer such complaint or charge accordingly.

(4) The proceedings of the investigating committee shall be held in camera.

Every person, other than a member of the police force or a member of the Public Service, who makes a complaint or charge to the investigating committee alleging infamous conduct against any medical practitioner, shall deposit with the investigating committee the sum of five pounds (£5) at the time of lodging his complaint or charge.

If after considering the complaint or charge the investigating committee is of the opinion that the complaint or charge is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited. In the absence of such declaration the sum so deposited shall be refunded to the complainant.

- (c) (i) by inserting at the end of subsection six of section twenty-eight the following new paragraph :—

The proceedings before the disciplinary tribunal shall be in the nature of a rehearing.

- (ii) by inserting next after subsection six of the same section the following new subsection :—

(6A) The chairman may direct that the name of any witness shall not be disclosed at the inquiry and that the name of any witness and any evidence given by him at the inquiry shall not be published in any newspaper, except a publication bona fide intended primarily for the use of members of the legal or medical profession, or by means of radio or television.

If

Medical Practitioners (Amendment).

If any person publishes the name of any person or any evidence in contravention of any such direction he shall be guilty of an offence and liable to a penalty not exceeding two hundred pounds.

- (iii) by omitting from subsection seven of the same section the words "Where the inquiry is in respect of a charge of infamous conduct in any professional respect, the" and by inserting in lieu thereof the word "The".

(2) Any complaint or charge made to the Board of Health before the commencement of this Act and not finally dealt with by the Board at such commencement shall be deemed to have been made to the investigating committee constituted under section 27A of the Principal Act, as amended by this Act, and shall be dealt with and completed by the investigating committee and the disciplinary tribunal accordingly.

Further amendment of Act No. 37, 1938.

5. The Principal Act is further amended—

Sec. 18.
(Application for registration.)

- (a) by inserting next after subsection one of section eighteen the following new subsection :—

(1A) Subject to section thirty-two of this Act, every such application shall be accompanied by the prescribed fee.

Sec. 24.
(Annual roll fee.)

- (b) (i) by omitting from subsection one of section twenty-four the word "Every" and by inserting in lieu thereof the words "Subject to section thirty-two of this Act, every";
- (ii) by omitting from the same subsection the words "is prescribed in section thirty-two of this Act" and by inserting in lieu thereof the words "may be prescribed";
- (iii) by omitting from subsection three of the same section the word "registered" where secondly occurring;

(c)

Medical Practitioners (Amendment).

- (c) (i) by omitting from subsection one of section thirty the words "an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts"; Sec. 30.
(Mental illness of registered person.)
- (ii) by omitting from subsection two of the same section the words "The Inspector-General of the Insane" and by inserting in lieu thereof the words "The Director of State Psychiatric Services";
- (iii) by omitting from the same subsection the words "an insane patient within the meaning of the Lunacy Act of 1898" and by inserting in lieu thereof the words "a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts";
- (iv) by omitting from subsection three of the same section the words "grants to such person a license to resume practice" and by inserting in lieu thereof the words "approves of an application for restoration to the register of the name of such person";
- (v) by omitting from the same subsection the words "to whom any such license has been granted" and by inserting in lieu thereof the words "whose application for restoration of his name to the register has been approved by the board under this section";
- (vi) by omitting from subsection four of the same section the words "who has applied for a license under this section, and to whom the board has refused to grant a license" and by inserting in lieu thereof the words "whose application under this section has been refused by the board"; (d)

Medical Practitioners (Amendment).

- Sec. 31.
(Publica-
tion of
list of
registered
persons.)
- Subst.
sec. 32.
- Fees.
- Further
amendment
of Act No.
37, 1938.
- New sec.
39A.
- Provisions
applicable
to
corporations.
- Sec. 46.
(Publication
of advertise-
ments con-
taining false
statements
concerning
medicines,
etc.)
- Sec. 53.
(Regu-
lations.)
- (d) by omitting from subsection one of section thirty-one the words "in the month of January" and by inserting in lieu thereof the words "as early as possible";
- (e) by omitting section thirty-two and by inserting in lieu thereof the following section :—
32. No fees shall be payable in respect of registration or annual roll fee by a person who is employed as a medical officer in the service of the Crown in right of the Commonwealth of Australia, as long as such person is registered as a medical practitioner in accordance with the law in force in some State of Australia other than New South Wales, and does not engage in private practice as a medical practitioner in New South Wales.
6. The Principal Act is further amended—
- (a) by inserting next after section thirty-nine the following new section :—
- 39A. Without limiting the generality of the operation of any other provision of this Act, the provisions of subsection two of section 41A, section 41B and paragraph (a) of subsection two of section forty-two, of this Act applying to persons who are not registered under this Act, and the provisions of section forty-three of this Act applying to persons, shall apply mutatis mutandis to bodies corporate.
- (b) by inserting in the proviso to subsection two of section forty-six after the words "broadcasting station" the words "or a television station";
- (c) by omitting from paragraphs (b) and (c) of subsection one of section fifty-three the words "Board of Health" and by inserting in lieu thereof the words "investigating committee".

