MEDICAL ORDINANCE 1924-1940.

An Ordinance Relating to Medical Practitioners and Dentists.

B^E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act* 1920, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the Medical Ordinance Short title. 1924-1940. (1)

Amended

Amended by No. 3 of 1934, s. 50.

2. This Ordinance is divided into Parts, as follows:-

Parts.

Part I.—Preliminary.

Part II.—Medical Practitioners.

Part III.—Dentists.

Part IV.—Miscellaneous.

(1) The Medical Ordinance 1924-1940 comprises the Medical Ordinance 1924, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I .- ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.		Date on which made by GovGen. in Council.	Date on which notified in Cwlth. Gaz.	Date on which took effect.				
Medical Ordinance (No. 43 of 1924)	1924	23.12.1924	24.12.1924	24.12.1924 (Cwlth. Gaz. of 24.12.1924)				
Medical Ordinance (No. 13 of 1925)	1925	1.4.1925	2,4.1925	24.12.1924 (Sec. 2, Medical Ordinance 1925)				
Medical Ordinance (No. 7 of 1931)	1931	25.3.1931	1.4.1931	1.4.1931 (Cwlth. Gaz. of 1.4.1931)				

PART II .- ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.		Date of assent by Administrator.	Date notified in N.G. Gaz. as not disallowed by GovGen. in Council.	Date on which came into operation.			
Medical Ordinance (No. 20 of 1938)	1938	24.8.1938	30.11.1938	24.8.1938 (Laws of T.N.G., Vol. XIV, p. 142)			
Medical Ordinance (No. 18 of 1939)	1939	5.9.1939	16.12,1939	5.9.1939 (Laws of T.N.G., Vol. XV, p. 51)			
Medical Ordinance (No. 14 of 1940)	1940	24.9.1940	16.12.1940	24.9.1940 (Laws of T.N.G., Vol. XV, p. 109)			

Definitions.

- 3. In this Ordinance, unless the contrary intention appears—
 - "The Board" means the Medical Board appointed under this Ordinance;
 - "The Chairman" means the Chairman of the Medical Board appointed under this Ordinance;
 - "The Dentists' Register" means the register of dentists who are registered under this Ordinance;
 - "The Medical Register" means the register of medical practitioners who are registered under this Ordinance;
 - "Member" means a member of the Medical Board constituted in accordance with this Ordinance.

Medical Board.

- 4. For the purposes of this Ordinance there shall be a Medical Board of four members comprising—
 - (a) the person for the time being performing the duties of Director of Public Health for the Territory, who shall be the Chairman of the Board;
 - (b) the person for the time being performing the duties of Crown Law Officer of the Territory; and
 - (c) two medical practitioners appointed by the Administrator by notice in the New Guinea Gazette.

Removal from

5. The Administrator may remove from office any member appointed by him and the office shall thereupon be and become vacant.

Temporary appointments.

6. In the case of the illness or temporary inability to perform the duties of office, or in the case of the absence from the Territory of any member, or in the event of the office of a member becoming vacant, the Administrator may appoint a person to act during the illness or temporary inability or absence, or until the appointment of a member, as the case may be, and the person so acting shall have all the powers and perform all the duties of the member in whose place he acts.

Sittings of Board.

- 7.—(1.) Sittings of the Board shall be convened by the Chairman.
- (2.) The Chairman shall preside at all meetings of the Board at which he is present, and in his absence from any meeting the members present shall elect one of the members to preside as Chairman.

Quorum of Board.

- 8.—(1.) For the conduct of business any three members shall be a quorum, and shall have, all the powers of the Board.
- (2.) At meetings of the Board the decision of the majority shall prevail.

- (3.) The Chairman shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.
- 8A. For the purposes of this Ordinance, the Board may, by writing under the hand of the Chairman, summon any person to attend the Board at a time and place named in the summons, and then and there to give evidence and to produce any books, documents, or writings in his custody or control which he is required by the summons to produce.

