

No. 6309.

MEDICAL ACT 1958.

An Act to consolidate the Law relating to Medical Practitioners Dentists and Chemists and to the Adoption of the British Pharmacopœia.

[30th September, 1958.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Medical Act 1958*, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*, and is divided into Parts and Divisions as follows:—

Short title
commence-
ment and
division.

Part I.—Medical
Practitioners
ss. 3–44.

{ Division 1.—The Medical Board of
Victoria ss. 3–6.
Division 2.—The Medical Register of
Victoria ss. 7–18.
Division 3.—Persons Entitled to
Registration — Legally Qualified
Medical Practitioners ss. 19–23.
Division 4.—Unregistered Persons ss.
24 and 25.
Division 5.—Schools of Anatomy ss.
26–44.

Part II.—Dentists ss. 45–88.	Division 1.—Interpretation s. 45. Division 2.—The Dental Board of Victoria ss. 46–51. Division 3.—The Dentists' Register ss. 52–58. Division 4.—Persons entitled to Registration — Registered and Unregistered Persons ss. 59–84. Division 5.—Examination ss. 85–88.
Part III.—Chemists ss. 89–117.	Division 1.—Interpretation s. 89. Division 2.—The Pharmacy Board of Victoria ss. 90–94. Division 3.—The Pharmaceutical Register ss. 95–102. Division 4.—Persons entitled to Registration — Pharmaceutical Chemists ss. 103–105. Division 5.—Examinations ss. 106 and 107. Division 6.—Miscellaneous ss. 108–117.
	Part IV.—Adoption of the British Pharmacopœia ss. 118 and 119.
	Part V.—Offences s. 120.

Repeal.
First
Schedule.

2. (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation by-law order decision registration appointment application approval direction permit declaration certificate licence injunction appeal notice proceeding liability or right made effected issued granted given passed fixed accrued incurred or acquired or existing or continuing by or under any of those Acts before the commencement of this Act or the rights of persons

under sub-section (2) of section three of the *Medical (Chemists Apprentices) Act 1946* to obtain remission of portion of their terms of apprenticeship, the power of the Medical Board of Victoria to grant such remission and the effect of such remission when granted.

PART I.—MEDICAL PRACTITIONERS.

DIVISION 1.—THE MEDICAL BOARD OF VICTORIA.

3. In this Part unless inconsistent with the context or subject-matter "Register" means the Medical Register of Victoria. Interpretation.
No. 4131 s. 2.

4. (1) The Governor in Council may appoint a board consisting of not less than three nor more than nine members being of the medical profession under the style of "The Medical Board of Victoria" (hereinafter in this Part termed "the Board") and may appoint one of such members as president and from time to time may remove the president or any other member of the Board and may upon any vacancy caused by the death removal resignation or absence of any member of the Board appoint as a member of the Board such person as the Governor in Council thinks fit. The Medical Board.
No. 3730 s. 3.

The persons at the commencement of this Act constituting "The Medical Board of Victoria" shall be deemed to be the president and members as if appointed under this Act.

(2) Whenever any member of the Board without leave obtained from the Board has been absent for a period of three months from all meetings of the Board and has also been absent from three consecutive meetings of the Board the office of such member shall thereupon become vacant. Effect of absence.

(3) During any vacancy on the Board howsoever caused the continuing members may act as if no vacancy existed. Continuing members to act during vacancy.

(4) A quorum of the Board shall consist of not less than three members thereof. Quorum.

(5) In the absence of the president from any meeting of the Board one of the members present shall be elected chairman of such meeting. Chairman.

5. It shall be lawful for the Board to demand and in advance to collect in respect of the several matters referred to in the Second Schedule to this Act the fees set out in such schedule. All such fees shall be paid into the Consolidated Revenue. Fees.
No. 3730 s. 4.
Second Schedule.

6. (1) For the purpose of conducting any investigation or inquiry deemed necessary in the administration of this Part the provisions of sections fourteen fifteen and sixteen of the *Evidence Act 1958* shall apply to this Part as if re-enacted herein with the Powers in conducting investigations.
No. 3730 s. 5;
No. 4131 s. 3.

substitution of the words "The Medical Board of Victoria" for the words "any board appointed by the Governor in Council," and of the words "the president or chairman" for the words "the chairman". For the purpose of any such investigation or inquiry the Board may take a statutory declaration from any witness or other person.

Powers of members of Board as to administering oath &c.

(2) Without affecting the generality of the last preceding sub-section—

(a) for the purpose of the consideration by the Board of any application for registration as a legally qualified medical practitioner, the president or chairman of the Board may administer to any applicant therefor an oath or permit him in accordance with law to make his solemn affirmation instead of taking his oath, or may take his statutory declaration; and

(b) any such consideration shall be deemed to be an investigation for the purposes of the said sub-section.

False declaration &c. perjury.

(3) Any person who wilfully and corruptly makes upon oath or affirmation or in any such declaration any false statement to the Board shall be deemed to be guilty of wilful and corrupt perjury.

DIVISION 2.—THE MEDICAL REGISTER OF VICTORIA.

The Medical Register.
No. 3730 s. 6.

Third Schedule.

7. The Board shall from time to time cause the names of all persons certified by the Board to be legally qualified medical practitioners within the meaning of this Part to be registered with their qualifications and residences in a book to be kept by the Board for that purpose, in the form in the Third Schedule to this Act, or as nearly as may be in accordance therewith, and such register shall be called "The Medical Register of Victoria". Every person registered as a legally qualified medical practitioner at the commencement of this Act shall be and be deemed to be registered under this Part.

Power of Board to refuse registration of medical practitioner convicted of felony &c. or whose name has been removed from a register &c. out of Victoria.
No. 4131 s. 7.

8. The Board may refuse to register the name of any person who is otherwise entitled to be registered but—

(a) who has in Victoria been convicted of a felony or misdemeanour or has in any part of Her Majesty's dominions or elsewhere been convicted of an offence which if committed in Victoria would have been a felony or misdemeanour; or

(b) whose name has been for any reason affecting the conduct of such person in a professional respect erased or removed from any register or roll established or kept under any law in any other

part of Her Majesty's dominions or in a foreign country providing for the registration or certification of medical practitioners under a public authority:

Provided that the Board shall not refuse under paragraph (b) of this section to register the name of any person unless the reason for such erasing or removal was an act or omission of a nature affecting his conduct in a professional respect for which, if done or omitted to be done in Victoria, the Board would have been authorized under section twelve of this Act to erase or remove the name of such a person from The Medical Register of Victoria if registered therein:

Provided further that the Board shall not refuse under this section to register the name of any person on account of a conviction for a political offence or on account of any views on politics or religion held or expressed by him.

9. (1) Every person desiring to be registered as a legally qualified medical practitioner shall not less than one month or such shorter period as the Board in any particular case permits before the date of the meeting of the Board at which his application is to be considered lodge at the office of the Board—

Applicants for registration to lodge notice of intention to apply and documents of qualification.

No. 4131 s. 8;
No. 4289 s. 2.

(a) written notice (including such particulars as are required by the Board) of his intention to apply to be so registered; and

(b) the testimonium diploma licence or certificate testifying to the qualification or qualifications by reason of which he claims to be entitled to be so registered.

(2) No person shall be registered as a legally qualified medical practitioner under this Act unless the Board is satisfied that such person is of good character.

Character of persons desiring registration.

10. (1) If under this Part—

(a) any person is or has been refused registration; or

(b) the name of any person is or has been erased or removed from the register and the restoration of the name of such person to the register is refused—

Board to state reasons for refusing registration &c.

No. 4131 s. 9;
No. 5498
s. 2 (3).

the Board shall if required by him state in writing the reason for such refusal.

(2) Any person who feels aggrieved by any decision of the Board under this Part in refusing to register him as a legally qualified medical practitioner or in erasing or removing his name from the register or in refusing to restore his name to the register or in suspending his registration may appeal from the decision to a judge of the Supreme Court in chambers within three months (or, where in the opinion of the Board the circumstances

Appeal from decision of Board.

of any particular case so require, within such further period as the Board specifies) after the notification of the decision to such person.

Procedure &c.

(3) Every such appeal shall be in the nature of a rehearing; and such judge shall entertain inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction; and his decision shall be final and without appeal.

Power to Board to issue certificates of temporary registration as medical practitioners in certain cases.

No. 5546 s. 2.

11. (1) Upon application in writing made by the governing body of a teaching or research institution on behalf of a person—

(a) who holds a degree in medicine or surgery of some university or medical or surgical school in a country other than Victoria or who is qualified by law to practise medicine or surgery in a country other than Victoria; and

(b) who is in Victoria or proposes to come to Victoria in some capacity connected with teaching or research in medicine or surgery—

the Board may issue in respect of such person a certificate of temporary registration as a medical practitioner for the purposes of this Act.

Issue subject to limitations.

(2) Any such certificate may be issued subject to such limitations and restrictions upon the practice of medicine or surgery by such person and to such other conditions as the Board in any particular case specifies in the certificate.

Renewal of certificates.

(3) Every such certificate shall in the first place be issued for a period of not more than two years, but upon application in writing by the governing body of a teaching or research institution during the currency of the certificate the Board may from time to time renew the certificate for a further period or periods of not more than one year in respect of each such application, but so that the maximum period for which a certificate may be in force under this section in respect of any person shall not in the aggregate exceed three years.

Cancellation of certificates.

(4) The Board may at any time cancel any certificate issued or renewed under this section and thereupon the certificate shall cease to have any force or effect.

"Record of Temporary Medical Registrations."

(5) The Board shall cause to be kept a record (to be called the "Record of Temporary Medical Registrations") and shall cause to be entered therein all the material particulars with respect to the issue renewal and cancellation of certificates pursuant to this section.

Publication of copy of record.

(6) In the months of January and July in every year the Board shall cause a copy of the said record, corrected to the end of the last preceding month, to be published in the *Government Gazette*.

(7) Every person in respect of whom a certificate of temporary registration as a medical practitioner is issued pursuant to this section shall, while the certificate remains in force and so long as he does not infringe the restrictions or limitations or contravene the conditions specified in the certificate, be deemed, for all the purposes of this Act and every other Act enactment or law, to be a legally qualified medical practitioner.

Effect of certificate.

(8) A certificate purporting to be signed by the president or any two members of the Board, to the effect that a certificate of temporary registration as a medical practitioner is or is not or was or was not at any specified date or during any specified period in force in respect of any person, shall in all courts and before all persons acting in any judicial or official capacity be *prima facie* evidence of the fact stated in the certificate.

Evidence of temporary registration.

(9) In this section "teaching or research institution" means any university, college or school of medicine or surgery, research institute, hospital, clinic or other like institution which is engaged in Victoria in teaching or research in medicine or surgery and which is approved by the Board for the purposes of this section.

Meaning of "teaching or research institution".

12. (1) The Board may erase or remove from the register the name of any person registered therein if the Board is satisfied that such person, whether before or after he is registered and whether before or after the commencement of the *Medical Act 1933*—

Names of medical practitioners guilty of certain offences or of infamous conduct &c. to be erased from register.

(a) has in Victoria been convicted of a felony or misdemeanour or has in any part of Her Majesty's dominions or elsewhere been convicted of an offence which if committed in Victoria would have been a felony or misdemeanour; or

No. 3730 s. 7; No. 4131 s. 4, No. 5498 s. 2 (1).

(b) has been guilty of infamous conduct in a professional respect or is an inebriate within the meaning of the *Inebriates Act 1958*.

(2) If satisfied that the name of any person whose name is registered in the register has been (whether before or after he is registered and whether before or after the commencement of the *Medical Act 1933*), for any reason affecting the conduct of such person in a professional respect, erased or removed from any register or roll established or kept under any law in any other part of Her Majesty's dominions or in a foreign country providing for the registration or certification of medical practitioners under a public authority, the Board may erase or remove from The Medical Register of Victoria the name of such person:

Removal from register in case of removal for unprofessional conduct &c. from a register &c. out of Victoria.

Provided that the Board shall not erase or remove the name of such person from the register pursuant to this sub-section unless the reason for the previous erasing or removal from a register or roll was an act or omission of a nature affecting his conduct in a professional respect for which if done or omitted to

be done in Victoria the Board would have been authorized under this Part of this Act or under the *Medical Act* 1933 to erase or remove the name of such a person from The Medical Register of Victoria if registered therein.

Notice to be given before removal from register hereunder.

(3) Before ordering the erasing or removal pursuant to paragraph (b) of sub-section (1) of this section of the name of any person from the register the Board shall—

- (a) send to such person by post by registered letter notice in writing of the intention of the Board to inquire into the matter and of the place and time of the inquiry and of the reason for the proposed erasing or removal; and
- (b) afford him a reasonable opportunity of giving an explanation personally or in writing.

Full inquiry before removal from register hereunder.

(4) Before ordering the erasing or removal pursuant to paragraph (b) of sub-section (1) of this section of the name of any person from the register the Board shall hold full inquiry into the matter; and every such person shall be entitled to be present at such inquiry; but if he does not appear at the inquiry at the time specified in the notice aforesaid the Board may proceed with the inquiry in his absence.

