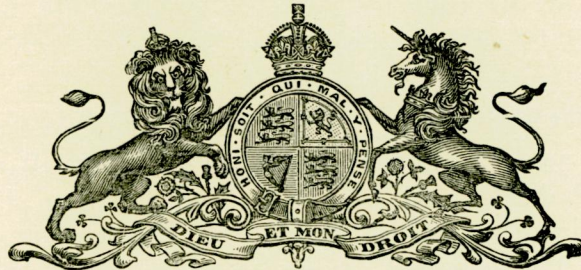


# New South Wales.



ANNO TERTIO

## GEORGII V REGIS.

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### Act No. 29, 1912.

An Act to consolidate the enactments relating to the qualifications of medical witnesses at coroners' inquests and at inquiries by justices of the peace touching the death of any person, and the enactments providing for the registration of legally qualified medical practitioners, the restriction of unqualified persons from practising, and the further regulation of the practice of medicine and surgery and other matters connected therewith. [Assented to, 26th November, 1912.]

**B**E it enacted by the King'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.** This Act may be cited as the "Medical Practitioners Act, Short title. 1912."

**2.** The Acts mentioned in the Schedule to this Act are hereby Repeal of Acts. repealed, but such repeal shall not prejudice or affect the validity or duration of any certificate lawfully granted under, or register kept in pursuance of, any such Act.

*Medical Practitioners.*

Saving clause.

The president, members, and secretary of the board, appointed under the Acts hereby repealed and holding office at the time of this Act coming into force, shall remain in office as if appointed under this Act.

All persons registered as legally qualified medical practitioners, and being so registered, or registered under section three of the Act No. 70, 1900, at the time of this Act coming into force, shall be deemed to be so registered under this Act.

*Registration of legally qualified medical practitioners.*

Appointment and  
constitution of  
medical board.  
Act No. 26, 1898,  
s. 4.

**3.** (1) The Governor shall appoint a board to be called the New South Wales Medical Board, to consist of not less than three members, and such board in this Act is referred to as the board.

(2) The members of the board shall be chosen from the medical profession.

The president.  
*Ibid.*

(3) The Governor shall nominate one of the members of the board as president.

Quorum.  
*Ibid.*

(4) Three members of the board shall form a quorum, and in the absence of the president any other member of the board may preside for the time being.

Appointment of  
secretary.  
*Ibid.*

(5) The Governor shall also appoint a secretary to the board.

*Who to be deemed legally qualified medical practitioners.*

Qualifications.  
*Ibid.* s. 3.

**4.** The following persons and no others shall, for the purposes of the Coroners' Act, 1898, be deemed legally qualified medical practitioners:—

(1) Any person who proves to the satisfaction of the board—

(a) that he is a doctor or bachelor of medicine of some university, or a physician or surgeon licensed or admitted as such by some college of physicians or surgeons in Great Britain or Ireland; or

(b) that he has passed through a regular course of medical study of not less than five years' duration in a school of medicine, and that he has received, after due examination, from the University of Sydney, or from some university, college, or other body duly recognised for that purpose in the country to which such university, college, or other body belongs, a diploma, degree, or license entitling him to practise medicine in that country; or

(c) that he is a member of the Company of Apothecaries of London, or a member or licentiate of the Apothecaries Hall of Dublin.

*Ibid.*, and  
Act No. 70, 1900,  
s. 4.

Act No. 26, 1898,  
s. 3.

