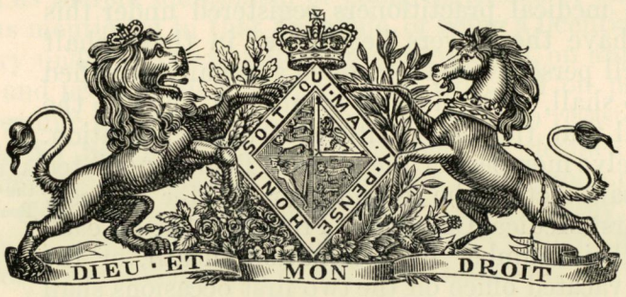
This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

Legislative Council Chamber,
Sydney, 12th October, 1897.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

* *

No. . (A.D. 1897.)

An Act for the amendment of the Laws respecting the Medical Profession, and for the establishment of a Medical Council.

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

Preamble.

21 and 22 Vic., c. 90.

Ibid. Sections 32, 36, and 40.

31 Vic., c. 29.

the fees which should be demandable in that behalf: And whereas it is expedient to enable persons requiring medical or surgical advice or aid to distinguish qualified from unqualified practitioners, that the law of this Colony should in those respects be assimilated as far as reasonably may be to that of the United Kingdom: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:— Objects of the Act.

1. A Council, to be styled the Medical Council of New South Wales, shall be established, consisting of twelve practitioners as hereinafter defined, and who are or shall be registered under the Act of the second year of Her Majesty, number twenty-two, or under this Act, or entitled to be so registered. Subject to the provisions hereinafter contained, such Council shall consist of five members to be appointed by the Governor, two members to be appointed by the Senate of the University of Sydney, and five members to be elected as hereinafter provided from among the medical practitioners registered under this Act, which Council shall have the powers hereinafter in that behalf specified, and shall cause all persons to be registered as legally qualified medical practitioners, who shall, as hereinafter mentioned, show to the satisfaction of the Council that they are entitled to such registration. Establishment and duties of Medical Council.

2. The existing twelve members of the Medical Board appointed in pursuance of the aforesaid Act of the second year of Her Majesty shall be Members of the first Medical Council: Provided that on each successive reduction of their number by resignation, death, or the provisions of this Act, the vacated office on the two first occasions shall be filled by the appointment of the members to be nominated by the Senate as aforesaid, and the subsequent vacancies by members elected by the registered practitioners under this Act, till the offices of the five elected members are filled up, as before provided. The then remaining five members shall be regarded as the members of the Council nominated by the Governor as provided in the previous section. As to members of the present Medical Board.

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

Engl. Act, ss. 31 *and* 32.

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

Ibid. ss. 34 *and* 35.

5. After the present year no person shall hold any appointment as a physician, surgeon, or medical officer in the Military or Naval Service, or in any emigrant or other vessel, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital not supported by voluntary contributions, or in any Public Lunatic Asylum, Gaol, Penitentiary, House of Correction or Industry, or other Public Establishment, Institution, or as a medical officer of health unless so registered. And no certificate which Unregistered persons not to hold certain appointments.

Ibid. ss. 36 *and* 37.

which by any Act now in force or hereafter passed is or may be 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.

Falsely assuming medical designations, &c.

Ibid. s. 40.

6. If any person shall wilfully and falsely pretend to be or shall take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition, designation, or description implying that he is registered as such, or is recognized by law as a physician, surgeon, licentiate in medicine and surgery, practitioner in medicine or apothecary, he shall, upon conviction for any such offence pay a sum not exceeding twenty pounds.

Persons registered or entitled to registration.

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

Persons adopting particular medical theories.

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

Entries in and publication of Register.

9. The Council shall from time to time cause the names, addresses, and qualifications of all persons entitled as in this Act mentioned to be entered in the Medical Register, a copy of which shall in the month of January in each year be published by the Council in the Gazette, including all names registered up to the end of the previous December, but notifying any change since the last publication in the address of any practitioner, or which may have occurred by any intervening death or removal. And a copy of any such published register signed by the President shall be prima facie evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication.

Proof of non-qualification.

10. In all prosecutions under the sixth section of this Act proof that the defendant's name, or the title, addition, designation, or description taken or used by him was not registered at the time of the alleged defence 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.

Application of moneys and recovery of fines.

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

Appeal allowed.

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

Limitation of prosecutions.

13.

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

14. The fee for registration under this Act shall be three guineas, and a fee of one guinea shall be paid for any qualification subsequently registered. Fees on registration.