As to political offence &c.

(5) The name of a person shall not be erased or removed under this section on account of a conviction for a political offence or on account of any views on politics or religion held or expressed by him.

Power to Board to reprimand or suspend registration of medical practitioner.

(6) Where the Board after holding full inquiry as aforesaid is satisfied that the person in respect of whom the inquiry was held has been guilty of infamous conduct in a professional respect but that the gravity of that conduct does not warrant the erasing or removal of his name from the register, then the Board may—

- (a) reprimand him; or
- (b) suspend his registration for such period as the Board thinks proper—

and the Board may at any time revoke the suspension of the registration of any person.

Effect of suspension of registration.

(7) Where the registration of any person has been suspended for any period the suspension shall be recorded in the register and the person shall during the period for which his registration is suspended be deemed for the purposes of this Part to be an unregistered person.

Power to erase irregular &c. entries.
No. 3730 s. 8;
No. 4131 s. 5.

13. Any entry in the register which appears to the Board to have been irregularly or fraudulently made may be erased or removed by the Board.

Power to make alterations.
No. 3730 s. 9.

14. The Board may from time to time make all necessary alterations in the registration of the names qualifications and addresses of the persons registered under this Part or under any

corresponding previous enactment and may from time to time write or cause to be written to any registered person a registered letter addressed to him at his last known address to inquire whether he has ceased to practise or has changed his residence and stating that if no answer is returned to such letter within a period of six months from the date of the posting thereof the Medical Board of Victoria may cause the name of such person to be erased or removed from the register, and if no answer is returned to such letter within such period the Board may erase or remove the name of such person from the register accordingly. Upon the personal application of such person and upon proof satisfactory to the Board of his former registration and that he is not otherwise disentitled to registration the Board shall cause his name to be restored to the register.

Name may be restored.

15. After the erasing or removal of the name of any person from the register pursuant to section twelve or section thirteen of this Act or any corresponding previous enactment the Board, upon proof satisfactory to the Board of his former registration and that he is not otherwise disentitled to registration, may at any time and for such reason as the Board thinks fit and on payment of a fee of Three pounds three shillings cause the name of such person to be restored to the register.

Restoration to register.
No. 4131 s. 6.

16. Every legally qualified medical practitioner changing his address shall notify the Board of his new address.

Change of address to be notified.
No. 3730 s. 10.

17. Every registrar of births and deaths upon registering the death of any such practitioner shall forthwith transmit notice of such death by post to the president of the Board in Melbourne and the Board shall upon receipt of such notice cause the name of such practitioner to be erased or removed from the register. Every registrar of births and deaths who knowingly fails to transmit such notice as aforesaid within two months after receiving any information of any such death shall for every such offence be liable to a penalty not more than Five pounds.

Deaths to be notified.
No. 3730 s. 11.

18. (1) The Board shall in the month of January in every year in which the Minister so directs cause a copy of the register corrected to the thirty-first day of December then last past to be published in the *Government Gazette*.

Gazetted of the Medical Register.
No. 3730 s. 12.
No. 4131 s. 10.
No. 5498 s. 2 (2).

(2) In the month of January in every year in which a copy of the register is not published a supplementary list showing all alterations additions revisions suspensions and removals made in or from the register during the preceding twelve months shall be published in the *Government Gazette*.

Supplementary lists.

(3) Every supplementary list so published shall be deemed to be part of the last published copy of the register and such last published copy shall be read and construed as subject to every such list.

Published copies and lists to be read together.

Evidence.

(4) Any copy of the register published as aforesaid shall be *prima facie* evidence that the persons specified therein as registered are or were registered under this Part and the absence of the name of any person from such published copy shall be *prima facie* evidence that such person is not or was not registered under this Part (as the case may be).

Certificate as evidence.

(5) A certificate that any person is or was at any date or is not or was not at any date duly registered under this Part shall if signed by the president or any two members of the Board be *prima facie* evidence of the fact stated in the certificate and all courts and persons acting judicially shall take judicial notice of the signature of the said president or the signatures of the said members to any such certificate.

DIVISION 3.—PERSONS ENTITLED TO REGISTRATION.—LEGALLY QUALIFIED MEDICAL PRACTITIONERS.

Qualification of medical practitioners.
No. 3730 s. 13.
Fourth Schedule.

19. Subject to the provisions of this Part every person possessed or hereafter becoming possessed of any one or more of the qualifications described in the Fourth Schedule to this Act, who proves on personal attendance to the satisfaction of the Board that the testimonium diploma licence or certificate testifying to such qualification was duly obtained by him after due examination from some university college or other body duly recognized for such purpose in the country to which such university college or other body belongs shall subject to the provisions of this and the next succeeding section and of the said Schedule be and be deemed to be entitled to registration as a legally qualified medical practitioner and shall receive from the Board a certificate of qualification.

No person to be registered without proof of regular course of study in Victoria or in a country which admits Victorian practitioners to practice.
No. 3730 s. 14;
No. 4617 s. 2 (1).
No. 5493 s. 3.
No. 5765 s. 2.

20. Notwithstanding that he is possessed or becomes possessed of any one or more of the qualifications described in the Fourth Schedule to this Act, no person whosoever shall be entitled to be registered as a legally qualified medical practitioner or to receive a certificate of qualification unless he proves to the satisfaction of the Board that he has passed through a regular course of medical and surgical study of five or more years' duration—

- (a) in Victoria; or
- (b) in a country in which registered legally qualified medical practitioners of Victoria are by virtue of being so registered and without further examination (whether or not subject to any requirement for further hospital experience) entitled to practise their profession either on registration or otherwise; or
- (c) partly in Victoria or one such country and partly in another such country; or

- (d) (without limiting the operation of the foregoing paragraphs) in the case of a person who holds the degrees of Bachelor of Medicine and Bachelor of Surgery of any University in Australia—
- (i) as to at least the last three academic years of such course—at that University; and
 - (ii) as to the remainder of such course—in any other country or countries whatsoever.

21. (1) Notwithstanding anything to the contrary in this Division the Board may in its discretion grant to any person a certificate of qualification as a medical practitioner if that person satisfies the Board by such evidence as the Board requires—

Provision for registration of medical practitioners qualified in certain other countries.
No. 5965 s. 2.

- (a) that he possesses a medical or surgical qualification obtained in any country (not being any of the countries referred to in paragraphs (a) and (b) of section twenty of this Act);
- (b) that he possesses medical or surgical knowledge experience and skill which in the opinion of the Board are of international standing or are such as to have special value to the people of Victoria;
- (c) that he has an adequate understanding and command of the English language; and
- (d) that he is of good character—

and any person to whom such a certificate of qualification is granted shall be registered as a legally qualified medical practitioner within the meaning of this Part.

(2) The provisions of the Twelfth Schedule to this Act (which Schedule relates to the registration of certain foreign practitioners) shall be deemed and taken to have the same force and effect as if contained in this Part.

Incorporation of Twelfth Schedule. Registration of certain foreign practitioners.
No. 6084 ss. 2-10.

22. (1) Every medical practitioner who has received such certificate of qualification as aforesaid shall afterwards be entitled to sue in any court of law within Victoria to the extent of the jurisdiction of such court for the recovery of his fees or other remuneration for his professional services; and it shall be sufficient to state in the particulars of demand the words "for medical services" which shall include every demand for medical or surgical aid including medicines when supplied by the plaintiff to the defendant.

Medical practitioners holding certificates to be entitled to sue for fees &c.
No. 3730 s. 15; No. 4504 s. 2.

(2) Any legally qualified medical practitioner who—

- (a) demands payment from or renders an account to or collects fees from any person for or in respect of professional services rendered by any other legally

Medical practitioners not to demand payment of fees for services rendered by other practitioners nor to share fees with other practitioners.

qualified medical practitioner (excepting a partner under a partnership agreement approved and registered by the Board, a permanent assistant in the sole employment, or a locum tenens of such first-mentioned legally qualified medical practitioner); or

- (b) shares or agrees to share with any other legally qualified medical practitioner (except a partner under a partnership agreement approved and registered by the Board, a permanent assistant in the sole employment, or a locum tenens of such first-mentioned legally qualified medical practitioner) any fee or other remuneration for or in respect of professional services rendered by such first-mentioned legally qualified medical practitioner—

shall be liable for a first offence to a penalty of not more than Fifty pounds and for any subsequent offence to a penalty of not less than Fifty pounds and not more than One hundred pounds.

Prescriptions
to be dated
signed &c.
No. 3730 s. 16.

23. Every written prescription of a legally qualified medical practitioner shall be dated and bear the address and usual signature (including the surname) of such practitioner.

Every such practitioner who contravenes or does not comply with the provisions of this section shall be liable to a penalty of not more than Five pounds.

DIVISION 4.—UNREGISTERED PERSONS.

Disabilities of
unregistered
persons.
No. 3730 s. 17;
No. 5498 s. 4.

24. (1) No person shall be entitled to recover any charge in any court of law for any medical or surgical advice or attendance or for the performance of any operation or for any medicine which he has both prescribed and supplied unless he proves on the trial that he is registered in accordance with the provisions of Division two of this Part.

Medical
appointments
cannot be
held by
unregistered
persons.

(2) No unregistered person shall hold any appointment as a physician surgeon or other medical officer in any vessels registered in Victoria leaving any port in Victoria or in any hospital infirmary dispensary or lying-in hospital or in any mental hospital gaol penitentiary house of correction house of industry or other public institution for affording medical relief in sickness infirmity or old age, or as a medical officer of health; and no certificate required by any Act now in force or that may hereafter be passed from any physician surgeon licentiate in medicine surgery or other medical practitioner shall be valid unless the person signing the same is registered in accordance with the provisions of this Part: Provided that nothing herein contained shall render invalid any such certificate from a duly appointed medical officer of Her Majesty's land sea or air forces in full pay although such officer is not so registered.

Certificates
signed by
unregistered
persons to be
invalid.

(3) It shall not be lawful for any person unless registered under Division two of this Part to pretend to be or to take or use the name or title of a physician doctor of medicine licentiate in medicine and surgery master in surgery bachelor of medicine doctor surgeon medical or general practitioner or apothecary or surgeon apothecary or accoucheur or licentiate or practitioner in midwifery or any other medical or surgical name or title; and every unregistered person so offending shall be liable to a penalty of not more than Fifty pounds to be recovered by any person suing for the same in a court of petty sessions: Provided that any person who feels himself aggrieved by any such conviction or order of justices may appeal therefrom to the next court of general sessions of the peace in accordance with the law for the time being in force relating to appeals from justices to courts of general sessions of the peace.

Persons unregistered using medical titles to be subject to penalty.

(4) No person who is not registered in accordance with the provisions of Division two of this Part shall directly or indirectly demand or receive any fee or reward whatsoever for or in connexion with treatment or advice in relation to cancer or any disease or condition which he alleges to be cancer unless in the case of each person treated or advised the giving of such treatment or advice is expressly authorized by a legally qualified medical practitioner.

Offence by unqualified persons in relation to treatment &c. of cancer.

(5) Any person who contravenes the provisions of the last preceding sub-section shall be guilty of an offence and liable in the case of a first offence to a penalty of not more than Fifty pounds and in the case of any subsequent offence to a penalty of not less than Fifty pounds and not more than Two hundred and fifty pounds or to imprisonment for a term of not more than two years.

25. Nothing in this Division shall be construed to infringe on the rights and privileges heretofore enjoyed by chemists and druggists or dentists.

Chemists and dentists not affected.
No. 3730 s. 18.

DIVISION 5.—SCHOOLS OF ANATOMY.

26. The word "person" wherever the same occurs in this Division shall, unless inconsistent with the context or subject-matter, be deemed to include any society whether established by charter or otherwise.

Meaning of "person" in this Division.
No. 3730 s. 19.

27. The Governor with the advice of the Executive Council may grant a licence to practise anatomy on such conditions for such period and subject to revocation in such manner as is therein expressed to any graduate or licentiate in medicine or to any legally qualified medical practitioner in Victoria, or to any legally qualified professor or teacher of anatomy medicine or surgery or

Governor in Council may grant licences to practise anatomy.
No. 3730 s. 20.

to any student attending any school of anatomy, on application from any such person for such purpose countersigned by a stipendiary magistrate or by the chief medical officer of Victoria certifying that to his knowledge or belief such person so applying is about to carry on the practice of anatomy.

Governor in Council may appoint inspectors of schools of anatomy.

No. 3730 s. 21.

28. The Governor with the advice aforesaid may appoint from time to time one or more person or persons to be an inspector or inspectors of places where anatomy is carried on; and every such inspector shall continue in office until he is removed by the Governor; and the Governor with the advice aforesaid may direct what places where anatomy is carried on every such inspector shall superintend and in what manner every such inspector shall transact the duties of his office.

Inspectors to make returns of subjects for anatomical examination.

No. 3730 s. 22.

29. Every inspector appointed by virtue of this Division shall make a quarterly return to the Government Statist of every deceased person's body that has been removed for anatomical examination to any place in his district where anatomy is carried on distinguishing the sex and as far as is known at the time the name and age of each person whose body was so removed as aforesaid.

