

*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, 12th October, 1893. }*

ADOLPHUS P. CLAPIN,  
*Acting Clerk of the Parliaments.*

## New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

## VICTORIÆ REGINÆ.

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No. .

An Act to regulate the practice of Medicine and Surgery and for other matters connected therewith.

**W**HEREAS it is expedient to enable persons requiring medical or 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 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 Wales shall be established, consisting of ten persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, of whom four shall be appointed by the Governor and two by the Senate of the University of Sydney, and four shall be elected by the medical practitioners in the manner prescribed by regulations to be made under this Act, and the names of the Council so appointed or elected shall be published in the *Gazette* as prescribed by regulation. And the said 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.

2. After this Act comes into force the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner

*Preamble.*

*Establishment and duties of Medical Council.*

*Term legally qualified medical practitioner, &c.*

*English Act, ss. 34 and 35*



*Medical.*

when 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 coming into force of this Act 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 an expert 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 as a medical certificate 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.

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*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-eight, 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,'" 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 cause to be held 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."

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 of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register, has been erased from the list of members of any such body from which he obtained his qualification the Council may remove such

Removal of names from register.



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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 shall have been convicted of any felony or misdemeanour, or who shall after due inquiry and opportunity afforded  
 5 him of defence be adjudged by a majority of three-fifths of the Council to have been guilty of disgraceful conduct of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register. And the Council  
 10 by a like majority may remove from the register the name of any person who shall have obtained registration by fraud: Provided that in any such case, except where a practitioner's name has been removed for a conviction for felony or misdemeanour, the decision of the Council shall be subject to appeal to the Supreme Court in its equity  
 15 jurisdiction. And on such appeal the Court may make such order in the premises as it thinks fit. And where the name of any person has been removed from the register or list of members of a licensing body recognized in Schedule Two, the Court may in the said order direct that the name of the said person shall, notwithstanding that removal, be retained on the register under this Act, and that such person shall  
 20 have the privileges of a medical practitioner.

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

15. The Council may examine any applicant attending and any Council to inquire into qualification. 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 as true before the Council any forged document, or shall procure or  
 30 attempt to procure himself to be registered by making or producing Penalty for false statement, &c. 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.

35 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  
 40 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

45 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," in such manner as is prescribed by regulations. Any person who shall violate  
 50 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-  
 55 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.



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18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. 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.

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 of the Council a new appointment shall be made or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

As to future appointments and elections.

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.

Appointment of President.

21. The Council may make by-laws 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 connected with their procedure; and such by-laws 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.

Council may make by-laws.

22. The Governor shall have power to make regulations for carrying into effect the provisions of this Act, and such regulations shall come into force upon publication in the *Gazette*. All by-laws made by the Council under the last preceding section 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 elected, or purporting to contain any such regulation or by-law as aforesaid, shall be sufficient evidence that such persons were appointed or elected or that such regulation or by-law was duly made, confirmed, and published as herein required.

Regulations and by-laws to be approved by Governor.

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

Summoning meetings and proceedings thereat.



*Medical.*

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.

- 5       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, 10 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.

- 15       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.

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

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

Repeal of existing Acts.

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

- 25       *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.  
       *Practitioner or Medical Practitioner*—Any person registered as a legally qualified medical practitioner under this Act.  
 30       *Register*—The Medical Register of New South Wales.  
       *President*—The President of the Medical Council.  
       *Registrar*—The Registrar and Secretary appointed by the Council.  
       *Regulations*—Regulations made under this Act.  
 35       28. This Act may be cited as the “Medical Act.”

Short title.



Medical.

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.

10

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 15 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 20 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 25 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 through a 30 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 body and the 35 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 drugs used in medicine.



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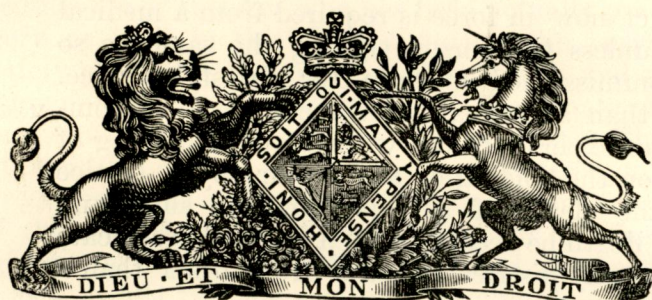


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Falsely assuming medical designations, &c.

