

Balance due under agreement	£.....
Less statutory rebates	£.....
Add costs of re-possession	£.....
Storage, repair, or maintenance	..	£.....
Total	£.....

If you don't reinstate or finalize the agreement you will be liable for the owner's loss unless the value of the goods re-possessed is sufficient to cover your liability. If the value of the goods is more than sufficient to cover your liability you will be entitled to a refund.

The owner's estimate of the value of the goods re-possessed is £ ..

On the basis of that estimate you are entitled to a refund of £ ..*
liable to pay the owner £ ..*

NOTE.—You may give a written notice to the owner requiring the owner to sell the goods to any cash buyer you can introduce who is willing to pay the owner's estimate of the value, i.e.†.

* Strike out whichever inapplicable.

† Insert owner's estimate of value.

DO NOT DELAY.

Action to enforce your rights should be taken at once. You will lose your rights TWENTY-ONE DAYS after the service or posting of this notice if you do not take action.

If you think you have any rights under the *Hire-Purchase Act* 1959 you should seek advice at once.

NOTE.—Where this notice is sent to a guarantor it shall be endorsed as follows:—

This notice is sent to you as guarantor of

As guarantor you have certain rights under the *Hire-Purchase Act* 1959, and you should seek advice at once.

MEDICAL.

No. 80 of 1959.

AN ACT to consolidate and amend the law relating to medical practitioners.

[23 December 1959.]

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:—

PART I.

PRELIMINARY.

Short title.

1 This Act may be cited as the *Medical Act* 1959.

2 The *Medical Act* 1955 is repealed.

Repeal.

3 In this Act, unless the contrary intention appears—Interpreta-
tion.
No. 72 of
1955, s. 3.

“additional qualification” means a qualification specified in the third column of the first schedule granted by a university or other body specified in relation to that qualification in the first column of that schedule;

“Council” means the Medical Council of Tasmania;

“member” means a member of the Council, and includes the president;

“president” means the president of the Council;

“primary qualification” means a qualification specified in the second column of the first schedule granted by a university or other body specified in relation to that qualification in the first column of that schedule;

“register” means the register of legally-qualified medical practitioners;

“registered” means registered in the register.

PART II.

MEDICAL COUNCIL OF TASMANIA.

4—(1) The Medical Council of Tasmania, established under the Act repealed by this Act, is continued, and the members thereof shall continue in office as if appointed under this Act. Medical Council.
Ibid., s. 4.

(2) The Council shall consist of not less than five or more than nine members appointed by the Governor, one of whom shall be appointed as the president of the Council.

(3) No person may be a member who is not a legally-qualified medical practitioner.

(4) The Council is a body corporate and has perpetual succession and a common seal and may sue and be sued in its corporate name.

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

5—(1) The office of a member becomes vacant if he—Vacation of
office by
member of
the Council.
Ibid., s. 5.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Governor;

(c) is removed from office by the Governor pursuant to subsection (2) of this section; or

(d) attains the age of seventy years.

(2) If a member is absent from three consecutive meetings of the Council without leave granted by the Council, the Governor shall remove him from office.

(3) During a vacancy in the Council the continuing members may act as if no vacancy had occurred.

Proceedings
of the
Council.
Ibid., s. 6.

6—(1) Any three members constitute a quorum of the Council, and in the absence of the president from a meeting of the Council one of the members present shall preside at that meeting.

(2) Subject to this section, the Council may, with the approval of the Minister, make rules for regulating the meetings and proceedings of the Council and the conduct of the business thereof.

(3) When requested by the Minister, the Council shall furnish him with any information he may require respecting the proceedings or operations of the Council.

Evidence of
appointment.
Ibid., s. 7.

7 The Minister shall cause notice of the appointment of a member to be published in the *Gazette* and the copy of the *Gazette* containing the notice is conclusive evidence of the appointment.

Indemnity.
Ibid., s. 7.

8 No act, matter, or thing done or suffered to be done by the Council or by any member, officer, or servant of the Council, if the act, matter, or thing is done in good faith in the administration or intended administration of this Act or in the exercise or performance or intended exercise or performance of any of its or his powers or duties under this Act, subjects the Council or the member, officer, or servant of the Council to any liability in respect thereof.

Council may
require
attendance
of applicant.
Ibid., s. 9.

9 The Council may require the attendance of any person who applies for registration and may refuse to deal further with his application until he has attended and appeared before the Council.

Registration
of legally-
qualified
medical prac-
titioners.
Ibid., s. 10.

10—(1) The Council shall keep a register of legally-qualified medical practitioners in accordance with the form in Part I of the second schedule and a supplementary register in accordance with the form in Part II of that schedule.

