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VETERINARY SURGEONS ACT 1960

VETERINARY SURGEONS AMENDMENT REGULATIONS 2007

Veterinary Surgeons Act 1960

Veterinary Surgeons Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Veterinary Surgeons Amendment Regulations 2007*.

2. The regulations amended

The amendments in these regulations are to the *Veterinary Surgeons Regulations 1979**.

[* Reprint 2 as at 14 May 2004. For amendments to 15 February 2007 see Western Australian Legislation Information Tables for 2005, Table 4 and Gazette 12 December 2006.]

3. Part headings inserted

The following Part headings are inserted —

(a) before regulation 1 —

Part 1 — Preliminary

(b) before regulation 3 —

Part 2 — The Veterinary Surgeons' Board

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r. 3		
	(c) before regulation 13 —	
"	Part 3 — The Register and registration	,,
"	(d) before regulation 28 —	
	Part 4 — Professional conduct and operation of veterinary practices	,,
	(e) before regulation 34 —	
	Part 5 — Veterinary clinics and veterinary hospitals	"
"	(f) before regulation 44 —	
	Part 6 — Practising veterinary surgery	,,
"	(g) before regulation 64 —	
	Part 7 — Veterinary nurses	,,
"	(h) before regulation 74 —	
	Part 8 — Animal welfare societies	,,
"	(i) before regulation 80 —	
.,	Part 9 — General	"

r. 4

4. Regulation 2 replaced

Regulation 2 is repealed and the following regulation is inserted instead —

"

2. Interpretation

(1) In these regulations —

"approved form" means a form approved by the Board, or if no form is approved, in writing;

"Form" means a form set out in Schedule 1;

"owner", in relation to the animal, means —

- (a) an owner of the animal; or
- (b) a person who is responsible for the ongoing health and welfare of the animal;

"pastoral region" means the whole of the State other than —

- (a) the South-West division of the State as described in the *Land Administration Act 1997* Schedule 1; and
- (b) the local government districts of Esperance and Ravensthorpe;

"scheduled drug" means a poison included in the *Poisons Act 1964* Schedule 4 or 8;

"trainee veterinary nurse" means a person who —

- (a) is enrolled in a course approved for the purposes of section 26E(1) of the Act; and
- (b) has been authorised under section 26(4)(b) of the Act to perform the duties and veterinary services of a trainee veterinary nurse;

"veterinary student" means a student referred to in section 26(4)(a) of the Act.

r. 5

- (2) For the purposes of paragraph (e) of the definition of "veterinary surgery" in section 2 of the Act, the following acts, matters, procedures and things are prescribed as forming part of the practice of veterinary surgery
 - (a) examination for pregnancy by rectal palpation or rectal probe and ovarian examination per rectum;
 - (b) acupuncture procedures;
 - (c) ova or embryo transplants;
 - (d) artificial insemination by surgical (laparoscopic) method;
 - (e) uterine swabbing of mares.

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5. Regulation 6 amended

Regulation 6 is amended as follows:

- (a) in paragraph (a) by deleting "the form of Form No. 1," and inserting instead
 - " an approved form, ";
- (b) in paragraph (b) by deleting "the form of Form No. 2;" and inserting instead
 - " an approved form; ";
- (c) after paragraph (c)(iii) by inserting —

"

(iv) include or be accompanied by an explanation to the voter of how to make a valid vote;

"

- (d) after each of paragraphs (a) to (j), subparagraphs (a)(i) and (ii) and (c)(i) and (iii) by inserting
 - " and ".

r. 6

6. Regulation 8 replaced

Regulation 8 is repealed and the following regulation is inserted instead —

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8. Remuneration and travelling expenses

- (1) A member of the Board, or deputy of a member, is entitled under section 9 of the Act to remuneration and travelling expenses equal to those payable under the Public Service Award 1992 and any relevant industrial agreements to
 - (a) in the case of the chairman or the deputy of the chairman, a level 9 officer of the Department; or
 - (b) in the case of any other Board member or deputy of a member, a level 8 officer of the Department.
- (2) In subregulation (1)
 - "Department" means the department of the Public Service principally assisting in the administration of the Act;
 - "relevant industrial agreement" means any industrial agreement in force under the *Industrial Relations*Act 1979 section 41 and applying to officers of the Department.
- (3) No remuneration is payable under subregulation (1) to a person who is an employee (as defined in the *Public Sector Management Act 1994*) and continues to receive his or her usual rate of remuneration in respect of that employment while engaged on the business of the Board.