And to inspect places where anatomy is practised.

No. 3730 s. 23.

30. It shall be lawful for every such inspector to visit and inspect at any time any place within his district at which anatomy is practised under the provisions of this Division.

Minister may authorize bodies to undergo anatomical examination.

No. 3730 s. 24;
No. 4988
s. 14 (b),
No. 5519
s. 24 (1).

31. The Minister in whose department this Part is administered may by a licence under his hand authorize the chief medical officer the Director of Penal Services the chief medical officer of the Mental Hygiene Authority or any resident or honorary medical officer connected with any public institution supported wholly or in part by funds from the general revenue to permit the body of any person who dies in such public institution to undergo anatomical examination in some recognized school of medicine or public institution, unless to the knowledge of such licensee such person has expressed his desire either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died that his body after death might not undergo such examination, or unless the surviving husband or wife or any known relative of the deceased person requires the body to be interred or cremated without such examination, and a printed copy of this section shall be posted in the entrance hall or other conspicuous place of every such penal establishment or public institution excepting mental hospitals.

32. It shall be lawful for any executor or other person having lawful possession of the body of any deceased person, and not being an undertaker or other person entrusted with the body for the purpose only of interment or cremation, to permit the body of such deceased person to undergo anatomical examination, unless to the knowledge of such executor such person has expressed his desire either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died that his body after death might not undergo such examination, or unless the surviving husband or wife or any known relative of the deceased person requires the body to be interred or cremated without such examination.

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.

No. 3730 s. 25.

33. If any person either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died directs that his body after death be examined anatomically, or nominates any person by this Division authorized to examine bodies anatomically to make such examination, and if before the burial or cremation of the body of such person such direction or nomination is made known to the person having legal possession of the dead body, then such last-mentioned person shall direct such examination to be made, and in case of any such nomination as aforesaid shall request and permit any person so authorized and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife or nearest known relative or any one or more of such person's nearest known relatives being of kin in the same degree requires the body to be interred or cremated without such examination.

Provision in case of persons directing anatomical examinations after their death.

No. 3730 s. 26.

34. In no case shall the body of any person be removed for anatomical examination from any place where such person has died until after twelve hours from the time of such person's decease, nor until after six hours' notice to the inspector of the district of the intended removal of the body or if no such inspector has been appointed or such inspector resides at a greater distance than ten miles from the place of death then to the legally qualified medical practitioner or stipendiary magistrate nearest to the place of death, nor unless a certificate stating in what manner such person came by his death has previously to the removal of the body been signed by the legally qualified medical practitioner who attended such person during the illness whereof he died or if no such practitioner attended such person during such illness then by some such practitioner or some stipendiary magistrate who is called in after the death of such person to view his body and who states the manner or cause of death according to the best of his knowledge and belief but who shall not be concerned in examining the body after removal; and in case of such removal such certificate shall be delivered together with the body to the party receiving the same for anatomical examination.

The body not to be removed from place where such person died without a certificate.

No. 3730 s. 27.

Who may receive bodies for anatomical examination.
No. 3730 s. 28.

35. It shall be lawful for any legally qualified medical practitioner or any professor teacher or student of anatomy medicine or surgery having a licence from the Governor in Council as aforesaid to receive or possess for anatomical examination or to examine anatomically the body of any person deceased, if permitted or directed so to do by a person who had at the time of giving such permission or direction lawful possession of the body and who had power in pursuance of the provisions of this Division to permit or cause the body to be so examined, and provided such certificate as aforesaid was delivered by such person together with the body.

Such persons to receive with the body a certificate as aforesaid which shall be transmitted to the inspect...r.
No. 3730 s. 29.

36. Every person so receiving a body for anatomical examination after removal shall demand and receive together with the body a certificate as aforesaid, and shall within twenty-four hours next after such removal transmit to the inspector of the district (or if no such inspector has been appointed to the legally qualified medical practitioner or stipendiary magistrate residing nearest to the place to which the body is removed) such certificate and also a return stating at what day and hour and from whom the body was received the date and the place of death the sex and (as far as is known at the time) the proper full name and the age and last place of abode of such person, and shall enter or cause to be entered the aforesaid particulars relating thereto and a copy of the certificate he received therewith in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

Notice to be given to Minister of places where anatomy is about to be practised.
No. 3730 s. 30;
No. 4988
s. 14 (b).

37. It shall not be lawful for any person to carry on or teach anatomy at any place or at any place to receive or possess for anatomical examination or examine anatomically any deceased person's body after removal of the same, unless such person or the owner or occupier of such place or some person by this Division authorized to examine bodies anatomically shall at least one week before the first receipt or possession of a body for such purpose at such place have given notice to the Minister of the place where it is intended to practise anatomy.

How bodies are to be removed for examination.
Provision for interment.
No. 3730 s. 31.

38. Every such body so removed as aforesaid for the purpose of examination shall before such removal be placed in a decent coffin or shell and be removed therein; and the person removing the same or causing the same to be removed as aforesaid shall make provision that such body after undergoing anatomical examination be decently interred in consecrated ground or in some public burial ground in use for persons of that religious persuasion to which the person whose body was so removed belonged or be cremated, and that a certificate of the interment or cremation of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received as aforesaid.

39. The Governor in Council may from time to time by Order in Council vary the period limited by the last preceding section as the time within which certificates of interment or cremation are to be transmitted to the inspectors of districts.

Governor in Council may vary period for transmission of certificates of interment. No. 3730 s. 32.

40. (1) Where a person has during his lifetime by writing in the prescribed form or to the like effect directed that his eyes be used for therapeutic purposes after his death, that direction shall be sufficient authority for the removal of the eyes from his body after his death and their use for the said purposes; but no such removal shall be effected except by a legally qualified medical practitioner who first satisfies himself by personal examination of the body that life is extinct.

Direction by person for use of his eyes after death for therapeutic purposes. No. 5789 s. 2.

(2) If any such medical practitioner has reason to believe that an inquest may be required to be held on the body he shall not proceed to remove the eyes without the consent of the coroner, and the coroner may in any such case give his consent subject to such conditions as he thinks proper.

41. (1) The Governor in Council may make regulations for or with respect to prescribing forms and any other matters or things necessary or expedient for the purposes of the last preceding section.

Regulations. No. 5789 s. 3.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting or if Parliament is not then sitting within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament.

Publication.

42. No legally qualified medical practitioner nor any graduate or licentiate in medicine nor any professor teacher or student of anatomy medicine or surgery having a licence from the Governor in Council as aforesaid shall be liable to any prosecution penalty forfeiture or punishment for receiving or having in his possession for anatomical examination or for examining anatomically any dead human body according to the provisions of this Division.

Persons duly authorized not to be liable to punishment for having in their possession human bodies. No. 3730 s. 33.

43. Nothing in this Division contained shall be construed to extend to or to prohibit any *post-mortem* examination of any human body required or directed to be made by any competent legal authority.

Post-mortem examination not prohibited. No. 3730 s. 34.

44. Every person offending against the provisions of this Division shall be deemed and taken to be guilty of a misdemeanour, and being duly convicted shall be liable to imprisonment with or without hard labour for a term of not more than three months or to a fine of not more than Fifty pounds.

Offences against this Division. No. 3730 s. 36.

PART II.—DENTISTS.

DIVISION 1.—INTERPRETATION.

- Interpretation.
No. 3730 s. 37.
- 45.** In this Part unless consistent with the context or subject-matter—
- “Dental surgery”
“dentistry”
&c.
- “Dental surgery” or “dentistry” or the “practice of dental surgery or dentistry” includes the performance of any operation upon the natural teeth and their associate parts of a human subject or the construction or adjustment of artificial teeth for such subject or the giving of any dental treatment attendance or advice to any such subject or the examination of the natural or artificial teeth of such subject for any purpose; and “practise dental surgery or dentistry” has a corresponding interpretation.
- “Dentist.”
- “Dentist” means a person registered under this Part or under any corresponding previous enactment.
- “Registrar.”
- “Registrar” means the registrar appointed under this Part or under any Act repealed by this Act.

DIVISION 2.—THE DENTAL BOARD OF VICTORIA.

- The Dental Board.
No. 3730 s. 38.
- 46.** (1) The Governor in Council may appoint a Board consisting of seven members under the style of “The Dental Board of Victoria” (hereinafter in this Part termed the Board) and may appoint one of such members as president and from time to time may remove the president or any other member of the Board.
- The persons at the commencement of this Act constituting “The Dental Board of Victoria” shall for the respective terms for which they were appointed be deemed to be members of the Board as if appointed under this Act.
- Term of office.
- (2) No person shall be appointed a member of the Board for more than three years but any person shall be eligible for re-appointment.
- (3) Five members of the Board shall be appointed after election by the dentists of Victoria and the remaining two members shall be appointed without election.
- President.
- (4) No person shall be appointed president of the Board unless he is a member of such Board and has been elected by the other members thereof to act as president.
- Qualifications certain members.
- (5) Two members of the Board shall be persons who are legally qualified medical practitioners and at least three of the elected members of the Board shall be persons who are dentists.

(6) Every election of a person to act as a member of the Board shall be held in the manner prescribed by regulations made by the said Board subject to the approval of the Governor in Council.

Mode of elections.

(7) If at any time the dentists for a period of three months fail neglect or refuse to elect any person to fill any vacancy in the Board the Governor in Council may appoint a member without previous election to fill such vacancy, and the member so appointed shall for all purposes be deemed to have been appointed as if elected by the dentists to act as a member of such Board.

Failure to elect.

(8) In the event of any dispute or question arising as to any election the Governor in Council may decide the same and such decision shall be final and shall not be subject to be reviewed or reversed in or by any court whatsoever.

Disputed elections.

(9) Whenever any member of the Board without leave obtained from the Board has been absent for a period of three months from all meetings of the Board and has also been absent from three consecutive meetings of the Board the office of such member shall thereupon become vacant.

Effect of absence.

(10) Any vacancy caused by the death removal resignation retirement or absence of a member of the Board shall if such member was elected by the dentists be filled by the appointment by the Governor in Council of a member elected by the dentists and shall if such member was appointed without previous election be filled by the appointment by the Governor in Council of a member without previous election.

Vacancies how filled.

(11) During any vacancy in the Board howsoever caused the continuing members may act as if no vacancy existed.

Continuing members to act during vacancy.

(12) A quorum of the Board shall consist of not less than three members thereof.

Quorum.

(13) In the absence of the president from any meeting of the Board one of the members present shall be elected chairman of such meeting.

Chairman.

47. The Board may from time to time appoint a registrar and any other officers required for the purposes of this Part, and may at any time remove any person so appointed.

Board may appoint officers.
No. 3730 s. 39.

Unless required by a party to any legal proceedings in any court and ordered by the court there shall not in any legal proceedings in any court be any necessity to prove the authenticity of any signature which purports to be the signature of any person who is or has been registrar if such signature is attached to any certificate of registration or any document under this Act or any corresponding previous enactment.

Evidence of Registrar's signature.

Powers in
conducting
investigations.
No. 3730 s. 40.

48. For the purpose of conducting any investigation deemed necessary in the administration of this Part the provisions of sections fourteen fifteen and sixteen of the *Evidence Act* 1958 shall apply to this Part as if re-enacted herein with the substitution of the words "The Dental Board of Victoria" for the words "any board appointed by the Governor in Council" and of the words "the president or chairman" for the words "the chairman".

For the purpose of any such investigation or inquiry the Board may take a statutory declaration from any witness or other person.

Every person who wilfully and corruptly makes upon oath or in any such declaration any false statement to the Board shall be liable to the penalties of perjury.

Fees.
No. 3730 s. 41.
Fifth
Schedule.

49. It shall be lawful for the Board to demand and in advance to collect in respect of the several matters referred to in the Fifth Schedule to this Act and in respect of all matters with regard to which fees are required to be paid by or under sections seventy and seventy-two of this Act the fees set out in such schedule or (as the case may be) payable under the said sections seventy and seventy-two and such fees shall be applied by the Board in such manner as the Board thinks fit in defraying the expenses and carrying out the provisions of this Part and in furthering dental science and education.

By-laws
concerning
conduct of
business.
No. 3730 s. 42.

50. The Board may from time to time subject to the approval of the Governor in Council make alter and repeal by-laws regulating their proceedings and sittings and the election of a chairman and generally as to the conduct of their business.

Power to
Board with
consent of
Governor in
Council to
make
regulations.
No. 3730 s. 43;
No. 4191 s. 2.
No. 4264 s. 2.