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Persons registered or entitled to registration.

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*Medical.*

18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. 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.

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 of the Council a new appointment shall be made or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

As to future appointments and elections.

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.

Appointment of President.

21. The Council may make by-laws 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 connected with their procedure; and such by-laws 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.

Council may make by-laws.

22. The Governor shall have power to make regulations for carrying into effect the provisions of this Act, and such regulations shall come into force upon publication in the *Gazette*. All by-laws made by the Council under the last preceding section 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 elected, or purporting to contain any such regulation or by-law as aforesaid, shall be sufficient evidence that such persons were appointed or elected or that such regulation or by-law was duly made, confirmed, and published as herein required.

Regulations and by-laws to be approved by Governor.

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

Summoning meetings and proceedings thereat.



*Medical.*

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.

- 5       24. The Council may appoint a Registrar who shall also act as Registrar to be Secretary to the Council. It shall be his duty to keep a book called appointed. 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 10 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.

- 15       25. The Registrar-General in Sydney, and elsewhere every Registrar-General, deputy registrar of births, deaths, and marriages on entering the death &c., to give notice of deaths. 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.

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

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

- 25       *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.

- 30       *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.

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

*Regulations*—Regulations made under this Act.

- 35       28. This Act may be cited as the “Medical Act.”

Short title.



Medical.

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... }	Acts amending the said Act.
9 Vict. No. 12 }	
19 Vict. No. 17 ...	An Act to provide for the Registration of Legally Qualified Medical Practitioners.

10

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 15 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 20 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 25 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 through a 30 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 body and the 35 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 drugs used in medicine.



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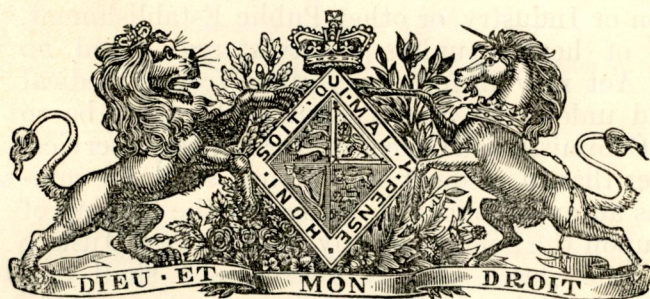


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney,      October, 1893. }*

*Acting Clerk of the Parliaments.*

## New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to regulate the practice of Medicine and Surgery and for other matters connected therewith.

**W**HEREAS 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 four shall be appointed by the Governor and  
two by the Senate of the University of Sydney, and four shall be  
elected by the medical practitioners in the manner prescribed by regu-  
lations to be made under this Act, and the names of the Council so  
appointed or elected shall be published in the *Gazette* as prescribed by  
15 regulation. And the said 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.

2. After this Act comes into force the words "legally qualified Term legally quali-  
fied medical prac-  
titioner, &c.  
20 medical practitioner" or "duly qualified medical practitioner" or any  
words importing a person recognized by law as a medical practitioner English Act,  
ss. 34 and 35  
when



*Medical.*

when 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  
5 militia be established.

3. After the coming into force of this Act 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  
10 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  
15 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 an expert 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  
20 certificate as to the cause of death be receivable as a medical certificate 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  
25 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  
30 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  
35 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  
40 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  
45 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.  
50 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  
55 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-eight, 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,'" 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 cause to be held 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."

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 of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register, has been erased from the list of members of any such body from which he obtained his qualification the Council may remove such

Removal of names from register.



*Medical.*

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 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 three-fifths of the Council to have been guilty of disgraceful conduct of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud: Provided that in any such case, except where a practitioner's name has been removed for a conviction for felony or misdemeanour, the decision of the Council shall be subject to appeal to the Supreme Court in its equity jurisdiction. And on such appeal the Court may make such order in the premises as it thinks fit. And where the name of any person has been removed from the register or list of members of a licensing body recognized in Schedule Two, the Court may in the said order direct that the name of the said person shall, notwithstanding that removal, be retained on the register under this Act, and that such person shall have the privileges of a medical practitioner.

