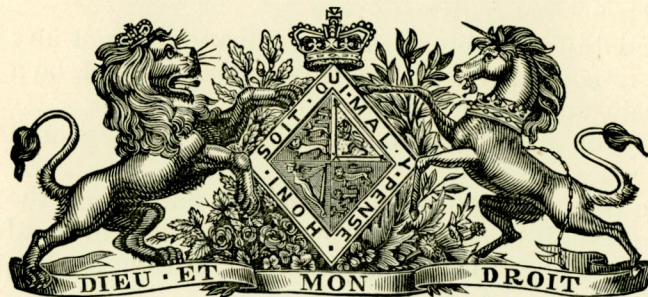


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 27th October, 1898.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. , 1898.

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

WHEREAS it is expedient to enable persons requiring medical Preamble.
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
5 Legislative Assembly of New South Wales in Parliament assembled,
and by the authority of the same, as follows:—

1. (1) Any person who, not being a legally qualified medical Penalty for falsely
using the name of a
physician, doctor, &c.
practitioner within the meaning of the Medical Practitioners Act,
1898, or entitled to be registered as a legally qualified medical
10 practitioner within the meaning of this Act takes or uses the name or
title of a physician, doctor of medicine, licentiate in medicine and
c 15— surgery,

Medical Practitioners Amendment.

surgery, bachelor of medicine, or surgeon, or any name, title, addition, or description implying that he is a legally qualified medical practitioner as aforesaid, shall be liable to a penalty of fifty pounds, and in the case of a continuing offence against the provisions of this section to a further penalty of five pounds for each day from the time when the said offence was first committed, or shall be liable to imprisonment for a term not exceeding twelve months.

(2) A person shall be deemed to be entitled to be registered as a legally qualified medical practitioner within the meaning of this Act if he possesses the qualifications required in the Medical Practitioners Act, 1898, in order to entitle him to be registered as aforesaid.

2. If it appears to the satisfaction of the New South Wales Medical Board that any person registered as aforesaid—

- (a) has ceased to possess, or does not possess, the qualifications in respect of which he was registered; or
- (b) has been convicted of any felony or misdemeanour, or of any offence which, if committed within this Colony, would be a felony or misdemeanour; or
- (c) has been guilty of infamous conduct in any professional respect,

it shall be lawful for the Board to remove such person's name from the register, and thereupon he shall cease to be a legally qualified medical practitioner within the meaning of the Medical Practitioners Act, 1898:

Provided that in case of a charge of infamous conduct as aforesaid the Board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence, either in person or by counsel, and shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing.

3. (1) Any person who states in an advertisement or notification that he treats disease, injury, or ailment, or that disease, injury, or ailment is treated in any house therein referred to, shall in every such advertisement or notification as aforesaid, state his christian name and surname in full, and shall place and maintain the said names upon any house (if any) referred to in the said advertisement or notification.

(2) Any person who fails to comply with the requirements above-mentioned or any of them shall be liable to a penalty of twenty pounds, and in the case of a continuing offence to a further penalty of five pounds for each day from the time when the said offence was first committed, or shall be liable to imprisonment for a term not exceeding six months.

(3) Any person purporting to be but not being the person whose name is stated in any advertisement or notification as aforesaid, who treats disease, injury, or ailment at any house referred to in any advertisement or notification as aforesaid shall be liable to a penalty of

Board may remove name from register in certain cases.

Persons advertising that they treat disease.

Medical Practitioners Amendment.

- of twenty pounds, or shall be liable to imprisonment for a term not exceeding six months. In any proceedings under this subsection, the burden of proving that he is the person whose name is stated in the advertisement or notification shall lie on the person charged.
- 5 **4.** Section three of the Medical Practitioners Act, 1898, is Amendment of Act No. 26, 1898. amended by substituting in subsection (b) the word "five" for the word "three."
- 10 **5.** A copy of the register kept in pursuance of the Medical Copy of register to be evidence. Practitioners Act, 1898, purporting to be signed by the President of the New South Wales Medical Board, shall, in any proceedings under this Act, be prima facie evidence that the persons whose names are therein contained and no others were, up to and including the time when the said copy of the register purported to have been so signed, legally qualified medical practitioners as aforesaid.
- 15 **6.** All penalties imposed by this Act may be recovered before, Offences and penalties. and all charges under this Act may be heard and determined by, a stipendiary or police magistrate, or any two justices of the peace in petty sessions.
- 20 **7.** This Act may be cited as the "Medical Practitioners Amend- Short title. ment Act, 1898."

