
A BILL

To regulate the Qualification of Practitioners in Medicine and Surgery in New South Wales.

[DR. MACFARLANE ;—31 October, 1861.]

- W**HEREAS it is expedient that persons requiring medical aid should Preamble.
be enabled to distinguish qualified from unqualified practitioners
and that the provisions of the Act passed in the second year of Her
Majesty's reign intituled "*An Act to define the Qualifications of Medical* 2 Vic. No. 22.
5 "*Witnesses at Coroner's Inquests and Inquiries held before Justices of the*
Peace in the Colony of New South Wales" should be extended in manner
herein provided Be it therefore 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
10 and by the authority of the same as follows:—
1. This Act may for all purposes be cited as "*The Medical Act* Short Title.
of 1861 of New South Wales."
 2. This Act shall commence and take effect from the first day of Commencement
January one thousand eight hundred and sixty-two. of Act.
 - 15 3. Every legally qualified Medical Practitioner within the meaning Who entitled to
of the said Act shall be entitled to practise medicine and surgery in any practise and recover
part of this Colony and to demand and recover in any Court of Law for charges.
his professional aid advice and visits and for any medicine or other
medical or surgical appliances rendered or supplied by him.
 - 20 4. Every person who shall prove to the satisfaction of the New Qualifying certain
South Wales Medical Board constituted under the provisions of the said persons.
Act or a quorum thereof that he is or has been a duly appointed Medical
Officer in the sea or land service or army or navy forces of our Most
Gracious Victoria Queen of the British dominions colonies and depen-
25 dencies thereof or that he is or has been a duly appointed Medical Officer
in the sea or land service of the East India Company and every person
who within one year after the passing of this Act shall prove to the
satisfaction of the said Board or a quorum thereof that he has practised in
this Colony as a Physician or Surgeon for a period of five years prior to
30 the passing of this Act shall be a legally qualified Medical Practitioner
within the meaning of the said Act.

Proof of qualification
on trial for recovery
of charges.

5. After the first day of January one thousand eight hundred and sixty-two no person shall be entitled to recover any charge in any Court of Law for any medical attendance or surgical advice attendance or for the performance of any operation or for any medicine which he shall have both prescribed and supplied unless he shall prove upon the trial that he is a legally qualified Medical Practitioner. 5

Validity of
certificate.

6. After the first day of January one thousand eight hundred and sixty-two no certificate required by any Act now in force or that may hereafter be passed from any Physician Surgeon Licentiate in medicine and surgery or other Medical Practitioner shall be valid unless the person signing the same be a legally qualified Medical Practitioner. 10

Fraudulently pro-
curing certificate.

7. If any person shall wilfully procure or attempt to procure from the said Medical Board a certificate of his being a legally qualified Medical Practitioner by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing every person so offending and every person aiding and assisting him therein shall be guilty of a misdemeanor and shall on conviction thereof before two of Her Majesty's Justices of the Peace be sentenced to be imprisoned for any term not exceeding twelve months or to pay a fine not exceeding *fifty* pounds. 20

Unauthorized prac-
titioner subject to
penalty.

8. Any person who shall wilfully and falsely pretend to be or take or use the name or title of a Physician Doctor of Medicine Licentiate in Medicine or in Surgery Bachelor of Medicine Surgeon General Practitioner Apothecary or any name or title or description implying that he is a legally qualified Medical Practitioner or that he is recognised by law as a Physician or Surgeon or Licentiate in Medicine or in Surgery or a Practitioner in Medicine or an Apothecary shall upon a summary conviction before two of Her Majesty's Justices of the Peace for any such offence pay a sum not exceeding *twenty* pounds. 25

Proof of qualification.

9. The New South Wales *Government Gazette* containing the publication by the said Medical Board of the names of legally qualified Medical Practitioners shall be received as evidence that any person who is therein mentioned as being such is a legally qualified Medical Practitioner within the meaning of the said Act. 30

Appropriation of
penalties.

10. Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the Colonial Treasurer for the general uses of this Colony. 35

Act not to affect
chemists druggists
and dentists.

11. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way affect the lawful occupation trade or business of Chemists and Druggists and Dentists. 40