(2) Where the Council—

(a) is satisfied that a person is entitled to be registered; or

(b) has been ordered by the Supreme Court to register him,

it shall, upon his payment of the prescribed fee and subject to any conditions or terms imposed by the Supreme Court, cause that person to be registered and to receive a certificate of registration.

(3) Where a person is to be granted a licence under section nineteen or a certificate of provisional registration under section twenty-three the Council shall, upon his payment of the prescribed fee, cause that person's name, qualification, and residence to be entered in the supplementary register.

(4) The Council shall cause a copy of the register and the supplementary register, as existing on the first day of January in every year, to be delivered to the Minister on or before the thirty-first day of January in that year, and the Minister shall forthwith after the delivery to him of that notice, cause it to be published in the *Gazette*.

(5) The production of a copy of the *Gazette* purporting to contain a copy of the register or supplementary register is *prima facie* evidence that the persons therein specified are registered, provisionally registered, or licensed, as the case may be, according to the provisions of this Act.

(6) The absence of the name of a person from a copy of the register or supplementary register is sufficient evidence until the contrary is shown that that person is not registered, provisionally registered, or licensed, as the case may be, according to the provisions of this Act.

(7) Notwithstanding subsection (6) of this section, where the name of a person does not appear in a copy of the register or supplementary register, a certified copy under the hand of the president or secretary of the Council of the entry of the name of that person in the register or supplementary register is evidence of the contents of the register or supplementary register with respect to that entry.

(8) For the purposes of this section, all courts and justices, and all boards and persons having by law or by consent of parties, or by virtue of a Royal Commission, authority to hear, receive, and examine evidence or to make an inquiry, shall take judicial notice of the signature of every person who holds or, since the commencement of the *Medical Act* 1918, has held the office of president or secretary of the Council, and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to a certificate or any official document or memorandum.

(9) Unless the contrary intention appears, the expression "legally-qualified medical practitioner" or "duly qualified medical practitioner", in an Act or instrument, means a person who has been, and still is, registered.

11 The Council may cause to be entered in the register or the supplementary register, as the case may require—

Alteration of
register.
Ibid., s. 11.

(a) particulars of any change in the qualifications possessed by a registered medical practitioner; and

(b) alterations in the address of a person shown therein.

Annual
registrations.
Ibid., s. 12.

12—(1) A registered medical practitioner shall, on or before the thirtieth day of September in each year—

- (a) pay to the Council an annual registration fee for the year commencing on the first day of January next following; and
- (b) furnish to the Council particulars of his address and of any change of his qualifications.

(2) If a registered medical practitioner does not pay an annual registration fee on or before the thirtieth day of September in any year, the Council shall forthwith notify him, by letter addressed to him at his last known address, that if the fee is not paid before the thirty-first day of December next following his name will be removed from the register.

(3) If a medical practitioner does not comply with a notification under subsection (2) of this section, the Council shall forthwith remove his name from the register.

(4) If a person's name is removed from the register under this section, the Council shall restore it—

- (a) upon application by that person in the prescribed form; and
- (b) upon payment of the prescribed fee.

(5) The Council may waive the payment of the whole or such part of the fee mentioned in subsection (4) of this section as it, in its discretion, may, in a particular case, determine.

Notice of
death or
change of
address.
Ibid., s. 13.

13—(1) A registrar of births and deaths, on receiving notice of the death of a medical practitioner, shall forthwith transmit that notice by post to the president; and on receipt of the notice the Council shall cause the name of that medical practitioner, if registered, to be struck off the register.

(2) A registered medical practitioner on changing his address shall forthwith notify the Council.

PART III.

REGISTRATION OF MEDICAL PRACTITIONERS.

Ordinary
registration
of medical
practitioners.

4 & 5 Eliz. 2,
c. 76, s. 7.

14 Subject to this Act a British subject who—

- (a) holds one or more primary qualifications;
- (b) has passed a qualifying examination; and
- (c) satisfies the requirements of section twenty as to experience,

is entitled to be registered under this section and to have his primary qualifications registered thereunder.

15—(1) A person holding an additional qualification, if registered under section fourteen or on becoming so registered, is entitled to have that qualification registered in substitution for or in addition to any qualification previously so registered.

Additional qualifications and additional primary qualifications.

Ibid., s. 8.

(2) An additional qualification confers upon the holder thereof the same rights to registration under section fourteen as a primary qualification.

(3) A registered medical practitioner who has acquired a primary qualification in addition to the qualification by virtue of which he was registered is entitled to have it registered in addition thereto.

16 Subject to this Act, a qualifying examination for the purposes of this Act is an examination in medicine, surgery, and midwifery held for the purpose of granting one or more of the qualifications specified in the first schedule that is—

Qualifying examinations.

Cf. ibid., s. 11.

- (a) held by a university in the Commonwealth; or
- (b) a qualifying examination for the purposes of the *Medical Act 1956* of the Imperial Parliament or any enactment in substitution therefor.