Power of summon person

8B. Any member may administer an oath to any person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined upon oath.

Power of Inserted by No. 18 of 1939, s. 2.

8c. If any person served with a summons to attend the Board, when the summons is served personally, fails without reasonable excuse to attend the Board, or to produce any books, documents, or writings in his custody or control which he is required by the summons to produce, he shall be guilty of an offence.

Penalty for summoned, &c. Inserted by No. 18 of 1939, s. 2.

Penalty: Fifty pounds.

8D. If any person appearing as a witness before the Board Penalty for refuses to be sworn or to answer any question relevant to the proceedings before the Board, he shall be guilty of an offence.

inserted by No. 18 of 1939, s. 2.

Penalty: Fifty pounds.

8E. The members shall not be personally liable for any act or Liability of default of the Board done or omitted to be done in good faith in administering this Ordinance.

Inserted by No. 18 of 1939, s. 2.

9. The Board may collect in advance the fees to be paid in collection respect of the matters referred to in the First and Third Schedules to this Ordinance.

10. All fees collected by the Board shall be paid to the Treasurer Fees to be paid to Treasurer. of the Territory.

PART II.—MEDICAL PRACTITIONERS.

11 .- (1.) Any person possessed of any one or more of the Certificate of qualifications described in the Second Schedule to this Ordinance who desires to be registered under this Part of this Ordinance may apply to the Board for registration and the issue to him of a certificate of qualification.

- (2.) The Board may, if it is satisfied, after a personal interview with the applicant that—
 - (a) the testimonial, diploma, licence or certificate testifying to his qualification was, after examination, duly

- obtained by him from a university, college or other body duly recognized in the country to which the university, college or other body belongs; and
- (b) the applicant has passed through a regular course of medical and surgical study of not less than five years' duration,

register the applicant as a legally qualified medical practitioner and may, upon payment of the prescribed fee, issue to him a certificate of qualification.

Registration of medical practitioners.

12. The Board shall register in a book kept by it for the purpose the names, the qualifications and the addresses of all persons certified by the Board to be legally qualified medical practitioners within the meaning of this Ordinance, and those persons shall thereupon be deemed to be registered in accordance with the provisions of this Ordinance.

Registration of Medical Officers.

Section 12A inserted by No. 13 of 1925, s. 3.

Sub-section (1.) amended by No. 7 of 1931, s. 2.

Sub-section (2.) omitted by No. 7 of 1931, s. 2.

Cancellation of registration for fraud and on other grounds.

Section 13 substituted by No. 14 of 1940, s. 2. 12a.—(1.) The Board shall, upon receipt from the Administrator of a document certifying that any person named therein holds office as a Medical Officer in the Public Service of the Territory, register the person as a legally qualified medical practitioner and issue to him a certificate of qualification and that person shall, so long as he holds office as such medical officer be deemed to be registered in accordance with the provisions of this Ordinance.

- 13.—(1.) The Board shall remove from the Medical Register the name of any person—
 - (a) whose registration has been obtained by fraud or misrepresentation;
 - (b) whose name has been removed from any register or roll established or kept under any law in any other place providing for the registration or certification of medical practitioners under a public authority:

Provided that the Board shall not remove the name of such person from the Medical Register unless the reason for the previous removal from a register or roll was an act or omission of a nature for which if done or omitted to be done in the Territory the Board would have been authorized to remove the name of such person from the Medical Register if registered therein;

Medical Ordinance 1924-1940.

