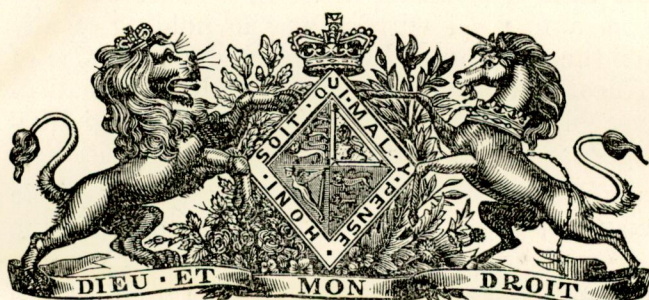


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 11th December, 1890.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act to regulate the practice of Medicine and Surgery in
the Colony of New South Wales.

WHEREAS it is expedient to enable persons requiring medical or Preamble.
surgical advice or aid to distinguish qualified from unqualified
practitioners: Be it therefore enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Legislative
5 Council and Legislative Assembly of New South Wales in Parliament
assembled, and by the authority of the same, as follows:—

1. A Council, to be styled the Medical Council of New South Establishment and
duties of Medical
Council.
Wales shall be established, consisting of ten persons registered under
the Act of the second year of Her Majesty number twenty-two or
10 under this Act, of whom five shall be appointed by the Governor and
five by the Senate of the University of Sydney, which Council shall
have the powers hereinafter specified, and shall cause all persons to be
registered as legally qualified medical practitioners who shall show to
the satisfaction of the Council that they are entitled to registration.

15 2. After the present year the words "legally qualified medical Term legally quali-
fied medical prac-
titioner, &c.
practitioner" or "duly qualified medical practitioner" or any words
importing a person recognized by law as a medical practitioner when
c 36—A used English Act,
ss. 34 and 35

Medical.

used in any Act shall be construed to mean a person whose name is on the register. And every person registered as aforesaid shall be exempt from serving on juries and inquests, and if he desire, from filling any corporate office, and from serving in the militia should a militia be established.

3. After the present year no person shall hold any appointment under the Government of this Colony as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

Unregistered persons not to hold certain appointments.

Ibid. ss. 36 and 37.

4. No person other than a medical practitioner shall be competent to give evidence as a medical witness at the holding of any coroner's inquest or upon the holding of any inquiry by a Justice of the Peace touching the death of any person, nor shall any medical certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a medical practitioner.

Medical witnesses.

5. If any person shall wilfully pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, or apothecary, or any other designation which would imply that he is a medical practitioner, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding fifty pounds, or in default of payment be liable to imprisonment for a term not exceeding twelve calendar months.

Falsely assuming medical designations, &c.

Ibid. s. 40.

6. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the existing Medical Board, and every person holding a qualification from any of the qualifying bodies enumerated in the Second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, shall, on application to the Council and proof of his qualification or title and identity with the person named in the diploma submitted and on payment of the fees prescribed by this Act be registered thereunder, and thereupon the Council may issue a certificate of such registration to the person registered.

Persons registered or entitled to registration.

7. The Council shall immediately after its appointment and from time to time cause the names, addresses, and qualifications of all medical practitioners to be entered in a Medical Register, and shall in the month of January in each year, or oftener if it shall deem fit, cause a copy thereof to be published in the *Gazette*, including the names of all existing medical practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal from the register. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication. Provided that a written or printed list of medical practitioners registered between such December and any day before the succeeding thirty-first of December signed by the President shall in like manner be received and have the like effect in evidence. Provided also that the medical register made under the Act nineteenth Victoria number seventeen, entitled the "Medical Practitioners' Act of 1855" shall remain in force for the purposes of this Act until such time as the

Entries in and publication of Register.

Medical.

the Governor, on the recommendation of the Council, shall by a notice in the *Gazette* declare the same cancelled, whereupon the same shall cease to be of any effect.

8. Every person registered under the Imperial Act, forty-ninth and fiftieth Victoria, chapter forty-eighth, entitled the "Medical Act, 1886," shall, on production of his certificate of registration by the General Council of Medical Education and Registration of Great Britain, be entitled to be registered under this Act on proof to the satisfaction of the Council of his identity with the person named in such certificate.

Persons registered under Imperial Medical Act entitled to be registered under this Act.

9. Any person other than those persons entitled to be registered under section six of this Act who has been actually practising medicine or surgery, or both, in this Colony, during the period of five years immediately preceding the passing of this Act, and who, within two years thereof shall, to the satisfaction of the Senate of the University of Sydney, pass an examination as defined in the Third Schedule to this Act, shall be entitled to have his name entered on a separate folio of the register to be entitled "Practitioners registered under section nine of the 'Medical Act, 1890,'" upon payment of the fee prescribed for registration, and to all the rights and privileges of a medical practitioner, except that he shall not be eligible for appointment as a member of the Council. And the Senate of the University of Sydney shall hold within the said period of two years four such examinations, with an interval of not less than five months between each examination, and any such person on submitting himself to examination shall pay such fee as the Senate shall prescribe. And any person, other than those entitled to be registered under section six of this Act, who shall prove to the satisfaction of the Council that he has been continuously and reputably practising medicine or surgery or both in this Colony during the period of twenty-five years immediately preceding the passing of this Act, shall be entitled to have his name entered on a separate folio of the register to be entitled registered under section nine of the "Medical Act, 1890."

Registration of persons actually practising without qualification.

Third Schedule.

10. In all prosecutions under the fifth section of this Act proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the defendant to show that he was so entitled.

Proof of non-qualification.

11. All moneys received by the Council under this Act arising from fees paid on registration or otherwise, and all sums of money and penalties recovered thereunder, shall be paid into a fund to the credit of the Council, and the Council shall have power to invest and to use such fund for the purposes of this Act. And all sums of money payable and penalties incurred under this Act may be recovered in a summary way before a Stipendiary or Police Magistrate or any two or more Justices of the Peace.

Application of moneys and recovery of fines.

12. In every case any person convicted of any offence under this Act may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two.

Appeal allowed.

13. The Council may refuse to register any person whose name has been removed from the register or list of members of any licensing body recognized in Schedule Two, and if the Council shall ascertain that at any time the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register. And the Council may also remove permanently or for a limited time the name of any practitioner who

Removal of names from register.

Medical.

who shall have been convicted of any felony or misdemeanour or who shall after due inquiry and opportunity afforded him of defence be adjudged by a majority of two-thirds of the Council to have been guilty of disgraceful conduct in any professional respect. And the Council
5 by a like majority may remove from the register the name of any person who shall have obtained registration by fraud.

14. The fee for registration under this Act shall be two guineas, Fees on registration. and a fee of one guinea shall be paid for the registration of any qualification made at a subsequent time.

10 15. The Council may examine any applicant attending and any witness produced by him, and may take a solemn declaration from any applicant or witness touching the qualification and identity of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off
15 as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour.

Council to inquire into qualification.

Penalty for false statement, &c.

20 16. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have
25 been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour.

Forging certificate.

17. Any person who shall advertise as treating disease, injury, or ailment shall state his christian and surname in full in the advertisement, and shall also place them upon any house or premises to which such advertisement refers, and if not a medical practitioner shall also add "not registered under the Medical Act, 1890," in such manner as is prescribed by regulations. Any person who shall violate
30 or neglect to comply with the requirements of this section shall be liable for every such offence, for every day he is guilty thereof, to a fine not exceeding five pounds; and any person, not being the person whose name appears in any such advertisement, who shall treat disease, injury, or ailment at any house specified in such advertisement, pur-
35 porting to be the person whose name appears on such house or in such advertisement, shall be liable to a penalty not exceeding twenty-five pounds for every such offence, and the proof of being such person shall lie on the defendant.

Persons practising medicine, &c., and not registered to so state.

18. All members of the Council shall hold office for such time
45 as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and any member of the Council may at any time resign his office by letter addressed to the President. Any member of the Council who shall have failed to attend its meetings during a period
50 of four months without leave from the Council shall cease to be a member thereof, provided that the Council may grant leave of absence to any member for a period not exceeding six months.

Duration of office.

19. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any member
55 of the Council a new appointment shall be made by the Governor or the Senate, as the case may require, to fill the vacancy caused by such expiration of the term of office, death, or resignation of his or its respective nominee, and such appointment shall be published in the *Gazette*.

As to future appointments and elections.

Medical.

20. The Council shall hold its first meeting at such time and place as the Governor may appoint by notification in the *Gazette*, at which meeting the first business transacted shall be the election by the members present of one of the Council as President thereof. Upon any vacancy in that office a special meeting of the Council shall be called by the Registrar, at which or at some adjournment thereof a President shall be elected from among themselves by the members present. Every President shall hold office for a period of twelve months, and shall be eligible for re-election.

21. The Council may make regulations for conducting its proceedings, defining the duties of its officers and servants, preserving order at Council meetings, also as to the time and place of the meetings of the Council, the mode of summoning the members, and as to all other matters for carrying this Act into effect not therein provided for; and such regulations may provide for the imposition of penalties not exceeding the sum of five pounds for any breaches thereof, recoverable as any penalties are recoverable under this Act.

22. All such regulations being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation when confirmed by the Governor and published in the *Gazette*. And the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate, or purporting to contain any such regulation as aforesaid, shall be sufficient evidence that such persons were nominated or that such regulation was duly made, confirmed, and published as herein required.

23. In the absence of any regulation to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from those present shall act as President. All acts of the Council shall be decided by the votes of the majority of members present except as by this Act otherwise provided—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall have a casting vote only in case of an equality of votes.

24. The Council may appoint a Registrar who shall also act as Secretary to the Council. It shall be his duty to keep a book called the Medical Register in which he shall enter the names, addresses, and qualifications of all practitioners directed by the Council to be registered, and he shall, from time to time, as directed by the Council, erase from such Register the names of all practitioners who shall have died or become disqualified, or have left the Colony. He shall also keep minutes of the proceedings of the Council and such books of account as may be required.

25. The Registrar-General in Sydney, and elsewhere every deputy registrar of births, deaths, and marriages on entering the death of any practitioner or person styled or reputed to be a practitioner, shall forthwith transmit notice of such death to the Registrar of the Council.

26. This Act shall come into operation on the first day of January next, and thereafter the Acts specified in the First Schedule hereto shall be repealed.

27. The following terms in italics shall, unless inconsistent with the context, have the meanings hereby assigned to them:—
The Governor—The Governor, with the advice of the Executive Council.

Council—The Medical Council under this Act.

Medical Board—The Board appointed under the Act second Victoria number twenty-two.

c 36—B

Practitioner—

Medical.

Practitioner or Medical Practitioner—Any person registered as a legally qualified medical practitioner under this Act.

Register—The Medical Register of New South Wales.

President—The President of the Medical Council.

5 *Registrar*—The Registrar and Secretary appointed by the Council.

Regulations—Regulations made under this Act.

28. This Act may be cited as the "Medical Act of 1890."

Short title.

SCHEDULES.

