

## MEDICAL PRACTITIONERS (AMENDMENT) ACT.

---

Act No. 5, 1939.

George VI.  
No. 5, 1939. An Act to amend, in certain respects, section fifty-three and subsection three of section seventeen of the Medical Practitioners Act, 1938, and to insert certain saving provisions in that Act; to further amend the said Act so as to make provision for the issue of certificates of regional registration, the qualifications of persons who may receive such certificates and the powers and privileges of such persons, and for enabling such persons to obtain registration as medical practitioners in certain events; and for purposes connected therewith. [Assented to, 20th June, 1939.]

BE

## Medical Practitioners (Amendment) Act.

17

No. 5, 1939.

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

**1.** (1) This Act may be cited as the "Medical Practitioners (Amendment) Act, 1939."

Short title, citation and commencement.

(2) The Medical Practitioners Act, 1938, as amended by this Act, may be cited as the Medical Practitioners Act, 1938-1939.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** The Medical Practitioners Act, 1938, is amended—

Amendment of Act No. 37, 1938.

(a) by omitting from subsection three of section seventeen the words "This subsection shall commence on the first day of January in the year one thousand nine hundred and forty-one" and by inserting in lieu thereof the words "This subsection shall not apply to or in respect of any person registered before the first day of January in the year one thousand nine hundred and forty-one."

Sec. 17. (Qualifications.)

(b) by inserting next after section seventeen the following new section :—

New sec. 17A.

**17A.** (1) In addition to the persons mentioned in sections sixteen and seventeen of this Act, a person shall be entitled to be registered who—

Savings as to certain persons.

(a) has, before the commencement of this Act, proved to the satisfaction of the New South Wales Medical Board constituted under the Medical Practitioners Act, 1912, as amended by subsequent Acts, that he possesses the qualifications referred to in paragraph (b) of subsection one of section four of that Act, as so amended, but who, by reason of the first proviso to the said section four

was

No. 5, 1939.

was not entitled to be registered as a medical practitioner unless he passed the examination prescribed by the Senate of the University of Sydney pursuant to that proviso; and

- (b) after the commencement of this Act passes the examination so prescribed.

(2) The provisions of subsections six and seven of section seventeen of this Act shall extend to and in respect of the registration of persons possessing the qualifications referred to in subsection one of this section.

The provisions of subsection six of section eighteen of this Act shall not apply to or in respect of a person who proves that he possesses the qualification referred to in subsection one of this section.

Sec. 53.  
(Regulations.)

- (c) by inserting next after subsection two of section fifty-three the following new subsection:—

(2A) A regulation in relation to the matters referred to in subsection two of section forty-two of this Act may make different provisions with respect to different classes of persons.

Further amendment  
of Act No.  
37, 1938.  
New sec.  
21A.

3. The Medical Practitioners Act, 1938, is further amended—

- (a) by inserting next after section twenty-one the following new section:—

Registration for  
the practice  
of medicine  
and surgery  
in certain  
areas.

21A. (1) Where the Governor is satisfied that the residents of any area are not adequately provided for in respect of medical and/or surgical services he may, by proclamation published in the Gazette, declare such area to be a region within the meaning of this section and may in like manner alter such area or revoke such proclamation.

(2) Where any area is declared by a proclamation under this section to be a region the board shall, subject to this section, issue a certificate

certificate of regional registration in respect of that region to a person who proves to the satisfaction of the board that he—

No. 5, 1939.

(a) has passed through a regular graded course of medical study of five or more years duration in a school of medicine in some part of the British Empire or some other country and—

(i) has received, after due examination, from a university, college or other body with which such school of medicine is associated and which is duly recognised for the purpose in such part or country, a degree or diploma certifying to his ability to practise medicine or surgery; and

(ii) is or was by law entitled to be registered or to practise as a medical practitioner in some part of the British Empire or some other country; and

(b) has such experience in the practice of medicine and surgery as in the opinion of the board is necessary for the proper provision of medical and surgical attention for the inhabitants of the proclaimed region.