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

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 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.

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

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," 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, 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, purporting 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.



*Medical.*

18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall  
 5 retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. Any member of the Council may at any time resign his office by letter addressed to the President. Any member of the Council who  
 10 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.

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  
 15 of the Council a new appointment shall be made or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person  
 20 appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

As to future appointments and elections.

20. The Council shall hold its first meeting at such time and  
 25 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  
 30 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.

Appointment of President.

21. The Council may make by-laws for conducting its proceedings, defining the duties of its officers and servants, preserving  
 35 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 connected with their procedure; and such by-laws may provide for the imposition of penalties not exceeding the sum of *five* pounds for any breaches thereof, recoverable as any  
 40 penalties are recoverable under this Act.

Council may make by-laws.

22. The Governor shall have power to make regulations for carrying into effect the provisions of this Act, and such regulations shall come into force upon publication in the *Gazette*. All by-laws made by the Council under the last preceding section shall come into  
 45 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 elected, or purporting to contain any such regulation or by-law as aforesaid, shall be sufficient evidence that such persons were  
 50 appointed or elected or that such regulation or by-law was duly made, confirmed, and published as herein required.

Regulations and by-laws to be approved by Governor.

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  
 55 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

Summoning meetings and proceedings thereat.



*Medical.*

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- 5        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, 10 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.

- 15        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.

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

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

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.

- 25        *The Governor*—The Governor, with the advice of the Executive Council.

*Council*—The Medical Council under this Act.

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- 30        *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.

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

*Regulations*—Regulations made under this Act.

- 35        28. This Act may be cited as the "Medical Act."

Short title.

## SCHEDULES.



*Medical.*

## SCHEDULES.

## SCHEDULE I.

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## SCHEDULE II.

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(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 15 the Apothecaries Hall, Dublin.

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## SCHEDULE III.

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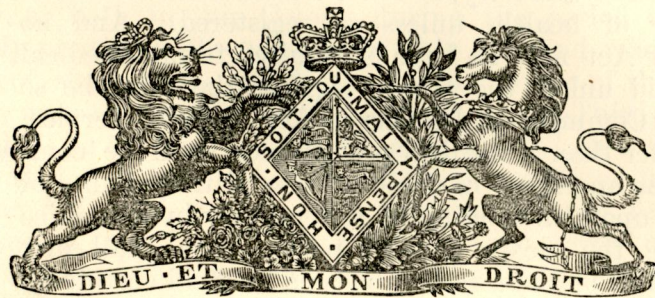
SCHOLARSHIP



*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,      October, 1893.      Acting Clerk of the Parliaments.*

New South Wales.



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4. No person other than a medical practitioner shall be competent to give evidence as an expert 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 as a medical certificate 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

Entries in and publication of register.

the



*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-eight, 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,'" 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 cause to be held 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."

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 of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register, has been erased from the list of members of any such body from which he obtained his qualification the Council may remove such

Removal of names from register.



*Medical.*

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 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 three-fifths of the Council to have been guilty of disgraceful conduct of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud: Provided that in any such case, except where a practitioner's name has been removed for a conviction for felony or misdemeanour, the decision of the Council shall be subject to appeal to the Supreme Court in its equity jurisdiction. And on such appeal the Court may make such order in the premises as it thinks fit. And where the name of any person has been removed from the register or list of members of a licensing body recognized in Schedule Two, the Court may in the said order direct that the name of the said person shall, notwithstanding that removal, be retained on the register under this Act, and that such person shall have the privileges of a medical practitioner.

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

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 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.

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

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," 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, 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, purporting 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.



*Medical.*

18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. 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.

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 of the Council a new appointment shall be made or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

As to future appointments and elections.

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.

Appointment of President.

21. The Council may make by-laws 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 connected with their procedure; and such by-laws 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.

Council may make by-laws.

22. The Governor shall have power to make regulations for carrying into effect the provisions of this Act, and such regulations shall come into force upon publication in the *Gazette*. All by-laws made by the Council under the last preceding section 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 elected, or purporting to contain any such regulation or by-law as aforesaid, shall be sufficient evidence that such persons were appointed or elected or that such regulation or by-law was duly made, confirmed, and published as herein required.

Regulations and by-laws to be approved by Governor.

