

An Act to consolidate and amend the laws relating to medical practitioners chemists and druggists.

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Queensland.

Dr. 757. (1)



An Act to Consolidate and Amend the Laws relating to Medical Practitioners Chemists and Druggists. 31 Vic. No. 33. MEDICAL ACT OF 1867.

[ASSENTED TO 28TH DECEMBER, 1867.]

WHEREAS it is expedient to consolidate and amend the laws relating to medical practitioners chemists and druggists Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

The Queensland Medical Board.

1. It shall and may be lawful for the Governor in Council to appoint a committee consisting of not less than three persons being legally qualified members of the medical profession one of whom shall be nominated president together with a secretary under the style and description of "The Queensland Medical Board" and it shall be lawful for the said Governor in Council to remove the said members or any of them and upon the removal death or resignation of the said members or any of them to appoint such other or others as he shall think fit and any person desirous of being declared a legally qualified medical practitioner shall submit his degree diploma or other certificate or proof of his being so duly qualified for the examination and approval of the said Medical Board and on approval shall obtain from the said Medical Board a certificate of his being so qualified.

Governor to appoint a Medical Board and remove any or all the members thereof whenever he may think fit. Persons desirous of being declared qualified medical practitioners to submit their diplomas or other certificates for approval of the Board.

2. A quorum of the board under this Act shall consist of not less than three members thereof and in case of the absence of the president of the said board it shall be competent for any other member to preside for the time being and the present board shall be deemed to be duly constituted under this Act.

What shall be deemed a quorum of the Medical Board.

3. The Medical Board of Queensland shall be the board for registering the different medical practitioners chemists and druggists under this Act subject to such alteration as the Governor in Council may at any time determine.

Medical Board to register practitioners chemists and druggists.

Medical Practitioners.

4. Any person who shall prove to the satisfaction of the Queensland Medical Board or a quorum thereof that he has passed through a regular course of medical study of not less than three years' duration in a school or schools of medicine and that he has received after due examination from some university college or other body duly recognised for that purpose in the country to which such university college or other body may belong a diploma degree or license entitling him to practise medicine in that country or who is or has been a medical officer duly appointed and confirmed of Her Majesty's sea or land service shall be deemed to be a legally qualified medical practitioner within the meaning of this Act and shall be entitled to registration and to a certificate as such from the said board.

Medical practitioners properly qualified shall be deemed legally qualified medical practitioners.

Meaning of words "medical practitioner."

5. A person entitled to practise medicine shall for the purpose of interpreting the section last preceding of this Act be held to mean any physician doctor of medicine bachelor of medicine licentiate in medicine and surgery surgeon general practitioner or apothecary who has obtained a diploma degree or license in the manner and of the character therein described.

Persons registered under the Imperial Act may practise in the colony.

6. Nothing herein contained shall be taken or construed to prevent or restrain any person registered under the Imperial Act "*To Regulate the Qualifications of Practitioners in Medicine and Surgery*" from practising according to his qualification or qualifications in medicine or surgery or medicine and surgery as the case may be in any part of the colony of Queensland or from demanding and recovering in any court of law in the said colony with full costs of suit reasonable charges for professional aid advice and visits and the costs of any medicines or other medical or surgical appliances rendered or supplied by him to his patients or be construed to affect the privileges of any persons so registered

Provided that gentlemen registered under the said Imperial Medical Act who wish to practise in this colony shall present to the Queensland Medical Board a certificate of such registry or send to said board such certificate authenticated by a declaration made before some magistrate for the colony in whose petty sessions district such practitioner may reside which declaration shall state that said declarant is duly qualified and is the person mentioned in the certificate thereto annexed

Provided that any person making a false declaration shall be deemed guilty of perjury.

Chemists and Druggists.

7. * * * * *

Register.

Names of all legally qualified medical practitioners &c. to be entered in a book and names so registered to be published in the *Gazette*.

List of registered persons to be published in the *Gazette*.