- (c) who has been convicted in any part of His Majesty's Dominions or elsewhere of an offence which, in the opinion of the Board, renders him unfit to practise;
- (d) who has been certified insane; or
- (e) who is deemed by the Board guilty of—
 - (i) habitual drunkenness or habitual addiction to anv drug: or
 - (ii) such unprofessional or improper conduct as, in the opinion of the Board, renders him unfit to be allowed to continue to practise.
- (2.) Before removing from the Medical Register the name of any person, the Board shall make due inquiry, and the person may be represented at the inquiry by a solicitor or agent, who may examine witnesses and address the Board on his behalf.
- (3.) The Board shall not be bound by rules of evidence or legal procedure, but may inform itself by the best evidence which it is able to procure or which is laid before it.
- 14. Any person whose name has been removed from the Medical Appeal. Register under the last preceding section may, within forty-eight No. 14 of 1940, days after he has received notice of the removal, apply to the s. 2. Supreme Court by summons to have his name restored to the Medical Register, and the Board shall, if the Supreme Court so orders, restore his name accordingly.

14A. Where the name of any person has been removed from Restoration to Medical Register. the Medical Register under section thirteen of this Ordinance, the Board, upon proof satisfactory to the Board of his No. 14 of 1940, former registration and that he is not otherwise discontiled s. 2. former registration and that he is not otherwise disentitled to registration, may at any time and for such reason as the Board thinks fit and on payment of a fee of Three pounds three shillings, cause the name of the person to be restored to the Medical Register.

15. The Board may make all necessary alterations in the regis- Alterations in tration of the names, qualifications and addresses of the persons registered under this Ordinance, and may send, to any person whose name has been registered, a registered letter (addressed to him at his last known place of residence) inquiring whether he has ceased to practise or whether he has changed his residence and stating that, if no reply is made within a period of six months from the date of the posting of the letter sent by the Board, the Board may cause his name to be removed from the Medical Register, and, if no reply is made within the period here specified, the Board may remove his name from the Medical Register.

registration.

Application for replacement of name on register.

Amended by No. 14 of 1940, s. 3. 16. Upon the personal application of the person whose name has been removed from the Medical Register under the last preceding section and upon his proving to the satisfaction of the Board that he is not otherwise disentitled to registration and that his name was previously on the Medical Register, the Board shall cause his name to be replaced on the Medical Register.

Change of address.

17. Any legally qualified medical practitioner who changes his place of residence shall immediately notify the Board of his change of address.

Recovery of

18. Every medical practitioner who has received a certificate of qualification under section eleven of this Ordinance shall be entitled to sue in any court of law within the Territory for the recovery of his fees or other remuneration for his professional services whether medical or surgical, and it shall be sufficient to state in the particulars of demand the words "for medical services", which shall include every demand for medical or surgical aid including medicines when supplied by the plaintiff to the defendant.

Unregistered persons not entitled to recover fees or hold medical appointments.

- 19.—(1.) No person shall be entitled to recover any fee or other remuneration in any court of law for any medical or surgical advice or attendance or for the performance of any operation or for any medicine which he has both prescribed and supplied, unless he proves that he is registered in accordance with the provisions of this Ordinance.
- (2.) No unregistered person shall hold any appointment as a medical officer of health, or as a physician, surgeon, or other medical officer in any vessel registered in the Territory leaving any port in the Territory, or in any hospital, infirmary, dispensary or lying-in hospital, or in any hospital for the insane, gaol, penitentiary, house of correction, house of industry or other public institution for affording medical relief in sickness, infirmity or old age, and no certificate required by any Ordinance (now in force or that may hereafter be passed) from any physician, surgeon, licentiate in medicine or surgery, or other medical practitioner, shall be valid unless the person signing the certificate is registered in accordance with the provisions of this Ordinance:

Proviso amended by No. 14 of 1940, s. 4. Provided that nothing in this section shall render invalid any certificate from a duly appointed medical officer on full pay of His Majesty's sea, land, or air Service or of the Defence forces of the Commonwealth.

Unregistered persons not to use professional titles, &c.

20. It shall be unlawful for any person unless registered under this Ordinance to pretend to be, or to take or use the name or title of, a physician, doctor of medicine, licentiate in medicine or surgery, master in surgery, bachelor of medicine, doctor, surgeon, medical or

Medical Ordinance 1924-1940.

general practitioner, apothecary, surgeon apothecary, accoucheur, licentiate or practitioner in midwifery, or any other medical or surgical name or title.