*Medical Practitioners.*

- (2) Any person who is or has been a medical officer duly appointed and confirmed of His Majesty's sea or land service. No. 26, 1898, s. 3.
- (3) Any person placed upon the separate register under section eight of this Act, or under the Acts hereby repealed.
- 5.** (1) Any person desirous of being declared a legally qualified medical practitioner as aforesaid shall submit his degree, diploma, or other certificate or proof of his being so qualified for the examination and approval of the said board, and shall obtain from the said board a certificate of his being so qualified. Persons desirous of being declared legally qualified medical practitioners to submit their diplomas. *Ibid.*, s. 5.
- (2) The said board may examine any person who presents himself for examination, or any witness produced before them, and may take a statutory declaration from such person or witness. Power of board to examine. *Ibid.*
- (3) Every person who proves to the satisfaction of the said board that he is possessed of one or other of the qualifications mentioned in section four, subsection one, of this Act shall be entitled to a certificate from the said board as a legally qualified medical practitioner. Qualified person entitled to certificate from board. *Ibid.*
- 6.** The said board shall cause the names of all legally qualified medical practitioners as aforesaid to be registered in a book to be kept by the said board for that purpose, and shall also cause all the names so registered to be published in the Gazette on or about the first day of January in every year. Registration of legally qualified medical practitioners. *Ibid.* s. 6.
- 7.** A copy of the register kept in pursuance of this Act, purporting to be signed by the president of the board, shall in any proceedings under this Act be 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. Register signed by president of the board to be evidence. No. 33, 1900, s. 3.
- 8.** In the case of any person not possessed of qualifications entitling him to registration under this Act, it shall be lawful for the board in its discretion to place upon a separate register the name of any such person, provided he gives proof that he has passed through a due course of study at a recognised school of medicine and surgery, and that he has practised in a reputable manner as a medical practitioner in New South Wales during five years prior to the sixth day of December, one thousand nine hundred. Board may place upon separate register names of unqualified persons not possessing qualifications for registration. No. 70, 1900, s. 3.
- 9.** If it appears to the satisfaction of the board that any person registered as a legally qualified medical practitioner—
- (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 State, would be a felony or misdemeanour; or
  - (c) has been guilty of infamous conduct in any professional respect,
- Removal of name from register for certain offences. No. 33, 1900, s. 2.
- No. 70, 1900, s. 1.

*Medical Practitioners.*

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 this Act:

No. 33, 1900, s. 2.

Provided that such person so removed under (a) and (b) above shall have the right of appeal to the Supreme Court; such appeal to be in the nature of a rehearing:

No. 70, 1900, s. 1.

Provided also that in case of a charge of infamous conduct as aforesaid the said 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.

Penalties for false statements, &c.

No. 26, 1898, ss. 7, 8.

**10.** Any person who—

- (a) wilfully, knowingly, and corruptly makes any false statement upon any examination or in any declaration before the board; or
- (b) utters or attempts to utter or put off as true before the said board any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing; or
- (c) fraudulently or by false representations obtains any certificate as a duly qualified medical practitioner under the provisions of this Act; or
- (d) forges, alters, or counterfeits any such certificate; or
- (e) utters or uses any such forged certificate knowing the same to have been forged; or
- (f) falsely advertises or publishes himself as having obtained such certificate,

shall be guilty of a misdemeanour and liable to imprisonment with or without hard labour for any period not exceeding three years.

Penalty for persons not being legally qualified medical practitioners using name or title of physician, &c.

No. 33, 1900, s. 1.

**11.** Any person who, not being a legally qualified medical practitioner within the meaning of this Act, 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.

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 this Act, in order to entitle him to be registered as aforesaid.

*Medical Practitioners.*

**12.** (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 referred to in the said advertisement or notification.

Persons advertising that they treat disease.  
No. 70, 1900, s. 2.

(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 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.

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

Offences and penalties.  
No. 33, 1900, s. 4.  
No. 70, 1900, s. 5.  
No. 4, 1897, s. 12.

THE SCHEDULE.

Reference to Acts.	Title or short title.
Act No. 26, 1898...	Medical Practitioners Act, 1898.
Act No. 33, 1900...	Medical Practitioners Amendment Act, 1900.
Act No. 70, 1900...	Medical Practitioners Acts Further Amendment Act, 1900.

By Authority: WILLIAM APPLGATE GULLICK, Government Printer, Sydney, 1912.

