

VETERINARY SURGEONS ACT.

Act No. 25, 1923.

George V, No. 25. An Act to provide for the regulation of the practice of veterinary science; and for purposes consequent thereon or incidental thereto. [Assented to, 5th December, 1923.]

BE 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:—

PART I.

PRELIMINARY.

- Short title.** **1.** (1) This Act may be cited as the "Veterinary Surgeons Act, 1923."
- Commencement.** (2) This Act shall commence and come into operation on the first day of January, one thousand nine hundred and twenty-four.
- Parts.** **2.** This Act is divided into Parts as follows:—
- PART I.—PRELIMINARY—*ss.* 1-3.
- PART II.—THE BOARD—*ss.* 4-8.
- PART III.—REGISTER—*ss.* 9-11.
- PART IV.—VETERINARY SURGEONS—*ss.* 12-24.
- PART V.—MISCELLANEOUS—*ss.* 25-29.
- Definitions.** **3.** In this Act, unless inconsistent with the context or subject-matter,—
- "Board" means the Board of Veterinary Surgeons of New South Wales established by this Act.
- "Member" means member of the board.
- "Person" includes corporation, company, society, association, and firm.
- "Practise"

- “ Practise ” and similar expressions, in relation to veterinary science, refer to practising veterinary science for fee or reward. **George V, No. 25.**
- “ Prescribed ” means prescribed by this Act or the regulations made thereunder.
- “ Registrar ” means registrar of the board.
- “ Veterinary science ” includes any branch of the science or art of veterinary medicine or of veterinary surgery.
- “ Veterinary surgeon ” means a person registered as a veterinary surgeon under this Act.

PART II.

THE BOARD.

4. (1) A board, to be called the “ Board of Veterinary Surgeons of New South Wales,” is hereby established. Incorporation of board.

(2) The board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

5. (1) The members of the first board shall be the chief veterinary surgeon of the Department of Agriculture, who will be president, two persons who hold the degree of Bachelor of Veterinary Science or the diploma of the Royal College of Veterinary Surgeons of Great Britain, and four other persons, of whom two shall be stockowners, the third shall be a person qualified for registration under subsection two of section thirteen, and the fourth shall be a person qualified under paragraph (f) of that subsection. Such members shall be appointed by the Governor. Constitution of board.

(2) The members of the first board shall hold office for three years, and thereafter the board shall consist of a president and four other members, all of whom shall be veterinary surgeons, and shall be appointed by the Governor and hold office for three years.

(3) The president and two other members shall be persons who hold a degree, diploma or license of competency as a veterinary surgeon from the University of Sydney, the Royal College of Veterinary Surgeons of Great Britain, or such other university, veterinary college, or school as may be prescribed. **6.**

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Vacancies
and
remuneration.

6. (1) If the office of a member become vacant during the term for which he is appointed his successor shall be appointed for the remainder of such term.

(2) If a member is likely from any cause to be absent from meetings of the board for more than three months the Governor may appoint a deputy to act for such member during his absence.

(3) A deputy shall have the same powers, rights, and duties as the member for whom he is appointed to act.

(4) Each member shall be paid a fee of one guinea for each meeting of the board which he attends, provided that the fees paid to any member during any year shall not exceed twenty-five guineas.

Vacancies.

7. (1) The office of a member shall be deemed to be vacant—

(a) if he becomes bankrupt or compounds with his creditors ; or

(b) if he is absent without leave of the board from three consecutive meetings of which due notice has been given to him either personally or by post ; or

(c) if he resigns his office by writing under his own hand addressed to the Governor ; or

(d) if he is removed from office by the Governor.

Validity of
acts.

(2) The validity of any act or resolution of the board shall not be affected by any informality or irregularity in its constitution, and the fact that the office of any or every member is vacant shall not of itself operate to dissolve the corporation.

Registrar and
other officers.

8. (1) The Governor may from time to time in accordance with the Public Service Act, 1902, or any Act amending the same, appoint a registrar and such other officers as the Governor may think fit for carrying out the provisions of this Act, and may at any time remove any person so appointed.