17—(1) Subject to this Act, a British subject who is not entitled to be registered under section fourteen but who—

Imperial qualifications.

- (a) is entitled, subject to any requirement as to experience, to be registered as a fully registered medical practitioner in the United Kingdom under the *Medical Act 1956* of the Imperial Parliament as from time to time amended or under any Imperial Act in substitution therefor; and

- (b) satisfies the requirements of section twenty as to experience,

is entitled to be registered under this section and to have the qualifications in respect of which he is entitled to be registered in the United Kingdom registered thereunder.

(2) For the purposes of this section—

- (a) entitlement to registration in the United Kingdom is to be determined as if the applicant were then applying for registration there; and

- (b) unless the contrary intention appears, “qualification” means a diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate, or other status or document granted—

- (i) in respect of medicine, surgery, and midwifery or any of them, or any branch of medicine or surgery; and

- (ii) by a university, college, or other body, or society, or by a department of, or persons acting under the authority of, the government of any country or place within or without the Queen’s dominions.

(3) Where a person registered under this section obtains—

(a) a qualification mentioned in the first schedule; or

(b) a qualification in respect of which he might be registered in the United Kingdom in substitution for or in addition to a qualification in respect of which he has been registered under this section,

he is entitled to have that qualification registered in substitution for, or in addition to, any qualification previously registered.

(4) The Governor, on the recommendation of the Council, may provide by order-in-council that an application of an Imperial Act or part thereof to a country or a qualification by virtue of which a person is entitled to be registered as mentioned in paragraph (a) of subsection (1) of this section shall not be recognized for the purposes of this Act.

(5) A person not entitled to be registered as mentioned in paragraph (a) of subsection (1) of this section except by virtue of an application or a qualification that is not to be recognized because of an order under subsection (4) is not entitled to be registered under this section.

Common-
wealth quali-
fications.

18—(1) Subject to this Act, a British subject who is not entitled to be registered under section fourteen or section seventeen but who was registered in this State before the first day of October 1959 by virtue of the fact that he was by the law of a State of the Commonwealth a legally-qualified medical practitioner, registered therein by an Act of the Parliament of that State relating to the practice of medicine and surgery, is entitled to be registered under this section as if he were entitled to be registered under section fourteen.

(2) A person registered under this section is entitled—

(a) to have registered as his qualification thereunder the qualification “Tasmanian Licentiate in Medicine and Surgery”; and

(b) to use that qualification,

as if he held a special licence under section nineteen in both medicine and surgery.

(3) Where a person registered under this section obtains a qualification mentioned in the first schedule he is entitled to have that qualification registered in substitution for or in addition to any qualification previously registered.

Special
licences.
No. 72 of
1955, s. 15.

19—(1) A person who—

(a) has passed through a regular graded course of medical study lasting at least five years in some school of medicine;

(b) has received, after examination, from that school of medicine or from a university, college, or other institution of which that school of medicine is part or with which it is connected, a degree, diploma, licence, or fellowship equivalent

to one of the primary qualifications, which degree, diploma, licence, or fellowship that school, university, college, or other institution was then empowered to grant by the law of the place where it then was, and which was then in that law evidence of ability to practise medicine or surgery or both; and

- (c) is or was, by the law of that or some other place entitled to be registered or to practise as a medical practitioner,

may, on the Minister's recommendation, apply to the Council to approve his further training under this section.

(2) On receipt of an application under this section the Council, on being satisfied that the applicant has the qualifications he claims, may give its approval to the applicant's undergoing further training.

(3) Further training under this section shall be for a period of not less than twelve months approved by the Council—

- (a) under articles of apprenticeship in a form approved by the Council to the superintendent of, or some other medical practitioner employed on full-time duty in, a hospital in this State approved by the Council; or
- (b) as an employee of the governors or board of management of a hospital in this State approved by the Council employed to assist the superintendent of, or some other medical practitioner (being a medical practitioner who is employed on full-time duty) in, that hospital.

(4) The Council may approve or direct—

- (a) any variation, discharge, or transfer of articles;
or

- (b) any change of hospital or employment,

for the purposes of this section.

(5) When an applicant under this section has completed his further training as provided by this section, and has been certified by the medical practitioner to whom he was apprenticed or assistant to be competent in the duties assigned to him (to which opinion or its contrary that medical practitioner is bound to certify when asked by the applicant), he may apply to the Council for a special licence under this section.

(6) The Council may, if it thinks fit, in any case or class of cases, dispense with the requirements of subsection (5) of this section with respect to the certificate therein mentioned.

(7) A special licence entitles the licentiate—

(a) to practise, subject to subsection (8) of this section, in any branch or branches of medicine or surgery or both, according as is specified in the licence, as if he were registered under this Act; and

(b) to call himself Tasmanian Licentiate in Medicine or in Surgery or in Medicine and Surgery, as the case may be.

