

## MEDICAL PRACTITIONERS (AMENDMENT) ACT.

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### Act No. 20, 1957.

**Elizabeth II,**  
**No. 20, 1957.**

An Act to make further provision for the issue to persons of licenses to practise in one or more branches of medicine or surgery or both; to enable those persons and certain other persons to obtain registration as medical practitioners in certain events; for these and other purposes to amend the Medical Practitioners Act, 1938-1956, and certain other Acts; and for purposes connected therewith. [Assented to, 29th April, 1957.]

BE

**B**E it enacted by the Queen's Most Excellent Majesty, No. 20, 1957.  
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, 1957". Short title and citation.

(2) The Medical Practitioners Act, 1938, as amended by subsequent Acts and by this Act, may be cited as the Medical Practitioners Act, 1938-1957.

**2.** The Medical Practitioners Act, 1938-1956, is amended— Amendment of Act No. 37, 1938.

(a) (i) by inserting at the end of paragraph (f) of subsection one of section seventeen the following word and new paragraph:— Sec. 17. (Qualifications for future registration.)

"or

(g) has held a license under subsection four of section 21c of this Act for a ~~period~~ or periods aggregating four years or more and has, during the period or periods during which he ~~has held~~ such license, been employed—

(i) as a medical officer in State hospitals, mental hospitals, public hospitals, private hospitals or other institutions to which that section relates; or

(ii) on a full-time basis as an assistant to a registered person or persons;"

(ii)

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(ii) by inserting next after subsection two of the same section the following new subsections:—

(2A) Notwithstanding subsection one of this section a person may be registered if—

- (a) he proves to the satisfaction of the board that he 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 in some other country and 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
- (b) he is or was by law entitled to be registered or to practise as a medical practitioner in such part or country; and
- (c) the board has reported to the Minister that such person by virtue of his qualifications and experience in the practice of medicine or surgery, or of any branch of medicine or surgery, should not be required to attend the courses and pass the examinations referred to in subparagraph (iii) of paragraph (c) of subsection one of this section and has recommended that the requirements of subsection one of this section be waived in relation to such person; and
- (d) the Minister has approved of the recommendation of the board.

(2B)

(2B) Notwithstanding subsection one of this section a person may be registered if— No. 20, 1957.

- (a) he proves to the satisfaction of the board the several matters specified in paragraph (a) of subsection (2A) of this section; and
- (b) he complies with paragraph (b) of that subsection; and
- (c) he has been employed as and has been practising as a medical practitioner in the employment of the Commonwealth of Australia in a Territory of or under the authority of the Commonwealth for a period or periods aggregating five years or more: Provided that such employment commenced or was completed before the thirty-first day of December, one thousand nine hundred and fifty-six, or, where a later date has been prescribed, before such later date.

(2c) Subsection (2A) of this section shall apply only to a person who was on the thirty-first day of December, one thousand nine hundred and fifty-six, or, where a later date has been prescribed, before such later date, domiciled in New South Wales and is on the day on which he applies to the board for registration so domiciled, or to a person who was, on the thirty-first day of December, one thousand nine hundred and fifty-six, or, where a later date has been prescribed, before such later date, resident in the said State and has been continuously so resident since that day up to the day on which he applies to the board for registration.

- (iii) by inserting in subsection three of the same section after the words “referred to in paragraph (d) or paragraph (e) or paragraph (f)” the words “or paragraph (g)”;
- (iv)

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Sec. 21.  
(Registration for post-graduate teaching in medicine.)

Sec. 21A.  
(Registration for the practice of medicine and surgery in certain areas.)