(2) The fees of members and the salaries and emoluments of the officers so appointed as aforesaid, and all other expenses of and incidental to the administration of this Act, shall be paid from funds provided by Parliament.

PART III.

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REGISTER.

9. (1) There shall be a register of veterinary surgeons, ^{Keeping.} to be kept as prescribed.

(2) On payment of the prescribed fee, the registrar shall enter in the register—

- (a) the full names and addresses of all persons registered as veterinary surgeons;
- (b) the date and description of the qualification in respect of which such registration is granted;
- (c) such other particulars as may be prescribed.

10. (1) The registrar shall in the month of January ^{Roll.} in each year transmit a copy of the register certified to be correct up to the thirty-first day of December of the preceding year to the Minister, who shall thereupon cause the same to be published in the Gazette as the “Veterinary Surgeons Roll for the year _____,” followed by the number of the year in which it is published.

(2) A copy of the Gazette shall be prima facie evidence in all legal proceedings that the persons mentioned in the roll, and no others, are registered as veterinary surgeons for the year in question.

11. (1) Every veterinary surgeon shall in or before ^{Roll fee.} the month of July in each year pay to the registrar the prescribed roll fee for the following year.

(2) If any veterinary surgeon does not pay the prescribed roll fee before or in the month of July in any year the board may cause his name to be removed from the register.

(3) If the name of any person is removed from the register under this section the board may restore his name to the register upon production of his certificate of registration or proof to the satisfaction of the board of his former registration and payment of the prescribed fee for restoration.

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PART IV.

VETERINARY SURGEONS.

Good fame
and character.

12. No person shall be entitled to be registered as a veterinary surgeon unless he has attained the age of twenty-one years and satisfies the board that he is of good fame and character.

Qualifications
for registra-
tion.

13. (1) Subject to the provisions of this Act, a person shall be entitled to be registered as a veterinary surgeon if he—

(a) holds a degree in veterinary science, or a diploma or license of competency in veterinary surgery and medicine from the University of Sydney or the Royal College of Veterinary Surgeons of Great Britain, or such other university, college, or school as may from time to time be prescribed, provided that the courses of instruction in veterinary science of such other university, college, or school extend over at least four academic years, and are of a standard equivalent to that of the University of Sydney; or

(b) has practised veterinary science in New South Wales for a period of not less than one year during the five years immediately preceding the commencement of this Act and holds a degree, diploma or license granted by some veterinary college or school which required attendance throughout a veterinary curriculum extending over at least two academic years, and satisfies the board that he possesses the requisite knowledge and skill for the efficient practice of veterinary science.

(2) Subject to the provisions of this Act, a person who does not hold the requisite academic qualifications for registration as a veterinary surgeon shall be entitled to be registered if he satisfies the board that he—

(a) has for five years immediately preceding the commencement of this Act, and subsequent to his attaining the age of twenty-one years, attended and treated animals for disease or injury in New South Wales, as a sole or substantial source of livelihood; or (b)

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- (b) has for not less than seven years immediately preceding the commencement of this Act, and subsequent to his attaining the age of twenty-one years, publicly attended and treated animals for disease or injury in New South Wales for fee or reward, on his own account, in a competent manner ;
- (c) has for not less than four years immediately preceding the commencement of this Act, and subsequent to his attaining the age of twenty-one years, publicly attended and treated animals for disease or injury in New South Wales for fee or reward, and passes within one year from the commencement of this Act a written and practical examination in elementary veterinary science as prescribed ;
- (d) has for not less than five years immediately prior to the commencement of this Act held the position of Superintendent of the abattoir area at Homebush, Broken Hill, or Newcastle in the State of New South Wales ;
- (e) was, at or prior to the commencement of this Act, an articled pupil or an assistant to a person qualified to be registered as a veterinary surgeon under this Act, and has completed a term of not less than five years as such pupil or assistant whether to one or more such persons, and passes the prescribed examination ; or
- (f) at the time of the passing of this Act holds the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912 ;
- (g) is registered as a veterinary surgeon under the provisions of any Act regulating the practice of veterinary surgeons in any other State or Territory of the Commonwealth :

Provided that the board is of the opinion that the qualification in respect of which such registration was granted under such other Act is of a standard substantially equivalent to the qualifications prescribed under this Act and

that

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that a person registered under this Act is by virtue of such registration and without further examination entitled to be registered under the Act regulating the practice of veterinary surgeons in such State or Territory.