[6d.]

Medical Practitioners

12. (1) Any person who states in an advertisement or notice that he has been injured or afflicted by any disease, injury or ailment is treated in any manner referred to shall in every such advertisement or notice state the name of the physician and surgeon in that state and mention the name of any house referred to in the said advertisement or notice.

(2) Any person who publishes or causes to be published any advertisement or notice which contains a statement that he has been injured or afflicted by any disease, injury or ailment shall be liable to a penalty of five dollars for each day from the date when the said offense 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 notice as a specialist who treats disease, injury or ailment of any kind referred to in any advertisement or notice shall be liable to a penalty of twenty dollars or shall be liable to imprisonment for a term not exceeding six months. In any proceeding under this subsection the burden of proving that he is the person whose name is stated in the advertisement or notice shall be on the person charged.

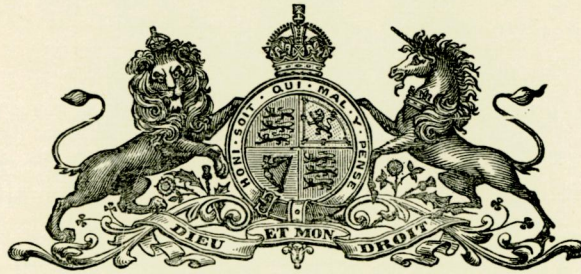
13. All penalties imposed by this Act shall be recovered before and all charges under this Act may be brought and determined, save penalties, in any court of law or equity or before a justice of the peace or any two justices of the peace in any county in this State.

THE SCHEDULE

- Act No. 1911, Medical Practitioners Act 1911
Act No. 1910, Medical Practitioners Amendment Act 1910
Act No. 1907, Medical Practitioners Act 1907

[64]

# New South Wales.



ANNO TERTIO

## GEORGI V REGIS.

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### Act No. 29, 1912.

An Act to consolidate the enactments relating to the qualifications of medical witnesses at coroners' inquests and at inquiries by justices of the peace touching the death of any person, and the enactments providing for the registration of legally qualified medical practitioners, the restriction of unqualified persons from practising, and the further regulation of the practice of medicine and surgery and other matters connected therewith. [Assented to, 26th November, 1912.]

**B**E it enacted by the King'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.** This Act may be cited as the "Medical Practitioners Act, Short title. 1912."

**2.** The Acts mentioned in the Schedule to this Act are hereby Repeal of Acts. repealed, but such repeal shall not prejudice or affect the validity or duration of any certificate lawfully granted under, or register kept in pursuance of, any such Act.

*Medical Practitioners.*

Saving clause.

The president, members, and secretary of the board, appointed under the Acts hereby repealed and holding office at the time of this Act coming into force, shall remain in office as if appointed under this Act.

All persons registered as legally qualified medical practitioners, and being so registered, or registered under section three of the Act No. 70, 1900, at the time of this Act coming into force, shall be deemed to be so registered under this Act.

*Registration of legally qualified medical practitioners.*

Appointment and  
constitution of  
medical board.  
Act No. 26, 1898,  
s. 4.

**3.** (1) The Governor shall appoint a board to be called the New South Wales Medical Board, to consist of not less than three members, and such board in this Act is referred to as the board.

(2) The members of the board shall be chosen from the medical profession.

The president.  
*Ibid.*

(3) The Governor shall nominate one of the members of the board as president.

Quorum.  
*Ibid.*

(4) Three members of the board shall form a quorum, and in the absence of the president any other member of the board may preside for the time being.

Appointment of  
secretary.  
*Ibid.*

(5) The Governor shall also appoint a secretary to the board.

*Who to be deemed legally qualified medical practitioners.*

Qualifications.  
*Ibid.* s. 3.