Penalty on conviction before a District Court: Two hundred pounds or imprisonment for twelve months.

PART III.—DENTISTS.

21. Any person who—

- (a) is registered or possesses a qualification entitling him to be registered as a dentist in the United Kingdom No. 7 of 1931, in accordance with the law for the time being in force s. 3. therein;
- (b) holds the degree of Bachelor of Dental Science or Bachelor of Dentistry of any University in the Commonwealth; or
- (c) holds some recognized certificate, as defined in this part, granted in some portion of His Majesty's Dominions (other than in the United Kingdom) or granted in a foreign country, and, in the period during which he has held the certificate, has not been deprived of the qualification it confers for any cause which disqualifies him from being registered under this Ordinance.

may apply to the Board for registration as a dentist and the issue to him of a certificate of qualification.

22. After a personal interview with an applicant for registration Power of Board as a dentist and on the production to it of the certificate conferring or evidencing his qualification, the Board may, upon payment of No. 7 the fee prescribed in the Third Schedule to this Ordinance, register the applicant as a legally qualified dentist and issue to him a certificate of qualification, provided that it is satisfied that the applicant-

Qualifications

- (a) possesses one of the qualifications prescribed in the last preceding section; and
- (b) is a fit and proper person to be registered as a dentist.
- 23. The certificate granted in a portion of His Majesty's what Dominions (other than in the United Kingdom) or in a foreign will be country, which shall be deemed a recognized certificate for the recognized by the Board. purposes of this Part, shall be any certificate, diploma, membership, degree, licence, letters, testimonial, or other title or document recognized by the Board as entitling the holder thereof to practise dental surgery or dentistry in that possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dental surgery or dentistry.

Sections 24, 25, and 26 repealed by No. 7 of 1931, s. 4.

Registration of dentists.

27. The Board shall register in a book kept for the purpose the names, qualifications, and addresses of all dentists entitled to be registered under this Ordinance, and those dentists shall thereupon be deemed to be registered under this Ordinance.

Dentists' Register. 28. The Dentists' Register shall contain the surnames of the registered persons set out in alphabetical order and shall state their full names together with the description and date of the qualifications in respect of which they are registered.

Inspection of Register by public. Amended by No. 7 of 1931, 29. The Dentists' Register shall be open to inspection by the public on payment of the fee set out in the Third Schedule to this Ordinance.

Cancellation of registration for fraud and on other grounds.
Section 30 amended by No. 7 of 1931, s. 6; substituted by No. 14 of 1940,

- 30. The Board shall remove from the Dentists' Register the name of any person—
 - (a) whose registration has been obtained by fraud or misrepresentation;
 - (b) whose name has been removed from any register or roll established or kept under any law in any other place providing for the registration or certification of dentists under a public authority:

Provided that the Board shall not remove the name of such person from the Dentists' Register unless the reason for the previous removal from a register or roll was an act or omission of a nature for which if done or omitted to be done in the Territory the Board would have been authorized to remove the name of such person from the Dentists' Register if registered therein;

- (c) who has been convicted in any part of His Majesty's Dominions or elsewhere of an offence which, in the opinion of the Board, renders him unfit to practise;
- (d) who has been certified insane; or
- (e) who is deemed by the Board guilty of-
 - (i) habitual drunkenness or habitual addiction to any drug; or
 - (ii) such unprofessional or improper conduct as, in the opinion of the Board, renders him unfit to be allowed to continue to practise.

Removal from Register of disqualified medical practitioner. 31. If the name of a medical practitioner, whose name is also on the Dentists' Register, is removed from the Medical Register, the Board may, with the consent of the Administrator, remove his name from the Dentists' Register.

Sections 32 repealed by No. 14 of 1940.