15. The Council may question any applicant attending and any witness produced by him, and may take a solemn declaration from any applicant or witness touching the qualification of such applicant; and if any person shall wilfully make any false statement upon his examination or in such declaration, or shall utter or put off as true before the Council any forged document, or shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false representation or declaration either verbally or in writing, the person so offending and every person assisting him therein shall be deemed guilty of a misdemeanour. 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. As soon as vacancies occur for the election of registered practitioners to the Council as before provided, such vacancies shall be published in the Gazette, and in such public newspapers as the Council may determine, so that the election of the remaining members may be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice. Preliminary steps for election of Members.

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

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

20. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall legibly sign such voting-paper in the presence of a Magistrate or Commissioner Voting-papers to be signed.

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

Proceedings at elections.

21. On the day appointed for the first election a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the presence of the President and scrutineers, who shall count the votes for each candidate, and shall then declare the persons who have obtained the greatest number of votes to be duly elected members of the Council, and the President shall as soon afterwards as may be practicable cause their names to be published in the Gazette and in such newspapers as the Board shall determine.

Casting vote.

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

Duration of office.

23. All appointed members of the Council, including the members now remaining on the Medical Board shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President. If any member shall, without leave of the Council, be absent from its meetings for three consecutive calendar months his membership shall, *ipso facto*, become vacant.

Deficiency of candidates.

24. If at the time fixed for any election there be no candidate named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time as the Governor shall determine.

As to future appointments and elections.

25. As soon as may be reasonably practicable after the expiration of the term of office or the death or resignation of any appointed member of the Council a new appointment shall be made by the Governor or the Senate as the case may require, and shall be published in the Gazette. And sixty days at the least before the expiration of the term of office of any of the elected councillors the Council and the President thereof shall take respectively all such steps, and such things shall be done thereafter in relation to the election of practitioners in the place of the retiring councillors as shall be requisite.

Commencement of term of office of elected members.

Extraordinary vacancies.

26. The term of office of each elected member shall be taken to have commenced on the first day of meeting of the Council after their election. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner to fill such vacancy, who shall hold office until the expiration of his predecessor's term of office. All such appointments shall be notified in the Gazette.

Appointment of President.

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

Council may make by-laws.

28. The Council may make by-laws for regulating their proceedings and the duties of their officers and servants and preserving order at Council meetings, and also as to the time and place of the meetings

meetings of the Council and the mode of summoning the members, and as to all other matters for carrying this Act into effect not herein provided for.

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

By-laws to be approved by Governor.

30. In the absence of any by-law as to summoning meetings of the Council 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 at any meeting thereof shall be decided by the votes of the majority of members present—the whole number present (the President included) not being less than five. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote in case of an equality of votes.

Summoning meetings and proceedings thereat.

31. The Council may appoint a Registrar who shall also act as Secretary to the Council, and shall be paid such salary as may be determined. 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. He shall also keep minutes of the proceedings of the Council and such books of account as may be required.

Registrar to be appointed.

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

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

33. The Acts specified in the First Schedule hereto shall be repealed: Provided that nothing in this Act, except in regard to practitioners whose names may have been removed from the register under the provisions herein contained, shall affect anything lawfully done or any right or privilege acquired under the said Act or any of them.

Repeal of existing Acts.

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

Definitions of terms.

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

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

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

Practitioner or *Medical Practitioner*—Any medical practitioner registered as such under this or the last-mentioned Act.

Register—The Medical Register of New South Wales.

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

Registrar—The Registrar and Secretary appointed by the Council.

University or *College*—These shall severally be taken to include every recognised Associated Body granting medical qualifications.

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

SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.
2 Vic. No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroner's Inquests, &c.
8 Vic. No. 8... 9 Vic. No. 12	Acts amending the said Act.
19 Vic. 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 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 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*) Any person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs: Provided that by its rules every person receiving any such diploma or degree is required to have passed through a course of medical study of not less than four years.

Sydney William Applegate Gullick, Government Printer.—1897.

[6*d*.]

1897.

Legislative Council.

MEDICAL BILL.

(*Amendments to be proposed in Committee of the Whole by* SIR ARTHUR RENWICK.)

Page 2, clause 1, line 11. *Omit* "thirteen" *insert* "twelve"

Page 2, clause 2, line 14. *Omit* all the words after "registered" down to "which Council" inclusive in line 18 *insert* "subject to "the provisions hereinafter contained, such Council shall "consist of five members to be appointed by the Governor, "two members to be appointed by the Senate of the "University of Sydney, and five members to be elected as "hereinafter provided from among the medical practitioners "registered under this Act, which Council"

Page 2, clause 2, line 23. *Omit* "eight" *insert* "twelve"

Page 2, clause 2, line 25. *After* "council" *omit* remainder of clause *insert* "Provided that on each successive reduction of their "number by resignation, death, or the provisions of this Act, "the vacated office on the two first occasions shall be filled "by the appointment of the members to be nominated by the "Senate as aforesaid, and the subsequent vacancies by "members elected by the registered practitioners under this "Act, till the offices of the five elected members are filled up, "as before provided. The then remaining five members "shall be regarded as the members of the Council nominated "by the Governor as provided in previous clause"