(8) The right to practise conferred by a special licence shall be limited during the first three years that the licentiate holds a special licence to such cities, counties, municipalities, towns, and islands as the Minister, by notice in the *Gazette*, appoints for the holder of the licence.

(9) Subject to subsection (11) of this section, if the Council, after such examination and inquiry as it thinks proper, is of opinion that the applicant has sufficient experience in the practice of medicine and surgery for the purpose of the licence it proposes to grant, it may grant to the applicant under its common seal a special licence having effect for one year, renewable likewise year after year with such variations in respect of art as the Council thinks fit.

(10) The Council shall grant not more than two original special licences in any one year.

(11) If practicable, an examination for the purposes of subsection (9) of this section shall be conducted by such persons, being persons who are examiners in the medical school of some Australian university, as the Council may determine.

(12) No special licence to practise medicine and surgery generally shall be granted except upon the licentiate's passing an examination under subsection (9) of this section that is equivalent to the final examinations for the bachelor's degrees in medicine and surgery in some Australian university selected by the Council.

(13) The holder of a special licence shall, during the currency of his licence, be deemed for all purposes to be registered under this Act, but shall not practise outside the terms of his licence, as and if limited under subsection (8) of this section, except in an emergency, upon pain, in the Council's discretion, of forfeiting his licence.

(14) Sections twenty-four to twenty-seven shall, with all necessary changes, apply to holders of special licences, cancellation of the licence being deemed to be equivalent to removal from the register.

(15) A British subject who holds a special licence under this section to practise both medicine and surgery generally which has been thrice renewed is entitled to be registered under this section and to have registered as his qualification

thereunder the qualification "Tasmanian Licentiate in Medicine and Surgery".

(16) The holder of a special licence under this section is entitled to its renewal until it is lawfully forfeited or cancelled.

(17) If the holder of a special licence under this section becomes registered under this Act, his licence as then held endures without formal renewal so long as he remains so registered.

(18) Where a person registered under this section obtains a qualification specified in the first schedule he is entitled to have that qualification registered in substitution for or in addition to any qualification previously registered.

20—(1) The experience required for the purposes of sections fourteen and seventeen is that a person—

Experience.

Cf. 4 & 5
Eliz. 2, c. 76,
s. 22,
No. 41 of
1955 (S.A.),
s. 30A, 3 Geo.
VI No. 10,
(Qd.), s. 19.

- (a) has, after passing a qualifying examination for the purposes of section fourteen, served for a period of, or for periods amounting in the aggregate to, at least twelve months as a resident medical officer in an approved hospital or two or more approved hospitals in this State or elsewhere and has obtained experience satisfactory to the Council in medicine, surgery, and midwifery and has obtained a certificate from the governing body of that hospital or, as the case may be, certificates from the governing bodies of each of those hospitals certifying that his service as a resident medical officer was performed and completed to the satisfaction of the relevant governing body;
- (b) being entitled to practise medicine and surgery, has, for a period of at least three years or more, practised in another State or Territory of the Commonwealth or in a country outside Australia; or
- (c) has rendered satisfactory service in an appointment or appointments whether within or without the Queen's dominions such as in the opinion of the Council confer experience of the practice of medicine and surgery, or medicine, surgery, and midwifery, not less extensive than would be conferred by compliance with paragraph (a) of this subsection.

(2) In this section "approved hospital" means a hospital or institution, in this State or elsewhere, that the Council has, by notice in the *Gazette*, declared to be an approved hospital for the purposes of this section.

Procedure
for registra-
tion.
Cf. No. 72 of
1955, s. 14.

21—(1) An applicant for registration shall satisfy the Council that he is—

- (a) entitled thereto;
- (b) of good fame and character; and
- (c) still entitled to practise medicine and surgery in the place where the qualification on which he bases his application was obtained.

(2) The Council may require an applicant for registration to attend personally before the Council for the purpose of proving facts on which his right to registration depends.

(3) If not satisfied that an applicant is entitled to be registered the Council may refuse the application or adjourn it for further consideration.

(4) If a person who applies for registration is dissatisfied with the decision of the Council he may apply to the Supreme Court, by motion made within three months after the giving of the decision, for an order directing the Council to register him.

(5) In pursuance of subsection (4) of this section the court may—

- (a) order that the person applying be registered;
- (b) order that he be registered conditionally or upon terms; or
- (c) decline to make an order.

(6) Where an applicant is no longer entitled to practise as provided in paragraph (c) of subsection (1) of this section for political reasons considered by the Council irrelevant to the practice of medicine or surgery, it may exempt him from compliance with that paragraph.