51. (1) The Board may with the consent and approval of the Governor in Council make such regulations as the Board thinks fit for or with respect to—

- (a) the course of study professional practice and training and examination of persons desiring to obtain certificates of fitness or diplomas entitling them to practise dental surgery or dentistry;
- (b) the granting by the Board of certificates of fitness or diplomas to practise dental surgery or dentistry and the form of such certificates or diplomas;
- (c) the keeping of the register;
- (d) the registration in the register;
- (e) the payment of fees in respect of certificates and diplomas granted by the Board and in respect of examinations held by the Board or examiners appointed by the Board;
- (f) prescribing what examinations the Board will recognize as a substitute for examinations by the Board;

- (g) prescribing the mode in which elections of members of the Board by dentists shall be conducted;
- (h) the practice of dental surgery or dentistry by dentists and the conduct of such practice; and
- (i) generally for carrying this Part into effect.^(a)

(2) Any regulation made under the powers conferred by Part II. of this Act may (without affecting any other method of revocation) be revoked by Order of the Governor in Council.

Power of Governor in Council to revoke regulations.

(3) All regulations under this Part shall be published in the *Government Gazette* and when so published shall be judicially noticed and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament. A copy of any regulations proposed to be made under this Part shall be delivered or posted to each member of Parliament at least fourteen days before such regulations are submitted for the approval of the Governor in Council.

Publication &c. of regulations.

DIVISION 3.—THE DENTISTS' REGISTER.

52. A register shall be kept by the registrar to be called the "Dentists' Register," and the said register shall contain in one alphabetical list according to surnames the names of all dentists who are registered under this Part and shall state the full names and addresses of the registered persons, and the description and date of the qualifications in respect of which they are registered, and shall be open to inspection by the public on payment of the fees set out in the Fifth Schedule to this Act. Every person registered as a dentist at the commencement of this Act shall be and shall be deemed to be registered under this Part.

Contents and form of register.
No. 3730 s. 44.

Fifth Schedule.

53. The Board may with the consent of the Governor in Council erase or remove from the said register the name of any person registered who in Victoria is convicted of a felony or misdemeanour or who in any part of Her Majesty's dominions or elsewhere is convicted of an offence which if committed in Victoria would be a felony or misdemeanour: Provided that the name of a person shall not be erased or removed under this section on account of a conviction for a political offence out of Her Majesty's dominions.

Power to erase name of person convicted.
No. 3730 s. 45.

54. If at any time the name of a medical practitioner (whose name is also on the Dentists' Register) is erased or removed from the Medical Register of Victoria the Board shall with the consent of the Governor in Council erase or remove the name from the Dentists' Register.

Power to erase name of medical practitioner.
No. 3730 s. 46.

(a) See also section 70 (3).

Power to
erase name of
person who
has been
deprived of
diploma.

If at any time a dentist whose name has been entered on the register by reason of his having some diploma or other qualification from any body has been deprived of such diploma or other qualification by such body the Board may with the consent of the Governor in Council erase or remove the name of such person from the Dentists' Register.

Power to
erase irregular
entries.
No. 3730 s. 47.

55. Any entry in the register which appears to the Board to have been irregularly or fraudulently made may be erased or removed by the Board with the consent of the Governor in Council.

Correction of
register.
No. 3730 s. 46.

56. (1) The registrar shall from time to time upon being directed by the Board so to do insert in the register any alteration which comes to the knowledge of the Board in the name address or qualifications of any person registered therein.

Removal of
names when
address
unknown.

(2) The Board may from time to time cause to be written to any dentist a registered letter addressed to him at his last known address to inquire whether he has changed such address and stating that if no answer is returned to such letter within a period of six months from the date of the posting thereof the Board may cause the name of such person to be erased or removed from the register and if no answer is returned to such letter within such period the Board may erase or remove the name of such person from the register accordingly. Upon the personal application of such dentist and upon proof satisfactory to the Board of his former registration and that he is not otherwise disentitled to registration the Board shall cause his name to be restored to the register.

Change of
address to be
notified.

(3) Every dentist changing his address shall notify the Board of his new address.

Death of
dentist to be
reported to
Board.

(4) Every registrar of births and deaths upon registering the death of any dentist shall forthwith transmit notice of such death by post to the Registrar of the Dental Board at Melbourne, and the Board shall upon receipt of such notice cause the name of such dentist to be erased or removed from the register.

Penalty for
failure to
transmit
notice.

Every registrar of births and deaths who knowingly fails to transmit such notice as aforesaid within two months after receiving information of any such death shall for every such offence be liable to a penalty of not more than Five pounds.

Copies of
register to be
published and
to be evidence.
No. 3730 s. 49.

57. A true copy of the register aforesaid certified by the registrar to be a true copy shall in the month of January in each and every year be sent to the Minister and shall by him be published in the *Government Gazette* and true copies of such register as it stood in such month shall be published and sold by the Board, and any such copy shall be known as the Dental Register for the year in which it is published.

Any printed document purporting to be a copy of such register shall be *prima facie* evidence in all courts of law in all legal proceedings whatsoever and before all persons having authority to hear receive or examine evidence that the persons therein specified are registered according to the provisions of this Part, and the absence of the name of any person from the latest of such printed copies for the time being shall be *prima facie* evidence until the contrary is made to appear that such person is not so registered: Provided that in the case of any person whose name does not appear in such copy a certificate under the hand of the registrar to the effect that such person is registered under this Part shall be evidence that such person is so registered.

58. On application made to him at any time for that purpose the registrar shall, if so directed by the Board, and on payment of the prescribed fee, issue to any applicant a certificate to the effect that he is registered under this Part.

Certificate of registration.
No. 3730 s. 50.

DIVISION 4.—PERSONS ENTITLED TO REGISTRATION.—REGISTERED AND UNREGISTERED PERSONS.

59. Any person who has attained the age of twenty-one years and who—

- (a) is registered in Great Britain or Ireland as a dentist in accordance with the provisions of paragraph (a) of section six of the Act of the Imperial Parliament known as the *Dentists Act 1878*, as amended by section eleven of the Act of the said Parliament known as the *Dentists Act 1921*; or
- (b) is entitled pursuant to the express provisions of this Act to be registered as a dentist; or
- (c) has gone through such course of study and professional practice and training and passed such examinations before the Board or examiners appointed by the Board and has obtained from the Board such certificate of fitness or diploma to practise dental surgery or dentistry as the Board by regulations approved by the Governor in Council has prescribed—

Qualification necessary for registration.
No. 3730 s. 51.
Registration as dentists of certain persons registered in the United Kingdom.

shall be entitled to be registered as a dentist.

60. Any person shall upon proof to the satisfaction of the Board that he holds some recognized certificate as defined in this Act granted in some portion of the dominions of Her Majesty other than Great Britain and Northern Ireland or in a foreign country, or that he has held such certificate and has not been deprived thereof for any cause which disqualifies him from being registered under this Part and that he is of good character and upon payment of the registration fees be entitled without examination to be registered as a dentist.

Registration of dentists with recognized certificates.
No. 3730 s. 52.

Recognized
certificates of
dentists.
No. 3730 s. 53.

61. The certificate granted in a British possession other than Great Britain and Northern Ireland or in a foreign country which is to be deemed such a recognized certificate as is required for the purposes of this Part shall be such certificate diploma membership degree licence letters testimonial or other title status or document as may be recognized by the Board as entitling the holder thereof to practise dental surgery or dentistry in such possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dental surgery or dentistry.

Regulations
with respect
to recognition
of certificates.
No. 3730 s. 54.

62. The Board may from time to time subject to the approval of the Governor in Council make alter and repeal regulations specifying what certificates diplomas memberships degrees licences letters testimonials or other titles status or documents granted in a British possession other than Great Britain and Northern Ireland or granted in a foreign country will be recognized by the said Board as qualifying persons holding them or any of them to be registered under this Part as dentists.

Dental Board
may deal with
application
for
registration
specially.
No. 3730 s. 55.

63. The Board may when any person makes application to be registered in respect of any certificate diploma membership degree licence letters testimonial or other title status or document not specified in such regulations entertain such application and deal with it specially, and may if it thinks fit give to such applicant a certificate of recognition setting forth that he is the holder of a recognized certificate, and the registrar shall take such certificate of recognition as an authority to register such applicant.

Registration.
No. 3730 s. 56.

64. When a person entitled to be registered under this Part produces or sends to the registrar the certificate diploma licence letters testimonials or other document or writing conferring or evidencing his qualification, with a statement of his name and address and all other particulars (if any) required for registration under this Part, and pays the registration fees, he shall be registered, and such registration shall consist in the entry by or on behalf of the registrar in the register of such name address and other particulars.

Persons not
British subjects
may be
registered.
No. 3730 s. 57.
Character of
applicants for
registration.
No. 3730 s. 58.

65. A person resident in Victoria shall not be disqualified for being registered by reason only that he is not a British subject.

66. No person shall be registered as a dentist under this Act unless the Board is satisfied that such person is of good character.

Registration
of Melbourne
University
degree or
diploma.
No. 3730 s. 59.

67. A degree or diploma in dentistry granted by the University of Melbourne shall when required by a dentist be registered as an additional qualification and without fee if the applicant is already registered as a dentist.

68. Any person who has attained the age of twenty-one years and who shows on personal application to the Board that he holds the diploma granted by the Board, and also a degree in dentistry granted by the University of Melbourne, shall be entitled upon payment of the prescribed fee to be registered as a dentist in respect of such diploma or of such degree or of both.

Registration
of Melbourne
degrees.
No. 3730 s. 60

69. (1) If any applicant for registration as a dentist has been at any time deprived by the body which granted the same of a qualification or diploma in the absence of which he is not entitled to be registered the Board may without prejudice to any future application refuse to register him as a dentist.

Effect of
deprivation
of diploma.
No. 3730 s. 61.

(2) The Board may refuse to register the name of any person who is otherwise entitled to be registered but whose name has been for any reason affecting the conduct of such person in a professional respect erased or removed from any register or roll established or kept under any law in any other portion of Her Majesty's dominions or in a foreign country providing for the registration or certification of dentists under a public authority:

Power of
Board to
refuse
registration of
dentist whose
name has
been removed
from a register
&c. out of
Victoria.

Provided that the Board shall not refuse to register the name of any such person unless the reason for such erasing or removing was an act or omission of a nature affecting his conduct in a professional respect for which, if done or omitted to be done in Victoria, the Board would have been authorized under this Part to cause the name of such person to be erased or removed from the register.

70. (1) If the Board is satisfied that any person whose name is registered in the register—

Removal from
register for
disgraceful
conduct &c.
No. 3730 s. 62.

- (a) has committed any contravention of any regulation made under the powers conferred by paragraph (h) of sub-section (1) of section fifty-one of this Act; or
- (b) has been guilty in connexion with the conduct of dental practice of any dishonest fraudulent or immoral conduct; or
- (c) is a person whose name has been for any reason affecting the conduct of such person in a professional respect erased or removed from any register or roll established or kept under any law in any other portion of Her Majesty's dominions or in a foreign country providing for the registration or certification of dentists under a public authority—

the Board may cause the name of such person to be erased or removed from the register:

Provided that the Board shall not cause the name of any such person to be so erased or removed pursuant to paragraph (c) hereof unless the reason for the previous erasing or removing was

an act or omission of a nature affecting his conduct in a professional respect for which, if done or omitted to be done in Victoria, the Board would have been authorized under this Part to cause the name of such person to be erased or removed from the register.

Restoration
to register in
such cases.

(2) After the erasing or removal of the name of any person from the register pursuant to this section the Board may at any time and for such reason as the Board thinks fit and on payment of the prescribed fee cause the name of such person to be restored to the register.

Fee.

Application
of s. 51 of this
Act.
Power to
make
regulations
with respect to
certain fees.

(3) The provisions of section fifty-one of this Act shall extend and apply—

(a) so as to authorize the Board with the consent and approval of the Governor in Council to make such regulations as the Board thinks fit for or with respect to prescribing reasonable fees (not exceeding Five pounds five shillings in any such case) to be paid by such persons to the Board in respect of the restoration of their names to the register; and

(b) to such regulations when made.

Notice to be
given before
removal from
register
hereunder.

(4) Before ordering the erasing or removal pursuant to this section of the name of any person from the register the Board shall—

(a) send to such person by post by registered letter notice in writing of the intention of the Board to inquire into the matter and of the place and time of the inquiry and of the contravention or the nature of the conduct alleged; and

(b) afford him a reasonable opportunity of giving an explanation personally or in writing.

Full inquiry
before
removal from
register
hereunder.

(5) Before ordering the erasing or removal pursuant to this section of the name of any person from the register the Board shall hold full inquiry into the matter; and every such person shall be entitled to be present at such inquiry but if he does not appear at the inquiry at the time specified in the notice aforesaid the Board may proceed with the inquiry in his absence.

Board to state
reasons for
refusing
registration
&c.
No. 3730 s. 63.

71. (1) If under this Part—

(a) any person is refused registration; or

(b) the name of any person is erased or removed from the register and the restoration of the name of such person to the register is refused—

the Board shall if required by him state in writing the reason for such refusal.

(2) Any person who feels aggrieved by any decision of the Board under this Part in refusing to register him as a dentist or in erasing or removing his name from the register or in refusing to restore his name to the register may appeal from the decision to a judge of the Supreme Court in chambers within three months after the notification of the decision to such person.

Appeal from
decision of
Board.

(3) Every such appeal shall be in the nature of a re-hearing; and such judge shall entertain inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction; and his decision shall be final and without appeal.