**4.** The following persons and no others shall, for the purposes of the Coroners' Act, 1898, be deemed legally qualified medical practitioners:—

(1) Any person who proves to the satisfaction of the board—

(a) that he is a doctor or bachelor of medicine of some university, or a physician or surgeon licensed or admitted as such by some college of physicians or surgeons in Great Britain or Ireland; or

(b) that he has passed through a regular course of medical study of not less than five years' duration in a school of medicine, and that he has received, after due examination, from the University of Sydney, or from some university, college, or other body duly recognised for that purpose in the country to which such university, college, or other body belongs, a diploma, degree, or license entitling him to practise medicine in that country; or

(c) that he is a member of the Company of Apothecaries of London, or a member or licentiate of the Apothecaries Hall of Dublin.

*Ibid.*, and  
Act No. 70, 1900,  
s. 4.

Act No. 26, 1898,  
s. 3.



*Medical Practitioners.*

(2) Any person who is or has been a medical officer duly appointed and confirmed of His Majesty's sea or land service. No. 26, 1898, s. 3.

(3) Any person placed upon the separate register under section eight of this Act, or under the Acts hereby repealed.

**5.** (1) Any person desirous of being declared a legally qualified medical practitioner as aforesaid shall submit his degree, diploma, or other certificate or proof of his being so qualified for the examination and approval of the said board, and shall obtain from the said board a certificate of his being so qualified. Persons desirous of being declared legally qualified medical practitioners to submit their diplomas. *Ibid.*, s. 5.

(2) The said board may examine any person who presents himself for examination, or any witness produced before them, and may take a statutory declaration from such person or witness. Power of board to examine. *Ibid.*

(3) Every person who proves to the satisfaction of the said board that he is possessed of one or other of the qualifications mentioned in section four, subsection one, of this Act shall be entitled to a certificate from the said board as a legally qualified medical practitioner. Qualified person entitled to certificate from board. *Ibid.*

**6.** The said board shall cause the names of all legally qualified medical practitioners as aforesaid to be registered in a book to be kept by the said board for that purpose, and shall also cause all the names so registered to be published in the Gazette on or about the first day of January in every year. Registration of legally qualified medical practitioners. *Ibid.* s. 6.

**7.** A copy of the register kept in pursuance of this Act, purporting to be signed by the president of the board, shall in any proceedings under this Act be 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. Register signed by president of the board to be evidence. No. 33, 1903, s. 3.

**8.** In the case of any person not possessed of qualifications entitling him to registration under this Act, it shall be lawful for the board in its discretion to place upon a separate register the name of any such person, provided he gives proof that he has passed through a due course of study at a recognised school of medicine and surgery, and that he has practised in a reputable manner as a medical practitioner in New South Wales during five years prior to the sixth day of December, one thousand nine hundred. Board may place upon separate register names of unqualified persons not possessing qualifications for registration. No. 70, 1900, s. 3.

**9.** If it appears to the satisfaction of the board that any person registered as a legally qualified medical practitioner—

(a) has ceased to possess, or does not possess, the qualifications in respect of which he was registered; or Removal of name from register for certain offences. No. 33, 1900, s. 2.

(b) has been convicted of any felony or misdemeanour, or of any offence which, if committed within this State, would be a felony or misdemeanour; or

(c) has been guilty of infamous conduct in any professional respect, No. 70, 1900, s. 1.

*Medical Practitioners.*

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 this Act:

No. 33, 1900, s. 2.

Provided that such person so removed under (a) and (b) above shall have the right of appeal to the Supreme Court; such appeal to be in the nature of a rehearing:

No. 70, 1900, s. 1.

Provided also that in case of a charge of infamous conduct as aforesaid the said 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.

Penalties for false statements, &c.

No. 26, 1898, ss. 7, 8.

