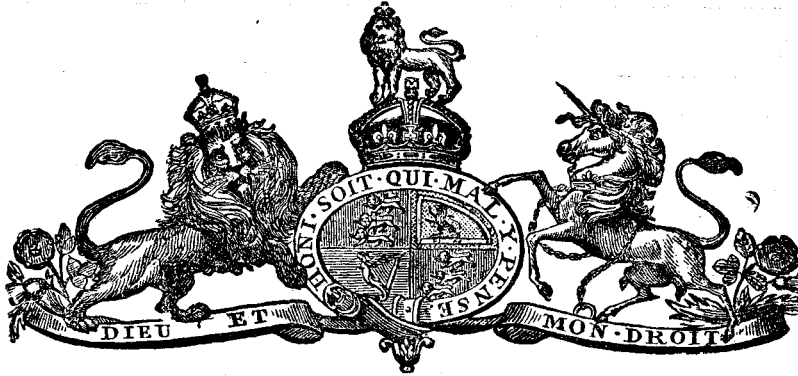


TASMANIA.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 32.

ANALYSIS.

- 1. Short title.
- 2. Repeal.

PART I.—MEDICAL COUNCIL OF TASMANIA.

- 3. Medical Council.
- 4. Effect of absence of member of Medical Council.
- 5. Quorum.
- 6. Evidence of appointment.
- 7. Registration of legally-qualified medical practitioners. First Schedule.
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- 9. Council may alter register and erase name therefrom.
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- 11. *Mandamus* may be granted to compel registration.

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- 13. Qualification of medical practitioners. Second Schedule.
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- 18. Fees to be paid.
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AN ACT to consolidate and amend the Law relating to Medical Practitioners. A.D. 1908.

[14 December, 1908.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

8d.]

Medical Practitioners.

A.D. 1908.

1 This Act may be cited as "The Medical Act, 1908."

Short title.

Repeal.

6 Vict. No. 2.

31 Vict. No. 34.

2—(1.) The Act of Parliament 6 *Victoria*, No. 2, intituled "An Act to amend and consolidate the Laws now in force in this Island regulating the Practice of Medicine therein," and "The Medical Practitioners Amendment Act," are hereby repealed: Provided that such repeal shall not affect any registration purporting to be made or any notice or certificate given, or any licence granted, under the said Acts before the commencement of this Act; and every registration shown in any list of registered medical practitioners gazetted in the year One thousand nine hundred and eight before the commencement of this Act shall for all purposes be as valid and effectual as if registration had been effected, and the same shall be deemed to be a registration effected under the provisions of this Act.

(2.) The Court of Medical Examiners formed under the Acts hereby repealed is hereby abolished as from the date of the appointment of the Medical Council under this Act.

(3.) References in any Act, by-law, or regulation to the said Court of Medical Examiners shall be deemed to refer to and mean the Medical Council appointed under this Act.

PART I.**MEDICAL COUNCIL OF TASMANIA.**

Medical Council.

3—(1.) For the purposes of this Act the Governor may appoint a Council, consisting of Nine members, under the style of "The Medical Council of *Tasmania*," in this Act termed "the Council," who from time to time shall appoint One of their members to be President of the Council.

(2.) No person shall be appointed a member of the Council who is not a member of the medical profession.

(3.) The Governor may from time to time remove all the members of the Council or any of them, and may upon the removal, death, or resignation of any member of the Council appoint such other person as the Governor shall think fit.

(4.) The Council shall have the powers and authority, and exercise the duties and functions, by this Act vested in or imposed upon it.

(5.) The Council may regulate its own procedure.

Effect of absence of member of Medical Council.

4 Whenever any member of the said Council shall have been absent for Three consecutive months from all meetings of the Council without leave obtained from the Council in that behalf, then the office of such member shall thereupon become vacant.

Quorum

5 A quorum of the Council shall consist of not less than Three members thereof, and in the absence of the President from any meeting of the Council One of the members present may be elected chairman of such meeting. During a vacancy in the Council the continuing members may act as if no vacancy had occurred.

