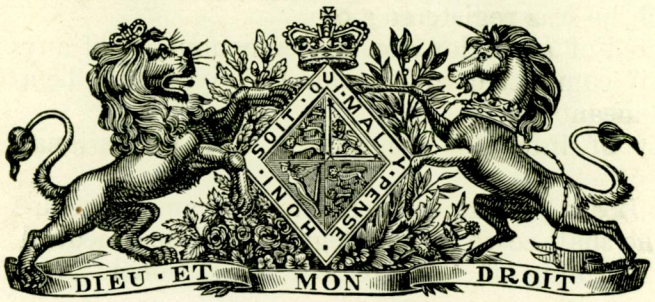

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

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.

Preamble.

WHEREAS it is expedient to enable persons requiring medical 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:—

Penalty for falsely using the name of a physician, doctor, &c.

1. (1) Any person who, not being a legally qualified medical practitioner within the meaning of the Medical Practitioners Act, 1898, 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, 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.

(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.

Board may remove name from register in certain cases.

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.

Persons advertising that they treat disease.

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

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 amended by substituting in subsection (*b*) the word "five" for the word "three." Amendment of Act No. 26, 1898.

5. A copy of the register kept in pursuance of the Medical Practitioners Act, 1898, purporting to be signed by the President 10 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. Copy of register to be evidence.

15 **6.** 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. Offences and penalties.

7. This Act may be cited as the "Medical Practitioners Amend- 20 ment Act, 1898." Short title.

Sydney: William Applegate Gullick, Government Printer.—1899.

[3*d*.]