Page 4, clause 17. *Omit* lines 36 to 40 and *insert* "As soon as "vacancies occur for the election of registered practitioners "to the Council as before provided, such vacancies shall be"

Page 4, clause 17, line 41. *Omit* "they" *insert* "the Council"

Page 4, clause 17, line 42. *After* "determine" *insert* "so"

Page 4, clause 17, line 42. *Omit* "will" *insert* "may"

Page 5, clause 21, line 11. *Omit* "Board" *insert* "Council"

Page 5, clause 23. *Omit* clause 23.

Page 5, clause 24. At end of clause *add* "If any member shall, "without leave of the Council, be absent from its meetings "for three consecutive calendar months his membership shall, "*ipso facto*, become vacant"

Page 5, clause 27, line 53. *Omit* "with respect to the first elected "members"

Page 5, clause 27, line 54. *After* "Council" *insert* "after their "election"

Page 5, clause 27, line 54. *Omit* from "and with respect" down to and including "that day" in line 55.

Page 6, clause 31, line 36. *Omit* "seven" *insert* "five"

Page 6, clause 32, line 40. *Omit* "the Council may determine" *insert* "as may be determined"

Legislative Council.

60° VICTORIÆ, 1897.

A BILL

For the amendment of the Laws respecting the Medical Profession, and for the establishment of a Medical Council.

[DR. BOWKER;—17 *June*, 1897.]

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

Preamble.

21 and 22 Vic., c. 90.

Ibid. Sections 32, 36, and 40.

31 Vic., c. 29.

Objects of the Act.

the fees which should be demandable in that behalf: And whereas it is expedient to enable persons requiring medical or surgical advice or aid to distinguish qualified from unqualified practitioners, that the law of this Colony should in those respects be assimilated as far as reasonably may be to that of the United Kingdom: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Establishment and duties of Medical Council.

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

As to members of the present Medical Board.

2. The existing eight members of the Medical Board appointed in pursuance of the aforesaid Act of the second year of Her Majesty shall be Members of the first Medical Council, and until that number shall by death or resignation have been reduced to seven, *three* practitioners only shall be elected: Provided that on each successive reduction of the number by death or resignation one more member shall be elected, until no more than five of the said eight members remain, after which, but not till then, the number of elected members shall be six and of members appointed by the Governor shall be five as provided by the said first section.

Privileges of registered practitioners.

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

Engl. Act, ss. 31 *and* 32.

Term legally qualified medical practitioner, &c.

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

Ibid. ss. 34 *and* 35.

Unregistered persons not to hold certain appointments.

5. After the present year no person shall hold any appointment as a physician, surgeon, or medical officer in the Military or Naval Service, or in any emigrant or other vessel, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital not supported by voluntary contributions, or in any Public Lunatic Asylum, Gaol, Penitentiary, House of Correction or Industry, or other Public Establishment, Institution, or as a medical officer of health unless so registered. And no certificate which by any Act now in force or hereafter passed is or may be required

Ibid. ss. 36 *and* 37.

required from a medical practitioner shall be valid unless the person signing the same be so registered or be a Medical Commissioned Officer in Her Majesty's Service.

6. If any person shall wilfully and falsely pretend to be or shall take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition, designation, or description implying that he is registered as such, or is recognized by law as a physician, surgeon, licentiate in medicine and surgery, practitioner in medicine or apothecary, he shall, upon conviction for any such offence pay a sum not exceeding *twenty* pounds. Falsely assuming medical designations, &c. *Ibid. s.* 40.

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

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

9. The Council shall from time to time cause the names, addresses, and qualifications of all persons entitled as in this Act mentioned to be entered in the Medical Register, a copy of which shall in the month of January in each year be published by the Council in the Gazette, including all names registered up to the end of the previous December, but notifying any change since the last publication in the address of any practitioner, or which may have occurred by any intervening death or removal. And a copy of any such published register signed by the President shall be prima facie evidence for all purposes that the persons therein described and no others were registered up to the time specified in such publication. Entries in and publication of Register.

10. In all prosecutions under the sixth section of this Act proof that the defendant's name, or the title, addition, designation, or description taken or used by him was not registered at the time of the alleged defence 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 shall be paid into a fund to the credit of the Council. And all fines incurred under this Act may be recovered in a summary way before any two justices according to the provisions of the Act fourteenth Victoria number forty-three and the Act therein adopted, or any other law hereafter passed for regulating summary proceedings before justices. Application of moneys and recovery of fines.

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

13.

Removal of names from register.

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

Fees on registration.

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

Council to inquire into qualification.

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

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.