(3) No person shall be entitled to be registered under the provisions of paragraph (b), subsection one, or paragraphs (a), (b), (c), (d), (e), or (f) of subsection two of this section unless he applies to have his name recorded as a person entitled to the benefits of this section within six months from the commencement of this Act: Provided that the board, if satisfied that for some sufficient reason such person was unable to make such application within the said six months, may permit such application to be made at a later date.

(4) Notwithstanding any other provision of this section, all absences on active military or naval service by a British subject may be accounted as part of the periods of practice mentioned in this section: Provided that such British subject prior to enlistment practised veterinary science in this State.

Right of
appeal.

14. If the application of any person to be registered as a veterinary surgeon is refused by the board upon any ground other than the ground that he has not passed the prescribed examination, such person shall have the right of appeal to the district court of the district in which the applicant resides, and such appeal shall be of the nature of a rehearing, and the decision of the court shall be final, and the board shall give effect thereto.

Application
for registra-
tion.

15. Application to the board for registration shall—
(a) be made as prescribed;
(b) be supported by such evidence as the board may require; and
(c) be accompanied by the prescribed fee.

Registration
certificate.

16. The board may issue certificates of registration as prescribed.

Refusal to
register.

17. The application of any person to be registered as a veterinary surgeon may be refused by the board if in the opinion of the board the applicant does not possess the qualification he claims to possess or if any ground exists on which his name, if it were on the register, might be removed therefrom.

18.

18. (1) The board may remove from the register the name of any person who— George V,
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- (a) has died; or
- (b) does not possess the qualifications in respect of which he was registered; or
- (c) is convicted of any felony or misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour; or
- (d) is guilty of misconduct in a professional respect.

Removal
from register.

(2) Any such person shall not have his name removed from the register—

- (a) until he has been called upon by the board in the prescribed manner to explain any objection raised against him; or
- (b) on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, render it expedient in the public interest that he should be debarred from practising veterinary science.

(3) In the case of a removal of any person's name from the register he shall have the right of an appeal to the district court of the district in which such person resides: such appeal shall be in the nature of a rehearing, and the decision of the court shall be final, and the board shall give effect thereto.

19. (1) Where the board removes the name of any person from the register, the name of that person shall not be again entered on the register except by direction of the board or by order of a court of competent jurisdiction. Restoration
of name.

(2) The board may if it thinks fit in any case direct the registrar to restore to the register any name removed therefrom without payment of fee or on payment of such fee, not exceeding the registration fee, as the board may from time to time direct.

20. No person other than a veterinary surgeon holding some one of the qualifications mentioned in subsection one of section thirteen of this Act shall sign any certificate prescribed by any Act which requires the signature of a veterinary surgeon in respect of the freedom from disease of any animal or animal product. Issuing
certificates
under other
Acts.

21.

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Prohibited
practices.

21. (1) No person shall use or publish in connection with veterinary science, or the practice of veterinary science, any title, name, words, or letters which are capable of being understood to indicate qualification in veterinary science, or as a veterinary surgeon, or qualification for registration as a veterinary surgeon, other than such title, name, words, or letters as truly indicate the degree, diploma, license, certificate, or other qualification which he in fact holds or possesses, and unless he has proved to the satisfaction of the board that he is entitled to such name, letter, or description.

(2) No veterinary surgeon shall without the permission of the board practise except in his own name.