SCHEDULE I.

10	No. of Act.	Title or object of Act.
	2 Vict. No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroners' Inquests, &c.
	8 Vict. No. 8... }	Acts amending the said Act.
	9 Vict. No. 12 }	
15	19 Vict. No. 17 ...	An Act to provide for the Registration of Legally Qualified Medical Practitioners.

SCHEDULE II.

20 (a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or the Apothecaries Hall, Dublin.

(b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.

25 (c) Every person registered as a Medical Practitioner or entitled to be so registered under any Act in force in the United Kingdom, and every Medical Commissioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.

30 (d) Every person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs. Provided that by its rules every person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.

35 (e) Every person registered under nineteenth Victoria number seventeen, provided he shall prove to the satisfaction of the Council that he has passed through a regular course of medical study of not less than three years' duration in a school of medicine.

SCHEDULE III.

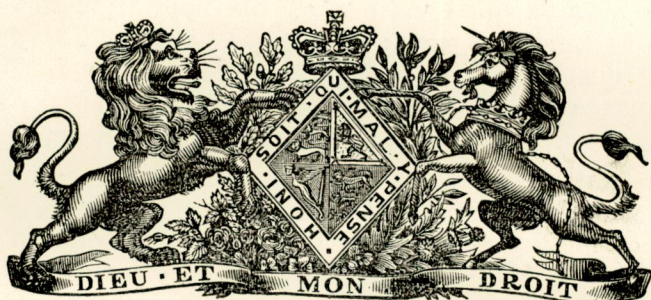
40 Candidates for registration under section nine of this Act shall be required to show that they have a thorough acquaintance with structure of the human body and the functions of its various parts, both in health and disease. They shall also show competency to treat ordinary cases of disease and injury, and that they are acquainted with medical jurisprudence and midwifery, and the nature and mode of administration of dangerous drugs.

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

*Legislative Council Chamber,
Sydney, 11th December, 1890. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

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Majesty, by and with the advice and consent of the Legislative
5 Council and Legislative Assembly of New South Wales in Parliament
assembled, and by the authority of the same, as follows:—

1. A Council, to be styled the Medical Council of New South Establishment and
duties of Medical
Council.
Wales shall be established, consisting of ten persons registered under
the Act of the second year of Her Majesty number twenty-two or
10 under this Act, of whom five shall be appointed by the Governor and
five by the Senate of the University of Sydney, which Council shall
have the powers hereinafter specified, and shall cause all persons to be
registered as legally qualified medical practitioners who shall show to
the satisfaction of the Council that they are entitled to registration.

15 2. After the present year the words "legally qualified medical
practitioner" or "duly qualified medical practitioner" or any words
importing a person recognized by law as a medical practitioner when
c 36—A Term legally quali-
fied medical prac-
titioner, &c.
English Act,
ss. 34 and 35
used

Medical.

used in any Act shall be construed to mean a person whose name is on the register. And every person registered as aforesaid shall be exempt from serving on juries and inquests, and if he desire, from filling any corporate office, and from serving in the militia should a militia be established.

3. After the present year no person shall hold any appointment under the Government of this Colony as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

Unregistered persons not to hold certain appointments.

Ibid. ss. 36 and 37.

4. No person other than a medical practitioner shall be competent to give evidence as a medical witness at the holding of any coroner's inquest or upon the holding of any inquiry by a Justice of the Peace touching the death of any person, nor shall any medical certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a medical practitioner.

Medical witnesses.

5. If any person shall wilfully pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, or apothecary, or any other designation which would imply that he is a medical practitioner, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding fifty pounds, or in default of payment be liable to imprisonment for a term not exceeding twelve calendar months.

Falsely assuming medical designations, &c.

Ibid. s. 40.

6. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the existing Medical Board, and every person holding a qualification from any of the qualifying bodies enumerated in the Second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, shall, on application to the Council and proof of his qualification or title and identity with the person named in the diploma submitted and on payment of the fees prescribed by this Act be registered thereunder, and thereupon the Council may issue a certificate of such registration to the person registered.

Persons registered or entitled to registration.

7. The Council shall immediately after its appointment and from time to time cause the names, addresses, and qualifications of all medical practitioners to be entered in a Medical Register, and shall in the month of January in each year, or oftener if it shall deem fit, cause a copy thereof to be published in the *Gazette*, including the names of all existing medical practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal from the register. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication. Provided that a written or printed list of medical practitioners registered between such December and any day before the succeeding thirty-first of December signed by the President shall in like manner be received and have the like effect in evidence. Provided also that the medical register made under the Act nineteenth Victoria number seventeen, entitled the "Medical Practitioners' Act of 1855" shall remain in force for the purposes of this Act until such time as the

Entries in and publication of Register.

Medical.

the Governor, on the recommendation of the Council, shall by a notice in the *Gazette* declare the same cancelled, whereupon the same shall cease to be of any effect.

8. Every person registered under the Imperial Act, forty-ninth and fiftieth Victoria, chapter forty-eighth, entitled the "Medical Act, 1886," shall, on production of his certificate of registration by the General Council of Medical Education and Registration of Great Britain, be entitled to be registered under this Act on proof to the satisfaction of the Council of his identity with the person named in such certificate.

Persons registered under Imperial Medical Act entitled to be registered under this Act.

9. Any person other than those persons entitled to be registered under section six of this Act who has been actually practising medicine or surgery, or both, in this Colony, during the period of five years immediately preceding the passing of this Act, and who, within two years thereof shall, to the satisfaction of the Senate of the University of Sydney, pass an examination as defined in the Third Schedule to this Act, shall be entitled to have his name entered on a separate folio of the register to be entitled "Practitioners registered under section nine of the 'Medical Act, 1890,'" upon payment of the fee prescribed for registration, and to all the rights and privileges of a medical practitioner, except that he shall not be eligible for appointment as a member of the Council. And the Senate of the University of Sydney shall hold within the said period of two years four such examinations, with an interval of not less than five months between each examination, and any such person on submitting himself to examination shall pay such fee as the Senate shall prescribe. And any person, other than those entitled to be registered under section six of this Act, who shall prove to the satisfaction of the Council that he has been continuously and reputably practising medicine or surgery or both in this Colony during the period of twenty-five years immediately preceding the passing of this Act, shall be entitled to have his name entered on a separate folio of the register to be entitled registered under section nine of the "Medical Act, 1890."

Registration of persons actually practising without qualification. Third Schedule.

10. In all prosecutions under the fifth section of this Act proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the defendant to show that he was so entitled.

Proof of non-qualification.

11. All moneys received by the Council under this Act arising from fees paid on registration or otherwise, and all sums of money and penalties recovered thereunder, shall be paid into a fund to the credit of the Council, and the Council shall have power to invest and to use such fund for the purposes of this Act. And all sums of money payable and penalties incurred under this Act may be recovered in a summary way before a Stipendiary or Police Magistrate or any two or more Justices of the Peace.

Application of moneys and recovery of fines.

12. In every case any person convicted of any offence under this Act may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two.

Appeal allowed.

13. The Council may refuse to register any person whose name has been removed from the register or list of members of any licensing body recognized in Schedule Two, and if the Council shall ascertain that at any time the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register. And the Council may also remove permanently or for a limited time the name of any practitioner who

Removal of names from register.

Medical.

who shall have been convicted of any felony or misdemeanour or who shall after due inquiry and opportunity afforded him of defence be adjudged by a majority of two-thirds of the Council to have been guilty of disgraceful conduct in any professional respect. And the Council
5 by a like majority may remove from the register the name of any person who shall have obtained registration by fraud.

14. The fee for registration under this Act shall be two guineas, Fees on registration. and a fee of one guinea shall be paid for the registration of any qualification made at a subsequent time.

10 15. The Council may examine any applicant attending and any witness produced by him, and may take a solemn declaration from any applicant or witness touching the qualification and identity of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off
15 as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour.

Penalty for false statement, &c.

20 16. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have
25 been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour.

Forging certificate.

30 17. Any person who shall advertise as treating disease, injury, or ailment shall state his christian and surname in full in the advertisement, and shall also place them upon any house or premises to which such advertisement refers, and if not a medical practitioner shall also add "not registered under the Medical Act, 1890," in such manner as is prescribed by regulations. Any person who shall violate
35 or neglect to comply with the requirements of this section shall be liable for every such offence, for every day he is guilty thereof, to a fine not exceeding five pounds; and any person, not being the person whose name appears in any such advertisement, who shall treat disease, injury, or ailment at any house specified in such advertisement, pur-
40 porting to be the person whose name appears on such house or in such advertisement, shall be liable to a penalty not exceeding twenty-five pounds for every such offence, and the proof of being such person shall lie on the defendant.

Persons practising medicine, &c., and not registered to so state.

45 18. All members of the Council shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and any member of the Council may at any time resign his office by letter addressed to the President. Any member of the Council who shall have failed to attend its meetings during a period
50 of four months without leave from the Council shall cease to be a member thereof, provided that the Council may grant leave of absence to any member for a period not exceeding six months.

Duration of office.

55 19. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any member of the Council a new appointment shall be made by the Governor or the Senate, as the case may require, to fill the vacancy caused by such expiration of the term of office, death, or resignation of his or its respective nominee, and such appointment shall be published in the *Gazette*.

As to future appointments and elections.

Medical.

20. The Council shall hold its first meeting at such time and place as the Governor may appoint by notification in the *Gazette*, at which meeting the first business transacted shall be the election by the members present of one of the Council as President thereof. Upon
 5 any vacancy in that office a special meeting of the Council shall be called by the Registrar, at which or at some adjournment thereof a President shall be elected from among themselves by the members present. Every President shall hold office for a period of twelve months, and shall be eligible for re-election.
- 10 21. The Council may make regulations for conducting its proceedings, defining the duties of its officers and servants, preserving order at Council meetings, also as to the time and place of the meetings of the Council, the mode of summoning the members, and as to
 15 for; and such regulations may provide for the imposition of penalties not exceeding the sum of five pounds for any breaches thereof, recoverable as any penalties are recoverable under this Act.
22. All such regulations being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation
 20 when confirmed by the Governor and published in the *Gazette*. And and the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate, or purporting to contain any such regulation as aforesaid, shall be sufficient evidence that such persons were nominated or that such
 25 regulation was duly made, confirmed, and published as herein required.
23. In the absence of any regulation to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from
 30 those present shall act as President. All acts of the Council shall be decided by the votes of the majority of members present except as by this Act otherwise provided—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall have a casting vote
 35 only in case of an equality of votes.
24. The Council may appoint a Registrar who shall also act as Secretary to the Council. It shall be his duty to keep a book called the Medical Register in which he shall enter the names, addresses, and qualifications of all practitioners directed by the Council to be registered, and he shall, from time to time, as directed by the Council,
 40 erase from such Register the names of all practitioners who shall have died or become disqualified, or have left the Colony. He shall also keep minutes of the proceedings of the Council and such books of account as may be required.
- 45 25. The Registrar-General in Sydney, and elsewhere every deputy registrar of births, deaths, and marriages on entering the death of any practitioner or person styled or reputed to be a practitioner, shall forthwith transmit notice of such death to the Registrar of the Council.
- 50 26. This Act shall come into operation on the first day of January next, and thereafter the Acts specified in the First Schedule hereto shall be repealed.
27. The following terms in italics shall, unless inconsistent with the context, have the meanings hereby assigned to them :—
- 55 *The Governor*—The Governor, with the advice of the Executive Council.
Council—The Medical Council under this Act.
Medical Board—The Board appointed under the Act second Victoria number twenty-two.