Preliminary steps for election of Members.

17. The names of the members of the Medical Board now existing and the names of the persons appointed by the Senate to be members of the Council shall, with all convenient speed after the publication of this Act, be published in the Gazette, and immediately after such publication the Medical Board shall cause a notice to be published in the Gazette and in such public newspapers as they may determine, that the election of the remaining members will be held at a place and time mentioned, such time being not less than sixty days from the first publication of such notice.

Mode of nomination.

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

Contested or uncontested elections.

19. If no more persons be nominated than the number of practitioners to be elected they shall be declared duly elected members of the Council, and their names be forwarded to the Colonial Secretary for publication in the Gazette. But if more than such number be nominated the President shall cause their names to be printed on papers, hereinafter called voting-papers, and shall cause one of such papers,

papers, signed by him on the back thereof as soon as practicable to be delivered or posted to every practitioner resident in the Colony whose address may be known.

Voting-papers to be signed.

20. Every practitioner desirous of voting shall erase from his voting-paper the names of the persons for whom he does not vote, and shall legibly sign such voting-paper in the presence of a Magistrate or Commissioner for taking affidavits, and shall two days at the least before the day of election forward such voting-paper to the President, with the words "Election of Medical Council" written on the envelope.

Proceedings at elections.

21. On the day appointed for the first election a special meeting of the Medical Board shall be held, at which two scrutineers, not being candidates, shall be appointed, and the papers shall be opened in the presence of the President and scrutineers, who shall count the votes for each candidate, and shall then declare the persons who have obtained the greatest number of votes to be duly elected members of the Council, and the President shall as soon afterwards as may be practicable cause their names to be published in the Gazette and in such newspapers as the Board shall determine.

Casting vote.

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

Conduct of future elections.

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

Duration of office.

24. All appointed members of the Council, including the members now remaining on the Medical Board shall hold office for such time as the Governor shall declare (or in respect of members appointed by the Senate as the Senate shall declare), not exceeding four years, but may be reappointed, and all elected members shall hold office for four years, but every retiring member may be re-elected, and any member of the Council may at any time resign his office by letter addressed to the President.

Deficiency of candidates.

25. If at the time fixed for any election there be no candidate named or a less number of candidates be nominated than there are members to be elected, the Governor may appoint any practitioner or practitioners to supply the vacancy or vacancies, who shall hold office for such time as the Governor shall determine.

As to future appointments and elections.

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

Commencement of term of office of elected members.

27. The term of office of each elected member shall be taken to have commenced with respect to the first elected members on the first day of meeting of the Council, and with respect to all members thereafter elected to have commenced on the anniversary of that day. And every election after the first shall take place on such anniversary or on the earliest practicable day thereafter, to be fixed in each case by the Council. On the occurrence of any extraordinary vacancy in the office of an elected councillor the Council shall appoint a practitioner

Extraordinary vacancies.

to

to fill such vacancy who shall hold office until the expiration of his predecessor's term of office. All such appointments shall be notified in the Gazette.

Appointment of President.

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

Council may make by-laws.

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

By-laws to be approved by Governor.

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

Summoning meetings and proceedings thereat.

31. In the absence of any by-law as to summoning meetings of the Council 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 at any meeting thereof shall be decided by the votes of the majority of members present—the whole number present (the President included) not being less than seven. And at every meeting the President, or, in his absence, the member so chosen, shall, in addition to his vote as a member have a casting vote in case of an equality of votes.

Registrar to be appointed.

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

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

Repeal of existing Acts.

34. The Acts specified in the First Schedule hereto shall, except as to all proceedings for the first election of members to the Medical Council, be repealed: Provided that nothing in this Act, except in regard to practitioners whose names may have been removed from the register under the provisions herein contained, shall affect anything lawfully done or any right or privilege acquired under the said Act or any of them.

35.

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

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

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

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

Practitioner or *Medical Practitioner*—Any medical practitioner registered as such under this or the last-mentioned Act.

Register—The Medical Register of New South Wales.

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

Registrar—The Registrar and Secretary appointed by the Council.

University or *College*—These shall severally be taken to include every recognised Associated Body granting medical qualifications.

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

SCHEDULES.

SCHEDULE I.

No. of Act.	Title or object of Act.
2 Vic. No. 22 ...	An Act to define the Qualifications of Medical Witnesses at Coroner's Inquests, &c.
8 Vic. No. 8... 9 Vic. No. 12	Acts amending the said Act.
19 Vic. 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 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 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*) Any person who shall have obtained after examination from some University or College a diploma or degree entitling him to practice medicine or surgery in the country to which such University or College belongs: Provided that by its rules every person receiving any such diploma or degree is required to have passed through a course of medical study of not less than four years.

Sydney: William Applegate Gullick, Government Printer.—1897.

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