

VETERINARY SURGEONS (AMENDMENT) ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 25, 1969.

An Act to make further provisions relating to the registration of persons as veterinary surgeons and the practice by certain unregistered persons of veterinary science; for these and other purposes to amend the Veterinary Surgeons Act, 1923-1965; and for purposes connected therewith.
[Assented to, 2nd April, 1969]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Veterinary Surgeons (Amendment) Act, 1969".
- (2) Short title, citation and commencement.

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(2) The Veterinary Surgeons Act, 1923, as subsequently amended and as amended by this Act, may be cited as the Veterinary Surgeons Act, 1923–1969.

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

Amendment of Act No. 25, 1923.

2. The Veterinary Surgeons Act, 1923–1965, is amended—

Sec. 2. (Parts.)

(a) by omitting from the matter relating to Part IV in section two the figures “24” and by inserting in lieu thereof the figures and letter “24A”;

Sec. 13. (Qualifications for registration.)

(b) by omitting from subparagraph (iii) of paragraph (c) of subsection one of section thirteen the words “within a period of fifteen years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952.”;

Sec. 18. (Removal of name of deceased veterinary surgeons, etc.)

(c) by omitting paragraph (c) of subsection one of section eighteen and by inserting in lieu thereof the following paragraph :—

(c) has become a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended ;

Sec. 18A. (Removal of name on account of misconduct, etc.)

(d) by omitting paragraph (b) of subsection two of section 18A and by inserting in lieu thereof the following paragraph :—

(b) is addicted to any deleterious drug ; or

Sec. 24. (Minor and urgent operations.)

(e) by omitting paragraph (c) of section twenty-four ;

(f)

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(f) by inserting next after section twenty-four the No. 25, 1969 following new section :—

New sec.
24A.

24A. (1) Nothing in this Act shall prohibit a person who—

- (a) has passed through a regular graded course of study as referred to in subparagraph (i) of paragraph (c) of subsection one of section thirteen of this Act; and
- (b) has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of that paragraph,

from doing or performing any acts, matters or things the doing or performance of which forms part of the practice of veterinary science where—

- (i) there is in force an approval given to that person under this section; and
- (ii) that person does or performs the acts, matters or things in the course of his employment with and under the supervision of a veterinary surgeon.

(2) Upon application made in accordance with subsection five of this section, the board shall, subject to this section, give approval, by notice in writing, to a person to do or perform any of the acts, matters or things referred to in subsection one of this section where the board is satisfied that that person is not entitled to be registered as a veterinary surgeon by reason only that—

- (a) he does not have the qualifications prescribed by subparagraph (iii) of paragraph (c) of subsection one of section thirteen of this Act;
- (b) he has not been resident in the Commonwealth of Australia as required by subparagraph (iv) of that paragraph; or
- (c) he does not have those qualifications and has not been so resident.

(3)

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(3) Subject to this section, an approval given under this section shall remain in force—

- (a) until the person to whom the approval was given is registered as a veterinary surgeon; or
- (b) until the expiration of the period of five years commencing on the day on which the approval is given by the board,

whichever first occurs, and the approval shall thereupon cease to have effect.

(4) A person to whom an approval has been given under this section shall not be given a further approval.

(5) Application for an approval to be given under this section shall—

- (a) be made in such manner and in or to the effect of such form as the board may require;
- (b) be supported by such evidence as the board may require; and
- (c) be accompanied by the prescribed fee.

(6) An application for an approval to be given under this section may be refused by the board if any ground exists on which the approval, if granted to the applicant, might be cancelled or suspended under this section.

(7) The board shall cancel an approval that is in force under this section where the person to whom the approval was given—

- (a) has ceased to possess or does not possess the qualifications referred to in paragraph (a) or (b) of subsection one of this section; or

(b)

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(b) has become a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended.

(8) During the period an approval is in force under this section, the person to whom the approval was given shall give notice in writing of—

- (a) the name and address of each veterinary surgeon by whom he is employed; and
- (b) each change of his private address,

to the registrar within seven days of his becoming so employed or changing his private address, as the case may require.

(9) Where a person in respect of whom an approval is in force under this section has—

- (a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour;
- (b) been convicted of an offence against this Act or the regulations made thereunder during the period the approval is in force;
- (c) been adjudged by the board after an enquiry to have been guilty of misconduct which, if he had been a veterinary surgeon, would have been misconduct in a professional respect (otherwise than by reason of paragraph (c) or (d) of subsection two of section 18A of this Act); or
- (d) has failed to give any notice as required by subsection eight of this section,

the board may cancel the approval or suspend the approval for such period as the board shall think fit.

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(10) The provisions of subsections three, four, five and six of section 18A of this Act shall, mutatis mutandis, apply to an enquiry under paragraph (c) of subsection nine of this section.

Sec. 26A.
(Application of sections 25 and 26.)

(g) by omitting from section 26A the words "section 18A of this Act in the case of a charge of misconduct in a professional respect" and by inserting in lieu thereof the words "section 18A or 24A of this Act in the case of a charge of misconduct";

Sec. 27.
(Penalty for forging registration.)

(h) by inserting in section twenty-seven after the word "Act" the words ", or to be given an approval under section 24A of this Act,";

Sec. 27A.
(Document under hand of registrar to be prima facie evidence.)

(i) by inserting at the end of paragraph (b) of section 27A the following word and new paragraph :—

; or

(c) that any person was or was not on any date or during any period mentioned in the certificate a person in respect of whom an approval was in force under section 24A of this Act.

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