Medical Practitioners.

6 Upon the appointment of any person as President or as a member of the Council, notice thereof by the President, or if none, then by the Chief Secretary of this State, shall be published in the *Gazette*, and the *Gazette* containing such notice shall be conclusive evidence of the appointment.

A.D. 1908.

Evidence of appointment.

7 The Council shall from time to time cause the names of all persons certified by the Council to be legally-qualified medical practitioners within the meaning of this Act to be registered, with their qualifications and residences, in a book to be kept by the Council for that purpose in the form in the First Schedule to this Act, or as nearly as conveniently may be in accordance therewith. A copy of the said register as existing on the First day of *January* in every year shall in the month of *January* in each year be published in the *Gazette* by the Council; and a copy of the register for the time being so gazetted as aforesaid shall, upon production of the *Gazette* and without further proof, be evidence in all courts of law and before all justices and others that the persons therein specified are registered according to the provisions of this Act.

Registration of legally-qualified medical practitioners.

First Schedule.

8 The Council may question any person who may attend before the Council as hereinafter mentioned, and any witness who may be produced before the Council, and may take a solemn declaration from such person or witness. And if any person shall wilfully, knowingly, and corruptly make any false statement upon such examination or in such declaration, or shall utter or attempt to utter or put off as true before the Council any false, forged, or counterfeit diploma, degree, licence, certificate, or other document or writing, he shall be guilty of a misdemeanour, and being thereof duly convicted he shall be liable to be imprisoned for any period not exceeding Three years.

Examination of candidates and witnesses.

9 The Council may from time to time make the necessary alterations in the registration of the qualification and addresses of the persons registered under this Act, and may from time to time write or cause to be written a letter to any registered person addressed to him according to his last-known address to inquire whether he has ceased to practise or has changed his residence; and if no answer is returned to such letter within the period of Six months from the sending thereof, the Council may erase the name of such person from the register, and may, if it shall afterwards think fit to do so, restore the same to the register.

Council may alter register and erase name therefrom.

10 If any registered medical practitioner shall be convicted of felony or misdemeanour, or shall after due inquiry be judged by the Council to have been guilty of infamous conduct in any professional respect, the Council may, if it see fit, refuse to issue a certificate under this Act, or, where the certificate has been issued, direct the name of such medical practitioner to be erased from the register.

Power to remove from register persons convicted of felony, &c.

Medical Practitioners.

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Mandamus may be granted to compel registration.

Notice of death or change of residence of legally-qualified medical practitioners to be sent to the Council.

11 The Supreme Court, by *mandamus* directed to the Council, may compel the registration or restoration to the register of any person who in the opinion of the Court shall have been unreasonably refused registration or removed from the register by the Council.

12 Every deputy-registrar of births or deaths on receiving notice of the death of any medical practitioner shall forthwith transmit such notice by post to the President of the Council in *Hobart*; and on receipt of such notice the Council shall erase the name of such deceased medical practitioner from the register of legally-qualified medical practitioners; and any legally-qualified medical practitioner on changing his residence shall intimate the same to the Council.

PART II.

LEGALLY-QUALIFIED MEDICAL PRACTITIONERS

Qualification of medical practitioners. Second Schedule.

13—(1.) Every person possessed or hereafter becoming possessed of any one or more of the qualifications described in the Second Schedule hereto, who shall prove on personal attendance to the satisfaction of the Council 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 recognised for such purpose in the country to which such university, college, or other body may belong, shall be and be deemed to be and shall be entitled to registration as a legally-qualified medical practitioner, and shall receive from the Council a certificate of qualification.

(2.) Any person resident in this State at the commencement of this Act who has previously been authorised to practise as a physician or surgeon in any State of the Commonwealth, and for a period of Six months prior to the commencement of this Act has acted as resident medical officer for a hospital in this State, upon proof thereof to the satisfaction of the Council, shall be entitled to registration as a legally-qualified medical practitioner, and shall receive from the Council a certificate of qualification.