Without prejudice to the generality of paragraph (b) of this subsection the board may require that in or towards proof of experience in the practice of medicine and surgery, the applicant shall satisfy the board that he has passed a test (not being a written test) of such nature as the board may specify either generally or in any particular case. Any such test shall be conducted by examiners approved by the board for the purpose.

(3) Within seven days after the date of publication of a proclamation under this section declaring any area to be a region, and thereafter from time to time as directed by the Minister, the

No. 5, 1939.

the board shall, by advertisement published once at least in each of two or more newspapers published and circulating in New South Wales, invite applications from persons desirous of obtaining a certificate of regional registration in respect of that region.

Such advertisement shall specify a day (not being earlier than the seventh nor later than the fourteenth day after the day upon which the advertisement is published) on or before which such applications shall be lodged at or forwarded to the office of the board.

The Minister may give a direction under this subsection in any case where he considers it desirable that a certificate of regional registration should be issued in respect of the region.

(4) The board shall, at its first meeting after the day specified in any advertisement published pursuant to subsection three of this section, consider the applications lodged or forwarded in response to such advertisement.

(5) Each applicant shall submit to the board proof that he possesses the qualifications and experience referred to in subsection two of this section.

(6) Each applicant shall attend in person before the board unless specially excused by the board from so doing.

Each applicant may be represented by his solicitor or counsel.

The board may require the attendance of any other person.

(7) For the purpose of dealing with any application under this section, the board, and the president or other member presiding at the meeting at which the application is considered, shall have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act,

Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, *mutatis mutandis*, apply to any witness summoned by or appearing before the board.

No. 5, 1939.

(8) The board shall grant the application of the applicant who, in its opinion, is most suitable to be the holder of the certificate of regional registration in respect of the region:

Provided that the Board may refuse to grant any application where, in its opinion, none of the applicants is suitable to be the holder of such a certificate.

The board shall, as soon as practicable after it has granted an application or has decided that none of the applicants is suitable to be the holder of a certificate of regional registration notify the Minister accordingly.

(9) The provisions of subsections six and seven of section seventeen of this Act shall, *mutatis mutandis*, extend to and in respect of the grant of an application under this section.

(10) Where an application under this section is granted the board shall, upon payment of a fee of three pounds three shillings issue a certificate of regional registration to the successful applicant.

(11) Where a certificate of regional registration has been issued to any person under this section, and while the same has effect, such person shall (for purposes connected with or relating to the practice of medicine and surgery within the region mentioned in the certificate of regional registration), be deemed to be registered under this Act.

(12) The provisions of sections twenty-seven, twenty-eight and twenty-nine of this Act shall, *mutatis mutandis*, apply to and in respect of a person to whom a certificate of regional registration has been issued.

For

No. 5, 1939.

For the purposes of such application a reference to a "registered person" shall be construed as a reference to a person to whom a certificate of regional registration has been issued, and any provision relating to the removal of the name of any person from the register shall be construed as a provision relating to the revocation of a certificate of regional registration.

(13) The Minister may cancel a certificate of regional registration if the person to whom the same was issued practises his profession outside the boundaries of the region mentioned in such certificate, and if, having regard to the circumstances in which such person so practised his profession and to the purposes of this section, the Minister considers it just and reasonable so to do.

(14) A certificate of regional registration issued under this section shall, subject to this Act, have effect for a period of one year but any such certificate may be renewed by the board from time to time for a like period upon the application of the person to whom the same was issued.

Sec. 17.  
(Qualifications.)

- (b) (i) by inserting at the end of paragraph (d) of subsection one of section seventeen the following word and new paragraph—

“or

(e) has held a certificate of regional registration under section 21A of this Act for a period or periods aggregating five years or more”;

- (ii) by inserting in subsection three of the same section after the words “matters referred to in paragraph (d)” the words “or paragraph (e).”