Discretionary
qualifica-
tions.
Cf. 4 & 5
Edw. 2, c. 76,
s. 48.

22—(1) Where a registered medical practitioner has obtained a recognized special qualification, he is entitled to have it registered in addition to any qualification previously registered.

(2) The Governor, on the recommendation of the Council, may, by proclamation, declare any diploma manifesting proficiency in any special branch of medicine, surgery, or midwifery to be a recognized special qualification for the purposes of this section.

(3) In this section the expression “diploma” includes a degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate, or other status or document.

Provisional
registration.
No. 72 of
1955, s. 14A
(2), (3).

23—(1) For the purpose of enabling a person to perform within this State the services mentioned in paragraph (a) of subsection (1) of section twenty, the Council may grant to that person a certificate of provisional registration if that person satisfies the Council that, except for the performance of that service, he is entitled to be registered.

(2) Subject to this Act, the holder of a certificate of provisional registration under this section shall, in respect of the performance in this State of his service as a resident medical officer and of his professional duties and functions as such, but not otherwise, be deemed to be a legally-qualified medical practitioner.

24—(1) If—

- (a) a registered medical practitioner is adjudged by the Council, after due inquiry, to have been guilty of infamous conduct in a professional respect;
- (b) a registered medical practitioner has, before or after his registration, been convicted in this State of a crime or a contravention of the *Dangerous Drugs Act* 1959, or elsewhere of an offence which, if committed in this State, would be a crime or a contravention of that Act;
- (c) the qualification in respect of which a medical practitioner is registered has been withdrawn or cancelled by the university, college, or other body by which it was conferred or by the General Council of Medical Education and Registration of the United Kingdom;
- (d) the name of a medical practitioner has been removed from the register in the United Kingdom, another State, a Territory of the Commonwealth, or another country whose degrees, diplomas, fellowships, memberships, or licences in medicine or surgery are a qualification for registration under this Act; or
- (e) a registered medical practitioner is an insane person certified under the *Mental Hospitals Act* 1858,

Disciplinary
powers of the
Council.
Cf. 4 & 5
Eliz. 2, c. 76,
s. 33.

the Council may, if it thinks fit, remove his name from the register or impose a punishment mentioned in subsection (2) of this section.

(2) Where a registered medical practitioner is adjudged by the Council, after due inquiry, to have been guilty of improper conduct in a professional respect, the Council may, in its discretion—

- (a) suspend the registration of the registered medical practitioner for such period as it thinks proper;
- (b) order that he pay a fine of such amount, not exceeding two hundred pounds, as it thinks proper; or
- (c) reprimand him.

(3) Where the registration of a registered medical practitioner has been suspended in the United Kingdom, another State, a Territory of the Commonwealth, or another country whose degrees, diplomas, fellowships, memberships, or licences

in medicine or surgery are a qualification for registration under this Act, the Council may, in its discretion, suspend his registration in this State for the same period.

(4) During the suspension of the registration of a medical practitioner, the name of the medical practitioner shall be deemed to be removed from the register.

(5) Where a university or other body having granted to a person a qualification registrable under this Act exercises a power conferred by law to revoke its grant and notifies to the Council the fact of the revocation, the Council may—

- (a) make a note of the fact in the register; and
- (b) where the university or other body notifies to the Council the findings of fact on which the decision to revoke was based treat for the purpose of any inquiry whether that practitioner has been guilty of infamous or improper conduct in a professional respect as conclusive of the facts found.

(6) Without prejudice to the generality of the expression "improper conduct", that expression shall be deemed to include gross negligence, incompetency, drunkenness frequently at short intervals of time, or addiction to a deleterious drug.

(7) It is improper conduct in a professional respect for a medical practitioner to put on his plate or stationery or use in any other way, in connection with his medical practice, a degree, diploma, fellowship, membership, or licence in medicine, surgery, or midwifery, or any other token of qualification in medicine, surgery, or midwifery which is not shown as his in the register.

(8) Nothing contained in this section affects the use in an academic or scholastic connection of a degree, diploma, or academic title conferred by a university, college, or society, having power so to do by the law of the country where it is.

(9) Notwithstanding the provisions of subsection (7) of this section, a medical practitioner who holds—

- (a) a certificate of provisional registration under section twenty-three may use the qualifications in respect of which his certificate was granted; or
- (b) a special licence under section nineteen, may use that licence,

in respect of his medical practice.

(10) Where a registered medical practitioner has had—

- (a) his name removed from the register; or
- (b) his registration suspended,

under this section, the Council may notify the removal or suspension and the cause thereof to any authority outside the State by whom he is registered as a medical practitioner and to any university or other body that has granted him a qualification registrable under this Act.