1898.

Legislative Council.

MEDICAL PRACTITIONERS BILL.

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

Page 1, clause 1. (1), lines 8 to 10. *Omit* "second Victoria number
" twenty-two as amended by the Acts ninth Victoria number
" twelve and nineteenth Victoria number seventeen"; *insert*
" sixty-ninth Victoria number twenty-six "

Page 2, clause 1. (2), lines 12 to 14. *Omit* "second Victoria number
" twenty-two as amended by the Acts ninth Victoria number
" twelve and nineteenth Victoria number seventeen," *insert*
" sixty-ninth Victoria number twenty-six "

Page 2, clause 1. At end of subsection 2, *add* " provided that the
" regular course of medical study therein referred to shall be
" of not less than *four* years duration "

Page 2. *After* clause 2, *insert* the following new clauses :—

It shall be lawful for the Board to erase from the register, the qualifications of any registered person derived from any college or body in respect of which such person was registered, when such college or body shall signify to the Board that such person has been struck off from the list of such college or body: Provided that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

Name of member struck off from list of college, &c., and signified to Board may be erased from register.

Imp. Act, 21 & 22 Vic., c. 90, s. 28.

If any registered medical practitioner shall be convicted of any felony or misdemeanour, or shall after due inquiry be judged by the board to have been guilty of infamous conduct in any professional respect, the board may, if they see fit, direct the removal of the name of such medical practitioner from the register.

Offences for which names may be removed from register.

Imp. Act, 21 & 22 Vic., c. 90, s. 29.

Page 2, clause 3, line 34. *Before* " Act " *insert* " aforesaid "

Page 2, clause 3, lines 34 to 36. *Omit* "second Victoria number
" twenty-two purporting to be signed by the President of the
" New South Wales Medical Board "

MEDICAL PRACTITIONERS BILL

(Amendments and new clauses to be proposed in Committee of the Whole by Sir Arthur Lewis)

Page 1, clause 1. (7), lines 2 to 10. Omit "second Victoria number" and insert "twenty-two as amended by the Acts ninth Victoria number" ; insert "sixty-ninth Victoria number twenty-six"

Page 2, clause 1. (8), lines 12 to 14. Omit "second Victoria number" and insert "twenty-two as amended by the Acts ninth Victoria number" ; insert "sixty-ninth Victoria number twenty-six"

Page 2, clause 1. At end of subsection 2, add "provided that the" ; insert "regular course of medical study therein referred to shall be" ; insert "of not less than four years duration"

Page 2. After clause 2, insert the following new clause:—

It shall be lawful for the Board to erase from the register the qualifications of any registered person desired from any college or body in respect of which such person was registered, when such college or body shall signify to the Board that such person has been struck off from the list of such college or body. Provided that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

If any registered medical practitioner shall be convicted of any felony or misdemeanour, or shall after due inquiry be judged by the Board to have been guilty of infamous conduct in any professional respect, the Board may, if they see fit, direct the removal of the name of such medical practitioner from the register.

Page 2, clause 3, line 24. Before "Act" insert "provision"

Page 2, clause 3, lines 24 to 26. Omit "second Victoria number" and insert "twenty-two as amended by the Acts ninth Victoria number" ; insert "sixty-ninth Victoria number twenty-six"

MEDICAL PRACTITIONERS BILL.

Amendments and new clauses to be proposed in Committee of the Whole.

By SIR ARTHUR RENWICK—

Page 1, clause 1. (1), lines 8 to 10. *Omit* “second Victoria number
“twenty-two as amended by the Acts ninth Victoria number
“twelve and nineteenth Victoria number seventeen”; *insert*
“sixty-ninth Victoria number twenty-six”

Page 2, clause 1. (2), lines 12 to 14. *Omit* “second Victoria number
“twenty-two as amended by the Acts ninth Victoria number
“twelve and nineteenth Victoria number seventeen,” *insert*
“sixty-ninth Victoria number twenty-six”

Page 2, clause 1. At end of subsection 2, *add* “provided that the
“regular course of medical study therein referred to shall be
“of not less than *four* years duration”

Page 2. *After* clause 2, *insert* the following new clauses:—

It shall be lawful for the Board to erase from the register, the qualifications of any registered person derived from any college or body in respect of which such person was registered, when such college or body shall signify to the Board that such person has been struck off from the list of such college or body: Provided that the name of no person shall be erased from the register on the ground of his having adopted any theory of medicine or surgery.