Appointment of President.

Council may make regulations.

Regulations to be approved by Governor.

Summoning meetings and proceedings thereat.

Registrar to be appointed.

Registrar-General, &c., to give notice of deaths.

Repeal of existing Acts.

Definitions of terms.

Medical.

- Practitioner or Medical Practitioner*—Any person registered as a legally qualified medical practitioner under this Act.
Register—The Medical Register of New South Wales.
President—The President of the Medical Council.
5 *Registrar*—The Registrar and Secretary appointed by the Council.
Regulations—Regulations made under this Act.
28. This Act may be cited as the “Medical Act of 1890.”

Short title.

SCHEDULES.

SCHEDULE I.

10	No. of Act.	Title or object of Act.
	2 Vict. No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroners' Inquests, &c.
	8 Vict. No. 8... } 9 Vict. No. 12 }	Acts amending the said Act.
15	19 Vict. No. 17 ...	An Act to provide for the Registration of Legally Qualified Medical Practitioners.

SCHEDULE II.

- (a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the
20 Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or the Apothecaries Hall, Dublin.
(b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.
25 (c) Every person registered as a Medical Practitioner or entitled to be so registered under any Act in force in the United Kingdom, and every Medical Commissioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.
(d) Every person who shall have obtained after examination from some University
30 or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs. Provided that by its rules every person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.
(e) Every person registered under nineteenth Victoria number seventeen, pro-
35 vided he shall prove to the satisfaction of the Council that he has passed through a regular course of medical study of not less than three years' duration in a school of medicine.

SCHEDULE III.

- Candidates for registration under section nine of this Act shall be required to
40 show that they have a thorough acquaintance with structure of the human body and the functions of its various parts, both in health and disease. They shall also show competency to treat ordinary cases of disease and injury, and that they are acquainted with medical jurisprudence and midwifery, and the nature and mode of administration of dangerous drugs.

Legislative Council

54^o VICTORIÆ, 1890.

A BILL

To regulate the practice of Medicine and Surgery in the Colony of New South Wales.

(As amended and agreed to in Select Committee.)

WHEREAS by the Act passed by the Imperial Parliament in the Preamble.
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10 registered were authorized to practise medicine or surgery in any part
of Her Majesty's dominions. And whereas by the Imperial Act
passed in the thirty-first year of Her Majesty it was enacted that every 31 Vic. c. 29.
Colonial Legislature should have power to make laws for enforcing the
registration within its jurisdiction of all persons so registered, who were
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20 may be to that of the United Kingdom. Be it therefore enacted
by the Queen's Most Excellent Majesty, by and with the advice and
consent
c 36—

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

consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Establishment and
duties of Medical
Council.

1. A Council, to be styled the Medical Council of New South Wales shall be established, consisting of ~~twelve~~ **ten** persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, ~~or entitled to be so registered~~, of whom ~~four~~ **five** shall be appointed by the Governor and ~~two~~ **five** by the Senate of the University of Sydney, and ~~the remaining six members shall be elected from among the medical practitioners of the Colony registered as aforesaid~~ **in the manner hereinafter provided**, which Council shall have the powers hereinafter specified, and shall cause all persons to be registered as legally qualified medical practitioners who shall show to the satisfaction of the Council that they are entitled to such registration.

As to members of
the present Medical
Board.

2. Provided always that the existing eight members of the Medical Board, appointed in pursuance of the said Act of the second year of Her Majesty, shall be members of the first Medical Council, and until that number shall by death or some other cause have been reduced to six members **four** practitioners only shall be elected, and on each reduction of the present number below six one member shall be appointed by the Senate until no more than four of the said eight members remain, after which the number of elected members shall be six, and of members appointed by the Governor shall be four, and by the Senate two, as provided by the said first section.

Privileges of
registered practi-
tioners.

Engl. Act. ss. 31 and
32.

3. Every person registered as aforesaid shall be entitled according to his qualification or qualifications to practise medicine or surgery (or medicine and surgery as the case may be) and to recover in any Court reasonable charges for professional aid, advice, and visits; and the cost of any medicine or medical or surgical appliances, all of which matters may be described in the plaint or other legal pleading by the term medical services, and after the present year, no person shall be entitled to recover any charge for medical or surgical advice, attendance, or for the performance of any operation, or for medicine which he shall have both prescribed and supplied, unless he is so registered.

Term legally quali-
fied medical prac-
titioner, &c.

Ibid. ss. 34 and 35.

4. 2. After the present year the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner when used in any Act shall be construed to mean a ~~person registered as aforesaid~~ and a person whose name remains is on the register. And every person so registered as aforesaid shall be exempt ~~if he so desire~~ from serving on juries and inquests, and if he desire, from filling any corporate office, and from serving in the militia should a militia be established.

Unregistered persons
not to hold certain
appointments.

Ibid. ss. 36 and 37.

5. 3. After the present year no person shall hold any appointment under the Government of this Colony as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

Medical
witnesses.

4. No person other than a practitioner shall be competent to give evidence as a medical witness at the holding of any coroner's inquest or upon the holding of any inquiry by a Justice of the Peace touching the death of any person, nor shall any certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a practitioner.

6- 5. If any person shall wilfully and falsely pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any other designation which would imply that he is a practitioner, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding twenty five pounds, or in default of payment be liable to imprisonment for a term not exceeding twelve calendar months.

Falsely assuming medical designations &c.

Ibid. s. 40.

7- 6. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the existing Medical Board shall be deemed to be registered under this Act, and every person holding a qualification from any of the qualifying bodies enumerated in the second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, or being a licentiate under the next following section shall, on application to the Council and proof of his qualification or title and identity with the person named in the diploma submitted and on payment of the fees or fee due in that behalf prescribed by this Act be so registered thereunder, and thereupon the Council may issue a certificate of such registration to the person registered.

Persons registered or entitled to registration.

8. In addition to the practitioners so registered, the Council may license any person as a legally qualified medical practitioner, whom after due examination as to his knowledge and capacity the Council shall find qualified so to practise. Provided that every such person shall have passed through a course of medical study of not less than four years duration, and have attended hospital practise for not less than three years of that time, or shall before the commencement of this year have habitually practised medicine or surgery or both as the case may be in this Colony for a period of not less than seven years. Every person so licensed shall pay for such examination and for his license respectively such reasonable fees as the Governor shall from time to time direct, and shall thereafter on application and payment as aforesaid be entitled to registration under this Act.

Certain persons may be licensed by the Council.

9. No person shall be disqualified or deemed ineligible for registration or for a license as a medical practitioner or for appointment or election to the Council or to any office by reason of his adopting or having adopted any particular theory of medicine or surgery or system of medical or surgical treatment.

Persons adopting particular medical theories.

10- 7. The Council shall immediately after its appointment and from time to time cause the names, addresses, and qualifications of all legally qualified medical practitioners in this Colony to be entered in a Medical Register, and shall in the month of January in each year, or oftener if it shall deem fit, cause a copy thereof to be published in the Gazette, including the names of all existing practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal from the register. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication. Provided that a written or printed list of practitioners registered between such December and any day before the succeeding thirty-first of December signed by the President shall in like manner be received as evidence. Provided also that the medical register made under the Act nineteenth Victoria, number seventeen, entitled the "Medical Practitioners' Act of 1855" shall remain in force for the purposes of this Act until such time as the Governor, on the recommendation of the Council, shall by a notice in the Gazette declare the same cancelled, whereupon the same shall cease to be of any effect.

Entries in and publication of Register.

8. Every person registered under the Imperial Act, forty-ninth and fiftieth Victoria, chapter forty-eighth, entitled the "Medical Act, 1886," shall, on production of his certificate of registration by the General Council

Council of Medical Education and Registration of Great Britain, be entitled to be registered under this Act on proof to the satisfaction of the Council of his identity with the person named in such certificate.

Registration of
persons actually
practising
without qualifica-
tion.
Third Schedule.

9. Any person other than those persons entitled to be registered under section six of this Act who has been actually practising 5 medicine or surgery, or both, in this Colony, during the period of five years immediately preceding the passing of this Act, and who, within two years thereof shall, to the satisfaction of the Senate of the University of Sydney, pass an examination as defined in the Third Schedule to this Act, shall be entitled to have his name entered on a 10 separate folio of the register to be entitled "Practitioners registered under section nine of the 'Medical Act, 1890,'" upon payment of the fee prescribed for registration, and to all the rights and privileges of a practitioner, except that he shall not be eligible for appointment as a member of the Council. And the Senate of the University of Sydney 15 shall hold within the said period of two years four such examinations, with an interval of not less than five months between each examination, and any such person on submitting himself to examination shall pay such fee as the Senate shall prescribe.

Proof of non-quali-
fication.

11. 10. In all prosecutions under the sixth fifth section of this Act 20 proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the 25 defendant to show that he was so entitled.

Application of
moneys and recovery
of fines.

12. 11. All moneys received by the Council under this Act arising from fees paid on registration or otherwise, and all fines recovered thereunder, shall be paid into a fund to the credit of the Council, and the Council shall have power to invest and to use such fund for 30 the purposes of this Act. And all fines incurred under this Act may be recovered in a summary way before two or more Justices of the Peace, according to the provisions of the Act fourteenth Victoria number forty-three and the Act therein adopted, or any other law hereafter passed for regulating summary proceedings before Justices. 35

Appeal allowed.

13. 12. Provided that in every case where the fine imposed exceeds 40 forty shillings the defendant may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two passed to regulate summary proceedings before Justices. And provided also that no person shall be liable to any fee or fine under this Act unless proceedings in respect thereof be commenced within six months after such fee or the liability to such fine has accrued.

Limitation of
prosecutions.

Removal of names
from register.

14. 13. The Council may refuse to register any person whose name has been removed from the register or list of members of any recognized licensing body, and if the Council shall at any time ascertain that at any 45 time the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register either permanently or for a limited time only. And the like where Council may also remove permanently or for a 50 limited time the name of any practitioner who shall have been convicted of any felony or serious misdemeanour or who shall after due inquiry and opportunity afforded him of defence be adjudged by a majority of two-thirds of the Council to have been guilty of disgraceful conduct in any professional respect, or to be an habitual drunkard, or while intoxicated 55 to have attended professionally, any sick person. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud.

Fees on registration.