8. The said Medical Board shall cause the names of all "legally qualified medical practitioners" as aforesaid to be registered in a book to be kept by the said board for that purpose and shall also cause all the names so registered to be published in the *Government Gazette* on or about the first day of January and the same to be repeated annually for the information of coroners magistrates and the public

The said board shall on or about the first day of January in every year publish in the *Government Gazette* a list of all registered medical practitioners chemists and druggists residing in this colony signed by the president and secretary of the said board and a copy of the *Government Gazette* shall be evidence in all courts and before all justices of the peace that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such copy shall be taken as evidence to the contrary unless he shall produce his certificate from the board or a certified letter from the secretary that he is registered according to the provisions of this Act but nothing in this Act contained shall extend or be construed to extend to prejudice or in any way affect the lawful occupation or business of dentists.

Dentists not to be affected.

Registered Persons.

Persons registered entitled to practise and recover charges.

9. Every person registered under this Act shall be entitled according to his qualification or qualifications to practise medicine or surgery or medicine and surgery or to compound and dispense medicine in any part of this colony and to demand and recover in any court of law with full costs of suit reasonable charges for professional advice aid and visits and the costs of any medicine or other medical or surgical appliances supplied by him to his patients or customers.

Proof of registration required to enable persons to recover charges.

10. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice attendance or the performance of any operation or for medicine compounded and sold unless he shall prove that he is registered under this Act and any person being so

registered as aforesaid who shall practise profess to practise or act under any qualification other than that for which he has been registered shall not be entitled to recover any charge made by him in respect thereof and no person registered as a chemist and druggist only shall recover any charge as a medical practitioner.

11. No certificate required by any Act now in force or that may hereafter be passed from any medical practitioner shall be valid unless the person signing the same be registered under this Act or some former Act made in the like behalf.

No certificate valid unless signed by a person registered.

Medical Witnesses.

12. Whenever upon the summoning or holding of any coroner's inquest or upon the holding of any inquiry by a justice or justices of the peace touching the death of any person it shall appear to the coroner justice or justices (as the case may be) that the deceased person was not at or immediately before his death attended by any legally qualified medical practitioner it shall be lawful for such coroner justice or justices to issue a summons for the attendance as a witness at such inquest or inquiry of some legally qualified medical practitioner in actual practice who shall reside near to the place where such inquest or inquiry is holden but where the deceased person was attended by any such practitioner the coroner justice or justices shall issue a summons for his attendance only or if the deceased was attended by more than one such practitioner the coroner justice or justices may cause all or any of them to be summoned at his or their discretion.

Coroner or justice may summon any qualified medical witnesses.

Deceased having been attended before or at the time of death coroner or justice to summon the party who gave such attendance.

13. It shall be lawful for the coroner justice or justices either in such summons as aforesaid or by an order in writing at any time before the termination of the inquest or inquiry to direct any legally qualified medical practitioner to perform a *post mortem* examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines

Coroner or justices may order a *post mortem* examination.

Provided that if in any case it appear to the coroner justice or justices (as the case may be) that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person then such practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

In case of death by improper or negligent treatment of medical practitioner he shall not be allowed to assist at any such examination.

14. Whenever it shall appear to the coroner or to a majority of the jury at any such inquest or to the justice or justices or a majority of them at any such inquiry that the cause of death has not been satisfactorily explained by the practitioner or practitioners examined in the first instance at such inquest or inquiry the coroner justice or justices shall forthwith cause any other legally qualified practitioner or practitioners to be summoned as a witness or witnesses at such inquest or inquiry and shall direct him or them to perform a *post mortem* examination with or without such analysis as aforesaid whether such an examination shall have been previously performed or not

Additional medical evidence in cases where the cause of death is not satisfactorily explained by first examination.

Provided that where such additional evidence is at the instance of a majority of the jury it shall be lawful for such majority to name to the coroner any particular practitioner or practitioners whom they wish to attend and in that case such practitioner or practitioners shall be summoned and no other.

Majority of jury naming any particular party that party only shall be summoned.

