

TASMANIA.

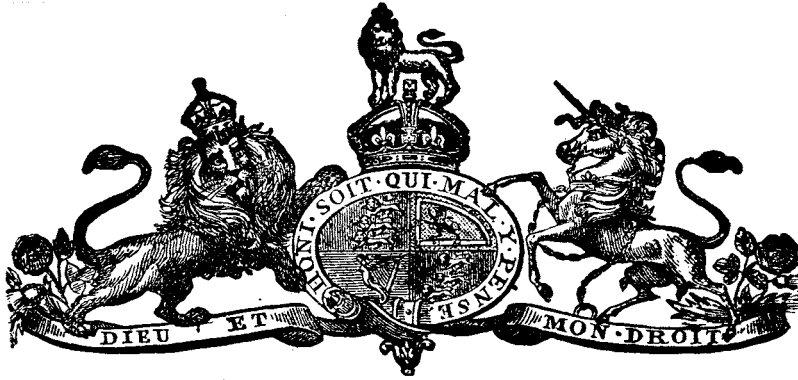
THE MEDICAL ACT, 1918.

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T A S M A N I A



1918.

ANNO NONO

GEORGII V. REGIS.

No. 71.

AN ACT to consolidate and amend the Law ^{A D.} 1918.
relating to Medical Practitioners.

[25 January, 1919.]

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:—

1 This Act may be cited as “The Medical Act, 1918.”

Short title.

2—(1) “The Medical Act, 1908,” is hereby repealed.

(2) Every person whose name is set forth in the copy of the Medical Register published in the “Gazette” bearing date the Thirtieth day of July, One thousand nine hundred and eighteen, is hereby declared to be a legally-qualified medical practitioner of this State under this Act, and the name of every such person with his qualifications and residence, shall, without payment of any fee under this Act, be and be deemed to be registered in the book or register of legally qualified medical practitioners to be kept for the purpose pursuant to Section Nine of this Act, and every such person shall be deemed to be the holder of a certificate of qualification under this Act, and any certificate of qualification granted to him under “The Medical Act, 1908,” shall be deemed to be a certificate of qualification under this Act.

Repeal of
8 Edw. VII. No.
32.

(3) The Medical Council of Tasmania formed under the Act hereby repealed shall cease to exist as a Council as from the date of the appointment of the Medical Council under this Act, but the members of such firstmentioned Council shall be eligible for appointment as members of the Medical Council under this Act.

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(4) References in any Act, by-law, or regulation to the Court of Medical Examiners, formed under the Act of Parliament, 6 Victoria, No. 2, shall be deemed to refer to and mean the Medical Council appointed under this Act.

PART I.

MEDICAL BOARD OF TASMANIA.

Medical Council.

3—(1) For the purposes of this Act the Governor may appoint a Council, consisting of not less than Five nor more than Nine members, under the style of "The Medical Council of Tasmania," in this Act termed "the Council," and may from time to time nominate and appoint One of the 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, or the President, 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.

Council may make rules regulating its meetings and business.

Cf. No. 36, 1894, s. 6 (W.A.).

Council to furnish information to Chief Secretary.

Vacation of seat through absence of member.

Quorum.

Evidence of appointment.

Registration of legally-qualified medical practitioners.

4 The Council may, with the approval of the Chief Secretary, from time to time make rules for regulating the meetings and proceedings of the Council, and the conduct of the business thereof.

5 It shall be the duty of the Council, whenever requested by the Chief Secretary so to do, to furnish him with any information he may require respecting the proceedings or operations of the Council.

6 If without leave previously obtained from the Council in that behalf, any member of the said Council absents himself from Three consecutive meetings of the Council his seat shall thereupon become vacant.

Nothing in this section contained shall affect the power of the Governor to remove any member from office.

7 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.

8 Upon the appointment of any person as President or as a member of the Council, notice thereof 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.

9 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

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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 be delivered by the Council to the Chief Secretary on or before the Fourteenth day of January in each year, and be published in the "Gazette" by the Chief Secretary as soon as practicable. 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.