- (iv) by inserting in the same subsection after the words "subsection two" the word, symbols and figures "(2A) or (2B)";
- (b) (i) by inserting in subsection one of section twenty-one after the words "post-graduate teaching" where secondly occurring the words "or for receiving post-graduate tuition";
- (ii) by inserting in the same subsection after the word "two" the symbols and figures ", (2A), (2B)";
- (iii) by inserting in subsection two of the same section after the words "post-graduate teaching" the words "or for receiving post-graduate tuition";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "for post-graduate teaching" the words "or for receiving post-graduate tuition";
- (v) by inserting in the same subsection after the words "post-graduate teaching" where secondly and thirdly occurring the words "or post-graduate tuition";
- (c) (i) by omitting from subsection two of section 21A the words "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."
- (ii) by inserting next after subsection eight of the same section the following new subsection:—
  - (8A) Where the board has notified the Minister that it has decided that none of the applicants is suitable to be the holder of

a certificate of regional registration in respect of the region, the Minister may direct the board to issue and if the board fails to comply with any such direction the Minister may issue a certificate of regional registration in respect of the region to a person who holds or is entitled to apply for a license under subsection four of section 21c of this Act. No. 20, 1957.

A certificate issued under this subsection shall for all purposes of this Act be deemed to be a certificate issued under this section by the board and the provisions of subsections nine and ten of this section shall apply as if such certificate had been granted on the application of the person to whom the certificate is issued.

- (d) by omitting paragraph (a) of subsection one of section 21B and by inserting in lieu thereof the following paragraph:— Sec. 21B.  
(Licenses to practise medicine or surgery.)

(a) was domiciled in the State of New South Wales on the first day of January, one thousand nine hundred and fifty-four, and is on the day on which he applies to the board for a license under this section so domiciled, or resided in the said State on the first day of January, one thousand nine hundred and fifty-four, and has been continuously so resident since that day up to the day on which he makes such an application;

- (e) by inserting next after section 21B the following new section:— New sec.  
21c.

21c. (1) Any person who—

(a) resided or was domiciled in the State of New South Wales on the thirty-first day of December, one thousand nine hundred and fifty-six, or, where a later date has been prescribed, before such later date; and Licenses to practise medicine or surgery in limited circumstances.

(b)

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- (b) proves to the satisfaction of the board the several matters referred to in paragraph (b) of subsection one of section 21B of this Act;

may apply to the board for a license under subsection three of this section.

(2) Where the board is satisfied that such person is entitled to apply for a license under this section the board may recommend to the Minister that such person by virtue of his qualifications and his experience in the practice of medicine or surgery or of any branch of medicine or surgery be granted a license under subsection three of this section.

(3) If the Minister has approved of the recommendation of the board it shall issue to such person a license—

- (a) to practise in all branches of medicine and surgery; or
- (b) to practise in such one or more branches of medicine or surgery or both as may be specified in the license,

but in either case only under such supervision and as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution as the Minister may direct.

(4) Where the holder of a license under subsection three of this section has completed to the satisfaction of the Minister a period of twelve months service as a medical officer under supervision in one of the institutions specified in subsection three of this section the board shall upon such person passing the prescribed test (not being a written test) and upon application by such person and upon payment of a fee of three pounds three shillings issue to such person a license—

- (a) to practise in all branches of medicine and surgery; or

(b)

(b) to practise in such one or more <sup>No. 20, 1957.</sup>  
branches of medicine or surgery or both  
as may be specified in the license,

but in either case only as a medical officer in such State hospital, mental hospital, public hospital, private hospital or other institution or as an assistant to such registered person, as the Minister may direct.

The prescribed test for the purposes of this subsection shall be a test as to such person's knowledge and skill to practise as a medical practitioner and shall be conducted by an examining committee consisting of three persons.

One of such persons shall be the Dean of the Faculty of Medicine, University of Sydney, one shall be a registered person who shall be appointed by the Board and the other shall be a registered person appointed by the Minister.

The Minister shall not make any direction pursuant to this subsection which would have the effect of entitling a person licensed to practise under this subsection to be an assistant to a registered person while such registered person has as an assistant a person so licensed.

(5) A license issued under subsection three or four of this section shall, subject to this Act, have effect for a period of one year from date of issue, but may be renewed by the board from time to time for a like period upon the application of the person to whom the license was issued.