(3) No person other than a veterinary surgeon registered under this Act shall practise as a veterinary surgeon, or take or use the name "veterinary surgeon" or the term "veterinary" or any abbreviation thereof, either alone or in connection with any other name, title, or business:

Provided that this subsection shall not come into operation for six months after the coming into operation of this Act, nor shall this subsection prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(4) Any person who contravenes any of the provisions of this section shall be liable for each offence to a penalty not exceeding twenty pounds and not less than two pounds, and if a veterinary surgeon shall be guilty of misconduct in a professional respect.

Continuation
of name of
deceased
veterinary
surgeon.

22. Notwithstanding any other provision of this Act, upon the death of a veterinary surgeon the board may abstain from removing his name from the register, and may authorise his executor, administrator, or trustee to carry on under the name of the deceased veterinary surgeon the practice formerly carried on by him provided that the practice shall be carried on under the personal superintendence of a veterinary surgeon whose name shall be registered as superintendent of the practice.

Suing for
fees.

23. (1) A veterinary surgeon shall be entitled to sue in any court of competent jurisdiction for his fees or charges for veterinary services, attendance, or advice rendered, work done, or medicines supplied in connection with the practice of veterinary science. (2)

(2) After the coming into operation of this Act no person shall be entitled to recover in any court of law any fee or charge for performing any veterinary operation or for giving any veterinary attendance or advice or practising in any manner as a veterinary surgeon or practitioner or for practising in any case veterinary science in respect of instructions received after the coming into operation of this Act unless he is registered as a veterinary surgeon under this Act.

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24. Nothing in this Act shall prohibit any person from—

Minor and
urgent
operations.

- (a) performing the operations of castrating, speying, dehorning, or inoculating any animal, or tailing of lambs ;
- (b) attending and treating animals where a veterinary surgeon is not available, and making reasonable charges therefor.

PART V.

MISCELLANEOUS.

25. (1) The board may for the purposes of this Act examine any person on oath or take a statutory declaration from any person.

Power of
board to
examine on
oath.

(2) If any such person wilfully makes any false statement or declaration, or utters or attempts to utter or put off as true before the board any false, forged or counterfeit certificate, diploma, license, letter, testimonial, or other document, he shall be liable to imprisonment for a term not exceeding twelve months.

26. (1) The president of the board or, with the consent of the majority of the members present at any meeting of the board, any member may in writing under his hand summon any person to attend before the board for the purpose of being examined with respect to any matter within the jurisdiction of the board.

Power to
summon
witnesses.

(2) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or refuses to be sworn or to make a statutory declaration, or to answer any lawful question, shall be liable to a penalty not exceeding twenty pounds.

27.

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Penalty for
forging
registration.

27. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person 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, and any person aiding or assisting therein shall be liable to imprisonment for a term not exceeding twelve months.

Fees payable
to Treasury.

28. (1) The fees payable and all penalties recovered under this Act or any regulation made thereunder shall be paid to the registrar.

(2) The amount of such fees and penalties shall be paid by the registrar into the Treasury, and carried to the Consolidated Revenue Fund.

(3) The board shall, as soon as practicable after the thirtieth day of June in each year, publish in the Gazette a statement made up to that date showing the receipts and expenditure of the board during the preceding twelve months, certified as correct by the Auditor-General.

Regulations.

29. (1) The Governor, upon the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in particular for—

- (a) regulating the proceedings and fixing the quorum of the board;
- (b) regulating the duties of officers;
- (c) prescribing what degrees, diplomas, licenses, or other documents shall be recognised by the board;
- (d) regulating the holding of examinations, and prescribing the subjects of and fees for such examinations;
- (e) regulating or prohibiting the employment of unregistered persons in private veterinary practice;
- (f) prescribing fees payable under this Act.

(2) Such regulations may prescribe a penalty not exceeding twenty pounds for any breach thereof. Any such penalty may be recovered before a police or stipendiary magistrate or any two justices of the peace in petty sessions.

(3)

- (3) Such regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