**10.** Any person who—

- (a) wilfully, knowingly, and corruptly makes any false statement upon any examination or in any declaration before the board; or
- (b) utters or attempts to utter or put off as true before the said board any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing; or
- (c) fraudulently or by false representations obtains any certificate as a duly qualified medical practitioner under the provisions of this Act; or
- (d) forges, alters, or counterfeits any such certificate; or
- (e) utters or uses any such forged certificate knowing the same to have been forged; or
- (f) falsely advertises or publishes himself as having obtained such certificate,

shall be guilty of a misdemeanour and liable to imprisonment with or without hard labour for any period not exceeding three years.

Penalty for persons not being legally qualified medical practitioners using name or title of physician, &c.

No. 33, 1900, s. 1.

**11.** Any person who, not being a legally qualified medical practitioner within the meaning of this Act, 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.

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 this Act, in order to entitle him to be registered as aforesaid.

*Medical Practitioners.*

**12.** (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 referred to in the said advertisement or notification.

Persons advertising  
that they treat  
disease.  
No. 70, 1900, s. 2.

(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 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.

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

Offences and  
penalties.  
No. 33, 1900, s. 4.  
No. 70, 1900, s. 5.  
No. 4, 1897, s. 12.

## THE SCHEDULE.

Reference to Acts.	Title or short title.
Act No. 26, 1898...	Medical Practitioners Act, 1898.
Act No. 33, 1900...	Medical Practitioners Amendment Act, 1900.
Act No. 70, 1900...	Medical Practitioners Acts Further Amendment Act, 1900.

By Authority: WILLIAM APPLIGATE GULLICK, Government Printer, Sydney, 1912.

[6d.]

Section 12

12. (1) Any person who shall be convicted of any offense...  
 or absent in any household...  
 such advertisement...  
 and contain a full and...  
 any house referred to in the said advertisement...  
 (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 for each day from the time when the said offense 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 prints, issues, circulates, or is in possession of any such...  
 advertisement or notification as aforesaid shall be liable to a penalty...  
 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 be on the person charged.

13. All penalties imposed by this Act shall be recovered before...  
 and all charges under this Act shall be paid and all costs...  
 where the same are payable by a magistrate or justice of the peace...  
 or any two justices of the peace in their respective jurisdictions...  
 and all costs shall be paid by the person charged.

THE SCHEDULE

Section 12	Section 13
Section 14	Section 15
Section 16	Section 17
Section 18	Section 19
Section 20	Section 21

In Addition Where Applicable Grand Jurors Shall Report...

STATUTES CONSOLIDATION COMMISSION.

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COMMISSIONER'S MEMORANDUM AND CERTIFICATE.

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MEDICAL PRACTITIONERS BILL.

THIS Bill consolidates—

The Medical Practitioners Act, No. 26, 1898.

The Medical Practitioners Amendment Act, No. 33, 1900.

The Medical Practitioners Acts Further Amendment Act, No. 70, 1900.

*Clauses 2, 4, and 8.* Under the repealed Acts, it was somewhat curious that a person was entitled under section 3 of No. 70, 1900, to be placed on a separate register, and he would then be subject to all the provisions of the Act, and would have all the right of a registered medical practitioner, but the phrase in the other clauses of the Act was "legally qualified medical practitioner." *Clause 8* has now by express inclusion been made a part of *Clause 4*, and so the person on the separate register has been made a "legally qualified medical practitioner."

*Clause 6.* The words in section 6 of the Act No. 26, 1898, "for the information of Coroners, Magistrates, and the public," have been omitted as wholly superfluous.

I certify that this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the statutes therein consolidated.