(11) This section applies to holders of special licences under section fifteen who have not been registered, as nearly as possible as if they were registered so that—

- (a) where a registered medical practitioner would have his name removed from the register, their licences may be withdrawn and cancelled; and
- (b) where a registered medical practitioner would have his registration suspended, their licences may be withdrawn and not returned or renewed till the period of suspension has ended.

(12) This section applies to persons registered provisionally under section twenty-three as nearly as possible as if they were registered.

25—(1) The Council may charge a medical practitioner to whom section twenty-four applies with infamous or improper conduct in a professional respect or other cause for action under that section—

Procedure.
Cf. 3 Geo. VI
No. 10 (Qd.),
s. 37 (3).

- (a) upon its own motion; or
- (b) upon the investigation in accordance with this section of a complaint made under subsection (2) of this section.

(2) A person who is aggrieved by any infamous or improper conduct in a professional respect of a medical practitioner to whom section sixteen applies may make a complaint, in writing, to the Council in respect of that conduct.

(3) Without limiting its power to investigate a complaint, the Council may require a complainant under subsection (2) of this section—

- (a) to give further particulars of the grounds of his complaint; and
- (b) to verify the complaint or those particulars by statutory declaration.

(4) The Council shall proceed to charge the person complained of with infamous or improper conduct in a professional respect if, upon investigation, it is of the opinion that the evidence has sufficiently established a *prima facie* case.

(5) The Council shall hear and determine each charge made under this section.

(6) For the purpose of hearing a charge under this section, the Council shall, except as provided in subsection (7), summon the person charged to appear before it by means of a summons—

- (a) stating the nature and particulars of the charge;
- (b) sealed with the common seal of the Council; and
- (c) served personally or by registered post.

(7) A summons shall not be served on a person charged under paragraph (e) of subsection (1) of section twenty-four, but, instead, notice of the summons shall be given to the Director of Mental Health who shall—

(a) subject to paragraph (b) of this subsection, take proper steps at the expense of that person to guard his interests; and

(b) notify the committee or quasi-committee, if any, of the estate, of the person charged and take no further steps in the matter if so requested by the committee or quasi-committee.

(8) If a person duly served with a summons under this section—

(a) fails to appear in accordance with the summons; or

(b) having so appeared, absents himself during the hearing of the charge,

the Council may proceed as if he were present.

(9) Upon a charge of infamous conduct in a professional respect, the Council may adjudge the person charged to have been guilty of improper conduct in a professional respect where the proven facts relevant to the charge so allow.

(10) Where a medical practitioner is to suffer removal from the register, suspension, or a fine, the Council shall express its decision in the form of an order under its common seal which shall be served on or by the medical practitioner or notified in the same way as a summons under this section.

Appeals
against
orders of
the Council.
No. 72 of
1955, s. 17.

26—(1) A person who is aggrieved by an order of the Council under section twenty-four may appeal, in accordance with the Rules of Court, to the Supreme Court.

(2) On an appeal under this section, the Supreme Court—

(a) shall be constituted by a single judge;

(b) shall hear the appeal by way of re-hearing;

(c) may confirm, reverse, mitigate, or vary the order of the Council or make such other order in the matter as it thinks fit; and

(d) may reserve any point of law arising in the appeal for the Full Court or direct any point so arising to be argued in the Full Court,

and the Full Court has power to hear and determine any point so reserved or directed to be argued.

(3) An order of the Supreme Court made upon an appeal under this section has the like effect, and is enforceable in the like manner, as if it were made by the Council.

Restoration
to the
register.
4 & 5 Eliz. 2,
c. 76, s. 34.

27—(1) Where the name of a person has been removed from the register or the supplementary register under section twenty-four, the Council may, if it thinks fit, at any time direct his name to be restored to the register.

(2) An application for the restoration of a name to the register shall not be made to the Council—

(a) before the expiration of eleven months from the date of removal; or

- (b) in any period of eleven months for which such an application has already been made by or on behalf of the person whose name has been removed.

(3) In the case of a person who, before the removal of his name was provisionally registered under section twenty-three, a direction under this section shall be a direction that his name be restored by way of provisional registration under that section.

28—(1) If it is proved to the satisfaction of the Council that an entry in the register has been fraudulently or incorrectly made, the Council may cause the entry to be erased from the register. Removal from register on grounds of fraud or error. *Ibid.*, s. 35.

(2) A person may be registered in pursuance of any provision of this Act notwithstanding that his name has been erased under subsection (1) of this section, but, if it was so erased on the grounds of fraud, the Council may, if it thinks fit, decide that he shall not be restored or shall not be registered until the expiration of such period as it may specify.

(3) A decision under subsection (1) of this section is subject to subsection (10) of section twenty-five and to appeal as provided in section twenty-six.