15. When any legally qualified medical practitioner has attended at an inquest or inquiry in obedience to any such summons as aforesaid he shall for such attendance and for giving evidence at such inquest or inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such *post mortem* examination the remuneration of two guineas and if the place of his residence shall be more than two miles

Remuneration to medical witnesses. For evidence one guinea. *Post mortem* examination two guineas.

One shilling for every mile beyond ten.

distant from the place where the inquest or inquiry is holden then such practitioner shall be entitled to a sum of one shilling each way for every mile of such extra distance in addition

No remuneration for unauthorised examination.

Provided that no remuneration shall be paid for the performance of any *post mortem* examination instituted without the previous direction of the coroner justice or justices (as the case may be)

Death happening in public buildings medical officer attending not entitled to remuneration.

Provided also that where the death shall have happened in any public hospital gaol or other public building no medical officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

Medical witnesses neglecting to attend to forfeit and pay not less than three nor more than twenty pounds.

16. Where any such summons or order of any coroner justice or justices as aforesaid shall have been served upon any medical practitioner to whom the same was directed or shall have been left at his usual residence in sufficient time for him to obey the same and he shall nevertheless not obey such summons or order he shall for such neglect forfeit and pay a penalty or sum of not less than three pounds nor more than twenty to be recovered in a summary way before any two justices of the peace unless he shall at the hearing of the case show a good and sufficient excuse for such neglect to the satisfaction of such justices and every proceeding under this section shall be had before such justices and the party convicted be entitled to appeal.

Proceedings &c. under this section to be summary.

Powers and Penalties.

Persons forging or obtaining a certificate under false representations liable to imprisonment with or without hard labor.

17. It shall be lawful for the said board (or a quorum thereof) to examine any person who may present himself for examination or any witness who may be produced before them and to take a solemn declaration from such person or witness and 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 said board (or a quorum thereof) any false forged or counterfeit diploma degree license certificate or other document or writing such person shall be guilty of a misdemeanor and being thereof duly convicted shall be liable to imprisonment with or without hard labor for any period not exceeding three years.

Persons forging or obtaining a certificate under false representations guilty of a misdemeanor.

18. If any person fraudulently or by false representations obtains any certificate as a duly qualified medical practitioner under the provisions of this Act or shall forge alter or counterfeit any such certificate or shall utter or use any such forged certificate knowing the same respectively to have been forged or shall falsely advertise or publish himself as having obtained such certificate every person guilty of any or either of the said offences shall be deemed guilty of a misdemeanor and being thereof duly convicted shall be liable to imprisonment with or without hard labor for any period not exceeding three years.

Fraudulent registration punishable by imprisonment.

19. If any person shall wilfully procure or attempt to procure himself to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing every person so offending and every person aiding and assisting him therein shall be guilty of a misdemeanor and shall on conviction be sentenced to be imprisoned for any term not exceeding twelve months.

Unregistered practitioner chemist and druggist subject to a penalty of twenty pounds.

20. Any person who shall wilfully and falsely pretend that he has been and is duly registered under the provisions of this Act as a medical practitioner or chemist and druggist or who shall represent himself to be a medical practitioner or chemist or druggist or use any title or term which may be construed to mean that he is qualified to perform the duties of either and at the same time practise or compound and dispense medicine without being registered or who being registered as aforesaid shall practise profess to practise or act in any manner contrary to his registered

qualification or qualifications shall upon conviction before two or more justices of the peace of every such offence pay a sum not exceeding twenty pounds.

21. Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the Colonial Treasurer for the general uses of this colony.

Colonial
Treasurer to
receive
penalties.

Commencement and Short Title.

22. This Act shall commence on the thirty-first day of December one thousand eight hundred and sixty-seven and may be referred to as the "*Medical Act of 1867.*"

Commencement
of Act.
Short title.

and the same shall be done in the same manner as in the case of the other...

It is the duty of the Board to see that the same is done in the same manner...

ARTICLE XXV

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