Medical Practitioners (Amendment).

SCHEDULE ONE.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
University of Queensland ..	Queensland ..	Bachelor of Medicine and Bachelor of Surgery.
University of Adelaide ..	South Australia ..	Bachelor of Medicine and Bachelor of Surgery.
University of Melbourne ..	Victoria ..	Bachelor of Medicine and Bachelor of Surgery.
University of Western Australia.	Western Australia	Bachelor of Medicine and Bachelor of Surgery.
College of Physicians and Surgeons, Manitoba.	Manitoba ..	Doctor of Medicine.
University of Manitoba ..	Manitoba ..	Doctor of Medicine and Master of Surgery.
Ceylon Medical College ..	Ceylon ..	Licentiate in Medicine and Surgery.
University of Ceylon ..	Ceylon ..	Bachelor of Medicine and Bachelor of Surgery.
University of Hong Kong ..	Hong Kong ..	Bachelor of Medicine and Bachelor of Surgery.
University of Bombay ..	India ..	Bachelor of Medicine and Bachelor of Surgery.
Royal University of Malta ..	Malta ..	Doctor of Medicine.
University of New Zealand	New Zealand ..	Bachelor of Medicine and Bachelor of Surgery.
King Edward VII College of Medicine.	Singapore ..	Licentiate in Medicine and Surgery.
University of Cape Town ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Natal ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Pretoria ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Witwatersrand	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Stellenbosch ..	South Africa ..	Bachelor of Medicine and Bachelor of Surgery.
University of Birmingham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Bristol ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Cambridge ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.
University of Durham ..	United Kingdom ..	Bachelor of Medicine and Bachelor of Surgery.

SCHEDULE

*Medical Practitioners (Amendment).*SCHEDULE ONE—*continued.*

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
University of Leeds ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Liverpool ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of London ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Manchester ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Oxford ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Sheffield ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Wales ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Aberdeen ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Edinburgh ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of Glasgow ..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
University of St. Andrews..	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
Queen's University of Belfast	United Kingdom..	Bachelor of Medicine and Bachelor of Surgery.
Royal College of Physicians of London.	United Kingdom..	Licentiate or Member.
Royal College of Surgeons of England.	United Kingdom..	Member.
Society of Apothecaries of London.	United Kingdom..	Licentiate in Medicine and Surgery or Licentiate.
Royal College of Physicians of Edinburgh.	United Kingdom..	Licentiate.
Royal College of Surgeons of Edinburgh.	United Kingdom..	Licentiate.
Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom..	Licentiate.
University of Dublin ..	Republic of Ireland	Bachelor of Medicine and Bachelor of Surgery or Licentiate in Medicine and Licentiate in Surgery.
National University of Ireland.	Republic of Ireland	Bachelor of Medicine and Bachelor of Surgery.
Royal College of Physicians of Ireland.	Republic of Ireland	Licentiate.
Royal College of Surgeons in Ireland.	Republic of Ireland	Licentiate.
Apothecaries' Hall of Dublin	Republic of Ireland	Licentiate.

SCHEDULE

Medical Practitioners (Amendment).

SCHEDULE TWO.

COLUMN ONE.		COLUMN TWO.
University, college or other body granting qualifications.		Qualifications.
Name of university, college or other body.	Place where university, college or other body is situated.	
Royal Australasian College of Physicians.	New South Wales	Member or Fellow.
Royal Australasian College of Surgeons.	Victoria	Member or Fellow.
University of Queensland ..	Queensland ..	Doctor of Medicine or Master of Surgery.
University of Adelaide ..	South Australia ..	Doctor of Medicine or Master of Surgery.
University of Melbourne ..	Victoria	Doctor of Medicine or Master of Surgery.
University of New Zealand ..	New Zealand ..	Doctor of Medicine or Master of Surgery.
Royal College of Physicians of London.	United Kingdom	Member or Fellow.
Royal College of Surgeons of England.	United Kingdom	Member or Fellow.
Royal College of Physicians of Edinburgh.	United Kingdom	Member or Fellow.
Royal College of Surgeons of Edinburgh.	United Kingdom	Fellow.
Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom	Fellow.
Royal College of Physicians of Ireland.	Republic of Ireland	Member or Fellow.
Royal College of Surgeons in Ireland.	Republic of Ireland	Fellow.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 10th April, 1963.*