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First Schedule.

10 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.

Examination of candidates and witnesses.

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 misdemeanor, and being thereof duly convicted he shall be liable to be imprisoned for any period not exceeding Three years.

11 The Council may from time to time make the necessary alterations in the registration of the qualifications 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 practice 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 the Council afterwards thinks fit to do so, restore the same to the register.

Council may alter register and erase name therefrom.

12 If any registered medical practitioner after the passing of this Act shall—

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

i. Be convicted of felony or misdemeanor; or

ii. After due inquiry be judged by the Council to be guilty of infamous conduct in any professional respect

the Council may, if it sees 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

Provided that the name of any member of the staff of the Launceston General Hospital or the Hobart General Hospital, or of any other State-aided hospital in Tasmania, shall not be erased or removed from the register by reason or on account of his becoming or continuing to be a member of such staff, or by reason or on account of anything done or omitted to be done by him in respect of or in connection with his acceptance of his said position or office in such hospital, or in respect of or in connection with his continuance in such position or office.

Proviso.

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Appeal to
Supreme Court
or judge from
action of Council.

13 In case of any refusal by the Council to issue a certificate under this Act, and in case the Council shall have directed the name of any medical practitioner to be erased from the register, any person deeming himself aggrieved thereby shall have the right to appeal from any such refusal to issue a certificate, or from any such direction for the erasing of his name, to the Supreme Court of Tasmania or to a judge thereof; and every such appeal shall be by way of re-hearing. Any such appeal to a judge may be referred by him to the Full Court for its determination thereof.

Notice of such appeal, setting out the grounds thereof, shall be given within Fourteen days after the refusal or direction appealed from and such appeal shall be set down for hearing at such time and place as a judge on summons may order or as may be provided by any rules of court relating to the matter, which rules the court is hereby authorised to make.

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

14 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 practi-
tioners.
Second Schedule.

15 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.

Persons forging
or obtaining a
certificate under
false representa-
tion guilty of a
misdemeanor.

16 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 misdemeanor, and being thereof duly convicted shall be liable to imprisonment with or without hard labour for any period not exceeding Three years.

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17 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."

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Persons unregistered using medical titles to be subject to fine.

18 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.

Prescriptions to be dated, signed, &c.

Cf. No. 2870, 1916 s. 2 (Vict.)

Any such practitioner who contravenes or does not comply with the provisions of this section shall forfeit and pay a penalty not exceeding Five Pounds, to be recovered in a summary way.

19 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.

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

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.

20 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.

21 It shall be lawful for the said 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. Third Schedule.

22 All offences against the provisions of this Act, other than offences hereinbefore declared to be misdemeanors, 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 "The Magistrates' Summary Procedure Act."

Procedure. 19 Vict. No. 8.

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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	March 8, 1892	M.B.C.M. Aber. 1890
E.F.	Westbury	October 26, 1896	M.B.C.M. Aber. 1895
G.H.	New Nortolk	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.	Dover	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 Majesty intituled "An Act to regulate the Qualifications of Practitioners in Medicine and Surgery," and in the twenty-second year of Her 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.

13. Any person who proves to the satisfaction of the Medical Council of Tasmania—

i. That he has passed through a regular graded course of medical study of not less than Four years' duration in a medical college situate in one of the States of the United States of America, and rated and accepted as of Class A by the Council on Medical Education of the American Medical Association; and

ii. That he has received after due examination, from such a medical college a medical diploma or degree, certifying to his ability to practise medicine or surgery, as the case may be; and

iii. That he has received from the State Board of Medical Examiners of the State in which such Medical College is situated a certificate or licence entitling him to practise medicine or surgery, as the case may be, in such State.

*Medical.***THIRD SCHEDULE.**

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	£	s.	d.
For registering person as a medical practitioner	3	3	0
For registering each additional qualification	0	10	0
For restoring name to register	1	1	0