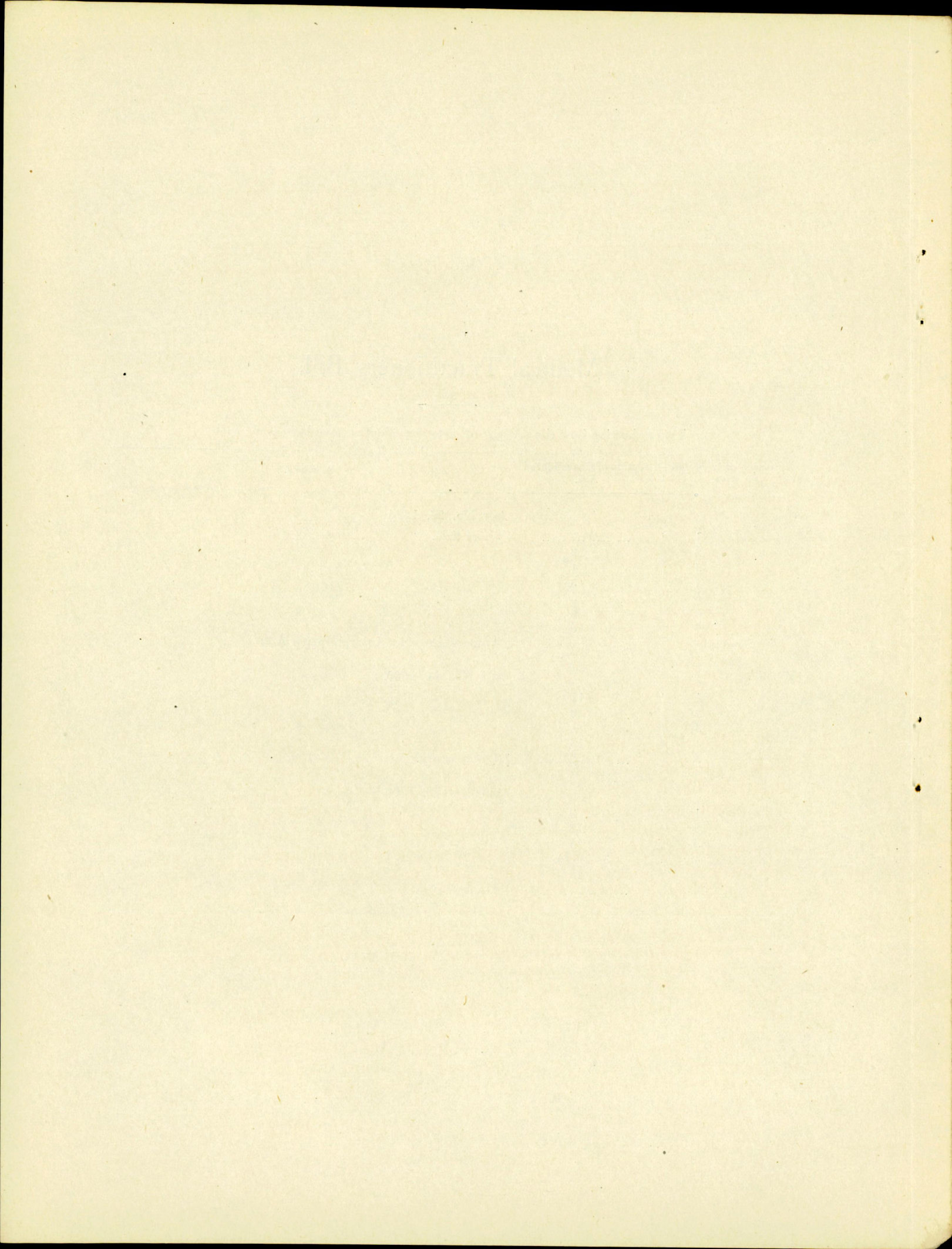
CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.



## Medical Practitioners Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
Act No. 26, 1898.		
1	.....	Short title.
2	2	
3	4	
4	3	
5	5	
6	6	
7, 8	10	
Schedule	.....	Unnecessary; see Interpretation Act.
Act No. 33, 1900.		
1	11	
2	9	
3	7	
4	13	
5	.....	Unnecessary.
Act No. 70, 1900.		
1	9 (c)	
2	12	
3	8	
4	3 (1) (b)	
5	13	
6	.....	Unnecessary.



