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No. , 1918.

A BILL

To impose certain restrictions on the practice of medicine and surgery in respect of certain diseases, and on certain representations and advertisements ; to declare the meaning of certain expressions when used in any Act ; to amend the Medical Practitioners Act, 1912, and the Medical Practitioners (Amendment) Act, 1915, and certain other Acts ; and for purposes consequential thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the "Medical Practitioners (Amendment) Act, 1918." In this Act the Medical Practitioners Act, 1912, as amended by the Medical Practitioners (Amendment) Act, 1915, is referred
10 to as the Principal Act.

Short title.

Amendment
of s. 4 of the
Principal
Act.

2. Section four of the Principal Act is amended—

- (a) by omitting the words “for the purposes of the Coroners’ Act, 1898”;
- (b) in subsection one by inserting after the words “satisfaction of the board” the words “that he is of good fame and reputation, and—”;
- (c) by omitting from paragraph (c) of that subsection the words “member or”;
- (d) by omitting subsection two; and
- (e) by the addition of the following subsection:—

(4) Wherever the expressions “duly qualified medical practitioner,” “qualified medical practitioner,” or “medical practitioner,” appear in any Act they shall be deemed to mean a “legally qualified medical practitioner” within the meaning of this section.

Amendment
of s. 9 of the
Principal
Act.

3. Section nine of the Principal Act is amended by adding after paragraph (c) the words:—“or

“ (d) is the subject of a country with which the British Empire is then at war, unless such person had become a naturalised British subject ten years prior to the commencement of such war.”

Repeal of
s. 12.

4. Section twelve of the Principal Act is repealed, and the following sections inserted in lieu thereof:—

New section.
Advertising.

12. (1) A person shall not advertise or hold either himself or any other person out directly or indirectly as being entitled or qualified, able, or willing to practise medicine or surgery in any of its branches, or to give or perform any medical or surgical service, attendance, operation, or advice unless he or such other person, as the case may be, is a legally qualified medical practitioner:

Provided that this subsection shall not be deemed to authorise, justify, sanction, or prohibit any such advertisement or holding out, by a legally qualified medical practitioner.

Any person contravening the provisions of this section shall be liable to a penalty not exceeding *fifty* pounds for each offence.

(2)

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(2) This section shall not apply to an advertisement or holding out in relation to the lawful exercise of their profession or duties by— Exemptions.

- (a) any nurse ;
- 5 (b) any dentist or pharmacist registered under the Acts of New South Wales relating to dentists or pharmacy ; or
- 10 (c) any life-saving or first-aid association, being a charitable organisation which makes no charge for its services.

12A. (1) Any person who publishes, or causes to be published, any advertisement which is in contravention of the last preceding section shall be liable to a penalty not exceeding *twenty* pounds. Publishing advertisements, &c.

15 (2) Any person who publishes, or causes to be published, any advertisement to promote the sale of any food or drug, or any appliance for the prevention, alleviation, or cure of any human ailment or physical defect, and who in such advertisement
20 uses any name or title purporting to be that of a physician, doctor of medicine, or surgeon, shall be liable to a penalty not exceeding *twenty* pounds.

25 (3) If any such advertisement be published in breach of this section in a newspaper printed in New South Wales, the proprietor, publisher, and printer of that newspaper shall severally be liable to the above-mentioned penalty :

30 Provided that no prosecution shall be instituted against such proprietor, publisher, or printer for the publication of any such advertisement unless within twelve months immediately preceding the date of the publication thereof, a warning has been delivered to such proprietor, publisher, or printer, or to the manager of the newspaper, under the hand of the
35 Director-General of Public Health, that the publication of such an advertisement, or of an advertisement substantially to the same effect, is an offence against this Act.

Venereal
diseases.

12B. (1) A person, other than a legally qualified medical practitioner or a person acting under the direct instructions of a legally qualified medical practitioner, shall not attend upon, or prescribe for, or supply any drug or medicine to any person suffering from any venereal disease, for the purpose of curing, alleviating, or treating such disease. 5

Any person contravening the provisions of this section shall be liable to a penalty not exceeding *fifty* pounds, or to imprisonment with or without hard labour for a term of not more than *six* months. 10

(2) This section shall not apply to any pharmacist, registered under the Acts relating to pharmacy in New South Wales, who—

(a) dispenses to a patient of a legally qualified medical practitioner the prescription of such practitioner, if such prescription is dated, and bears the address and usual signature—including the surname—of such practitioner; or 15 20

(b) sells or supplies, in the ordinary course of his business, any drug or medicine for the purpose of curing, alleviating, or treating venereal diseases, provided that such drug or medicine is not prescribed by the pharmacist, and provided further that the sale of such drug or medicine is not prohibited by the Governor by notification in the Gazette. 25