15. 14. The fee for registration under this Act shall be two guineas and a fee of one guinea shall be paid for the registration of any 60 qualification subsequently registered made at a subsequent time.

Council to inquire
into qualification.

16. 15. The Council may question examine any applicant attending and any witness produced by him, and may take a solemn declaration from

from any applicant or witness touching the qualification and identity of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour. Penalty for false statement, &c.

10 17. 16. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour. Forging certificate.

20 17. Every person practising medicine, surgery, or midwifery for gain shall have his name placed conspicuously upon the house or premises in which he carries on his calling. Provided that any such person so practising who is not registered as a practitioner shall notify the same beneath his name in the manner to be provided by regulations; and any person who shall advertise as treating disease, injury, or ailment shall state his christian and surname in full in the advertisement, also shall place them upon any house or premises to which such advertisement refers, and if not a practitioner shall also add the words "not registered under the Medical Act, 1890," in such manner as is prescribed by regulations. Any person who shall violate or neglect to comply with the requirements of this section shall be liable for every such offence, for every day he is guilty thereof, to a fine not exceeding five pounds; and any person who shall treat disease, injury, or ailment as aforesaid, not being the person whose name appears in any advertisement or upon any house or premises shall be liable to a penalty not exceeding five pounds for every such offence, and the proof of being such person shall lie on the defendant. Persons practising medicine, &c., and not registered to so state.

40 18. The names of the members of the Medical Board now existing shall with all convenient speed after the passing of this Act be published in the *Gazette*, and after such publication the Medical Board shall cause a notice to be published in the *Gazette* and in such newspapers as they may determine, that an election of members (specifying the number) will be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice. Preliminary steps for election of Members.

50 19. Every person desirous of becoming a candidate shall be nominated by two practitioners, which nomination shall be signed by them as well as the candidate, and be sent or delivered to the President at least thirty days before the time fixed for election, and upon the receipt of such names the President shall cause a list thereof and of the persons nominating each candidate to be published in such newspapers as the Board shall determine. Mode of nomination.

60 20. If no more persons be nominated than the number of practitioners to be elected they shall be declared duly elected members of the Council and their names be published by the President in the *Gazette*. But if more than such number be nominated the President shall cause their names to be printed on papers, hereinafter called voting-papers, and shall cause one of such papers, signed by him on the back thereof as soon as practicable to be delivered or posted to every practitioner resident in the Colony whose address may be known. Contested or uncontested elections

21. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall Voting-papers to be signed.

shall sign such voting-paper in the presence of a Magistrate or Minister of Religion or Commissioner for taking affidavits, and shall two days at the least before the day of election forward such voting-paper to the President, with the words "Election of Medical Council" written on the envelope.

5

Proceedings at
elections.

22. On the day appointed for the first election a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the presence of the President and scrutineers, who shall count the votes for each candidate, and the President shall then declare the persons who have obtained the greatest number of votes to be elected members of the Council.

10

Casting
vote.

23. In the event of two or more candidates having obtained an equal number of votes the President shall have a casting vote and shall state which of such candidates are or is elected.

15

Conduct of future
elections.

24. All duties which by the preceding sections are imposed on the Medical Board or its President in regard to the first election of members of the Council shall, in regard to all future elections, be discharged by the Medical Council at the time in existence and by the President thereof respectively.

20

Duration of office.

25. 18. All appointed members of the Council shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President. Any member of the Council who shall have failed to attend its meetings during a period of four months without leave from the Council shall cease to be a member thereof, provided that the Council may grant leave of absence to any member for a period not exceeding six months.

25

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Deficiency of candi-
dates.

26. If at the time fixed for any election there be no candidate named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time, not exceeding four years, as the Governor shall determine.

35

As to future
appointments and
elections.

27. 19. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any appointed member of the Council a new appointment shall be made by the Governor or the Senate, as the case may require, to fill the vacancy caused by such expiration of the term of office, death, or resignation of his or its respective nominee, and such appointment shall be published in the *Gazette*. And sixty days at the least before the expiration of the term of office of any of the elected councillors the Council and the President thereof shall take respectively all such steps, and such things shall be done thereafter in relation to the election of practitioners in the place of the retiring councillors as this Act directs to be taken and done in respect of the first election of the Council or as shall be requisite, having regard to the number of persons to be elected.

50

Commencement of
term of office of
elected members.

28. The term of office of each elected member shall be taken to have commenced with respect to the first elected members on the first day of meeting of the Council, and with respect to all members thereafter elected to have commenced on the anniversary of that day. And every election after the first shall take place on such anniversary or on the earliest practicable day thereafter, to be fixed in each case by the Council. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner to fill such vacancy who shall hold office until the expiration of his predecessor's term of office. All such appointments shall be notified in the *Gazette*.

55

60

Extraordinary
vacancies.

20. 20. The Council shall hold its first meeting at such time and place as the Governor may appoint by notification in the *Gazette*, at which meeting the first business transacted shall be the election by the members present of one of the Council as President thereof. Upon any vacancy in that office a special meeting of the Council shall be called by the Registrar, at which or at some adjournment thereof a President shall be elected from among themselves by the members present. Every President shall hold office so long as he shall remain a councillor for a period of twelve months, and shall be eligible for re-election.

Appointment of President.

30. 21. The Council may make by-laws regulations for regulating conducting their its proceedings and defining the duties of their its officers and servants and preserving order at Council meetings, and also as to the time and place of the meetings of the Council and the mode of summoning the members, and as to all other matters for carrying this Act into effect not therein provided for.

Council may make by-laws regulations.

31. 22. All such by-laws regulations being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation when confirmed by the Governor and published in the *Gazette*, but not sooner. And the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate or elected as the case may be, or purporting to contain any such by-law regulation as aforesaid, shall be sufficient evidence that such persons were nominated or elected respectively, and or that such by-law regulation was duly made, confirmed, and published as herein required.

By-laws Regulations to be approved by Governor.

32. 23. In the absence of any by-law regulation to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from those present shall act as President. All acts of the Council shall be decided by the votes of the majority of members present except as by this Act otherwise provided—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote only in case of an equality of votes.

Summoning meetings and proceedings thereat.

33. 24. The Council may appoint a Registrar who shall also act as Secretary to the Council, and shall be paid such salary as the Council may determine. It shall be his duty to keep a book called the Medical Register in which he shall enter the names, addresses, and qualifications of all practitioners directed by the Council to be registered, and he shall, from time to time, as directed by the Council, erase from such Register the names of all practitioners who shall have died or become disqualified, or have left the Colony. He shall also keep minutes of the proceedings of the Council and such books of account as may be required.

Registrar to be appointed.

34. 25. The Registrar-General in Sydney, and elsewhere every deputy registrar of births, deaths, and marriages on entering the death of any medical practitioner or person styled or reputed to be such a practitioner, shall forthwith transmit notice of such death to the Registrar of the Council.

Registrar-General, &c., to give notice of deaths.

35. 26. This Act shall come into operation on the first day of January next, and thereafter the Acts specified in the First Schedule hereto shall on the first day of January next, be repealed, except always that the Medical Board shall continue until the first day of March next. Provided that nothing in this Act shall affect anything lawfully done or any right or privilege acquired under the repealed Acts or any of them.

Repeal of existing Acts.

36. 27. The following terms in italics shall, unless inconsistent with the context, have the meanings hereby assigned to them:—

Definitions of terms.

The Governor—The Governor, with the advice of the Executive Council.

Council or Medical Council—The Medical Council appointed under this Act.

Medical

Medical Board—The Board appointed under the Act second Victoria number twenty-two.

Practitioner or Medical Practitioner—Any person registered as a legally qualified medical practitioner under this or the last mentioned Act.

5

Register—The Medical Register of New South Wales.

President—The President of the Medical Council—but until its first meeting the President of the Medical Board.

Registrar—The Registrar and Secretary appointed by the Council.

Regulations—Regulations made under this Act.

10

Matters falling on Sunday, &c.

37. Whenever anything is by this Act directed to be done or to take place on a certain day which happens to be Sunday, Christmas Day, or Good Friday, or a public holiday, such thing may take place or be performed on the next day thereafter which shall not be Sunday, Christmas Day, Good Friday, or a public holiday, and all changes of 15 time rendered necessary by any such alteration may lawfully be made.

Short title

28. This Act may be cited as the "Medical Act of 1890."

SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.	20
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SCHEDULE II.

(a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or 30 the Apothecaries Hall, Dublin.

(b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.

(c) Every person registered as a Medical Practitioner or entitled to be so 35 registered under any Act in force in the United Kingdom, and every Medical Commissioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.

(d) Every person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the 40 country to which such University or College belongs. Provided that by its rules every person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.

(e) Every person registered under nineteenth Victoria number seventeen, 45 provided he shall prove to the satisfaction of the Council that he has passed through a regular course of medical study of not less than three years' duration in a school of medicine.

SCHEDULE III.

Candidates for registration under section nine of this Act shall be required to show that they have a thorough acquaintance with structure of the human 50 body and the functions of its various parts, both in health and disease. They shall also show competency to treat ordinary cases of disease and injury, and that they are acquainted with medical jurisprudence and midwifery, and the nature and mode of administration of dangerous drugs.

Legislative Council

54^o VICTORIÆ, 1890.

A BILL

To regulate the practice of Medicine and Surgery in the Colony of New South Wales.

(As amended and agreed to in Select Committee.)

WHEREAS by the Act passed by the Imperial Parliament in the Preamble.
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5 established and sundry provisions were enacted for preventing persons
other than such as should be registered under that statute from
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as also from holding certain public appointments, and persons so
10 registered were authorized to practise medicine or surgery in any part
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registration within its jurisdiction of all persons so registered, who were
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such fees as should be legally demandable in that behalf. And Whereas Objects of the
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aid to distinguish qualified from unqualified practitioners, and for that
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by the Queen's Most Excellent Majesty, by and with the advice and
c 36— consent

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

consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Establishment and duties of Medical Council.

1. A Council, to be styled the Medical Council of New South Wales shall be established, consisting of ~~twelve~~ **ten** persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, ~~or entitled to be so registered,~~ of whom ~~four~~ **five** shall be appointed by the Governor and ~~two~~ **five** by the Senate of the University of Sydney, and ~~the remaining six members shall be elected from among the medical practitioners of the Colony registered as aforesaid in the manner hereinafter provided,~~ which Council shall have the powers hereinafter specified, and shall cause all persons to be registered as legally qualified medical practitioners who shall show to the satisfaction of the Council that they are entitled to such registration.

As to members of the present Medical Board.

2. Provided always that the existing eight members of the Medical Board, appointed in pursuance of the said Act of the second year of Her Majesty, shall be members of the first Medical Council, and until that number shall by death or some other cause have been reduced to six members *four* practitioners only shall be elected, and on each reduction of the present number below six one member shall be appointed by the Senate until no more than four of the said eight members remain, after which the number of elected members shall be six, and of members appointed by the Governor shall be four, and by the Senate two, as provided by the said first section.

Privileges of registered practitioners.

