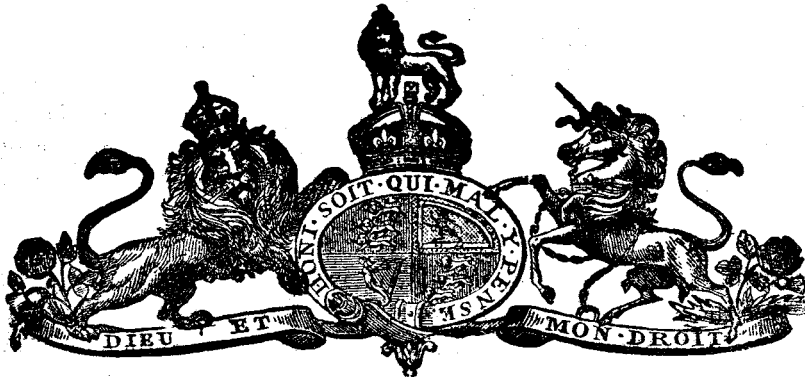


TASMANIA.



1919.

ANNO DECIMO

GEORGII V. REGIS.

No. 48.

ANALYSIS.

- | | |
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| <ul style="list-style-type: none"> 1. Short title and incorporation with No. 9 of 1918. 2. Amendment of Section 2 of Principal Act. 3. Amendment of Section 9 of Principal Act. 4. Repeal of Sections 12 and 13 of Principal Act. 5. References in other Acts to legally or duly qualified medical practitioner. Application for registration and proceedings thereon. Discretion of the Council. Appeal from the Council. Cancellation of registration for fraud and on other grounds. How evidence may be taken. Officers of State. | <ul style="list-style-type: none"> 6. Unregistered persons not to practice for fee or reward. 7. Amendment of Section 17 of Principal Act. 8. Registered person to give certificate of cause of death. 9. Medical practitioner refusing to consult with another guilty of an offence. Penalty. Practitioner seeking the advice legally liable to pay fee therefor. Offence to prevent any person applying for, &c., a position in any State-aided hospital, &c. 10. Costs in Supreme Court proceedings. 11. Amendment of Second Schedule to Principal Act. |
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AN ACT to amend "The Medical Act, 1918," and for other purposes. [24 December, 1919.]

A.D. 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, 1919," and shall be incorporated with and construed as one with "The Medical Act, 1918," in this Act referred to as the Principal Act.

Short title and incorporation with No. 9 of 1918 (9 Geo. V. No. 71).

Medical Practitioners Amendment.

A.D. 1919.

Amendment of
Section 2 of
Principal Act.

2 Subsection (2) of Section Two of the Principal Act is hereby amended, as from the commencement of that Act, by inserting at the commencement of that subsection, after the figure “(2),” the words “subject to Section **15d** of this Act.”

Amendment of
Section 9 of
Principal Act.

3 Section Nine of the Principal Act is hereby amended by inserting at the end thereof the following words:—“The absence of the name of any person from such copy of the register shall be sufficient evidence until the contrary is shown that such person is not registered according to the provisions of this Act :

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the President or Secretary of the Council of the entry of the name of that person on the register shall be evidence of the contents of the register with respect to that entry.

For the purposes of this section all courts of law, 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 enquiry, shall take judicial notice of the official signature of every person who holds or, since the commencement of this Act, has held the office of President or Secretary of the Council, and of the fact that such person holds or has held such office, if the signature purports to be attached or appended to any certificate or any official document or memorandum.”

Repeal of
Sections 12 and
13 of Principal
Act.

4 Sections Twelve and Thirteen of the Principal Act are hereby repealed.

References in
other Acts to
legally or duly
qualified medical
practitioner.

5 After Section Fifteen of the Principal Act the following sections are hereby inserted :—

“**15a** Wherever in any other Act now or hereafter in force, or in any other instrument, the expression ‘legally qualified medical practitioner’ or ‘duly qualified medical practitioner’ is used, such expression shall hereafter, unless a contrary intention clearly appears, be deemed to mean a person registered under this Act.”

Application for
registration and
proceedings
thereon.

“**15b**—(1) Any person desiring to be registered shall submit to the Council proof of the qualification upon which he relies.

Discretion of the
Council.

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

Appeal from the
Council.

“**15c**—(1) If any person who applies for registration is dissatisfied with the decision of the Council, it shall be lawful for him, by motion to the Supreme Court, within Three months of the giving of such decision, to apply to such Court for an order directing the Council to register him.

(2) The court, or a judge thereof, may order that the person applying be registered, or that he be registered conditionally or upon terms, or may decline to make such or any order.”

Medical Practitioners Amendment.

“**15d** The name of any person—

- I. Whose registration (whether under or by virtue of this Act or any Act hereby repealed) has been obtained by fraud or fraudulent misrepresentation : or
- II. Who either before or after his registration, has been convicted of any felony or misdemeanor, or of any offence which, if committed in the State, would be a felony or misdemeanor: or
- III. Who has been guilty of any infamous conduct in any professional respect—

A.D. 1919.