Procedure &c.

72. (1) In addition to any fee payable under this Part there shall also be paid to the Board during the month of December in each year by every person whose name is for the time being entered in the register a fee (in this Act referred to as a "registration renewal fee") of Two pounds two shillings.

Annual
registration
renewal fee
payable by
persons
registered.
No. 3730 s. 64.

(2) If in any year any person aforesaid makes default in paying such fee the Board shall forthwith cause the name of such person to be erased or removed from the register.

Removal from
register for
non-payment.

(3) It shall be the duty of the registrar at least fourteen days before the latest date for payment to send by post to the address in the register of each person liable to pay any annual registration renewal fee under this section a notice to such person stating that the said fee is payable on or before the thirty-first day of December next following the date of the notice; but the omission to send or the non-receipt of any such notice shall not affect any liability to have a name erased or removed from or give any right to have a name restored to the register.

Notices of
due date to be
posted to
persons liable
to pay.

(4) The Board may cause the name of any person whose name has been erased or removed from the register under this section to be restored to the register—

Restoration of
name to
register and
fees.

(a) on the payment of the registration renewal fee for the non-payment of which the name was erased or removed; and

(b) on the payment of a fee of One pound one shilling for the restoration of his name to the register.

73. Every person registered under this Part shall be entitled to practise dental surgery and dentistry in any part of Victoria, and to sue in any court to the extent of the jurisdiction of such court for the recovery of his fees or other remuneration for his professional services in dentistry or in the performance of any dental operation or for any dental attendance or advice, and it shall be sufficient to state in the particulars of demand the words "for dental services," which shall include every demand for any dental operation attendance and advice and for any articles supplied by the plaintiff to the defendant for dental purposes.

Right to
practise.
No. 3730 s. 65.

Disabilities of
unregistered
persons.
No. 3730 s. 66.

74. No person shall be entitled to recover any fee or charge in any court of law for the performance of any dental operation or for any dental attendance or advice, or shall hold any appointment as a dentist or dental practitioner or dental surgeon in any hospital infirmary dispensary or lying-in hospital or in any mental hospital gaol penitentiary or other public institution, unless he is registered under this Part.

Provision for
continuing
business after
death of
dentist.
No. 3730 s. 67.

75. In case of the decease of any registered dentist who carried on the practice of dentistry at the time of his death it shall be lawful notwithstanding anything contained in sub-section (1) of section seventy-nine of this Act for any executor or any administrator of the estate of such dentist to continue the business of such dentist for a period of two months from the date of death or for such longer time as the Board permits, provided such business so continued is *bona fide* conducted by a registered dentist.

Dentist not
to authorize
unregistered
person to
perform
dental work.
No. 3730 s. 68.

76. (1) No dentist shall authorize or permit any person who is not registered as a dentist to practise dental surgery or dentistry for such dentist.

Or to use
name of
registered
dentist.

(2) No dentist shall authorize or permit any person who is not registered as a dentist to practise dental surgery or dentistry or perform any dental operation or service under or by the use of the name of such dentist whether notified by advertisement or other means calculated to lead the public to believe that such person is authorized to practise on behalf of such dentist.

As to
unregistered
persons
performing
dental work.
Saving.

(3) (a) Notwithstanding anything in sub-section (1) of this section a dentist may in his practice of dental surgery or dentistry employ any person who holds a permit issued by the Board stating that for at least two weeks during the period of three months immediately preceding the thirtieth day of December One thousand nine hundred and twenty-seven such person was practising dental surgery or dentistry under the personal supervision of a dentist.

(b) The Board may refuse to issue a permit under this sub-section or at any time cancel any permit issued by it thereunder if satisfied that the applicant for or the holder of the permit—

(i) is not of good character; or

(ii) since the thirtieth day of December One thousand nine hundred and twenty-seven has not been continuously employed (except for interruptions for any cause not exceeding a period of twelve months at any one time) by any dentist in his practice of dental surgery or dentistry.

(c) If under this Part the Board refuses to issue a permit to any person or cancels any permit issued to any person it shall, if so required by him, state in writing the reason for such decision

to him and such person if aggrieved by such refusal or cancellation may appeal therefrom to a judge of the Supreme Court within three months after the notification of such decision to him.

(d) The provisions of sub-section (3) of section seventy-one of this Act shall apply to any appeal under this sub-section.

(4) Nothing in this section shall prohibit or restrict the employment by a dentist of any person in the construction of artificial teeth for the human subject, but not otherwise in the practice of dental surgery or dentistry.

77. No dentist shall in relation to dental surgery or dentistry use or notify on any name-plate or sign or in any advertisement hand-bill or notice published by or for him any title words letters addition or description either in full or in abbreviation or in combination other than that or those inserted in the Dentists' Register in connexion with his registration.

Restriction on use of unregistered titles &c.
No. 3730 s. 69.

78. (1) No dentist or association even though it consists wholly of registered dentists shall take or use or have attached to or exhibited at any place (either alone or in combination with any other word or words or letters) the words "dental company" or "dental institute" or "dental hospital" or "dental college" or "college of dentistry" or "school of dentistry" or any similar words.

Restriction on use of words "dental company" &c.
No. 3730 s. 70.

(2) No person shall use or continue to use or have attached to or exhibited at or on his place of business or any premises whatsoever or on any name-plate or sign-board or in any advertisement hand-bill or notice published by or for him in any way whatsoever the words "Recorded by the Dental Board of Victoria" either in full or in abbreviation or in combination with any other words or letters.

Words "Recorded by the Dental Board of Victoria" not to be used.

79. (1) No person shall practise dental surgery or dentistry except in his own name.

Person not to practise except in his own name.
No. 3730 s. 71.

(2) No person partnership firm company or other body (other than a society registered or deemed to be registered under the *Friendly Societies Act* 1958 or under the *Industrial and Provident Societies Act* 1958 or a hospital within the meaning of the *Hospitals and Charities Act* 1958 shall act as intermediaries for fee or reward for the purpose of procuring the supply of dental services in any manner whatsoever and whether such supply is or is to be by a registered dentist or not.

Prohibition of intermediaries for supply of dental services.

80. No person who is not registered as a dentist shall except as in this Division provided practise dental surgery or dentistry for fee or reward, or for expectation of fee or reward: Provided that—

Restriction on practising as dentist unless registered.
No. 3730 s. 72.

(a) in any part of Victoria not within any city town or borough the mere extraction of teeth by a registered chemist in the ordinary course of his business shall

not be a contravention of this section and that notwithstanding anything contained in this Act a legally qualified medical practitioner may perform any dental operation in the ordinary course of his medical or surgical practice or where the services of a dentist are not reasonably available and may sue for the recovery of fees therefor in any court of competent jurisdiction.

As to practising for fee or reward &c.

(b) in any proceedings for any contravention of this section it shall not be a defence that the fee or reward if received or expected to be received by the defendant was not received or expected to be received by him for his personal benefit.

Unregistered person not to use title of "dentist" &c.
No. 3730 s. 73.

31. (1) No person who is not registered as a dentist shall, nor shall any partnership firm company or other body, take or use or by inference adopt the name title words letters addition or description of "dentist" or "dental practitioner" or "dental surgeon" or "surgeon dentist" or "mechanical dentist," or take or use or have attached to or exhibited at any place (either alone or in combination with any other word or words or letters) the words "dental company" or "dental institute" or "dental hospital" or "dental college" or "college of dentistry" or "school of dentistry" or any name title word letters addition or description implying or tending to the belief that he or such firm company or other body is registered under this Act or any corresponding previous enactment or that he or such firm company or other body is qualified to practise dentistry or is carrying on the practice of dentistry or is entitled to or to use such name title word letters addition or description.

Not to practise dentistry &c.

(2) Save as in this section otherwise provided a partnership firm or a company or other body shall not practise dental surgery or dentistry.

Saving as to certain firms.

(3) The prohibitions and restrictions contained in this section shall not apply to a partnership firm composed exclusively of persons registered as dentists.

As to restriction on use of certain words &c.

(4) Nothing in this section shall affect the construction or limit the effect of sub-section (1) of section seventy-eight of this Act.

Use of dental titles in educational institutions.
No. 3730 s. 74.

82. Nothing contained in this Part shall limit the use of any dental title necessarily assumed by any public educational institution recognised by the Board for the purpose of dental education.

83. Every person or company guilty of a contravention of any of the provisions of this Part shall be guilty of an offence and shall unless express provision is otherwise made be liable to a penalty of not less than Five nor more than One hundred pounds for every such offence and after any conviction for any offence shall be liable to a penalty of Five pounds for every day during which such contravention is continued.

Penalty.
No. 3730 s. 75.

84. All penalties when recovered shall be paid to the Board to be applied towards the expenses of carrying this Part into effect.

Penalties.
No. 3730 s. 76.

DIVISION 5.—EXAMINATIONS.

85. (1) The Board shall from time to time hold or cause to be held examinations of persons desirous of qualifying themselves to practise dental surgery or dentistry and shall grant certificates of fitness or diplomas to practise dental surgery or dentistry to persons who have passed all the examinations and fulfilled all the conditions prescribed by regulations.

Examinations.
No. 3730 s. 77.

(2) The Board shall admit to such examinations any person desiring to be examined who has paid the fee and fulfilled the conditions prescribed.

86. (1) Examinations for the purposes of this Act shall be conducted by such examiners as the Board from time to time appoints for the purpose.

Examiners.
No. 3730 s. 78.

(2) The Board shall grant certificates of fitness or diplomas in such form as may be prescribed by regulations under this Act.

Grant of certificates or diplomas by Board.

(3) The Board instead of requiring any person to pass an examination conducted as aforesaid may accept in substitution therefor a certificate of examination in any particular subject by the University of Melbourne the College of Pharmacy or any School of Mines or any public educational institution as may be prescribed in the regulations.

Examinations by University &c.

Such certificate of examination shall be deemed to have the like force and effect as if such examination had been held before the Board or before Examiners appointed by the Board.

87. Such reasonable fees shall be paid for the certificate or diploma to be granted under this Part by the Board and for examination by the Board as the Board from time to time by regulation approved by the Governor in Council directs.

Fees for examination.
No. 3730 s. 79.

88. If it appears to the Governor in Council that an attempt has been made by the Board to impose on any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of dental surgery or dentistry as a test or condition of admitting him to examination or granting a certificate of fitness or diploma under this Part the Governor in Council may thereupon issue an injunction directing the Board to desist from such attempt or design.

Governor in Council may prohibit attempts to impose restrictions as to any theory of dentistry.
No. 3730 s. 80.

PART III.—CHEMISTS.

DIVISION I.—INTERPRETATION.

- 89.** In this Part unless inconsistent with the context or subject-matter—
- Interpretation.**
No. 3730 s. 81.
- “Pharmaceutical chemist.”
- “Pharmaceutical chemist” means a person registered as a registered pharmaceutical chemist under this Part or any corresponding previous enactment whose name appears on the Pharmaceutical Register of Victoria.
- “Registrar.”
- “Registrar” means the registrar appointed under this Part or any corresponding previous enactment.

DIVISION 2.—THE PHARMACY BOARD OF VICTORIA.

- 90.** (1) The Governor in Council may appoint a Board consisting of seven members under the style of the “Pharmacy Board of Victoria” (hereinafter in this Part termed the Board) and may appoint one of such members as president and from time to time may remove the president or any other member of the Board.
- The Pharmacy Board.**
No. 3730 s. 82.
- (2) The persons at the commencement of this Act constituting the Pharmacy Board of Victoria shall for the respective terms for which they were appointed be deemed to be members of the Board as if appointed under this Act.
- Members of the Board.**
- (3) No person shall be appointed a member of the Board for more than three years but any person shall be eligible for re-appointment.
- Term of office.**
- (4) No person shall be appointed a member of the Board unless he is a registered pharmaceutical chemist and unless he has been elected as a member of the Board by the registered pharmaceutical chemists of Victoria.
- Members to be elected.**
- (5) No person shall be appointed as president of the Board unless he is a member of the Board and has been elected by the other members to act as president.
- President.**
- (6) Every election of a person to act as a member of the Board shall be held in the manner prescribed by regulations made by the Board subject to the approval of the Governor in Council.
- Mode of elections.**
- (7) If at any time the registered pharmaceutical chemists for a period of three months fail neglect or refuse to elect any person to fill any vacancy in the Board the Governor in Council may appoint a member without previous election to fill such vacancy and the member so appointed shall for all purposes be deemed to have been appointed as if elected by the said chemists to act as a member of the Board.
- Failure to elect.**

(8) In the event of any dispute or question arising as to any election the Governor in Council may decide the same and such decision shall be final and shall not be subject to be reviewed or reversed in or by any court whatsoever.

Disputed elections.

(9) Whenever any member of the Board without leave obtained from the Board has been absent for a period of three months from all meetings of the Board and has also been absent from three consecutive meetings of the Board the office of such member shall thereupon become vacant.

Effect of absence.

(10) During any vacancy in the Board howsoever caused the continuing members may act as if no vacancy existed.

Continuing members to act during vacancy.

