

## 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. [26th November, 1912.]

MEDICAL  
PRACTITIONERS.

BE 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 repealed, but such repeal shall not prejudice or affect the validity or duration of any certificate lawfully granted under, or register kept in pursuance of, any such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.

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 under the Acts hereby repealed and holding office at the time of this Act coming into force, shall remain in office as if appointed under this Act.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

**3.** (1) The Governor shall appoint a board to be called the New Appointment and constitution of medical board. 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 Act No. 26, 1898, s. 4. medical profession. (3)

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The president.  
No. 26, 1898, s. 4. (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

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

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

(3) Any person placed upon the separate register under section eight of this Act, or under the Acts hereby repealed.

Persons desirous of being declared legally qualified medical practitioners to submit their diplomas.  
*Ibid.* s. 5. **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.

Power of board to examine.  
*Ibid.* (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.

Qualified person entitled to certificate from board.  
*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.

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**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.  
Act No. 26, 1898,  
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.

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 shall have the right of appeal to the Supreme Court; such appeal to be in the nature of a rehearing:

No. 33, 1900, s. 2.

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.

No. 70, 1900, s. 1.

**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)

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

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- (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.

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

**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.

(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

*Government Railways (No. 2).*

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.