Cancellation of registration for fraud and on other grounds.

may be removed from the Register by order of the Supreme Court or a judge thereof, on application by summons taken out in that behalf by the Council. Such summons shall state the grounds of the application, and give reasonable particulars of the charge made. Such person shall upon the removal of his name cease to be registered: Provided that the name so removed may be restored by order of the Supreme Court or a judge thereof, and thereupon such person shall again be a registered person.”

“Every person whose name shall have been removed by order of a Judge of the Supreme Court, shall have a right of appeal to the Full Court against the order. Notice of appeal shall be given within Three weeks after the entry of the order, and shall state the grounds of such appeal.

“In any proceeding in the Supreme Court under this section the court or a judge thereof may by order direct that a commission do issue for the examination of witnesses on oath, *viva voce*, at any place out of the jurisdiction and the provisions of Division I. of Part II. of ‘The Evidence Act, 1910,’ shall accordingly apply.”

“Evidence taken within the State shall be taken *viva voce*.”

“**15e** Every person, for the removal of whose name any such application shall be made, shall have the right to have the truth of disputed matters of fact determined by the verdict of a jury in like manner as issues in actions are tried in the court in its ordinary jurisdiction.

How evidence may be taken.

“Questions of fact to be tried by the jury shall be stated in writing, and in case the parties fail to agree upon such questions, the same shall be settled by a judge prior to the hearing.”

“**15f** The name of any present 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 removed or erased from the register on account of anything done or omitted by them in obtaining their diplomas and obtaining registration in Tasmania, unless in case of fraud on their part in connection with such matters or any of them.”

Officers of State.

Medical Practitioners Amendment.

A.D. 1919.

Unregistered
person not to
practice for fee or
reward.

6 After Section Sixteen of the Principal Act the following section is hereby inserted :—

“**16a** Unless he is registered under this Act, it shall not be lawful for any person for fee or reward, or in expectation of receiving a fee or reward, to practice as a physician or surgeon or prescribe to be taken or administer any medicine or do or perform any surgical act or operation ; and every unregistered person so offending shall forfeit and pay a sum not exceeding Fifty Pounds, to be recovered in a summary manner.”

Amendment of
Section 17 of
Principal Act.

7 Section Seventeen of the Principal Act is hereby amended by omitting the proviso thereto.

Registered person
to give certificate
of cause of death.

8 After Section Eighteen of the Principal Act, the following section is hereby inserted :—

“**18a** It shall not be lawful for any person to sign any 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 ; and every unregistered person so offending shall forfeit and pay a sum not exceeding Twenty Pounds, to be recovered in a summary manner.”

Medical practi-
tioner refusing to
consult with
another guilty of
an offence.

9 After Section Nineteen of the Principal Act the following sections are inserted—

“**19a** (1) If any registered medical practitioner in active practice without reasonable excuse (the proof of such reasonable excuse being upon him) refuses or fails to consult with or render professional assistance, in consultation, to any other registered medical practitioner seeking such advice or assistance, he shall be guilty of an offence, and shall on conviction forfeit and pay for each offence a penalty of not less than Fifty Pounds nor more than Two hundred Pounds.

The foregoing expression, “ reasonable excuse,” shall not include any resolution or bye-law or any agreement of any company, association, or body of persons whatsoever, whether verbal or written.

Penalty.

(2) The registered medical practitioner seeking any such advice or assistance as hereinbefore mentioned shall in every case be legally liable to pay to the registered medical practitioner rendering such advice or assistance a fair and reasonable fee (including expenses if any therefor), and shall if requested to do so pay such fee in advance.”

Practitioner
seeking the
advice legally
liable to pay fee
therefor.

Offence to
prevent any
person applying
for, &c., a
position in any
State-aided
hospital, &c.

“**19b** Any person, association, company, or body of persons who directly or indirectly prevent or endeavour to prevent, or aid in preventing in any way whatsoever any medical practitioner, nurse, or other person applying for, accepting, or holding any appointment or position in any State-aided hospital or charitable institution, shall be guilty of an offence, and shall on conviction forfeit and pay for each offence a penalty of not less than Twenty-five Pounds, nor more than Two hundred Pounds.”

Medical Practitioners Amendment.

10 After Section Twenty-one of the Principal Act the following section is inserted :—

“**21a** The Supreme Court or a judge thereof, making or declining to make an order in any matter under this Act, may make any order and give any directions as to the costs thereof which it or he thinks proper.”

A.D. 1919.

Costs in Supreme Court proceedings.

11 The Second Schedule to the Principal Act is hereby amended by omitting from Paragraph III. thereof the words “the State in which such medical college is situated,” and substituting therefor the words “one of the States of the United States of America.”

Amendment of Second Schedule to Principal Act.