29 A finding of fact that is adverse to the professional conduct of a registered medical practitioner in any proceedings in the Supreme Court and on appeal therefrom to which that medical practitioner is a party or on appeal from a decision in those proceedings is conclusive evidence of the fact found in a hearing of a charge by the Council under section twenty-four or in proceedings under section twenty-seven. Where finding of fact conclusive evidence. No. 72 of 1955, s. 19.

30—(1) No person shall—

- (a) pretend to be, or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, master in surgery, bachelor of medicine, bachelor in surgery, doctor, surgeon, medical or general practitioner, or any other medical or surgical name or title; or Unregistered person not to use medical title, &c. *Ibid.*, s. 20.
- (b) for fee or reward, or in expectation of receiving a fee or reward—
- (i) practise as a physician or surgeon;
 - (ii) prescribe to be taken or administer any medicine;
 - (iii) administer an anaesthetic by the inhalation, ingestion, or injection of a drug or any other substance, not being liquor within the meaning of the *Licensing Act 1932*; or

(iv) perform any surgical act or operation,

unless he is registered under this Act.

Penalty: For a first offence, two hundred pounds; for a subsequent offence, two hundred pounds or six months' imprisonment or both.

(2) No person shall sign a certificate of cause of death, required by section thirty-four of the *Registration of Births and Deaths Act 1895* to be given by a medical practitioner, unless he is a person registered under this Act.

Penalty: Two hundred pounds.

(3) No registered medical practitioner in active practice, without reasonable excuse, the proof of which is upon him, shall fail or refuse to consult with, or render professional assistance, in consultation, to any other registered medical practitioner seeking his advice or assistance.

Penalty: Minimum, fifty pounds; maximum, two hundred pounds.

(4) For the purposes of subsection (3) of this section, a resolution or by-law, or an agreement of any company, association, or body of persons, whether verbal or written, does not constitute a reasonable excuse.

(5) A registered medical practitioner who seeks any advice or assistance as mentioned in subsection (3) of this section shall pay to the registered medical practitioner rendering that advice or assistance a fair and reasonable fee, including expenses, if any, for that advice or assistance, and shall, if requested, pay that fee in advance.

(6) No person shall directly or indirectly prevent, or endeavour to prevent, or aid in preventing, in any way, any medical practitioner, nurse, or other person from applying for, accepting, or holding any appointment or position in a State-aided hospital or charitable institution.

Penalty: Minimum, twenty-five pounds; maximum, two hundred pounds.

Prescriptions.
Ibid., s. 21.

31 A written prescription of a registered medical practitioner shall be dated and bear the usual signature, including the surname, of that practitioner.

Penalty: Five pounds.

Registered medical practitioner entitled to sue for fees.
Ibid., s. 22.

32—(1) A registered medical practitioner is entitled to sue in any court of competent jurisdiction for the recovery of his fees or other remuneration for his professional services, whether medical or surgical; and it is sufficient to state in the particulars of claim or demand the words "for medical services" which shall be deemed to include every claim or demand for medical or surgical aid, including advice and, when supplied by the plaintiff to the defendant, medicines.

(2) No person is entitled to recover any charge in any court for any medical or surgical advice or attendance, or for the performance of any surgical operation, or for any medicine which he has prescribed and supplied, unless he proves that he is registered in accordance with the provisions of this Act.

PART IV.

MISCELLANEOUS.

33 This Act does not affect the rights and privileges hitherto enjoyed by registered pharmaceutical chemists and certified dentists.

Non-application of Act.
Ibid., s. 23.

34—(1) For the purposes of—

Evidence.

- (a) ascertaining whether a person applying for registration is entitled thereto;
- (b) investigating a complaint under section sixteen; or
- (c) hearing a charge under that section,

Ibid., s. 24.

the Council may, by a summons under its common seal, require any person to attend before it to give evidence and bring with him and produce any document.

(2) A summons under subsection (1) of this section has the same effect as a subpoena *ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action; and obedience thereto or non-observance thereof may be enforced or punished in the Supreme Court in the same manner as disobedience to, or non-observance of, a subpoena issued out of that Court.

(3) The Council may examine on oath, to be administered by the president, any person applying for registration and any witness attending for a purpose mentioned in subsection (1) of this section.

35 A person who, in connection with the obtaining or retaining of registration, utters or attempts to utter or put off as true before the Council any false, forged, or counterfeit testimonial, diploma, licence, certificate, degree, or other document or writing, is liable to be imprisoned for twelve months.

Offences.
Ibid., s. 25.

36—(1) The Council may demand and collect the fees prescribed in respect of the several matters set forth in the third schedule.

Fees.

Ibid., s. 26.

(2) A—

- (a) fee prescribed under this Act; or
- (b) fine imposed by the Council under section twenty-four or by the Supreme Court under section twenty-six,

shall be paid to the Council and applied for the purposes of this Act.