Persons forging or obtaining a certificate under false representation guilty of a misdemeanour.

14 If any person—

- i. Fraudulently or by false representations obtains a certificate as a legally-qualified medical practitioner under the provisions of this Act: or
- ii. Forges, alters, or counterfeits any such certificate: or
- iii. Utters or uses any such forged, altered, or counterfeited certificate, knowing the same to have been forged, altered, or counterfeited: or
- iv. Falsely advertises or publishes himself as having obtained such certificate—

he shall be deemed guilty of a misdemeanour, and being thereof duly

Medical Practitioners.

convicted shall be liable to imprisonment with or without hard labour for any period not exceeding Three years. A. D. 1908.

15 It shall not be lawful for any person, unless registered under this Act, 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 any other medical or surgical name or title; and every unregistered person so offending shall forfeit and pay a sum not exceeding Fifty Pounds, to be recovered in a summary manner: Provided that any person who shall feel himself aggrieved by any such conviction or order of justices may appeal therefrom, in accordance with "The Appeals Regulation Act."

Persons unregistered using medical titles to be subject to fine.

16 Every medical practitioner who at the commencement of this Act is gazetted as a legally-qualified medical practitioner, or who shall have received such certificate of qualification as aforesaid, shall afterwards be entitled to sue in any court of law within this State, to the extent of the jurisdiction of such court, for the recovery of his fees or other remuneration for his professional services, whether medical or surgical; 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; and 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 shall have both prescribed and supplied, unless he shall prove on the trial that he is registered in accordance with the provisions of this Act.

Medical practitioners holding certificates to be entitled to sue for fees, &c.

17 Nothing in this Act shall be construed to infringe on the rights and privileges hitherto enjoyed by chemists and druggists or dentists.

Chemists or dentists not affected.

18 It shall be lawful for the Council to demand and collect in respect of the several matters referred to in the Third Schedule to this Act the fees set out in such schedule. All such fees shall be paid to the Council and applied for the purposes of this Act.

Fees to be paid.

19 All offences against the provisions of this Act, other than offences hereinbefore declared to be misdemeanours, and all penalties and sums of money, under the provisions of this Act may, unless otherwise provided, be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

Procedure. 19 Vict. No. 8.

Medical Practitioners.

A.D. 1908.

FIRST SCHEDULE.

Name.	Address.	Date of Registration in Tasmania.	Qualification.
A.B.	Hobart	May 2, 1891	L.R.C.P. Lond. 1885, M.R.C.S. Eng. 1885, F.R.C.S. Eng. 1888
C.D.	Franklin	Mar. 8, 1892	M.B.C.M. Aber. 1890
E.F.	Westbury	Oct. 26, 1896	M.B.C.M. Aber. 1895
G.H.	New Norfolk	Feb. 23, 1900	L.S.A. Lond. 1881
I.J.	Devonport	Feb. 26, 1903	L.R.C.P. Edin., L.R.C.S. Edin., L.F.P.S. Glasg. 1902
K.L.	Oover	Jan. 4, 1905	M.R.C.S. Eng. 1901, L.R.C.P. Lond. 1902, D.P.H. Camb. 1904

A.B., President of Medical Council.

C.D., Member of Medical Council.

E.F., Do. do.

SECOND 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 King and Queen's 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 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 any University within the British dominions.
11. Any legally-qualified practitioner registered (as appears by the published medical register for the time being in force), and any person possessing a qualification entitling him to be so registered, in the United Kingdom under the Acts of the Parliament of the United Kingdom of Great Britain and Ireland passed respectively in the twenty-first and twenty-second years of Her late Majesty Queen Victoria, intituled "An Act to regulate the Qualifications of Practitioners in Medicine and Surgery," and in the twenty-second year of Her said Majesty, intituled "An Act to amend 'The Medical Act, 1858,'" or any Acts amending the said Acts.
12. Medical officers duly appointed and confirmed of His Majesty's Sea or Land Service.

Medical Practitioners.

A.D. 1908.

THIRD 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

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