Name of member struck off from list of college, &c., and signified to Board may be erased from register.

Imp. Act, 21 & 22 Vic., c. 90, s. 28.

If any registered medical practitioner shall be convicted of any felony or misdemeanour, or shall after due inquiry be judged by the board to have been guilty of infamous conduct in any professional respect, the board may, if they see fit, direct the removal of the name of such medical practitioner from the register.

Offences for which names may be removed from register.

Imp. Act, 21 & 22 Vic., c. 90, s. 29.

Page 2, clause 3, line 34. *Before* “Act” *insert* “aforesaid”

Page 2, clause 3, lines 34 to 36. *Omit* “second Victoria number
“twenty-two purporting to be signed by the President of the
“New South Wales Medical Board”

By MR. CREED—

Page 2, clause 2, line 21. *After* “notification” *insert* “Provided that
“if the person so advertising is not registered, or entitled to
“be registered, as a medical practitioner, he shall, to such
“advertisement or notification and to his name on the house
“referred to, add ‘unregistered’ in letters of such size as
“may be directed by the Medical Board”

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

MEMORANDUM FOR THE RECORD

DATE: [illegible]

TO: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Legislative Council.

No. , 1898.

A BILL

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

[DR. GARRAN ;—31 *August*, 1898.]

WHEREAS it is expedient to enable persons requiring medical Preamble.
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
5 Legislative Assembly of New South Wales in Parliament assembled,
and by the authority of the same, as follows:—

1. (1) Any person who, not being a legally qualified medical Penalty for falsely
using the name of a
physician, doctor, &c.
practitioner within the meaning of the Act second Victoria number
twenty-two, as amended by the Acts ninth Victoria number twelve
10 and nineteenth Victoria number seventeen, or entitled to be registered
as a legally qualified medical practitioner within the meaning of this
Act takes or uses the name or title of a physician, doctor of medicine,
c 15— licentiate

licentiate in medicine and surgery, bachelor of medicine, or surgeon, or any name, title, addition, or description implying that he is a legally qualified medical practitioner as aforesaid, shall be liable to a penalty of *fifty* pounds, and in the case of a continuing offence against the provisions of this section to a further penalty of *five* pounds for each day from the time when the said offence was first committed, or shall be liable to imprisonment for a term not exceeding *twelve* months. 5

(2) A person shall be deemed to be entitled to be registered as a legally qualified medical practitioner within the meaning of this Act if, in fact, he has fulfilled the conditions and done the things and possesses the qualifications required in the Act second Victoria number twenty-two, as amended by the Acts ninth Victoria number twelve and nineteenth Victoria number seventeen, in order to entitle him to be registered as aforesaid. 15

Persons advertising
that they treat
disease.

2. (1) Any person who states in an advertisement or notification that he treats disease, injury, or ailment, or that disease, injury, or ailment is treated in any house therein referred to, shall in every such advertisement or notification as aforesaid, state his christian name and surname in full, and shall place and maintain the said names upon any house (if any) referred to in the said advertisement or notification. 20

(2) Any person who fails to comply with the requirements above-mentioned or any of them shall be liable to a penalty of *twenty* pounds, and in the case of a continuing offence to a further penalty of *five* pounds for each day from the time when the said offence was first committed. 25

(3) Any person purporting to be but not being the person whose name is stated in any advertisement or notification as aforesaid, who treats disease, injury, or ailment at any house referred to in any advertisement or notification as aforesaid shall be liable to a penalty of *twenty* pounds. In any proceedings under this subsection, the burden of proving that he is the person whose name is stated in the advertisement or notification shall lie on the person charged. 30

Copy of register to
be evidence.

3. A copy of the register kept in pursuance of the Act second Victoria number twenty-two, purporting to be signed by the President of the New South Wales Medical Board, shall, in any proceedings under this Act, be prima facie evidence that the persons whose names are therein contained and no others were, up to and including the time when the said copy of the register purported to have been so signed, legally qualified medical practitioners as aforesaid. 40

Offences and
penalties.

4. All penalties imposed by this Act may be recovered before, and all charges under this Act may be heard and determined by, a stipendiary or police magistrate, or any two justices of the peace in petty sessions.

Short title.

5. This Act may be cited as the "Medical Practitioners' Act, 1898."