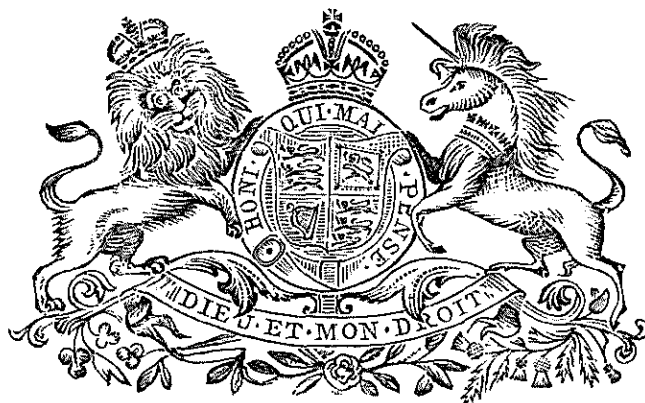


WESTERN AUSTRALIA.



ANNO SECUNDO

GEORGI QUINTI REGIS,

VII.

No. 51 of 1911.

AN ACT to regulate the Practice of Veterinary Surgery, and for other relative purposes.

[Assented to 31st December, 1911.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Veterinary Act*, 1911, and shall come into operation on the first day of January, 1912. Short title and commencement.

2. In this Act, unless the context otherwise requires,— Definitions.

“Board” means the Veterinary Board constituted under this Act.

“Diploma” means any diploma, certificate, or other document granted by any college, corporation, or other body recognised for the time being by the Board.

“Minister” means the responsible Minister of the Crown for the time being charged by the Governor with the administration of this Act.

“Prescribed” means prescribed by Regulation.

for the purpose of being examined with respect to any matter within the jurisdiction of the Board, and every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or attending refuses to be sworn or to make a solemn affirmation or to be examined or to give evidence or to answer all such questions as the Board may legally ask or cause to be asked of him, shall be liable to a penalty not exceeding ten pounds.

The Register.

Register.
Cf. Vic., No. 1154,
sec. 13.

13. The Board shall from time to time cause the names of all duly qualified persons applying for registration under this Act to be registered, together with their respective places of residence and a description of their respective qualifications, in a register to be kept by the Board for that purpose in the prescribed form, and such register shall be called the *Veterinary Register of Western Australia*.

Fees.
Cf. *ibid.*, sec. 14.

14. Before examination or registration under this Act, such fees shall be payable as may from time to time be determined by the Board by regulation. Such fees shall be paid to the registrar for the use of the Board for the purposes of this Act.

Board may make
necessary altera-
tions in register,
and may remove
names.
Cf. *ibid.*, sec. 15.

15. The Board may from time to time make any necessary alterations in the registration of the place of residence and qualifications of any registered veterinary surgeon and may from time to time cause the registrar to send a letter to any registered veterinary surgeon, addressed to him at his address appearing in the register, and if no answer to such letter be received within two months after the due posting of the letter then the Board may cause the name of such surgeon to be removed from the register; but such surgeon's name shall be restored to the register upon his personal application and the production of his certificate or satisfactory proof of his former registration.

Removal of name
from register on
death.

16. The registrar shall remove from the register the name of any veterinary surgeon whose death shall be proved to the registrar's satisfaction; but whenever it shall appear to the Board that any name has been removed under this section in error, the Board shall direct the registrar to restore such name, and he shall restore it to the register accordingly.

Removal from
register for mis-
conduct.
Cf. *ibid.*, sec. 17.

17. If any registered veterinary surgeon shall, after due inquiry, be adjudged by the Board to be incompetent or to have been guilty of misconduct as a veterinary surgeon, the Board may direct the Registrar to remove the name of such surgeon from the register.

Provided that the Board may, if it thinks fit, restore to the register the name of any surgeon whose name has been removed therefrom.

18. (1.) Any person who thinks himself aggrieved by any decision of the Board in refusing to enter his name in the register, or in removing his name from the register, may within three months after the date of the decision appeal to a Judge of the Supreme Court.

Appeal to
Judge.

(2.) The Judge may make such order as he thinks just (including any order as to costs), and such order shall have effect according to its tenor and shall be final.

19. A copy of the register shall, in the month of January in each year, be published by the Board in the *Government Gazette*.

Copy of register
to be published.

20. Any copy of the register purporting to be certified by the registrar or a *Government Gazette* containing what purports to be a copy of the register shall, in all Courts of law, be *prima facie* evidence that the persons therein named were at the date of the certificate or *Gazette* and are registered veterinary surgeons, and the absence of the name of any person shall be *prima facie* evidence that such person was not at the date of the certificate or *Gazette* and is not so registered.

Certified copy
evidence.
Cf. *ibid.*, sec. 19.

Registered Veterinary Surgeons.

21. (1.) Every person shall be entitled to be registered in the register under this Act who proves to the satisfaction of the Board that he—

Qualifications
for registration.

(a.) Has attained the age of twenty-one years;

(b.) Is a person of good fame and character; and

(c.) Holds a diploma of competency as a veterinary surgeon from the Royal College of Veterinary Surgeons of Great Britain, or from some other college or institution recognised by the Board, or has passed a prescribed examination to the satisfaction of the Board.

Cf. *ibid.*, sec. 20
(1).

(2.) Where at the passing of this Act any person practises and has continuously for not less than five years before the passing of this Act practised veterinary surgery in Western Australia the Board may, until the 31st day of December, 1912, enter his name as a veterinary practitioner in a portion of the register to be headed "Veterinary Practitioners."