Engl. Act. ss. 31 and 32.

3. Every person registered as aforesaid shall be entitled according to his qualification or qualifications to practise medicine or surgery (or medicine and surgery as the case may be) and to recover in any Court reasonable charges for professional aid, advice, and visits; and the cost of any medicine or medical or surgical appliances, all of which matters may be described in the plaint or other legal pleading by the term medical services, and after the present year, no person shall be entitled to recover any charge for medical or surgical advice, attendance, or for the performance of any operation, or for medicine which he shall have both prescribed and supplied, unless he is so registered.

Term legally qualified medical practitioner, &c.

Ibid. ss. 34 and 35.

4. 2. After the present year the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner when used in any Act shall be construed to mean a ~~person registered as aforesaid and a person whose name remains is on the register.~~ And every person so registered as aforesaid shall be exempt if he so desire from serving on juries and inquests, and if he desire, from filling any corporate office, and from serving in the militia should a militia be established.

Unregistered persons not to hold certain appointments.

Ibid. ss. 36 and 37.

5. 3. After the present year no person shall hold any appointment under the Government of this Colony as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

Medical witnesses.

4. No person other than a practitioner shall be competent to give evidence as a medical witness at the holding of any coroner's inquest or upon the holding of any inquiry by a Justice of the Peace touching the death of any person, nor shall any certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a practitioner.

6. 5. If any person shall wilfully and falsely pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any other designation which would imply that he is a practitioner, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding twenty fifty pounds, or in default of payment be liable to imprisonment for a term not exceeding twelve calendar months.

Falsely assuming medical designations &c.

Ibid. s. 40.

7. 6. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the existing Medical Board shall be deemed to be registered under this Act, and every person holding a qualification from any of the qualifying bodies enumerated in the second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, or being a licentiate under the next following section shall, on application to the Council and proof of his qualification or title and identity with the person named in the diploma submitted and on payment of the fees or fee due in that behalf prescribed by this Act be so registered thereunder, and thereupon the Council may issue a certificate of such registration to the person registered.

Persons registered or entitled to registration.

8. In addition to the practitioners so registered, the Council may license any person as a legally qualified medical practitioner, whom after due examination as to his knowledge and capacity the Council shall find qualified so to practise. Provided that every such person shall have passed through a course of medical study of not less than four years duration, and have attended hospital practise for not less than three years of that time, or shall before the commencement of this year have habitually practised medicine or surgery or both as the case may be in this Colony for a period of not less than seven years. Every person so licensed shall pay for such examination and for his license respectively such reasonable fees as the Governor shall from time to time direct, and shall thereafter on application and payment as aforesaid be entitled to registration under this Act.

Certain persons may be licensed by the Council.

9. No person shall be disqualified or deemed ineligible for registration or for a license as a medical practitioner or for appointment or election to the Council or to any office by reason of his adopting or having adopted any particular theory of medicine or surgery or system of medical or surgical treatment.

Persons adopting particular medical theories.

10. 7. The Council shall immediately after its appointment and from time to time cause the names, addresses, and qualifications of all legally qualified medical practitioners in this Colony to be entered in a Medical Register, and shall in the month of January in each year, or oftener if it shall deem fit, cause a copy thereof to be published in the Gazette, including the names of all existing practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal from the register. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication. Provided that a written or printed list of practitioners registered between such December and any day before the succeeding thirty-first of December signed by the President shall in like manner be received as evidence. Provided also that the medical register made under the Act nineteenth Victoria, number seventeen, entitled the "Medical Practitioners' Act of 1855" shall remain in force for the purposes of this Act until such time as the Governor, on the recommendation of the Council, shall by a notice in the Gazette declare the same cancelled, whereupon the same shall cease to be of any effect.

Entries in and publication of Register.

8. Every person registered under the Imperial Act, forty-ninth and fiftieth Victoria, chapter forty-eighth, entitled the "Medical Act, 1886," shall, on production of his certificate of registration by the General Council

Council of Medical Education and Registration of Great Britain, be entitled to be registered under this Act on proof to the satisfaction of the Council of his identity with the person named in such certificate.

Registration of
persons actually
practising
without qualifica-
tion.
Third Schedule.

9. Any person other than those persons entitled to be registered under section six of this Act who has been actually practising 5 medicine or surgery, or both, in this Colony, during the period of five years immediately preceding the passing of this Act, and who, within two years thereof shall, to the satisfaction of the Senate of the University of Sydney, pass an examination as defined in the Third Schedule to this Act, shall be entitled to have his name entered on a 10 separate folio of the register to be entitled "Practitioners registered under section nine of the 'Medical Act, 1890,'" upon payment of the fee prescribed for registration, and to all the rights and privileges of a practitioner, except that he shall not be eligible for appointment as a member of the Council. And the Senate of the University of Sydney 15 shall hold within the said period of two years four such examinations, with an interval of not less than five months between each examination, and any such person on submitting himself to examination shall pay such fee as the Senate shall prescribe.

Proof of non-quali-
fication.

11. 10. In all prosecutions under the sixth fifth section of this Act 20 proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the 25 defendant to show that he was so entitled.

Application of
moneys and recovery
of fines.

12. 11. All moneys received by the Council under this Act arising from fees paid on registration or otherwise, and all fines recovered thereunder, shall be paid into a fund to the credit of the Council, and the Council shall have power to invest and to use such fund for 30 the purposes of this Act. And all fines incurred under this Act may be recovered in a summary way before two or more Justices of the Peace, according to the provisions of the Act fourteenth Victoria number forty-three and the Act therein adopted, or any other law hereafter passed for regulating summary proceedings before Justices. 35

Appeal allowed.

13. 12. Provided that in every case where the fine imposed exceeds 40 forty shillings the defendant may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two passed to regulate summary proceedings before Justices. And provided also that no person shall be liable to any fee or fine under this Act unless proceedings in respect thereof be commenced within six months after such fee or the liability to such fine has accrued.

Limitation of
prosecutions.

Removal of names
from register.

14. 13. The Council may refuse to register any person whose name has been removed from the register or list of members of any recognized licensing body, and if the Council shall at any time ascertain that at any 45 time the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register either permanently or for a limited time only. And the like where Council may also remove permanently or for a 50 limited time the name of any practitioner who shall have been convicted of any felony or serious misdemeanour or who shall after due inquiry and opportunity afforded him of defence be adjudged by a majority of two-thirds of the Council to have been guilty of disgraceful conduct in any professional respect, or to be an habitual drunkard, or while intoxicated 55 to have attended professionally, any sick person. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud.

Fees on registration.

15. 14. The fee for registration under this Act shall be two guineas and a fee of one guinea shall be paid for the registration of any 60 qualification subsequently registered made at a subsequent time.

Council to inquire
into qualification.

16. 15. The Council may question examine any applicant attending and any witness produced by him, and may take a solemn declaration from

- from any applicant or witness touching the qualification and identity of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour. Penalty for false statement, &c.
- 10 17. 16. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour. Forging certificate.
- 20 17. Every person practising medicine, surgery, or midwifery for gain shall have his name placed conspicuously upon the house or premises in which he carries on his calling. Provided that any such person so practising who is not registered as a practitioner shall notify the same beneath his name in the manner to be provided by regulations; and any person who shall advertise as treating disease, injury, or ailment shall state his christian and surname in full in the advertisement, also shall place them upon any house or premises to which such advertisement refers, and if not a practitioner shall also add the words "not registered under the Medical Act, 1890," in such manner as is prescribed by regulations. Any person who shall violate or neglect to comply with the requirements of this section shall be liable for every such offence, for every day he is guilty thereof, to a fine not exceeding five pounds; and any person who shall treat disease, injury, or ailment as aforesaid, not being the person whose name appears in any advertisement or upon any house or premises shall be liable to a penalty not exceeding five pounds for every such offence, and the proof of being such person shall lie on the defendant. Persons practising medicine, &c., and not registered to so state.
- 40 18. The names of the members of the Medical Board now existing shall with all convenient speed after the passing of this Act be published in the *Gazette*, and after such publication the Medical Board shall cause a notice to be published in the *Gazette* and in such newspapers as they may determine, that an election of members (specifying the number) will be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice. Preliminary steps for election of Members.
- 50 19. Every person desirous of becoming a candidate shall be nominated by two practitioners, which nomination shall be signed by them as well as the candidate, and be sent or delivered to the President at least thirty days before the time fixed for election, and upon the receipt of such names the President shall cause a list thereof and of the persons nominating each candidate to be published in such newspapers as the Board shall determine. Mode of nomination.
- 60 20. If no more persons be nominated than the number of practitioners to be elected they shall be declared duly elected members of the Council and their names be published by the President in the *Gazette*. But if more than such number be nominated the President shall cause their names to be printed on papers, hereinafter called voting-papers, and shall cause one of such papers, signed by him on the back thereof as soon as practicable to be delivered or posted to every practitioner resident in the Colony whose address may be known. Contested or uncontested elections
21. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall Voting-papers to be signed.

	shall sign such voting-paper in the presence of a Magistrate or Minister of Religion or Commissioner for taking affidavits, and shall two days at the least before the day of election forward such voting-paper to the President, with the words "Election of Medical Council" written on the envelope.	5
Proceedings at elections.	22. On the day appointed for the first election in a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the presence of the President and scrutineers, who shall count the votes for each candidate, and the President shall then declare the persons who have obtained the greatest number of votes to be elected members of the Council.	10
Casting vote.	23. In the event of two or more candidates having obtained an equal number of votes the President shall have a casting vote and shall state which of such candidates are or is elected.	15
Conduct of future elections.	24. All duties which by the preceding sections are imposed on the Medical Board or its President in regard to the first election of members of the Council shall, in regard to all future elections, be discharged by the Medical Council at the time in existence and by the President thereof respectively.	20
Duration of office.	25. 18. All appointed members of the Council shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President. Any member of the Council who shall have failed to attend its meetings during a period of four months without leave from the Council shall cease to be a member thereof, provided that the Council may grant leave of absence to any member for a period not exceeding six months.	25
Deficiency of candidates.	26. If at the time fixed for any election there be no candidate named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time, not exceeding four years, as the Governor shall determine.	30
As to future appointments and elections.	27. 19. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any appointed member of the Council a new appointment shall be made by the Governor or the Senate, as the case may require, to fill the vacancy caused by such expiration of the term of office, death, or resignation of his or its respective nominee, and such appointment shall be published in the <i>Gazette</i> . And sixty days at the least before the expiration of the term of office of any of the elected councillors the Council and the President thereof shall take respectively all such steps, and such things shall be done thereafter in relation to the election of practitioners in the place of the retiring councillors as this Act directs to be taken and done in respect of the first election of the Council or as shall be requisite, having regard to the number of persons to be elected.	35
Commencement of term of office of elected members.	28. The term of office of each elected member shall be taken to have commenced with respect to the first elected members on the first day of meeting of the Council, and with respect to all members thereafter elected to have commenced on the anniversary of that day. And every election after the first shall take place on such anniversary or on the earliest practicable day thereafter, to be fixed in each case by the Council. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner to fill such vacancy who shall hold office until the expiration of his predecessor's term of office. All such appointments shall be notified in the <i>Gazette</i> .	40
Extraordinary vacancies.		45
		50
		55
		60

20. The Council shall hold its first meeting at such time and place as the Governor may appoint by notification in the *Gazette*, at which meeting the first business transacted shall be the election by the members present of one of the Council as President thereof. Upon any vacancy in that office a special meeting of the Council shall be called by the Registrar, at which or at some adjournment thereof a President shall be elected from among themselves by the members present. Every President shall hold office so long as he shall remain a councillor for a period of twelve months, and shall be eligible for re-election.