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

Summoning meetings and proceedings thereat.



*Medical.*

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.

- 5        24. The Council may appoint a Registrar who shall also act as Registrar to be  
Secretary to the Council. It shall be his duty to keep a book called appointed.  
the Medical Register in which he shall enter the names, addresses, and  
qualifications of all practitioners directed by the Council to be regis-  
tered, and he shall, from time to time, as directed by the Council,  
10 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.

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

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

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

- 25        *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.

- 30        *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.

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

*Regulations*—Regulations made under this Act.

- 35        28. This Act may be cited as the "Medical Act."

Short title.

## SCHEDULES.



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*Medical.*

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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... }	Acts amending the said Act.
9 Vict. No. 12 }	
19 Vict. No. 17 ...	An Act to provide for the Registration of Legally Qualified Medical Practitioners.

10

## 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 15 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 20 registered under any Act in force in the United Kingdom, and every Medical Commissioner 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 25 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 through a 30 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 body and the 35 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 drugs used in medicine.



ST. VICTORIAN

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Legislative Council.

57<sup>o</sup> VICTORIÆ, 1893.

## A BILL

To regulate the practice of Medicine and Surgery and for other matters connected therewith.

[DR. MACLAURIN ;—5 October, 1893.]

**W**HEREAS it is expedient to enable persons requiring medical or 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 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 Wales shall be established, consisting of ten persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, of whom four shall be appointed by the Governor and two by the Senate of the University of Sydney, and four shall be elected by the medical practitioners in the manner prescribed by regulations to be made under this Act, and the names of the Council so appointed or elected shall be published in the *Gazette* as prescribed by regulation. And the said 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.

2. After this Act comes into force 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

Preamble.

Establishment and duties of Medical Council.

Term legally qualified medical practitioner, &c.

English Act, ss. 34 and 35



when 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.

Unregistered persons  
not to hold certain  
appointments.

*Ibid.* ss. 36 and 37.

3. After the coming into force of this Act 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, 10 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 15 service.

Medical witnesses.

4. No person other than a medical practitioner shall be competent to give evidence as an expert 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 20 certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a medical practitioner.

Falsely assuming  
medical designations,  
&c.

*Ibid.* s. 40.

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 25 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. 30

Persons registered or  
entitled to registra-  
tion.

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 regis- 35 tered 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 40 the person registered.

Entries in and publi-  
cation of register.

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, 45 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 50 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 55 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



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-eight, 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,'" 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 cause to be held 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."

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 of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register, has been erased from the list of members of any such body from which he obtained his qualification the Council may remove such

Removal of names from register.



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 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 three-fifths of the Council to have been guilty of disgraceful conduct of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud: Provided that in any such case, except where a practitioner's name has been removed for a conviction for felony or misdemeanour, the decision of the Council shall be subject to appeal to the Supreme Court in its equity jurisdiction. And on such appeal the Court may make such order in the premises as it thinks fit. And where the name of any person has been removed from the register or list of members of a licensing body recognized in Schedule Two, the Court may in the said order direct that the name of the said person shall, notwithstanding that removal, be retained on the register under this Act, and that such person shall have the privileges of a medical practitioner.

Fees on registration.

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

Council to inquire into qualification.

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 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.

Forging certificate.

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.

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

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," 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, 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, purporting 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.



18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. 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.

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 of the Council a new appointment shall be made or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

As to future appointments and elections.

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.

Appointment of President.

21. The Council may make by-laws 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 connected with their procedure; and such by-laws 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.

Council may make by-laws.

22. The Governor shall have power to make regulations for carrying into effect the provisions of this Act, and such regulations shall come into force upon publication in the *Gazette*. All by-laws made by the Council under the last preceding section 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 elected, or purporting to contain any such regulation or by-law as aforesaid, shall be sufficient evidence that such persons were appointed or elected or that such regulation or by-law was duly made, confirmed, and published as herein required.

Regulations and by-laws to be approved by Governor.

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

Summoning meetings and proceedings thereat.



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.

Registrar to be appointed.

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.

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

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.

Repeal of existing Acts.

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

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

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*Council*—The Medical Council under this Act.