(3.) Every person whose name is so entered as a veterinary practitioner shall, whilst his name continues so registered, be deemed for the purpose of this Act a registered veterinary surgeon.

Provided, however, that no such person shall in any advertisement or on any name plate or sign, or by means of any written or printed matter advertise or hold himself out as a registered veterinary surgeon unless it is made to appear in such advertise-

ment, plate, sign, or written or printed matter, that such person is registered as a veterinary practitioner only. Save as in this section provided, no person shall be registered as a veterinary surgeon under this Act.

Certificates.

22. (1.) Every registered veterinary surgeon shall, on payment of a fee of one shilling, be entitled to obtain from the Registrar a certificate stating that he is so registered, and setting out the qualifications by virtue of which he is registered.

(2.) In the case of a certificate issued to a person qualified as provided in subsection (1) of section twenty-one, the certificate shall be called a "certificate of competency," and shall state that such person is registered as a competent veterinary surgeon.

(3.) A certificate issued to a veterinary practitioner shall be called a "certificate of practice," and shall state that it is issued to the practitioner without any proof of competency having being furnished by him.

(4.) Every such certificate shall be *prima facie* evidence of the matters therein stated.

Registered veterinary surgeons may sue for fees, etc.
Cf. *ibid.*, sec. 24.

23. Every registered veterinary surgeon may, whilst so registered, sue in any Court of law of competent jurisdiction for the recovery of his fees or other remuneration for professional services whether medical or surgical.

Prohibition on unregistered person recovering fees.
Cf. *ibid.*, sec. 24.

24. No person other than a registered veterinary surgeon shall (subject as hereinafter provided) be entitled to sue or counterclaim or set-off or recover any charge or remuneration for any veterinary advice, attendance, service, operation, or medicine.

Offences.

Penalty for practising when not registered.

Cf. *ibid.*, secs. 24 and 28.

25. (1.) Except as hereinafter provided, from and after the first day of May, one thousand nine hundred and twelve, no person other than a registered veterinary surgeon shall be entitled to—

(a.) Practise veterinary surgery in any of its branches or perform or give for reward any veterinary service, operation, or advice; or to

(b.) Advertise or hold himself out as being a registered veterinary surgeon; or to

(c.) Advertise or hold himself out as being entitled or qualified to practise veterinary surgery or to perform or give any veterinary service, operation, or advice.

(2.) Every person who does or permits any act, matter, or thing contrary to this section shall be liable, upon conviction, to a penalty not exceeding twenty pounds.

Provided, nevertheless, that nothing herein shall make it illegal for any person to perform for reward the operation of castration, spaying, or dehorning on any animal or the tailing of lambs.

(3.) Any person other than a registered veterinary surgeon who shall advertise or hold himself out as being a registered veterinary practitioner shall be deemed guilty of an offence under this section and liable to the penalty mentioned in subsection two.

(4.) Any person who shall by act or omission contravene the proviso to subsection three of section twenty-one shall be liable on conviction to a penalty not exceeding ten pounds.

(5.) Every person who exhibits or publishes any letter, circular, card, or advertisement of any kind whereby any person holds himself out contrary to any part of this section or section twenty-one shall be liable, upon conviction, to a penalty not exceeding five pounds.

Penalty for advertising when not registered.

Provided that this section shall not apply to any newspaper proprietor or printer publishing such advertisement in good faith before receiving written notice from the registrar that such advertisement is contrary to some part of this section.

26. If any person—

(a) Shall resist or obstruct any officer of the Board in the performance of any duties or the exercise of any powers under this Act or any regulation; or

(b) Shall wilfully mislead any such officer in any particular likely to affect the discharge of his duty,

such person shall be guilty of an offence against this Act and liable on conviction to a penalty not exceeding twenty pounds.

Penalty for obstructing or misleading officers.

Miscellaneous.

27. (1.) The Board with the approval of the Governor may, from time to time, make, alter, and repeal regulations for:—

Regulations.

(a.) Determining the evidence to be produced and conditions to be fulfilled by any person applying for registration under this Act;

(b.) Regulating the form and manner of keeping the register;

(c.) Regulating the meetings and proceedings of the Board;

(d.) Regulating the manner of making and dealing with complaints against registered veterinary surgeons alleged to be incompetent or to have been guilty of misconduct as such surgeons;

(e.) Prescribing a scale of fees to be charged in respect of any registration or other proceeding under this Act or the regulations.

(f.) Regulating or prescribing all matters which by this Act are required or permitted to be prescribed or regulated or which it may be necessary or convenient to regulate or prescribe for giving effect to this Act or the regulations;

(g.) Prescribing forms for use under this Act.

(2.) Such regulations shall state a penalty, not exceeding ten pounds, for any neglect or breach thereof.

Regulations, how made.

28. Any regulations made under this Act shall—

- (i.) be published in the *Gazette*;
- (ii.) take effect from the date of publication or from a later date to be specified in such regulations;
- (iii.) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

Either House may disallow any regulation.

(2.) If either House of Parliament passes a resolution at any time within twenty days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect, but without prejudice to anything previously done or suffered thereunder.

Act not to interfere with chemists. Cf. *ibid.*, sec. 26.

29. Nothing in this Act contained shall extend to or interfere with the business or with the rights and privileges of any registered pharmaceutical chemist in supplying drugs, medical and surgical appliances used for horses, cows, and other animals in the ordinary course of such business nor with the business of any wholesale druggist.