Appointment of President.

21. The Council may make by-laws regulations for regulating its proceedings and defining the duties of its officers and servants and preserving order at Council meetings, and also as to the time and place of the meetings of the Council and the mode of summoning the members, and as to all other matters for carrying this Act into effect not therein provided for.

Council may make by-laws regulations.

22. All such by-laws regulations being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation when confirmed by the Governor and published in the *Gazette*, but not sooner. And the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate or elected as the case may be, or purporting to contain any such by-law regulation as aforesaid, shall be sufficient evidence that such persons were nominated or elected respectively, and or that such by-law regulation was duly made, confirmed, and published as herein required.

By-laws Regulations to be approved by Governor.

23. In the absence of any by-law regulation to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from those present shall act as President. All acts of the Council shall be decided by the votes of the majority of members present except as by this Act otherwise provided—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote only in case of an equality of votes.

Summoning meetings and proceedings thereat.

24. The Council may appoint a Registrar who shall also act as Secretary to the Council, and shall be paid such salary as the Council may determine. It shall be his duty to keep a book called the Medical Register in which he shall enter the names, addresses, and qualifications of all practitioners directed by the Council to be registered, and he shall, from time to time, as directed by the Council, erase from such Register the names of all practitioners who shall have died or become disqualified, or have left the Colony. He shall also keep minutes of the proceedings of the Council and such books of account as may be required.

Registrar to be appointed.

25. The Registrar-General in Sydney, and elsewhere every deputy registrar of births, deaths, and marriages on entering the death of any medical practitioner or person styled or reputed to be such a practitioner, shall forthwith transmit notice of such death to the Registrar of the Council.

Registrar-General, &c., to give notice of deaths.

26. This Act shall come into operation on the first day of January next, and thereafter the Acts specified in the First Schedule hereto shall on the first day of January next, be repealed, except always that the Medical Board shall continue until the first day of March next. Provided that nothing in this Act shall affect anything lawfully done or any right or privilege acquired under the repealed Acts or any of them.

Repeal of existing Acts.

27. The following terms in italics shall, unless inconsistent with the context, have the meanings hereby assigned to them:—

Definitions of terms.

The Governor—The Governor, with the advice of the Executive Council.

Council or Medical Council—The Medical Council appointed under this Act.

Medical

Medical Board—The Board appointed under the Act second Victoria number twenty-two.

Practitioner or Medical Practitioner—Any person registered as a legally qualified medical practitioner under this or the last-mentioned Act.

5

Register—The Medical Register of New South Wales.

President—The President of the Medical Council—but until its first meeting the President of the Medical Board.

Registrar—The Registrar and Secretary appointed by the Council.

Regulations—Regulations made under this Act.

10

Matters falling on Sunday, &c.

37. Whenever anything is by this Act directed to be done or to take place on a certain day which happens to be Sunday, Christmas Day, or Good Friday, or a public holiday, such thing may take place or be performed on the next day thereafter which shall not be Sunday, Christmas Day, Good Friday, or a public holiday, and all changes of 15 time rendered necessary by any such alteration may lawfully be made.

Short title

28. This Act may be cited as the "Medical Act of 1890."

SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.	20
2 Vict No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroners' Inquests, &c.	
8 Vict. No. 8... 9 Vict. No. 12	} Acts amending the said Act.	
19 Vict. No. 17 ...		
	An Act to provide for the Registration of Legally Qualified Medical Practitioners.	25

SCHEDULE II.

(a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or 30 the Apothecaries Hall, Dublin.

(b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.

(c) Every person registered as a Medical Practitioner or entitled to be so 35 registered under any Act in force in the United Kingdom, and every Medical Commissioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.

(d) Every person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the 40 country to which such University or College belongs. Provided that by its rules every person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.

(e) Every person registered under nineteenth Victoria number seventeen, provided he shall prove to the satisfaction of the Council that he has passed 45 through a regular course of medical study of not less than three years' duration in a school of medicine.

SCHEDULE III.

Candidates for registration under section nine of this Act shall be required to show that they have a thorough acquaintance with structure of the human 50 body and the functions of its various parts, both in health and disease. They shall also show competency to treat ordinary cases of disease and injury, and that they are acquainted with medical jurisprudence and midwifery, and the nature and mode of administration of dangerous drugs.

Legislative Council

54^o VICTORIÆ, 1890.

A BILL

To regulate the practice of Medicine and Surgery in the
Colony of New South Wales.

[DR. BOWKER;—26 *June*, 1890.]

WHEREAS by the Act passed by the Imperial Parliament in the Preamble.
twenty-second year of Her Majesty for regulating the quali-
fications of Practitioners in Medicine and Surgery in the United 21 and 22 Vic. c. 90
Kingdom, a general Council of medical education and registration was
5 established and sundry provisions were enacted for preventing persons
other than such as should be registered under that statute from Ibid. Sections 32,
recovering any charge for medical or surgical advice, attendance, or 36, and 40.
medicine, and from falsely using any medical or surgical name or title,
as also from holding certain public appointments, and persons so
10 registered were authorized to practise medicine or surgery in any part
of Her Majesty's dominions. And whereas by the Imperial Act 31 Vic. c. 29.
passed in the thirty-first year of Her Majesty it was enacted that every
Colonial Legislature should have power to make laws for enforcing the
registration within its jurisdiction of all persons so registered, who were
15 nevertheless to be entitled to Colonial registration on payment only of
such

Objects of the Act.

such fees as should be legally demandable in that behalf. And whereas it is expedient to enable persons requiring medical or surgical advice or aid to distinguish qualified from unqualified practitioners, and for that purpose that the law of this Colony should be assimilated as far as may be to that of the United Kingdom. Be it therefore enacted 5 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:—

Establishment and duties of Medical Council.

1. A Council, to be styled the Medical Council of New South 10 Wales shall be established, consisting of twelve persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, or entitled to be so registered, of whom *four* shall be appointed by the Governor and *two* by the Senate of the University of Sydney, and the remaining *six* members shall be elected from 15 among the medical practitioners of the Colony registered as aforesaid in the manner hereinafter provided, which Council shall have the powers hereinafter specified, and shall cause all persons to be registered as legally qualified medical practitioners who shall show to the satisfaction of the Council that they are entitled to such registration. 20

As to members of the present Medical Board.

2. Provided always that the existing eight members of the Medical Board, appointed in pursuance of the said Act of the second year of Her Majesty, shall be members of the first Medical Council, and until that number shall by death or some other cause have been reduced to six members *four* practitioners only shall be elected, and 25 on each reduction of the present number below six one member shall be appointed by the Senate until no more than four of the said eight members remain, after which the number of elected members shall be six, and of members appointed by the Governor shall be four, and by the Senate two, as provided by the said first section. 30

Privileges of registered practitioners.

Engl. Act, ss. 31 and 32.

3. Every person registered as aforesaid shall be entitled according to his qualification or qualifications to practise medicine or surgery (or medicine and surgery as the case may be) and to recover in any Court reasonable charges for professional aid, advice, and visits; and the cost of any medicine or medical or surgical appliances, all of 35 which matters may be described in the plaint or other legal pleading by the term medical services, and after the present year, no person shall be entitled to recover any charge for medical or surgical advice, attendance, or for the performance of any operation, or for medicine which he shall have both prescribed and supplied, unless he is so 40 registered.

Term legally qualified medical practitioner, &c.

Ibid. ss. 34 and 35.

4. After the present year the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner when used in any Act shall be construed to mean a person registered as 45 aforesaid and whose name remains on the register. And every person so registered shall be exempt if he so desire from serving on juries and inquests and from filling any corporate office and from serving in the militia should a militia be established.

Unregistered persons not to hold certain appointments.

Ibid. ss. 36 and 37.

5. After the present year no person shall hold any appointment 50 as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless 55 so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

6. If any person shall wilfully and falsely pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding *twenty* pounds.

Falsely assuming medical designations, &c.

Ibid. s. 40.

7. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the Medical Board shall be deemed to be registered under this Act, and every person holding a qualification from any of the qualifying bodies enumerated in the second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, or being a licentiate under the next following section shall, on application to the Council and proof of his qualification or title, and on payment of the fees or fee due in that behalf be so registered.

Persons registered or entitled to registration.

8. In addition to the practitioners so registered, the Council may license any person as a legally qualified medical practitioner, whom after due examination as to his knowledge and capacity the Council shall find qualified so to practise. Provided that every such person shall have passed through a course of medical study of not less than *four* years duration, and have attended hospital practise for not less than *three* years of that time, or shall before the commencement of this year have habitually practised medicine or surgery or both as the case may be in this Colony for a period of not less than *seven* years. Every person so licensed shall pay for such examination and for his license respectively such reasonable fees as the Governor shall from time to time direct, and shall thereafter on application and payment as aforesaid be entitled to registration under this Act.

Certain persons may be licensed by the Council.

9. No person shall be disqualified or deemed ineligible for registration or for a license as a medical practitioner or for appointment or election to the Council or to any office by reason of his adopting or having adopted any particular theory of medicine or surgery or system of medical or surgical treatment.

Persons adopting particular medical theories.

10. The Council shall from time to time cause the names, addresses, and qualifications of all legally qualified medical practitioners in this Colony to be entered in a Medical Register, and shall in the month of January in each year cause a copy thereof to be published in the *Gazette*, including the names of all existing practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication.

Entries in and publication of Register.

11. In all prosecutions under the sixth section of this Act proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the defendant to show that he was so entitled.

Proof of non-qualification.

12. All moneys received by the Council under this Act arising from fees paid on registration or otherwise shall be paid into a fund to the credit of the Council. And all fines incurred under this Act may be recovered in a summary way before two or more Justices according to the provisions of the Act fourteenth Victoria number forty-three and the Act therein adopted, or any other law hereafter passed for regulating summary proceedings before Justices.

Application of moneys and recovery of fines.

Appeal allowed.

Limitation of
prosecutions.

Removal of names
from register.

Fees on registration.

Council to inquire
into qualification.

Penalty for false
statement, &c.

Forging certificate.

Preliminary steps
for election of
Members.

Mode of nomination.