33A.—(1.) Before removing from the Dentists' Register the Inquiries. name of any person, the Board shall make due inquiry and the Section 33A person may be represented at the inquiry by counsel, attorney or No. 7 of 1931. agent, who may examine witnesses and address the Board on his behalf

- (2.) The Board shall not be bound by the rules of evidence or legal procedure, but may inform itself by the best evidence which it is able to procure or which is laid before it.
- 33B. Any person whose name has been removed from the Appeal. Dentists' Register in pursuance of the provisions of this Ordinance Inserted by may, within forty-eight days after he has received notice of the removal, apply to the Supreme Court by summons to have his name restored to the Dortista' Parist restored to the Dentists' Register, and the Board shall, if the Supreme Court so orders, restore his name accordingly.

33c. Where the name of any person has been removed from the Restoration to Dentists' Register under section thirty of this Ordinance, the Register. Board, upon proof satisfactory to the Board of his former regis- inserted by tration and that he is not otherwise disentitled to registration, s. 8. may at any time and for such reason as the Board thinks fit and. on payment of a fee of Three pounds three shillings, cause the name of the person to be restored to the Dentists' Register.

34. A person resident in the Territory shall not be deemed to Applicant need be disqualified from being registered as a dentist by reason only British subject. that he is not a British subject.

35. Every person registered as a dentist under this Ordinance Recovery of shall be entitled to practise dental surgery and dentistry in any part of the Territory and to sue in any court of law within the Territory for the recovery of his fees or other remuneration for his professional services in dentistry or in the performance of any dental operation or for any dental attendance or advice, and it shall be sufficient to state in the particulars of demand the words "for dental services", which shall include any demand for any dental operation, attendance or advice, or for any article supplied by the plaintiff to the defendant for dental purposes.

36. No person shall be entitled to recover any fee or other Unregistered remuneration in any court of law for the performance of any dental persons not entitled to operation or for any dental attendance or advice, or shall hold any appointment as a dentist or dental practitioner or dental surgeon appointments. in any hospital, infirmary, dispensary or lying-in hospital, or in any hospital for the insane, gaol, penitentiary or other public institution, unless he is registered under this Ordinance.

Unregistered persons not to make use of professional titles, &c. 37. No dentist shall, in relation to dental surgery or dentistry, use or notify on any name-plate or sign, or in any advertisement, hand-bill or notice published by or on his behalf any title, words, letters, addition or description, either in full, in abbreviation or in combination other than that or those inserted in the Dentists' Register in connexion with his registration.

Dentist not to use name other than his own. 38. No person shall practise dental surgery or dentistry except in his own name.

Only registered persons to practise.

39. No person who is not registered as a dentist shall, except as provided in this Ordinance, practise dental surgery or dentistry for fee or reward, or for expectation of fee or reward:

Provided that notwithstanding anything contained in this Ordinance a legally qualified medical practitioner may perform any dental operation in the ordinary course of his medical or surgical practice where the services of a dentist are not reasonably available, and may sue for the recovery of fees therefor in any court of competent jurisdiction.

Prohibition of employees performing dental operations, &c. Section 39A inserted by No. 7 of 1931, s. 8.

- 39A.—(1.) A person employed by a dentist registered under this Ordinance shall not, unless he is registered as a dentist under this Ordinance, perform any dental operation on, or give dental attention or advice to, any person in the rooms, or on the premises, occupied by his employer or in or on which his employer carries on the business of a dentist.
- (2.) Any person registered as a dentist under this Ordinance who permits any person, other than a dentist registered under this Ordinance, to perform any dental operation on, or to give any dental attention or advice to, any person, or to practise dental surgery or dentistry, in the rooms, or on the premises, occupied by him or in or on which he carries on the business of a dentist, shall be guilty of an offence.
- (3.) The Board may remove from the Register the name of any person registered as a dentist who has been convicted of an offence under the last preceding sub-section.