(11) A quorum of the Board shall consist of not less than three members thereof.

Quorum.

(12) In the absence of the president from any meeting of the Board one of the members present shall be elected chairman of such meeting.

Chairman.

91. The Board may from time to time appoint a registrar and any other officers required for the purposes of this Part and may at any time remove any person so appointed.

Board may appoint officers.
No. 3730 s. 83.

Unless required by a party to any legal proceedings in any court and ordered by the court there shall not in any legal proceedings in any court be any necessity to prove the authenticity of any signature which purports to be the signature of any person who is or has been registrar if such signature is attached to any certificate of registration or any document under this Part or any corresponding previous enactment.

92. For the purpose of conducting any investigation or inquiry deemed necessary in the administration of this Part the provisions of sections fourteen fifteen and sixteen of the *Evidence Act* 1958 shall apply to this Part as if re-enacted herein with the substitution of the words "The Pharmacy Board of Victoria" for the words "any board appointed by the Governor in Council" and of the words "the president or chairman" for the words "the chairman." For the purpose of such investigation or inquiry the Board may take a statutory declaration from any witness or other person.

Powers in conducting investigations.
No. 3730 s. 84.

Every person who wilfully and corruptly makes upon oath or in any such declaration any false statement to the Board shall be liable to the penalties of perjury.

93. (1) It shall be lawful for the Board to demand and in advance to collect in respect of the several matters referred to in the Sixth Schedule the fees therein set out or such other fees as are from time to time fixed and determined by any regulation

Fees.
No. 3730 s. 85;
No. 5498 s. 5,
No. 5881 s. 2
Sixth Schedule.

made by the Board in accordance with the next succeeding section and such fees shall be applied by the Board in such manner as the Board thinks fit in defraying the expenses and carrying out the provisions of this Part.

Annual fee
for renewal of
chemist's
registration.

(2) (a) In addition to any fees payable under the last preceding sub-section there shall also be paid to the Board during the month of December in each year by every person whose name is for the time being entered in the pharmaceutical register a fee (in this section referred to as a "registration renewal fee") of such amount not exceeding Three pounds three shillings as is for the time being fixed by Order of the Governor in Council published in the *Government Gazette*.

(b) If in any year any person aforesaid makes default in paying the registration renewal fee the Board may with the consent of the Minister cause the name of such person to be erased or removed from the register.

(c) It shall be the duty of the Board at least fourteen days before the latest date for payment of the registration renewal fee to cause to be sent by post to the address in the register of each person liable to pay the said fee a notice stating that the said fee is payable on or before the thirty-first day of December next following the date of the notice; but the omission to send any such notice or the non-receipt of any such notice by any person shall not affect the liability of that person to have his name erased or removed from the register or give any right to have his name restored to the register.

(d) The Board may cause the name of any person whose name has been erased or removed from the register under this sub-section to be restored to the register—

- (i) on the payment of the registration renewal fee for the non-payment of which the name was erased or removed; and
- (ii) on the payment of a fee of One pound one shilling for the restoration of his name to the register.

(e) Not less than Ten per centum of the amount received by the Board pursuant to this sub-section shall be applied by the Board towards furthering pharmaceutical science and education.

Power to
make
regulations.
No. 3730 s. 86;
No. 4804
s. 2 (2).
No. 5498 s. 6.

94. (1) The Board with the approval of the Governor in Council may from time to time make alter or rescind regulations for or with respect to—

- (a) the recording by pharmaceutical chemists of prescriptions dispensed compounded or made up by them;
- (b) the conditions under which the practice of a pharmaceutical chemist in any pharmacy is to be conducted and medicines are to be dispensed compounded or made up;

- (c) the training of apprentices and the provision, by every pharmaceutical chemist with whom any person serves as an apprentice, of adequate and suitable equipment and facilities for such training; and
- (d) generally, any matter or thing necessary or convenient to be prescribed for carrying this Part into effect.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament. Publication.

(3) Such regulations shall not have any effect if they are repugnant to the provisions of this Act or to any law in force in Victoria nor until they have been published in the *Government Gazette*.

(4) A copy of the *Government Gazette* purporting to contain any regulations made by the Board under this Part shall be *prima facie* evidence in all legal proceedings and before all persons having authority to hear receive or examine evidence that any such regulation was duly made and is in force.

DIVISION 3.—THE PHARMACEUTICAL REGISTER.

95. The Board shall from time to time cause the names of all persons certified by the Board as duly qualified for registration as pharmaceutical chemists to be registered with their qualifications and residences in a book to be kept by the Board for that purpose in the form in the Seventh Schedule to this Act or as nearly as may be in accordance therewith, and such register shall be called "The Pharmaceutical Register of Victoria." All persons so long as their names continue to be enrolled in such register may be described in any Act or any regulations as "registered pharmaceutical chemists."

The
Pharma-
ceutical
Register.
No. 3730 s. 67.

Seventh
Schedule.

Every person registered as a pharmaceutical chemist at the commencement of this Act shall be and be deemed to be registered under this Part.

96. (1) The Board may with the consent of the Governor in Council erase or remove from the said register the name of any person registered who in Victoria is convicted of a felony or misdemeanour or of an offence against this Part, or who in any part of Her Majesty's dominions or elsewhere is convicted of an offence which if committed in Victoria would be a felony or misdemeanour: Provided that the name of a person shall not be erased or removed under this section on account of a conviction for a political offence out of Her Majesty's dominions.

Power to
remove names
of persons
convicted.
No. 3730 s. 88;
No. 5498 s. 7.

Restoration to register of names of persons erased on account of convictions.

(2) The Board with the consent of the Governor in Council may at any time restore to the register the name of any person erased or removed therefrom pursuant to the last preceding sub-section.

Power to remove from register names of registered persons guilty of habitual drunkenness or certain offences &c.
No. 3730 s. 89.

97. (1) Subject to this section the Board may—

(a) erase or remove from the said register the name of any person registered who has been convicted of any offence against this Act or any corresponding previous enactment or the *Poisons Act 1958* or any corresponding previous enactment or of any other offence which in the opinion of the Board renders him unfit or who through habitual intoxication or other improper conduct is adjudged by the Board to be unfit to be allowed to continue to practise as a pharmaceutical chemist; and

(b) restore to the said register the name of any person so erased or removed.

Full inquiry &c. before removal from register.

(2) Before erasing or removing from the said register the name of any person pursuant to this section the Board shall make full inquiry into the matter and shall, if so required by the person affected, hold the inquiry in public and shall afford the person affected an opportunity of defence either in person or by a legal practitioner.

Appeal from decision of Board

(3) Any person who feels aggrieved by any decision of the Board in erasing or removing his name from the said register may appeal therefrom to a judge of the county court within six months after the notification of such decision to such person.

Procedure &c.

(4) Such appeal shall be in the nature of a re-hearing and such judge shall entertain inquire into and decide upon the appeal and for that purpose may do all such matters and things relating thereto and in the same manner and to the same extent as he is empowered to do in the exercise of his ordinary jurisdiction in chambers; and his decision shall be final and without appeal.

Offences &c. of trivial nature &c.

(5) The Board shall not pursuant to this section erase or remove the name of any person from the said register by reason of any offence or conduct which either from its trivial nature or from the surrounding circumstances does not in the public interest disqualify a person from carrying on the business of a pharmaceutical chemist.

Board to state reasons if required.

(6) If the Board erases or removes from the said register the name of any person it shall if required by him state in writing the reason for such erasure or removal.

Power to erase irregular entries.
No. 3730 s. 90.

98. Any entry in the register which appears to the Board to have been irregularly or fraudulently obtained may be erased or removed by the Board with the consent of the Governor in Council.

99. The Board may from time to time make all necessary alterations in the registration of the names qualifications and addresses of the persons registered under this Part or under any corresponding previous enactment, and may from time to time write or cause to be written to any registered pharmaceutical chemist a registered letter addressed to him at his last known address to inquire whether he has changed his residence or place of business and stating that if no answer is returned to such letter within a period of six months from the date of the posting thereof the Pharmacy Board may cause the name of such person to be erased or removed from the register and the Board may remove the same accordingly. Upon the personal application of such person and upon proof satisfactory to the Board of his former registration and that he is not otherwise disentitled to registration the Board shall cause his name to be restored to the register.

Board may alter register and erase names therefrom.
No. 3730 s. 91.

Name may be restored.

100. Every pharmaceutical chemist on changing his residence or place of business shall notify the Board of his new address or place of business.

Notice of change of residence to be sent to Board.
No. 3730 s. 92.

101. Every registrar of births and deaths upon registering the death of any registered pharmaceutical chemist shall forthwith transmit notice of such death by post to the registrar of the Board at Melbourne, and the Board shall upon receipt of such notice cause the name of such chemist to be erased or removed from the register.

Notice of death to be sent to Board.
No. 3730 s. 93.

Every registrar of births and deaths who knowingly fails to transmit such notice as aforesaid within two months after receiving any information of any such death shall for every such offence be liable to a penalty of not more than Five pounds.

102. (1) A copy of the register with the names in alphabetical order according to surnames shall in the month of January in each and every year be forwarded by the Board to the Minister and shall be by him published in the *Government Gazette* and copies of such register with the names arranged as aforesaid as it stood in such month shall be published and sold by the Board and every such copy shall be known as the Pharmaceutical Register for the year in which it is so published.

Copies of register to be published and to be evidence.
No. 3730 s. 94.

(2) Any printed document purporting to be a copy of such register shall be evidence in all legal proceedings and before all persons having authority to hear receive or examine evidence that the persons therein specified are registered according to the provisions of this Part and the absence of the name of any person from the latest of such printed copies shall be *prima facie* evidence until the contrary is made to appear that such person is not so

registered: Provided that in the case of any person whose name does not appear in such copy a certificate under the hand of the registrar to the effect that such person is registered under this Part shall be evidence that such person is so registered.

Certificate of registration.

(3) On application made to him at any time for that purpose the registrar shall if so directed by the Board and on payment of the prescribed fee issue to any applicant on the register a certificate to the effect that he is registered under this Part.

DIVISION 4.—PERSONS ENTITLED TO REGISTRATION.—
PHARMACEUTICAL CHEMISTS.

Qualification of registered pharmaceutical chemists.
No. 3730 s. 95;
No. 4804
& 2 (1).

103. (1) No person shall receive from the Board a certificate that he is duly qualified for registration as a pharmaceutical chemist unless he has attained the age of twenty-one years, and unless—

- (a) he holds (by examination which in the opinion of the Board is of a standard substantially equivalent to that prescribed for the registration of pharmaceutical chemists in Victoria) a certificate or diploma of competency as a pharmaceutical chemist or as a chemist and druggist or homœopathic chemist from the Pharmaceutical Society of Great Britain or any college or board of pharmacy recognized by the Board under any regulations made or for the time being in force under this Part; or
- (b) he has passed a preliminary examination before the commencement of his apprenticeship and has served for not less than four years as an apprentice to a pharmaceutical chemist keeping open shop or having the management of a dispensary of any friendly society under the *Friendly Societies Act 1958* or of a dispensary kept in connexion with any public hospital for the compounding and dispensing of the prescriptions of legally qualified medical practitioners, and has also attended one course of lectures in each of the following subjects at the University of Melbourne the Victorian College of Pharmacy or some other school or college of pharmacy recognized by the Board:—
Materia medica botany chemistry practical chemistry, and has passed examinations in the said subjects at the University of Melbourne or before the Board or before examiners appointed by the Board; and has also passed the final examinations before the Board or before examiners appointed

by the Board in the subject of practical pharmacy and any subject that is prescribed for the final examinations by the Board with the approval of the Governor in Council:

Provided that the Board may, upon application made to the Board in the prescribed manner and form and supported by such evidence as the Board requires, accept in lieu of any part of the requirements specified in the foregoing provisions of this paragraph (other than the requirement of passing the final examinations) a course of training whether in Victoria or elsewhere which in the opinion of the Board is of a standard substantially equivalent to the standard fixed by or under this Act for such part of the said requirements.

Power to Board to accept course of training in lieu of part of prescribed course (other than final examinations).

(2) A certificate of qualification in the form in the Eighth Schedule to this Act shall entitle the person named therein on payment of the proper fee to be registered under this Part at any time within six months after the date of such certificate.

Certificate of qualification. Eighth Schedule.

104. Every person who desires a certificate of qualification under paragraph (a) of sub-section (1) of the last preceding section shall furnish the Board with a statutory declaration according to the Ninth Schedule to this Act or to the like effect and his declaration shall be accompanied by the certificates or diplomas on which he bases his application. Such certificates or diplomas shall be returned to the applicant.

Declarations &c. required previously to registration No. 3730 s. 96. Ninth Schedule.

105. It shall be the duty of every pharmaceutical chemist who has an apprentice to allow such apprentice during the last calendar year before the termination of his apprenticeship a reasonable time for the purpose of attending lectures in accordance with the requirements of the last but one preceding section, and such duty to allow such reasonable time shall be deemed to be a condition of the contract of such apprenticeship and the failure or refusal to allow such reasonable time shall be a breach of such contract of apprenticeship.