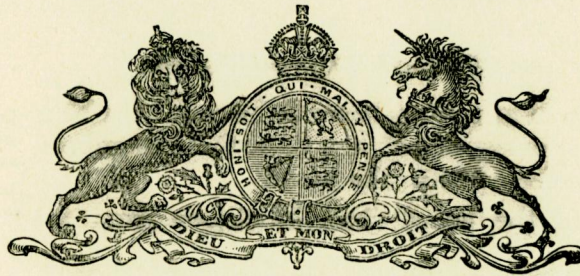


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 12 November, 1912. }*

**RICHD. A. ARNOLD,**  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO TERTIO

## GEORGIUS V REGIS.

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Act No. , 1912.

An Act to consolidate the enactments relating to the qualifications of medical witnesses at coroners' inquests and at inquiries by justices of the peace touching the death of any person, and the enactments providing for the registration of legally qualified medical practitioners, the restriction of unqualified persons from practising, and the further regulation of the practice of medicine and surgery and other matters connected therewith.

**B**E it enacted by the King'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.** This Act may be cited as the "Medical Practitioners Act, Short title. 1912."

**2.** The Acts mentioned in the Schedule to this Act are hereby Repeal of Acts. repealed, but such repeal shall not prejudice or affect the validity or duration of any certificate lawfully granted under, or register kept in pursuance of, any such Act.

*Medical Practitioners.*

The president, members, and secretary of the board, appointed under the Acts hereby repealed and holding office at the time of this Act coming into force, shall remain in office as if appointed under this Act. Saving clause.

All persons registered as legally qualified medical practitioners, and being so registered, or registered under section three of the Act No. 70, 1900, at the time of this Act coming into force, shall be deemed to be so registered under this Act.

*Registration of legally qualified medical practitioners.*

**3.** (1) The Governor shall appoint a board to be called the New South Wales Medical Board, to consist of not less than three members, and such board in this Act is referred to as the board. Appointment and constitution of medical board. Act No. 26, 1898, s. 4.

(2) The members of the board shall be chosen from the medical profession. s. 4.

(3) The Governor shall nominate one of the members of the board as president. The president. Ibid.

(4) Three members of the board shall form a quorum, and in the absence of the president any other member of the board may preside for the time being. Quorum. Ibid.

(5) The Governor shall also appoint a secretary to the board. Appointment of secretary. Ibid.

*Who to be deemed legally qualified medical practitioners.*

**4.** The following persons and no others shall, for the purposes of the Coroners' Act, 1898, be deemed legally qualified medical practitioners:— Qualifications. Ibid. s. 3.

(1) Any person who proves to the satisfaction of the board—

(a) that he is a doctor or bachelor of medicine of some university, or a physician or surgeon licensed or admitted as such by some college of physicians or surgeons in Great Britain or Ireland; or

(b) that he has passed through a regular course of medical study of not less than five years' duration in a school of medicine, and that he has received, after due examination, from the University of Sydney, or from some university, college, or other body duly recognised for that purpose in the country to which such university, college, or other body belongs, a diploma, degree, or license entitling him to practise medicine in that country; or Ibid., and Act No. 70, 1900, s. 4.

(c) that he is a member of the Company of Apothecaries of London, or a member or licentiate of the Apothecaries Hall of Dublin. Act No. 26, 1898, s. 3.

(2)

