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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1932.

A BILL

To confer certain powers on the New South Wales Medical Board; to amend the Medical Practitioners Act, 1912, and certain other Acts; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1932." Short title.

(2) The Medical Practitioners Act, 1912, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

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(3) The Principal Act, as amended by this Act, may be cited as the Medical Practitioners Act, 1912-1932.

2. The Principal Act is amended—

Sec. 4.
(Qualifications.)

- (a) (i) by omitting from section four the words "Coroner's Act, 1898," and by inserting in lieu thereof the words "Coroners Act, 1912";
- (ii) by omitting from paragraph (c) of subsection one of the same section the words "member or";
- (iii) by omitting subsection two of the same section;
- (iv) by omitting from subsection three of the same section the words: "Provided further that nothing in this section shall entitle to registration a graduate of any German or Austrian University or Medical School only, or a German or Austrian subject";

- (b) (i) by inserting in subsection three of section five after the word "board" where firstly occurring the words "that he is of good fame and character and";

Sec. 5 (3).
(Qualified persons entitled to certificate from board.)

- (ii) by inserting next after the same subsection the following new subsection:—

New subsec. (4).

(4) Wherever the expressions "legally qualified medical practitioner," "qualified medical practitioner," or "medical practitioner" appear in any Act other than the Coroners Act, 1912, they shall be deemed to mean a medical practitioner to whom a certificate under subsection three of this section has been issued.

- (c) by inserting next after section six the following new section:—

New s. 6A.

6A. Upon the death of any legally qualified medical practitioner whose name has been so registered the board shall cause the name of such legally qualified medical practitioner to be removed from the register.

Removal of name of deceased medical practitioner.

(d)

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(d) by inserting at the end of section nine the following new subsection :—

Sec. 9.
(Removal of name from register for certain offences.)

(2) For the purposes of an inquiry in respect of any charge of infamous conduct in any professional respect against a person registered as a legally qualified medical practitioner, the board and the president or member of the board presiding at such inquiry shall, for the purposes of such inquiry, have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and the said Act, section thirteen, and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(e) by inserting next after section nine the following new section :—

New s. 9A.

9A. Where the board has refused to issue a certificate under subsection three of section five of this Act to any person, or to cause the name of any legally qualified medical practitioner to be registered in accordance with section six of this Act, such person or medical practitioner shall have the right of appeal to the Supreme Court; and such appeal shall be in the nature of a rehearing.

Appeal against refusal by board to issue certificate or to enter name in register.

(f) by inserting in section eleven after the word "aforesaid" where first occurring the words "or is otherwise specially qualified to practice medicine or surgery, or any branch of medicine or surgery";

Sec. 11.
(Penalty for persons not being legally qualified medical practitioners using name or title of physician, &c.)

(g) by omitting section twelve and by inserting in lieu thereof the following new sections :—

New ss. 12, 12A, 12B.

12. (1) No person shall directly or indirectly advertise or hold out either himself or any other person as being entitled, qualified, able, or willing to practice medicine or surgery in any

Advertising.

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any of its branches, or to give or perform any medical or surgical advice, service, attendance, or operation 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 subsection shall be liable to a penalty not exceeding *fifty* pounds for each offence.

(2) Any person who publishes any advertisement which is in contravention of subsection one of this section shall be liable to a penalty not exceeding *twenty* pounds. Publishing advertisements.

(3) 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 member of a life-saving, ambulance, or first-aid association, being a charitable organisation ;
- (b) any member of a mine rescue corps.

12A. (1) 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 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. Advertisements to promote sale of food, drug, or appliance.

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

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12B. Nothing in this Act shall affect the lawful occupation, trade, or business of any registered veterinary surgeon, registered pharmacist, registered dentist, registered nurse, or registered optometrist.

Act not to extend to chemists, &c. cf. Medical Practitioners Act, 1914 (New Zealand), s. 33. New s. 14.

(h) by inserting next after section thirteen the following new section:—

14. (1) The board may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without limiting the generality of the foregoing power, may make regulations prescribing the procedure to be followed at all meetings of the board and at all inquiries held by the board.

(2) A regulation may impose a penalty not exceeding ten pounds for any breach thereof, and any penalty so imposed may be recovered in like manner as a penalty imposed by the Act.

(3) Such regulations shall—

- (a) be approved by the Governor and, after approval, be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.