13. Provided that in every case where the fine imposed exceeds *forty* shillings the defendant may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two passed to regulate summary proceedings before Justices. And provided also that no person shall be liable to any fee or fine under this Act unless proceedings in respect thereof be commenced within six months after such fee or the liability to such fine has accrued. 5

14. The Council may refuse to register any person whose name has been removed from the register or list of members of any recognized licensing body, and if the Council shall at any time ascertain that the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register either permanently or for a limited time only. 10 And the like where any practitioner shall have been convicted of any felony or serious misdemeanour or shall after due inquiry and opportunity afforded him of defence be adjudged by the Council to have been guilty of disgraceful conduct in any professional respect, or to be an habitual drunkard, or while intoxicated to have attended professionally any sick person. 15 20

15. The fee for registration under this Act shall be and a fee of shall be paid for any qualification subsequently registered.

16. The Council may question any applicant attending and any witness produced by him, and may take a solemn declaration from any applicant or witness touching the qualification of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour. 25 30 35

17. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour. 40

18. The names of the members of the Medical Board now existing shall with all convenient speed after the passing of this Act be published in the *Gazette*, and after such publication the Medical Board shall cause a notice to be published in the *Gazette* and in such newspapers as they may determine, that an election of members (specifying the number) will be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice. 45 50

19. Every person desirous of becoming a candidate shall be nominated by two practitioners, which nomination shall be signed by them as well as the candidate, and be sent or delivered to the President at least thirty days before the time fixed for election, and upon the receipt of such names the President shall cause a list thereof and of the persons nominating each candidate to be published in such newspapers as the Board shall determine. 55 20.

20. If no more persons be nominated than the number of practitioners to be elected they shall be declared duly elected members of the Council and their names be published by the President in the *Gazette*. But if more than such number be nominated the
- 5 President shall cause their names to be printed on papers, hereinafter called voting-papers, and shall cause one of such papers, signed by him on the back thereof as soon as practicable to be delivered or posted to every practitioner resident in the Colony whose address may be known.
- 10 21. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall sign such voting-paper in the presence of a Magistrate or Minister of Religion or Commissioner for taking affidavits, and shall two days at the least before the day of election forward such voting-paper to
- 15 the President, with the words "Election of Medical Council" written on the envelope.
22. On the day appointed for the first election a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the
- 20 presence of the President and scrutineers, who shall count the votes for each candidate, and the President shall then declare the persons who have obtained the greatest number of votes to be elected members of the Council.
23. In the event of two or more candidates having obtained an
- 25 equal number of votes the President shall have a casting vote and shall state which of such candidates are or is elected.
24. All duties which by the preceding sections are imposed on the Medical Board or its President in regard to the first election of members of the Council shall, in regard to all future elections, be
- 30 discharged by the Medical Council at the time in existence and by the President thereof respectively.
25. All appointed members of the Council shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding
- 35 four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President.
26. If at the time fixed for any election there be no candidate
- 40 named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time, not exceeding four years, as the Governor shall determine.
27. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any
- 45 appointed member of the Council a new appointment shall be made by the Governor or the Senate as the case may require, and shall be published in the *Gazette*. And sixty days at the least before the expiration of the term of office of any of the elected councillors the
- 50 Council and the President thereof shall take respectively all such steps, and such things shall be done thereafter in relation to the election of practitioners in the place of the retiring councillors as this Act directs to be taken and done in respect of the first election of the Council or as shall be requisite, having regard to the number of
- 55 persons to be elected.
28. The term of office of each elected member shall be taken to have commenced with respect to the first elected members on the first day of meeting of the Council, and with respect to all members thereafter elected to have commenced on the anniversary of that day.
- And

Contested or
uncontested elections.

Voting-papers to be
signed.

Proceedings at
elections.

Casting vote.

Conduct of future
elections.

Duration of office.

Deficiency of candi-
dates.

As to future
appointments and
elections.

Commencement of
term of office of
elected members.

Extraordinary
vacancies.

And every election after the first shall take place on such anniversary or on the earliest practicable day thereafter, to be fixed in each case by the Council. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner to fill such vacancy who shall hold office until the expiration of 5 his predecessor's term of office. All such appointments shall be notified in the *Gazette*.

Appointment of
President.

29. The Council shall hold its first meeting at such time and place as the Governor may appoint by notification in the *Gazette*, at which meeting the first business transacted shall be the election by 10 the members present of one of the Council as President thereof. Upon any vacancy in that office a special meeting of the Council shall be called by the Registrar, at which or at some adjournment thereof a President shall be elected from among themselves by the members present. Every President shall hold office so long as he shall remain a 15 councillor.

Council may make
by-laws.

30. The Council may make by-laws for regulating their proceedings and the duties of their officers and servants and preserving order at Council meetings, and also as to the time and place of the meetings of the Council and the mode of summoning the members, 20 and as to all other matters for carrying this Act into effect not herein provided for.

By-laws to be
approved by
Governor.

31. All such by-laws being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation when confirmed by the Governor and published in the *Gazette*, but not 25 sooner. And the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate or elected as the case may be, or purporting to contain any such by-law as aforesaid, shall be sufficient evidence that such persons were nominated or elected respectively, and that such by-law 30 was duly made, confirmed, and published as herein required.

Summoning meetings
and proceedings
thereat.

32. In the absence of any by-law to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from those present 35 shall act as President. All acts of the Council shall be decided by the votes of the majority of members present—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote in case of an equality of votes. 40

Registrar to be
appointed.

33. The Council may appoint a Registrar who shall also act as Secretary to the Council, and shall be paid such salary as the Council may determine. It shall be his duty to keep a book called the Medical Register in which he shall enter the names, addresses, and qualifications of all practitioners directed by the Council to be registered, and 45 he shall, from time to time, as directed by the Council, erase from such Register the names of all practitioners who shall have died or become disqualified, or have left the Colony. He shall also keep minutes of the proceedings of the Council and such books of account as may be required. 50

Registrar-General,
&c., to give notice o
deaths.

34. The Registrar-General in Sydney, and elsewhere every deputy registrar of births, deaths, and marriages on entering the death of any medical practitioner or person styled or reputed to be such a practitioner, shall forthwith transmit notice of such death to the 55 Registrar of the Council.

Repeal of existing
Acts.

35. The Acts specified in the First Schedule hereto shall, on the first day of January next, be repealed, except always that the Medical Board shall continue until the first day of March next.
Provided

Provided that nothing in this Act shall affect anything lawfully done or any right or privilege acquired under the repealed Acts or any of them.

36. The following terms in italics shall, unless inconsistent with Definitions of terms
5 the context, have the meanings hereby assigned to them :—

The Governor—The Governor, with the advice of the Executive Council.

Council or *Medical Council*—The Medical Council appointed under this Act.

10 *Medical Board*—The Board appointed under the Act second Victoria number twenty-two.

Practitioner or *Medical Practitioner*—Any person registered as a legally qualified medical practitioner under this or the last-mentioned Act.

15 *Register*—The Medical Register of New South Wales.

President—The President of the Medical Council—but until its first meeting the President of the Medical Board.

Registrar—The Registrar and Secretary appointed by the Council.

20 37. Whenever anything is by this Act directed to be done or Matters falling on
to take place on a certain day which happens to be Sunday, Christmas Sunday, &c.
Day, or Good Friday, or a public holiday, such thing may take place or be performed on the next day thereafter which shall not be Sunday, Christmas Day, Good Friday, or a public holiday, and all changes of time rendered necessary by any such alteration may lawfully be made.

SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.	
2 Vict No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroners' Inquests, &c.	5
8 Vict. No. 8... 9 Vict. No. 12	} Acts amending the said Act.	
19 Vict. No. 17 ...		
	An Act to provide for the Registration of Legally Qualified Medical Practitioners.	

SCHEDULE II.

10

(a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or the Apothecaries Hall, Dublin.

15

(b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.

(c) Every person registered as a Medical Practitioner or entitled to be so registered under any Act in force in the United Kingdom, and every Medical Commissioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.

(d) Every person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs. Provided that by its rules every person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.

25

Legislative Council

54^o VICTORIÆ, 1890.

A BILL

To regulate the practice of Medicine and Surgery in the
Colony of New South Wales.

[DR. BOWKER;—26 *June*, 1890.]

WHEREAS by the Act passed by the Imperial Parliament in the Preamble.
twenty-second year of Her Majesty for regulating the qualifi-
cations of Practitioners in Medicine and Surgery in the United 21 and 22 Vic. c. 90
Kingdom, a general Council of medical education, and registration was
5 established and sundry provisions were enacted for preventing persons
other than such as should be registered under that statute from Ibid. Sections 32,
recovering any charge for medical or surgical advice, attendance, or 36, and 40.
medicine, and from falsely using any medical or surgical name or title,
as also from holding certain public appointments, and persons so
10 registered were authorized to practise medicine or surgery in any part
of Her Majesty's dominions. And whereas by the Imperial Act 31 Vic. c. 29.
passed in the thirty-first year of Her Majesty it was enacted that every
Colonial Legislature should have power to make laws for enforcing the
registration within its jurisdiction of all persons so registered, who were
15 nevertheless to be entitled to Colonial registration on payment only of
c 36— such

Objects of the Act.

such fees as should be legally demandable in that behalf. And whereas it is expedient to enable persons requiring medical or surgical advice or aid to distinguish qualified from unqualified practitioners, and for that purpose that the law of this Colony should be assimilated as far as may be to that of the United Kingdom. Be it therefore enacted 5 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:—

Establishment and duties of Medical Council.

1. A Council, to be styled the Medical Council of New South 10 Wales shall be established, consisting of twelve persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, or entitled to be so registered, of whom *four* shall be appointed by the Governor and *two* by the Senate of the University of Sydney, and the remaining *six* members shall be elected from 15 among the medical practitioners of the Colony registered as aforesaid in the manner hereinafter provided, which Council shall have the powers hereinafter specified, and shall cause all persons to be registered as legally qualified medical practitioners who shall show to the satisfaction of the Council that they are entitled to such registration. 20

As to members of the present Medical Board.

2. Provided always that the existing eight members of the Medical Board, appointed in pursuance of the said Act of the second year of Her Majesty, shall be members of the first Medical Council, and until that number shall by death or some other cause have been reduced to six members *four* practitioners only shall be elected, and 25 on each reduction of the present number below six one member shall be appointed by the Senate until no more than four of the said eight members remain, after which the number of elected members shall be *six*, and of members appointed by the Governor shall be four, and by the Senate two, as provided by the said first section. 30

Privileges of registered practitioners.

Engl. Act, ss. 31 and 32.

3. Every person registered as aforesaid shall be entitled according to his qualification or qualifications to practise medicine or surgery (or medicine and surgery as the case may be) and to recover in any Court reasonable charges for professional aid, advice, and visits; and the cost of any medicine or medical or surgical appliances, all of 35 which matters may be described in the plaint or other legal pleading by the term medical services, and after the present year, no person shall be entitled to recover any charge for medical or surgical advice, attendance, or for the performance of any operation, or for medicine which he shall have both prescribed and supplied, unless he is so 40 registered.