37—(1) Where a legally-qualified medical practitioner after examining a person certifies, under or for the purposes of any law in force in this State relating to lunatics, idiots, or persons of unsound mind, that that person is a lunatic or an idiot or is a person of unsound mind, he shall, if that person is registered under this Act or is the holder of a certificate

Medical practitioner to notify Council if he certifies another medical practitioner to be a lunatic, &c.

of provisional registration under section twenty-three, within forty-eight hours after so certifying that person, notify the Council that he has so certified that person.

(2) A legally-qualified medical practitioner who fails to comply with the provisions of this section is guilty of an offence.

Penalty: Twenty-five pounds.

Saving of
existing
rights.

38—(1) Medical practitioners who are registered under the *Medical Act* 1955 at the commencement of this Act and are not entitled to obtain registration under this Act, if any, are entitled to be registered under this section by virtue of their former registration.

(2) Where on an application for registration made before the commencement of this Act the applicant is not entitled to be registered but would have been entitled to be registered if the *Medical Act* 1955 had not been repealed, he is entitled to be registered under this section as if his application had been granted before the commencement of this Act.

Transitory
provisions.

39 The Council shall forthwith bring the register into conformity with this Act by—

- (a) removing from the register to the supplementary register persons holding only a certificate of provisional registration granted under section fourteen A of the *Medical Act* 1955;
- (b) entering therein all persons registered under paragraph 13 of the third schedule to that Act; and
- (c) deleting all qualifications which, in the case of persons registered after the commencement of this Act, will not be registrable thereunder.

Regulations.
Ibid., s. 27.

40 The Governor may make regulations for the purposes of this Act.

THE FIRST SCHEDULE.

(Section 3.)

Registrable qualifications.

University or other body granting qualification.	Primary qualifications.	Additional qualifications.
Any university in Australia, England, Ireland, Scotland, or Wales	Degree of bachelor of medicine, licence or licentiate in medicine, degree of bachelor of surgery	Degree of doctor of medicine, master of surgery, or master in obstetrics
Any university in Ireland	Licence in surgery	—
Royal College of Physicians of London	Licentiate	Fellowship, membership
Royal College of Surgeons of England	Membership, licentiate in midwifery	Fellowship
Society of Apothecaries of London	Licentiate, licentiate in medicine and surgery	—
Royal College of Physicians of Edinburgh	Licentiate	Fellowship, membership
Royal College of Surgeons of Edinburgh	Licentiate	Fellowship
Royal Faculty of Physicians and Surgeons of Glasgow	Licentiate	Fellowship
Royal College of Physicians of Ireland	Licentiate	Fellowship, membership, licentiate in midwifery
Royal College of Surgeons in Ireland	Licentiate	Fellowship, licentiate in midwifery
Apothecaries' Hall, Dublin	Licentiate	—

THE SECOND SCHEDULE.

(Section 10.)

PART I.

Register of legally-qualified medical practitioners.

Name.	No.	Date of registration in Tasmania.	Qualifications.	Address.
A.B.	II. 616	Mar. 13, 1953	M.B., Ch.B., Belfast, 1937	Lachlan Park Hospital, New Norfolk
C.D.	67	Jan. 7, 1913	M.B., Melb., 1910, B.S., Melb., 1911	Latrobe
E.F. ...	II. 202	Feb. 8, 1940	M.B., B.S., Melb., 1937. M.D., Melb., 1947	148 Macquarie St., Hobart
G.H.	II. 414	June 8, 1948	M.B., B.S., Adel., 1922, F.R.C.S., Edin., 1930	32 Brisbane St., Launceston
J.K. ...	II. 637	Sept. 30, 1956	T.L.M.S.	Snug

PART II.

Supplementary register.

Name.	No.	Date of original licence or certificate.	Why entered.	Address.
Q.R.	July 15, 1956	T.L.M.S.	Launceston
S.T.	Oct. 22, 1957	T.L.M.S.	Queenstown
V.W.	Jan. 15, 1959	Provisional registration	Hobart

THE THIRD SCHEDULE.

(Section 36.)

MATTERS IN RESPECT OF WHICH FEES MAY BE PRESCRIBED.

Registering a person as a medical practitioner.
 Registering each additional qualification.
 Annual registration under section twelve.
 Renewal of special licence under section nineteen.

AUCTIONEERS AND ESTATE AGENTS.

No. 81 of 1959.

AN ACT to consolidate and amend certain enactments relating to auctioneers and estate agents, and to make provision for the regulation of real estate salesmen. [23 December 1959.]

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:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as the *Auctioneers and Estate Agents Act 1959*.

(2) This Act shall commence on a date to be fixed by proclamation.

2 The *Auction Act 1917* and the *Estate Agents Act 1926* are repealed.

Short title
and com-
mencement.

Repeal.