*Medical Practitioners.*

- (2) Any person who is or has been a medical officer duly appointed and confirmed of His Majesty's sea or land service. No. 26, 1898, s. 3.
- (3) Any person placed upon the separate register under section eight of this Act, or under the Acts hereby repealed.
- 5.** (1) Any person desirous of being declared a legally qualified medical practitioner as aforesaid shall submit his degree, diploma, or other certificate or proof of his being so qualified for the examination and approval of the said board, and shall obtain from the said board a certificate of his being so qualified. Persons desirous of being declared legally qualified medical practitioners to submit their diplomas. *Ibid.*, s. 5.
- (2) The said board may examine any person who presents himself for examination, or any witness produced before them, and may take a statutory declaration from such person or witness. Power of board to examine. *Ibid.*
- (3) Every person who proves to the satisfaction of the said board that he is possessed of one or other of the qualifications mentioned in section four, subsection one, of this Act shall be entitled to a certificate from the said board as a legally qualified medical practitioner. Qualified person entitled to certificate from board. *Ibid.*
- 6.** The said board shall cause the names of all legally qualified medical practitioners as aforesaid to be registered in a book to be kept by the said board for that purpose, and shall also cause all the names so registered to be published in the Gazette on or about the first day of January in every year. Registration of legally qualified medical practitioners. *Ibid.* s. 6.
- 7.** A copy of the register kept in pursuance of this Act, purporting to be signed by the president of the board, shall in any proceedings under this Act be 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. Register signed by president of the board to be evidence. No. 33, 1900, s. 3.
- 8.** In the case of any person not possessed of qualifications entitling him to registration under this Act, it shall be lawful for the board in its discretion to place upon a separate register the name of any such person, provided he gives proof that he has passed through a due course of study at a recognised school of medicine and surgery, and that he has practised in a reputable manner as a medical practitioner in New South Wales during five years prior to the sixth day of December, one thousand nine hundred. Board may place upon separate register names of unqualified persons not possessing qualifications for registration. No. 70, 1900, s. 3.
- 9.** If it appears to the satisfaction of the board that any person registered as a legally qualified medical practitioner—
- (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 State, would be a felony or misdemeanour; or
- (c) has been guilty of infamous conduct in any professional respect, Removal of name from register for certain offences. No. 33, 1900, s. 2.
- No. 70, 1900, s. 1.

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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 this Act :

Provided that such person so removed under (a) and (b) above No. 33, 1900, s. 2. shall have the right of appeal to the Supreme Court ; such appeal to be in the nature of a rehearing :

Provided also that in case of a charge of infamous conduct as No. 70, 1900, s. 1. aforesaid the said 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.

**10.** Any person who—

- (a) wilfully, knowingly, and corruptly makes any false statement upon any examination or in any declaration before the board ; or
- (b) utters or attempts to utter or put off as true before the said board any false, forged, or counterfeit diploma, degree, license, certificate, or other document or writing ; or
- (c) fraudulently or by false representations obtains any certificate as a duly qualified medical practitioner under the provisions of this Act ; or
- (d) forges, alters, or counterfeits any such certificate ; or
- (e) utters or uses any such forged certificate knowing the same to have been forged ; or
- (f) falsely advertises or publishes himself as having obtained such certificate,

Penalties for false statements, &c.  
No. 26, 1898, ss. 7, 8.

shall be guilty of a misdemeanour and liable to imprisonment with or without hard labour for any period not exceeding three years.

**11.** Any person who, not being a legally qualified medical practitioner within the meaning of this Act, 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.

Penalty for persons not being legally qualified medical practitioners using name or title of physician, &c.  
No. 33, 1901, s. 1.

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 this Act, in order to entitle him to be registered as aforesaid.

**12.**

*Medical Practitioners.*

**12.** (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 referred to in the said advertisement or notification.

Persons advertising that they treat disease.  
No. 70, 1900, s. 2.

(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 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.

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

Offences and penalties.  
No. 33, 1900, s. 4.  
No. 70, 1900, s. 5.  
No. 4, 1897, s. 12.

THE SCHEDULE.

Reference to Acts.	Title or short title.
Act No. 26, 1898...	Medical Practitioners Act, 1898.
Act No. 33, 1900...	Medical Practitioners Amendment Act, 1900.
Act No. 70, 1900...	Medical Practitioners Acts Further Amendment Act, 1900.

Sydney : William Applegate Gullick, Government Printer.—1912.

[6d.]

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THE SCHEDULE

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