Unregistered person or company not to adopt dental titles, &c. 40. No person who is not registered as a dentist and no company (other than an association consisting wholly of registered dentists), shall take, use or adopt the name, title, word, letters, addition or description of "dentist", "dental practitioner", "dental surgeon", "surgeon dentist", or "mechanical dentist", or take, use or have attached to or exhibited at any place, the words "dental company", "dental institute", "dental hospital", "dental college", "college or school of dentistry", or any name, title, word, letters, addition or description (either alone or in combination with any other word or words or letters) implying or tending to the belief that he or it

is registered under this Ordinance, or that he or it is qualified to practise dentistry or is carrying on the practice of dentistry or is entitled to use that name, title, word, letters, addition or description.

PART IV. -- MISCELLANEOUS.

41. Any person or company guilty of a contravention of the Penalty. provisions of this Ordinance shall be guilty of an offence.

Penalty on conviction before a District Court (where no other penalty is provided by this Ordinance): One hundred pounds or imprisonment for twelve months.

41A. Notwithstanding the provisions of this Ordinance, the Power of Board Board may refuse to register any person applying to be registered under this Ordinance as a legally qualified medical practitioner or as a dentist, when the qualifications entitling him to apply for registration have been obtained in any country (not being part of the No. 14 of 1940, British Empire) in which registered legally qualified medical practitioners or dentists, as the case may be, of any State or Territory of the Commonwealth are not, by virtue of being so registered, and without further examination, entitled to practise their profession, either on registration or otherwise.

exists.

42.—(1.) The Administrator in Council may make regula- Regulations. tions (2) not inconsistent with this Ordinance prescribing all matters Sub-section which by this Ordinance are required or permitted to be prescribed by No. 20 of 1938, s. 2. out or giving effect to this Ordinance.

Sub-sections (2) and (3) omitted by No. 20 of 1938,

FIRST SCHEDULE.

	£	s.	d.
For registering person as a medical practitioner	 10	10	0
For registering each additional qualification	 1	1	0
For restoring name to register	 3	3	0

SECOND SCHEDULE.

- 1. Fellow, Member, Licentiate or Extra-Licentiate of the Royal College of Physicians of London.
- 2. Fellow, Member or Licentiate, of the Royal College of Physicians of Edinburgh.

⁽²⁾ No regulations have been made.

Paragraph 3 amended by No. 14 of 1940, s. 10.

- 3. Fellow, Member, or Licentiate of the Royal College of Physicians of Ireland.
 - 4. Fellow or Member of the Royal College of Surgeons of England.
 - 5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.

Paragraph 6 amended by No. 14 of 1940, s. 10.

- 6. Fellow or Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow.
 - 7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.

Paragraph 8 amended by No. 14 of 1940, s. 10.

- 8. Licentiate of the Apothecaries' Society of London.
- 9. Licentiate of the Apothecaries' Hall, Dublin.
- 10. Doctor or Bachelor of Medicine, or Master in Surgery of any University in the United Kingdom or in any other of His Majesty's Dominions.
- 11. Any legally qualified practitioner registered in the United Kingdom under the Acts of the Parliament of the United Kingdom of Great Britain passed respectively in the twenty-first and twenty-second year of the reign of Her late Majesty, intituled "An Act to Regulate the Qualifications of Practitioners in Medicine and Surgery", and in the twenty-second year of the reign of Her late Majesty intituled "An Act to Amend the Medical Act" 1858 or any Acts amending these Acts and any legally qualified practitioner registered under the law of any State of the Commonwealth.

Paragraph 12 amended by No. 14 of 1940, s. 10.

12. Medical Officers (duly appointed and confirmed) of His Majesty's sea, land, or air service or of the Defence forces of the Commonwealth.

Paragraph 13 substituted by No. 14 of 1940, s. 10.

13. Any person who has received a degree or diploma certifying to his ability to practise medicine or surgery from some British or foreign university, college, or other body, recognised by the Medical Board.

Substituted by No. 7 of 1931, s. 9.

THIRD SCHEDULE.

		た	8.	a.
Inspection of Dentists' Register	 	0	5	0
For registering a person as a dentist	 	10	10	0