(6) The provisions of subsections six and seven of section seventeen of this Act shall, *mutatis mutandis*, extend to and in respect of the issue of a license under this section.

(7) Where a license has been issued to any person under this section, and while the license has effect, that person shall (for purposes connected with or relating to the practice  
of

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of medicine or surgery or both to the extent permitted by the license) be deemed to be registered under this Act.

(8) 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 license has been issued under this section.

For the purpose of that application a reference to a "registered person" shall be construed as a reference to a person to whom a license has been issued under this section, 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 license.

Sec. 31.  
(Publication of copy of register.)

- (f) (i) by omitting from subsection one of section thirty-one the words "copy of the register" and by inserting in lieu thereof the words "list of the names and addresses entered in the register";
- (ii) by omitting from subsection two of the same section the words "copy of the register" and by inserting in lieu thereof the word "list";
- (iii) by omitting from the same subsection the word "copy" where secondly, thirdly and fourthly occurring and by inserting in lieu thereof the word "list";

Sec. 35.  
(Bill of charges to be served before action.)

- (g) (i) by omitting from subsection two of section thirty-five the words "one month" and by inserting in lieu thereof the words "three months";
- (ii) by omitting from subsection three of the same section the words "one month" and by inserting in lieu thereof the words "three months";

Sec. 36.  
(Application to review bill.)

- (h) by omitting from subsection one of section thirty-six the words "one month" and by inserting in lieu thereof the words "three months";
- (i)

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(i) by inserting at the end of subsection one of section fifty-three the following new paragraph:—

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Sec. 53.

(Regulations.)

(i) requiring any person under whose supervision the holder of a license under subsection three of section 21c of this Act is practising to furnish reports to the Minister.

**3. (1)** The Dentists Act, 1934-1946, is amended—

Amendment  
of Act  
No. 10,  
1934.

(a) by omitting from subsection two of section six the words “certified copy of such register” and by inserting in lieu thereof the words “list of the names and addresses entered in the register”;

Sec. 6.

(Particulars  
in register.)

(b) by omitting paragraph (b) of subsection one of section twenty.

Sec. 20.

(Evidence of  
entry in  
register.)

(2) The Dentists Act, 1934, as amended by subsequent Acts and by this section, may be cited as the Dentists Act, 1934-1957.

**4. (1)** The Opticians Act, 1930-1955, is amended—

Amendment  
of Act  
No. 20,  
1930.

(a) by omitting from subsection one of section thirteen the words “a certified copy of the register” and by inserting in lieu thereof the words “a list of the names and addresses entered in the register”;

Sec. 13.

(Register.)

(b) by omitting from the same subsection the words “the same or such extracts therefrom as may be prescribed” and by inserting in lieu thereof the words “such list”.

(2)

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**No. 20, 1957.** (2) The Opticians Act, 1930, as amended by subsequent Acts and by this section, may be cited as the Opticians Act, 1930-1957.

Amendment of Act No. 9, 1945. **5.** (1) The Physiotherapists Registration Act, 1945-1947, is amended—

Sec. 20. (Register.) (a) (i) by omitting from subsection five of section twenty the words “a certified copy of such register” and by inserting in lieu thereof the words “a list of the names and addresses entered in the register”;

(ii) by omitting from the same subsection the word “copy” where secondly occurring and by inserting in lieu thereof the word “list”;

Sec. 31. (Evidencia of entry in register.) (b) by omitting paragraph (b) of subsection one of section thirty-one.

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this section, may be cited as the Physiotherapists Registration Act, 1945-1957.

Amendment of Act No. 7, 1897. Sec. 10. **6.** (1) The Pharmacy Act, 1897-1954, is amended by inserting in section ten after the word “names” the words “and addresses”.

(List of pharmacists to be published.) (2) The Pharmacy Act, 1897, as amended by subsequent Acts and by this section, may be cited as the Pharmacy Act, 1897-1957.

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