Apprentices to be allowed opportunity of attending lectures. No. 3730 s. 97.

DIVISION 5.—EXAMINATIONS.

106. (1) The Board shall permit any officer or person appointed by the Governor in Council to be present during the progress of any examination conducted by the Board.

Who may be present at examinations. No. 3730 s. 98; No. 4804 s. 2 (3).

(2) Unless the Board otherwise specially directs no person shall by the Board or by examiners appointed by the Board be examined for his final examination until he furnishes—

Conditions to be fulfilled by examiners.

(a) a statutory declaration by a master chemist in the form in the Tenth Schedule to this Act or to the like effect of his having served the apprenticeship referred to in section one hundred and three; and

Tenth Schedule.

(b) (where necessary) certificates of—

- (i) his having passed the preliminary examination; and
- (ii) his having attended one course of lectures in materia medica botany chemistry and practical chemistry as directed by section one hundred and three; and
- (iii) his having passed the examinations referred to in paragraph (b) of sub-section (1) of section one hundred and three in materia medica botany chemistry and practical chemistry which examinations when held before the Board or before examiners appointed by the Board are in this Part referred to as the "intermediate examinations";

Eleventh
Schedule.

(c) a statutory declaration in the form in the Eleventh Schedule to this Act or to the like effect:

Declarations
and
certificates re
candidate for
final
examinations.

Provided that where the Board has accepted any course of training in lieu of any part of the requirements specified in sub-section (1) of section one hundred and three of this Act the candidate shall include in his declaration a statement of such acceptance in lieu of furnishing any declarations or certificates relating to such part of the said requirements.

Board to
control
examinations.
No. 3730 s. 99.

107. (1) The Board shall have power to control and direct—

- (a) the preliminary examinations; and
- (b) the intermediate examinations; and
- (c) the final examinations in practical pharmacy and such other subjects for the final examinations as are from time to time approved by the Governor in Council and published in the regulations of the Board.

Such examinations shall not include the theory and practice of medicine surgery or midwifery.

(2) The Board may grant or refuse to candidates certificates of competency skill knowledge and qualification to exercise the business or calling of a pharmaceutical chemist. In the case of rejection a rejected candidate may present himself for re-examination after a period of three months.

DIVISION 6.—MISCELLANEOUS.

108. In this Division unless inconsistent with the context or subject-matter—

Interpretation.
No. 3730
s. 100.

“Carrying on business as a chemist and druggist” includes the retailing compounding or dispensing of drugs and medicines supplied on the order or prescription of a legally qualified medical practitioner.

“Carrying on business as a chemist and druggist.”

“Person” includes any corporation whether established by charter or otherwise and any company or society registered in pursuance of any Act of Parliament.

“Person.”

“Sale” includes delivery (whether with or without consideration) in any shop or store or premises appurtenant thereto by the keeper thereof his servant or agent, or having in possession for sale or exposing for sale in any place; and “sell” has a corresponding interpretation.

“Sale.”

“Sell.”

109. Every pharmaceutical chemist carrying on business as a chemist and druggist except under the actual personal supervision of himself or some other pharmaceutical chemist shall for each such offence be liable to a penalty of not more than Fifty pounds.

Personal supervision of business.
No. 3730
s. 101.

110. Nothing in this Division shall prevent any *bona fide* assistant or apprentice to a pharmaceutical chemist from retailing compounding or dispensing drugs and medicines in the course of his employment and under the actual personal supervision of a pharmaceutical chemist.

Saving as to *bona fide* assistants or apprentices.
No. 3730
s. 102.

111. For the purposes of this Division any person on whose behalf a sale is made shall be deemed to be the person who sells, and every employé assistant or apprentice of such person shall be liable to the like penalties as the person on whose behalf he makes any sale:

Sales by employés &c.
No. 3730
s. 103.

Provided that no registered society within the meaning of the *Friendly Societies Act 1958* while acting in accordance with the provisions of the said Act shall be convicted of an offence under paragraph (a) of section one hundred and fifteen of this Act.

112. (1) Every pharmaceutical chemist shall record in the manner prescribed by the regulations under this Part in a book to be kept by him for the purpose every prescription of any legally qualified medical practitioner dispensed compounded or made up by him.

Recording of prescriptions.
No. 3730
s. 104.

(2) In the case of a prescription for a member of a registered friendly society it shall be sufficient compliance with the provisions of this section if the pharmaceutical chemist dispensing such prescription inserts therein his initials and the date on which the prescription was dispensed.

As to prescriptions for members of friendly societies.

Application
of Part XIV.
of Health Act.
No. 3730
s. 105.

113. The provisions of Part XIV. of the *Health Act 1958* shall extend to all articles usually taken and sold as medicines, and every adulteration of any such article shall be deemed an admixture deleterious to health; and any person whether registered under this Part or not who sells any such article adulterated shall unless the contrary is proved be deemed to have knowledge of such adulteration.

Reserving
rights to
certain
persons.
No. 3730
s. 106.

114. Nothing in this Part contained shall extend to or interfere with the business or with any rights and privileges of any legally qualified medical practitioner or of any member of the Royal College of Veterinary Surgeons of Great Britain nor with the business of wholesale dealers in supplying drugs and chemicals in the ordinary course of wholesale dealing; and upon the decease of any pharmaceutical chemist actually in business at the time of his death it shall be lawful for any executor administrator or trustee of the estate of such pharmaceutical chemist to continue such business for a period of two months or for such longer term as may be permitted by the Board if and so long only as such business is *bona fide* conducted by a registered pharmaceutical chemist.

Penalties for
various
offences.
No. 3730
s. 107.

115. Every person who commits in Victoria any of the following offences shall for each offence be liable to a penalty of not more than Ten pounds and also either in lieu of or in addition to such penalty shall be liable to imprisonment for a term of not more than six months:—

- (a) Every person not being a pharmaceutical chemist carrying on^(a) or attempting to carry on business as a chemist and druggist or homœopathic chemist or either.
- (b) Every person not being a pharmaceutical chemist who takes uses or exhibits the name or title of or who pretends to be a registered pharmaceutical chemist chemist and druggist chemist druggist pharmacist pharmaceutist pharmaceutical chemist homœopathic chemist dispensing chemist or dispensing druggist, or who takes or uses any title or term or sign or symbol which may be construed to mean that he is qualified to perform the duties of a pharmaceutical chemist or who takes or uses or has attached to or exhibited at any place (either alone or in combination with any other word or words or letters) the words "pharmacy" or "apothecary's hall" or "medical drug hall" or "pharmaceutical institution" or "drug store" or any other name title word letters addition or

(a) As to liability of a chemist dispensing prescriptions after hours fixed for closing of shops, see *Labour and Industry Act 1958* section 83.

description implying or tending to the belief that he is a registered pharmaceutical chemist or is carrying on business as a chemist and druggist.

- (c) Every pharmaceutical chemist or person in the employ of such chemist who prescribes or practises medicine or surgery except in accordance with any rights and privileges hitherto enjoyed by chemists and druggists in their open shops.
- (d) Every person who fails to comply with the provisions of this Part or any regulation made hereunder.

Nothing in this Part shall prevent any person from being liable to any other penalty damages or punishment to which he would have been liable if this Act had not been passed.

116. (1) In any legal proceedings for offences under this Part—

- (a) the production of a certificate purporting to be signed by an analyst with respect to any analysis made by him shall, without proof of the signature of the person appearing to have signed the same or that he is an analyst, be sufficient evidence—
- (i) of the identity of the thing analysed;
 - (ii) of the result of the analysis;
 - (iii) of the matters relevant to such proceedings stated in such certificate—

unless the defendant having been afforded an opportunity so to do by at least three days' notice in writing delivered to the informant and by a like three days' notice delivered to the analyst requires that such analyst shall attend as a witness; and

- (b) the court may in addition to any other order as to costs make such order as it thinks proper as to the conduct money of the analyst and as to the expenses of and remuneration to be paid for any analysis.

(2) For the purposes of this section "analyst" means any person employed by the Government of Victoria as an analyst or any person approved as an analyst under the *Health Act 1958* or any corresponding previous enactment.

117. All penalties imposed by this Part when recovered shall be paid to the Board to be applied towards the expenses of carrying this Part into effect.

Proof of
certificate of
analyst.
No. 3730
s. 108.

Expenses of
analysis.

Meaning of
"analyst."

Penalties.
No. 3730
s. 109.

PART IV.—ADOPTION OF THE BRITISH PHARMACOPŒIA.

Adoption of
British
Pharma-
copœia.
No. 3730
s. 110.

118. The British Pharmacopœia as published in England under the direction of the General Council of Medical Education and Registration of the United Kingdom in the year One thousand nine hundred and fourteen shall be the Pharmacopœia in force in Victoria as a uniform guide and standard in the preparation of medicines in Victoria together with the true weights and measures of which they are to be prepared and mixed.

Substitution
of future
alterations of
British
Pharma-
copœia.
No. 3730
s. 111.

119. Whenever at any time any alteration of the British Pharmacopœia for the time being in force is made by and under the direction of the General Council of Medical Education and Registration of the United Kingdom, it shall be lawful for the Governor in Council by notice published in the *Government Gazette* to declare that on and after a date specified in such notice the British Pharmacopœia as so altered shall have force in Victoria and shall be substituted for the British Pharmacopœia theretofore in force in Victoria.

PART V.—OFFENCES.

Mis-
demeanours.
No. 3730
s. 112;
No. 4131 s. 2.

120. Every person who—

- (a) fraudulently or by false representation or declaration either orally or in writing obtains a certificate or diploma under any Part of this Act;
- (b) wilfully procures or attempts to procure himself or any other person to be registered under any Part of this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally in writing or by impersonation at an examination or before any of the Boards mentioned in this Act;
- (c) forges or counterfeits or alters any certificate under any Part of this Act or utters or uses any such forged counterfeited or altered certificate knowing the same to have been forged counterfeited or altered;
- (d) wilfully knowingly or corruptly utters or puts off or attempts to utter or put off as true before any of the Boards mentioned in this Act any false forged or counterfeited certificate diploma licence letters testimonial or other document or writing;
- (e) falsely advertises or publishes himself as having obtained a certificate or as having been registered under Part I. of this Act or as having obtained a certificate or been registered as a medical practitioner;

(f) wilfully makes or causes to be made any falsification or any false representation or declaration in any matter relating to any register under this Act or which may affect any entry to be made in any such register;

(g) aids or assists in the commission of any of the above offences—

shall be guilty of a misdemeanour and shall be liable if the matter arises under Part I. of this Act to imprisonment with or without hard labour for a term of not more than three years and if the matter arises under either Part II. or Part III. of this Act to a penalty of not more than One hundred pounds or to imprisonment with or without hard labour for a term of not more than one year.

In any matter arising under Part I. the word "Register" unless inconsistent with the context or subject-matter means the Medical Register of Victoria.

In any matter arising under Parts II. or III. the word "person" in this section shall be construed as including any corporation whether established by charter or otherwise and any company or society established under any Act of Parliament.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
3730 ..	<i>Medical Act 1928</i>	So much as is not already repealed.
4131 ..	<i>Medical Act 1933</i>	The whole.
4191 ..	<i>Statute Law Revision Act 1933</i> ..	Item in Schedule referring to <i>Medical Act 1928</i> .
4264 ..	<i>Statute Law Revision Act 1934</i> ..	Item in Schedule referring to <i>Statute Law Revision Act 1933</i> .
4289 ..	<i>Medical Act 1935</i>	The whole.
4504 ..	<i>Medical Act 1937</i>	The whole.
4617 ..	<i>Medical Act 1938</i>	The whole.
4804 ..	<i>Medical (Pharmaceutical Chemists) Act 1941</i>	The whole.
5132 ..	<i>Medical (Chemists Apprentices) Act 1946</i>	The whole.
5151 ..	<i>Medical Practitioners Registration Act 1946</i>	The whole.
5498 ..	<i>Medical Act 1950</i>	The whole.
5519 ..	<i>Mental Hygiene Authority Act 1950</i>	Clause 2 of Part B of schedule.

FIRST SCHEDULE—continued.

Number of Act.	Title of Act.	Extent of Repeal.
5546 ..	Medical (Temporary Registration) Act 1951	The whole.
5765 ..	Medical (Registration) Act 1953 ..	The whole.
5789 ..	Corneal Grafting Act 1954 ..	The whole.
5881 ..	Medical (Pharmacy Board Fees) Act 1955	The whole.
5914 ..	Limitation of Actions Act 1955 ..	Clause 27 of Schedule.
5965 ..	Medical (Registration) Act 1956 ..	The whole.
6084 ..	Medical (Registration) Act 1957 ..	The whole.

Section 5.
No. 5546 s. 3.

SECOND SCHEDULE.

	£	s.	d.
For registering person as a medical practitioner ..	3	3	0
For registering each additional qualification ..	0	10	6
For restoring name to register ..	1	1	0
For issue of certificate of temporary registration as a medical practitioner ..	3	3	0

Section 7.

THIRD SCHEDULE.