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*Practitioner or Medical Practitioner*—Any person registered as a legally qualified medical practitioner under this Act. 30

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

*President*—The President of the Medical Council.

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

*Regulations*—Regulations made under this Act.

Short title.

28. This Act may be cited as the "Medical Act." 35

SCHEDULES.



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SCHEDULE I.

No. of Act.	Title or object of Act.
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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 Faculty of Physicians and Surgeons of Glasgow, the Society of Apothecaries, London, or 15 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 20 registered under any Act in force in the United Kingdom, and every Medical Commissioner 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 25 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 through a 30 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 body and the 35 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 drugs used in medicine.







Legislative Council.

57<sup>o</sup> VICTORIAE, 1893.

## A BILL

To regulate the practice of Medicine and Surgery and for other matters connected therewith.

[DR. MACLAURIN;—5 October, 1893.]

**W**HEREAS it is expedient to enable persons requiring medical or 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 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 Wales shall be established, consisting of ten persons registered under the Act of the second year of Her Majesty number twenty-two or under this Act, of whom four shall be appointed by the Governor and two by the Senate of the University of Sydney, and four shall be elected by the medical practitioners in the manner prescribed by regulations to be made under this Act, and the names of the Council so appointed or elected shall be published in the *Gazette* as prescribed by regulation. And the said 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.

2. After this Act comes into force the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner

Preamble.

Establishment and duties of Medical Council.

Term legally qualified medical practitioner, &c.

English Act, ss. 34 and 35



when 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.

Unregistered persons  
not to hold certain  
appointments.

*Ibid.* ss. 36 and 37.

3. After the coming into force of this Act 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, 10 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 15 service.

Medical witnesses.

4. No person other than a medical practitioner shall be competent to give evidence as an expert 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 20 certificate as to the cause of death be receivable by the Registrar-General or any district registrar from other than a medical practitioner.

Falsely assuming  
medical designations,  
&c.

*Ibid.* s. 40.

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 25 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. 30

Persons registered or  
entitled to registra-  
tion.

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 regis- 35 tered 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 40 the person registered.

Entries in and publi-  
cation of register.

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, 45 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 50 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 55 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



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-eight, 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,'" 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 cause to be held 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."

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 of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register, has been erased from the list of members of any such body from which he obtained his qualification the Council may remove such

Removal of names from register.



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 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 three-fifths of the Council to have been guilty of disgraceful conduct of such a character as would render it undesirable in the public interest that the name of such practitioner should remain on the register. And the Council by a like majority may remove from the register the name of any person who shall have obtained registration by fraud: Provided that in any such case, except where a practitioner's name has been removed for a conviction for felony or misdemeanour, the decision of the Council shall be subject to appeal to the Supreme Court in its equity jurisdiction. And on such appeal the Court may make such order in the premises as it thinks fit. And where the name of any person has been removed from the register or list of members of a licensing body recognized in Schedule Two, the Court may in the said order direct that the name of the said person shall, notwithstanding that removal, be retained on the register under this Act, and that such person shall have the privileges of a medical practitioner.

Fees on registration.

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

Council to inquire into qualification.

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 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.

Forging certificate.

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.

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

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," 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, 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, purporting 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.



18. All nominated members of the Council shall hold office for such time as the Governor shall by regulation declare, not exceeding four years, but may be reappointed. Of the first four members elected by the medical practitioners, one (to be chosen by lot) shall retire at the end of each year. On each subsequent election, the member elected shall hold office for the period of four years. Any member who retires, or whose term of office expires, may be re-elected. 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.

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 or election held, as the case may require, to fill the vacancy in the manner prescribed by this Act; and the name of the person so appointed or elected shall be published in the *Gazette*, as prescribed by regulation. A person appointed or elected on the death or resignation of a member shall hold office only during the unexpired portion of the period for which the member who has died or resigned his office was appointed or elected.

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 by-laws 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 connected with their procedure; and such by-laws 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.

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SCHNEIDER

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1. The first part of the paper is devoted to a general survey of the history of medicine in the United States. It begins with a brief history of the medical profession in the United States, and then discusses the various factors which have influenced the development of medicine in this country. The author points out that the medical profession in the United States has been characterized by a high degree of conservatism, and that this conservatism has been one of the chief causes of the delay in the adoption of new medical theories and methods.

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