Term legally qualified medical practitioner, &c.

Ibid. ss. 34 and 35.

4. After the present year the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner when used in any Act shall be construed to mean a person registered as 45 aforesaid and whose name remains on the register. And every person so registered shall be exempt if he so desire from serving on juries and inquests and from filling any corporate office and from serving in the militia should a militia be established.

Unregistered persons not to hold certain appointments.

Ibid. ss. 36 and 37.

5. After the present year no person shall hold any appointment 50 as a physician, surgeon, or medical officer in the Military or Naval Service, or in any passenger vessel, or in any Hospital, Infirmary, or Dispensary not supported wholly by voluntary contributions, or in any public Asylum, Gaol, House of Correction or Industry, or other Public Establishment, or as a medical officer of health, unless 55 so registered. And no certificate which by any Act now in force is required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's service.

6. If any person shall wilfully and falsely pretend to be or shall use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, not being registered as such, or entitled so to be, he shall, upon conviction for any such offence, pay a sum not exceeding *twenty* pounds.

Falsely assuming medical designations, &c.

Ibid. s. 40.

7. Every person whose name and qualification or qualifications shall at the time of the passing of this Act appear on the Register of the Medical Board shall be deemed to be registered under this Act, and every person holding a qualification from any of the qualifying bodies enumerated in the second Schedule to this Act, or being otherwise qualified as therein mentioned, or being registered or entitled to registration as mentioned in that Schedule, or being a licentiate under the next following section shall, on application to the Council and proof of his qualification or title, and on payment of the fees or fee due in that behalf be so registered.

Persons registered or entitled to registration.

8. In addition to the practitioners so registered, the Council may license any person as a legally qualified medical practitioner, whom after due examination as to his knowledge and capacity the Council shall find qualified so to practise. Provided that every such person shall have passed through a course of medical study of not less than *four* years duration, and have attended hospital practise for not less than *three* years of that time, or shall before the commencement of this year have habitually practised medicine or surgery or both as the case may be in this Colony for a period of not less than *seven* years. Every person so licensed shall pay for such examination and for his license respectively such reasonable fees as the Governor shall from time to time direct, and shall thereafter on application and payment as aforesaid be entitled to registration under this Act.

Certain persons may be licensed by the Council.

9. No person shall be disqualified or deemed ineligible for registration or for a license as a medical practitioner or for appointment or election to the Council or to any office by reason of his adopting or having adopted any particular theory of medicine or surgery or system of medical or surgical treatment.

Persons adopting particular medical theories.

10. The Council shall from time to time cause the names, addresses, and qualifications of all legally qualified medical practitioners in this Colony to be entered in a Medical Register, and shall in the month of January in each year cause a copy thereof to be published in the *Gazette*, including the names of all existing practitioners up to the end of the previous December, but notifying any change since the last publication which may have occurred either by death or removal. And a copy of any such published register signed by the President shall be *prima facie* evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication.

Entries in and publication of Register.

11. In all prosecutions under the sixth section of this Act proof that the defendant's name or the title, addition, designation, or description used by him was not registered at the time of the alleged offence shall be *prima facie* evidence that he was not then entitled to registration, or not so entitled in respect of the title, addition, designation, or description in question, and it shall then lie on the defendant to show that he was so entitled.

Proof of non-qualification.

12. All moneys received by the Council under this Act arising from fees paid on registration or otherwise shall be paid into a fund to the credit of the Council. And all fines incurred under this Act may be recovered in a summary way before two or more Justices according to the provisions of the Act fourteenth Victoria number forty-three and the Act therein adopted, or any other law hereafter passed for regulating summary proceedings before Justices.

Application of moneys and recovery of fines.

Appeal allowed.

Limitation of prosecutions.

Removal of names from register.

Fees on registration.

Council to inquire into qualification.

Penalty for false statement, &c.

Forging certificate.

Preliminary steps for election of Members.

Mode of nomination.

13. Provided that in every case where the fine imposed exceeds *forty* shillings the defendant may appeal from the conviction in the manner provided by the Act of the fifth year of King William the Fourth number twenty-two passed to regulate summary proceedings before Justices. And provided also that no person shall be liable to any fee or fine under this Act unless proceedings in respect thereof be commenced within six months after such fee or the liability to such fine has accrued. 5

14. The Council may refuse to register any person whose name has been removed from the register or list of members of any recognized licensing body, and if the Council shall at any time ascertain that the name of a practitioner has in consequence of misconduct been erased from the list of members of any such body from which he obtained his qualification the Council may remove such practitioner's name from the register either permanently or for a limited time only. 10 And the like where any practitioner shall have been convicted of any felony or serious misdemeanour or shall after due inquiry and opportunity afforded him of defence be adjudged by the Council to have been guilty of disgraceful conduct in any professional respect, or to be an habitual drunkard, or while intoxicated to have attended professionally any sick person. 15 20

15. The fee for registration under this Act shall be and a fee of shall be paid for any qualification subsequently registered.

16. The Council may question any applicant attending and any witness produced by him, and may take a solemn declaration from any applicant or witness touching the qualification of such applicant, and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour. 25 30 35

17. If any person shall fraudulently or by any false representation obtain a certificate or cause himself to be registered as a practitioner under this Act, or shall forge any such certificate, or fraudulently alter any certificate issued by the Council, or shall utter or use any such forged or altered certificate knowing the same to have been forged or altered, or shall falsely advertise himself or cause himself to be advertised as having obtained a certificate from or been registered by the Council as a practitioner, he shall be deemed guilty of a misdemeanour. 40

18. The names of the members of the Medical Board now existing shall with all convenient speed after the passing of this Act be published in the *Gazette*, and after such publication the Medical Board shall cause a notice to be published in the *Gazette* and in such newspapers as they may determine, that an election of members (specifying the number) will be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice. 45 50

19. Every person desirous of becoming a candidate shall be nominated by two practitioners, which nomination shall be signed by them as well as the candidate, and be sent or delivered to the President at least thirty days before the time fixed for election, and upon the receipt of such names the President shall cause a list thereof and of the persons nominating each candidate to be published in such newspapers as the Board shall determine. 55 20.

20. If no more persons be nominated than the number of practitioners to be elected they shall be declared duly elected members of the Council and their names be published by the President in the *Gazette*. But if more than such number be nominated the President shall cause their names to be printed on papers, hereinafter called voting-papers, and shall cause one of such papers, signed by him on the back thereof as soon as practicable to be delivered or posted to every practitioner resident in the Colony whose address may be known.
21. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall sign such voting-paper in the presence of a Magistrate or Minister of Religion or Commissioner for taking affidavits, and shall two days at the least before the day of election forward such voting-paper to the President, with the words "Election of Medical Council" written on the envelope.
22. On the day appointed for the first election a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the presence of the President and scrutineers, who shall count the votes for each candidate, and the President shall then declare the persons who have obtained the greatest number of votes to be elected members of the Council.
23. In the event of two or more candidates having obtained an equal number of votes the President shall have a casting vote and shall state which of such candidates are or is elected.
24. All duties which by the preceding sections are imposed on the Medical Board or its President in regard to the first election of members of the Council shall, in regard to all future elections, be discharged by the Medical Council at the time in existence and by the President thereof respectively.
25. All appointed members of the Council shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President.
26. If at the time fixed for any election there be no candidate named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time, not exceeding four years, as the Governor shall determine.
27. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any appointed member of the Council a new appointment shall be made by the Governor or the Senate as the case may require, and shall be published in the *Gazette*. And sixty days at the least before the expiration of the term of office of any of the elected councillors the Council and the President thereof shall take respectively all such steps, and such things shall be done thereafter in relation to the election of practitioners in the place of the retiring councillors as this Act directs to be taken and done in respect of the first election of the Council or as shall be requisite, having regard to the number of persons to be elected.
28. The term of office of each elected member shall be taken to have commenced with respect to the first elected members on the first day of meeting of the Council, and with respect to all members thereafter elected to have commenced on the anniversary of that day.
- And

Contested or uncontested elections.

Voting-papers to be signed.

Proceedings at elections.

Casting vote.

Conduct of future elections.

Duration of office.

Deficiency of candidates.

As to future appointments and elections.

Commencement of term of office of elected members.

Extraordinary
vacancies.

And every election after the first shall take place on such anniversary or on the earliest practicable day thereafter, to be fixed in each case by the Council. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner to fill such vacancy who shall hold office until the expiration of his predecessor's term of office. All such appointments shall be notified in the *Gazette*. 5

Appointment of
President.

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Council may make
by-laws.

30. The Council may make by-laws for regulating their proceedings and the duties of their officers and servants and preserving order at Council meetings, and also as to the time and place of the meetings of the Council and the mode of summoning the members, and as to all other matters for carrying this Act into effect not herein provided for. 20

By-laws to be
approved by
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31. All such by-laws being consistent with the provisions of this Act and not repugnant to any other Act shall come into operation when confirmed by the Governor and published in the *Gazette*, but not sooner. And the production of a *Gazette* containing the names of persons therein mentioned to have been appointed by the Governor or Senate or elected as the case may be, or purporting to contain any such by-law as aforesaid, shall be sufficient evidence that such persons were nominated or elected respectively, and that such by-law was duly made, confirmed, and published as herein required. 30

Summoning meetings
and proceedings
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32. In the absence of any by-law to the contrary the President may summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member, and at every meeting in the absence of the President some member chosen from those present shall act as President. All acts of the Council shall be decided by the votes of the majority of members present—the number present (the President included) being never less than five. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote in case of an equality of votes. 40

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Registrar-General,
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Acts.

35. The Acts specified in the First Schedule hereto shall, on the first day of January next, be repealed, except always that the Medical Board shall continue until the first day of March next. Provided

Provided that nothing in this Act shall affect anything lawfully done or any right or privilege acquired under the repealed Acts or any of them.

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SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.	
2 Vict No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroners' Inquests, &c.	5
8 Vict. No. 8... 9 Vict. No. 12	} Acts amending the said Act.	
19 Vict. No. 17 ...		
	An Act to provide for the Registration of Legally Qualified Medical Practitioners.	

SCHEDULE II. 10

- (a) Fellow Member, Licentiate, or extra Licentiate of the Royal College of Physicians, London or Edinburgh, of the King's and Queen's College of Physicians of Ireland, the Royal College of Surgeons of England in Ireland, or of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or the Apothecaries Hall, Dublin. 15
- (b) Doctor, Bachelor, or Licentiate of Medicine or Licentiate or Master in Surgery of some University or College in the United Kingdom or in some British Colony incorporated by Royal Charter or established by Act passed therein.
- (c) Every person registered as a Medical Practitioner or entitled to be so registered under any Act in force in the United Kingdom, and every Medical Com- 26 missioned Officer of Her Majesty's sea or land forces or of the late East India Company's service.
- (d) Every person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs. Provided that by its rules every 25 person receiving any such diploma or degree is required to have previously passed through a course of medical study of not less than four years.