Name.	Residence.	Qualification.
A. B. ..	Melbourne ..	Fellow of the Royal College of Physicians. Member of the Royal College of Surgeons, Edinburgh. Licentiate of the Society of Apothecaries, London.
C. D. ..	Ballarat ..	Member of the Royal College of Surgeons, London.
E. F. ..	Castlemaine ..	Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow.
G. H. ..	Geelong ..	Licentiate of the Society of Apothecaries, London.

A.B., President of Medical Board.
C.D., Member of Medical Board.
E.F., Do. do.

Sections 19,
20.
No. 4191 s. 2;
No. 4617
s. 2 (2).

FOURTH SCHEDULE.

1. Fellow, Member, Licentiate, or Extra-Licentiate of the Royal College of Physicians of London.
2. Fellow, Member, or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the Royal College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries' Hall, Dublin.
10. Doctor or Bachelor of Medicine, or Master in Surgery of some British or Colonial University.

FOURTH SCHEDULE—*continued.*

11. Any legally qualified practitioner registered in Great Britain or Ireland under the Acts of the Parliament of the United Kingdom of Great Britain and Ireland passed respectively in the twenty-first and twenty-second year of Queen Victoria intituled "An Act to regulate the Qualifications of Practitioners in Medicine and Surgery," and in the twenty-second year of Queen Victoria intituled "An Act to amend the Medical Act 1858" or any Acts amending the said Acts.

12. Any medical officer, duly appointed and confirmed, of Her Majesty's Sea Land or Air Service.

13. Any person who has received a degree or diploma certifying to his ability to practise medicine or surgery from some British or foreign university college or other body recognized by the Medical Board of Victoria.

FIFTH SCHEDULE.

	£	s.	d.
On application for registration	5	5	0
Certificate of registration	0	5	0
Inspection of register	0	5	0
Alteration of register	0	5	0
For restoration of name to register under section 56 ..	1	1	0
For registration of any additional qualification except as provided by section 67	0	10	6
For registration of any person holding a degree in dentistry granted by the University of Melbourne whether such registration is in respect of a diploma or degree or both ..	5	5	0

Sections 49, 52.

SIXTH SCHEDULE.

	£	s.	d.
Preliminary examination			
Entrance fee	0	10	0
For each subject taken a fee of	0	5	0
Certificate of exemption	0	10	6
Intermediate examination—			
Single subject	1	0	0
Two subjects	1	10	0
Three subjects	2	0	0
All subjects	3	0	0
Final examination—			
First attempt, all subjects	3	10	0
Subsequent attempts, all subjects	2	10	0
Single subject only	1	5	0
Two subjects only	2	0	0
Three subjects only	2	10	0
Registration of indentures	2	2	0
Restoration of name to register	1	1	0
Certificate of identity for reciprocity purposes	0	10	6
Registration after final examination	2	2	0
Registration on a certificate of competency from a State in the Commonwealth or the Dominion of New Zealand ..	3	3	0
Registration in all other cases	5	5	0

Section 93.

SEVENTH SCHEDULE.

Register of Pharmaceutical Chemists.

Section 95.

Number.	Date of Registration.	Name.	Residence.	Qualifications.
243 ..	2nd January, 1877	Jones, Henry	Bell-street, Fitzroy	Pharmaceutical chemist, Great Britain

A.B., Registrar.

Section 103.

EIGHTH SCHEDULE.

Certificate of Qualification for Registration as a Registered Pharmaceutical Chemist under the Medical Act 1958, Part III.

We do hereby certify that _____ residing _____ is duly qualified for registration as a registered pharmaceutical chemist on the grounds set forth at the foot of this certificate.

Dated at Melbourne this _____ day of _____ 19 _____

President. (L.S.)

Member. (L.S.)

Member. (L.S.)

Registrar. (L.S.)

Section 104.

NINTH SCHEDULE.

MEDICAL ACT 1958, PART III.

In the State of Victoria.

In the matter of the application of _____ to be registered as a pharmaceutical chemist.

I, _____ of _____, in the State of Victoria, do solemnly and sincerely declare and say—

1. I have attained the age of twenty-one years.
2. I am the holder of a certificate (or diploma) of competency from the _____, and which bears date the _____ day of _____, in the year _____.
3. Such certificate (or diploma) is my own *bona fide* property.
4. I am the person named therein.
5. Annexed hereto, and marked with the letter A, is a true copy of such certificate (or diploma).

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at _____, in the State of Victoria, this _____ day of _____, in the year _____, before me—

Section 106.

TENTH SCHEDULE.

MEDICAL ACT 1958, PART III.

Declaration to be signed by Master Chemist as to Service of Apprentice.

To the Pharmacy Board of Victoria

I, _____ residing at _____ do hereby declare that I am a registered pharmaceutical chemist keeping open shop at _____ [or as the case may be] and that _____ residing at _____ was employed as an apprentice in my said open shop at _____ [or as the case may be] during the periods undermentioned:—

From _____ 19 _____
To _____ 19 _____

And I make this solemn declaration &c.

Declared at _____ in _____ this _____ day of _____ 19 _____ before me—

Section 106.
No. 4804
s. 2 (4).

ELEVENTH SCHEDULE.

MEDICAL ACT 1958, PART III.

Declaration by Candidate for final examinations.

I, _____ of _____ do solemnly and sincerely declare—

1. That I desire to be examined in the final examinations.

ELEVENTH SCHEDULE—*continued.*

2. That I passed the preliminary examination before the commencement of my apprenticeship.*

3. That I have served not less than four years as an apprentice to Mr. _____ registered pharmaceutical chemist, keeping an open shop at _____ for dispensing and compounding prescriptions [*or as the case may be*], and also that I have attended one course of lectures at the University of Melbourne [*or the Victorian College of Pharmacy or as the case may be*] in the subjects of materia medica, botany, chemistry, and practical chemistry and have passed examinations in the said subjects at the University of Melbourne [*or before the Pharmacy Board or before examiners appointed by the Pharmacy Board*];*

And I make this solemn declaration &c.

Declared at _____ in the _____ this _____ day of _____ 19 _____ before me—

* Where the Board has accepted any course of training in lieu of any part of the requirements specified in paragraph (b) of sub-section (1) of section one hundred and three of this Act a statement of such acceptance shall be included in lieu of the statements relating to such part of the said requirements.

TWELFTH SCHEDULE.

1. In this Schedule unless inconsistent with the context or subject-matter—

“Board” means the Medical Board of Victoria.

“Committee” means the Foreign Practitioners Qualification Committee under this Schedule.

“Regulations” means regulations made under this Schedule.

2. (1) For the purpose of the better examination of the qualifications of foreign medical practitioners to practise medicine in the State of Victoria there shall be a committee to be called the “Foreign Practitioners Qualification Committee.”

(2) The committee shall consist of nine members of whom—

(a) five, who shall comprise a legally qualified medical practitioner appointed as chairman of the committee and four other legally qualified medical practitioners, shall be appointed by the Governor in Council upon the nomination of the Faculty of Medicine of the University of Melbourne made with the approval of the Council of the said University; and

(b) four shall be persons for the time being occupying University of Melbourne professorial medical chairs in the Clinical Schools at the Royal Melbourne, St. Vincent's, Alfred and Royal Women's Hospitals respectively.

(3) If at any time the said Faculty does not within one month after the receipt of a request in writing from the Minister in that behalf nominate a person or the required number of persons for appointment to the committee pursuant to this Schedule, then the Governor in Council may without such nomination appoint to the committee any person or persons otherwise qualified, and every person so appointed shall for all purposes be deemed to have been duly appointed.

(4) Each member of the committee appointed by the Governor in Council shall hold office for such period, not exceeding three years, as is fixed by the Governor in Council at the time of his appointment, but upon the expiration of his term of office shall be eligible for re-appointment if then qualified.

(5) Any vacancy in the office of an appointed member of the committee (however occurring) shall be filled by the appointment of a qualified person thereto.

(6) A quorum of the committee shall consist of not less than five members and notwithstanding any vacancy in the membership of the committee the committee may act at any meeting at which a quorum is present.

Section 21 (2).

Inter-pretation. No. 6084 s. 2. “Board.” “Committee.”

“Regu-lations.” Establish-ment of Foreign Practitioners Qualification Committee. No. 6084 s. 3. Constitution of committee.

Provision in case of failure of nomination.

Term of office of appointed members.

Filling vacancies.

Quorum.

TWELFTH SCHEDULE—*continued.*

Chairman of meeting.

(7) At any meeting of the committee the chairman or in his absence a member elected by the members present to act as chairman of the meeting shall preside.

Decisions of committee.

(8) The decision upon any matter of the majority of members present at any meeting shall be the decision of the committee upon that matter.

Regulation of proceedings.

(9) Subject to this Schedule the committee may regulate its proceedings in such manner as it thinks fit.

Remuneration and expenses of members.

(10) The members of the committee shall be severally entitled to receive such remuneration for their services and such reimbursement of expenses incurred in carrying out their powers and duties under this Schedule as are fixed by the regulations.

Powers of committee and chairman.

(11) For the purpose of carrying out its powers and duties under this Schedule the committee and the chairman thereof shall respectively have and may exercise the powers conferred by sections fourteen to sixteen of the *Evidence Act 1958* upon a board appointed by the Governor in Council and upon the chairman of such a board, and the provisions of the said sections shall apply to and in relation to the committee and the chairman accordingly.

Applications by foreign practitioners for registration.
No. 6084 s. 4.

3. (1) Any person who is or has been qualified to practise medicine or surgery in any country (not being any of the countries referred to in paragraphs (a) and (b) of section twenty of this Act) and who has been resident in Victoria for not less than three years may in the manner and form prescribed by the regulations apply to the Board to be registered as a legally qualified medical practitioner under Part I. of this Act.

Submission of certain applications to committee.

(2) Every such application shall, unless the applicant is entitled to registration pursuant to sections nineteen and twenty of this Act or eligible for registration pursuant to sub-section (1) of section twenty-one of this Act, be submitted by the Board to the committee for its consideration.

Power to committee to certify applicant competent to practise medicine in Victoria.

(3) The committee shall consider every application submitted to it upon its merits and for that purpose may interview and examine the applicant and, if it thinks necessary, require him to submit further evidence of his qualifications and to undergo any appropriate examination or examinations conducted, arranged or approved by the committee (whether for applicants generally or any class of applicants or any individual applicant) and if the committee is satisfied—

- (a) that the applicant is or has been qualified to practise medicine or surgery in such a country as aforesaid and that his qualification has not been withdrawn or cancelled for misconduct in a professional sense;
- (b) that he has, at the time of his application, been resident in Victoria for not less than three years;
- (c) that he is professionally competent to practise as a legally qualified medical practitioner in Victoria;
- (d) that he is of good character; and
- (e) that he has an adequate understanding and command of the English language—

the committee may certify to the Board that the applicant is a fit and proper person to be registered as a legally qualified medical practitioner.

Board to register applicant upon committee's certificate.

(4) Where the committee so certifies, the Board shall, notwithstanding anything to the contrary in Part I. of this Act, grant to the applicant a certificate of qualification and register him as a legally qualified medical practitioner under the said Part I.

Medical service with Commonwealth to be deemed residence in Victoria.

(5) Where an applicant, immediately after having been resident in Victoria, has been engaged in the practice of medicine in the employment of the Department of Territories or the Department of External Affairs of the Commonwealth of Australia, the period during which he was so practising (whether before or after the commencement of this Act) shall be deemed a period of residence in Victoria for the purposes of this clause.

Services of officers and employes in public service.
No. 6084 s. 5.

4. The Minister may arrange that the services of any officers and employes in the Department of Health or, with the consent of the Minister concerned, in any other Government department, shall be available to the committee in the carrying out of its powers and duties under this Schedule.

TWELFTH SCHEDULE—*continued.*

5. The committee may for the purposes aforesaid hold examinations or arrange with any other organization or body for the holding of examinations or for the admission to examinations held by that organization or body of applicants under this Schedule, and may appoint and remunerate examiners and other necessary persons in relation thereto or make payments to any other organization or body in respect of such remuneration. Examinations examiners &c. No. 6084 s. 6.
6. The expenses of carrying this Schedule into effect shall be paid out of moneys provided by Parliament for the purpose. Expenses of carrying Schedule into effect. No. 6084 s. 7.
7. (1) The Governor in Council may make regulations for or with respect to prescribing any matter or thing by this Schedule authorized or directed to be prescribed or necessary or expedient to be prescribed for the purposes of this Schedule. Regulations. No. 6084 s. 8.
- (2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament, and a copy of all such regulations shall be posted to each member of Parliament. Publication.
8. Nothing in this Schedule shall be construed as abridging or affecting the right of any person to be registered as a legally qualified medical practitioner pursuant to sub-section (1) of section twenty-one of this Act. Saving. No. 6084 s. 9.
9. This Schedule shall remain in operation until the thirty-first day of December One thousand nine hundred and sixty and no longer, but the cessation of operation of this Schedule shall not affect any registration already made thereunder or under the corresponding previous enactment. Duration of Schedule. No. 6084 s. 10.
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