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7. Regulation 13 replaced

Regulation 13 is repealed and the following regulation is inserted instead —

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13. Form of Register

- (1) The Register is to be kept in writing.
- (2) The particulars that are required under section 17(3)(c) of the Act to be entered in the Register are
 - (a) the date of registration; and
 - (b) the certificate of registration number; and
 - (c) any—
 - (i) conditions as to the person's registration; and
 - (ii) restrictions on the practice of veterinary surgery by the person,

imposed under the Act.

8. Regulation 15 amended

- (1) Regulation 15(1)(a) is amended by deleting "the form of Form No. 4;" and inserting instead
 - " an approved form; ".
- (2) Regulation 15(3)(a) is amended by deleting "the form of Form No. 4A;" and inserting instead
 - " an approved form ".
- (3) Regulation 15(4) is amended by deleting "make application to alter the register in form 19" and inserting instead —

lodge with the Registrar an application to alter the Register in an approved form

"

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r. 9

9. Regulation 16 amended

Regulation 16 is amended by deleting "and at such other meetings of the Board as it may require." and inserting instead —

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or a person nominated by the Board at the times and places specified by the Board or that person.

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10. Regulation 16B amended

Regulation 16B(a) is amended by deleting "the form of Form 4C;" and inserting instead —

" an approved form; ".

11. Regulation 16C amended

Regulation 16C(1)(a) is amended by deleting "the form of Form 4D;" and inserting instead —

" an approved form; ".

12. Regulations 17 to 18 repealed

Regulations 17 to 18 are repealed.

13. Regulation 19 amended

Regulation 19(2) is repealed.

r. 14

14. Regulations 21 and 22 replaced

Regulations 21 and 22 are repealed and the following regulations are inserted instead —

"

21. Examinations (s. 20(1)(e)(iii))

The following examinations are prescribed for the purposes of section 20(1)(e)(iii) of the Act —

- (a) the national veterinary examination conducted by the Australasian Veterinary Boards Council;
- (b) the national veterinary examination conducted by the Royal College of Veterinary Surgeons;
- (c) the national veterinary examination conducted by the American Veterinary Medical Association.

22. Restoration of name to Register

An application under section 24(4) of the Act is to be —

- (a) made in an approved form; and
- (b) accompanied by the fee set out in regulation 80.

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15. Regulations 28 to 29 replaced by regulations 28, 29 and 30

Regulations 28 to 29 are repealed and the following regulations are inserted instead —

"

28. Unprofessional conduct

(1) For the purposes of section 23(4) of the Act, this regulation sets out the standards of professional conduct to be observed by registered veterinary surgeons.

r. 15

- (2) A registered veterinary surgeon engages in unprofessional conduct if he or she
 - (a) contravenes any provision of the Act or these regulations; or
 - (b) is convicted of an offence under
 - (i) the Animal Welfare Act 2002; or
 - (ii) the Artificial Breeding of Stock Act 1965; or
 - (iii) the Exotic Diseases of Animals Act 1993; or
 - (iv) the *Poisons Act 1964*; or
 - (v) the Stock Diseases (Regulations) Act 1968; or
 - (vi) the Veterinary Chemical Control and Animal Feeding Stuffs Act 1976;

or

(c) otherwise falls substantially short of the standards of professional conduct that could reasonably be expected to be observed by members of the veterinary profession of good repute and competency.

29. Prescribing scheduled drugs

(1) In this regulation —

"prescribe a scheduled drug" means —

- (a) prescribe a scheduled drug; or
- (b) sign a written order for the purposes of the *Poisons Regulations 1965* regulation 39A.
- (2) A registered veterinary surgeon must not prescribe a scheduled drug for an animal unless
 - (a) the surgeon has examined the animal within the previous 7 days; or

r. 15

- (b) if the drug is prescribed for one or more animals that are part of a group of animals kept at the same premises, either
 - (i) the surgeon has inspected the premises and assessed the general health of the animals kept there; or
 - (ii) the surgeon
 - (I) has reasonable knowledge of the premises and the conditions under which the animals are kept; and
 - (II) has reasonable grounds to believe that an examination of the animals is not necessary in order to establish that it is appropriate to prescribe the drug; and
 - (III) has discussed the health of the animals with the owner within the previous 7 days.
- (3) A registered veterinary surgeon must not prescribe a scheduled drug unless satisfied that the owner is competent, and has any equipment and facilities necessary, to safely and effectively handle, store, transport and administer the drug.
- (4) A registered veterinary surgeon supplying or prescribing a scheduled drug must not supply or prescribe more of the poison than is reasonably required to treat the animal.

r. 16

30. Clinical record of supply or prescription of scheduled drug

- (1) A registered veterinary surgeon who supplies or prescribes a scheduled drug must make a clinical record of the supply or prescription.
- (2) A clinical record required under subregulation (1) must include
 - (a) the name and address of the owner of the animal; and
 - (b) sufficient details to identify the animal; and
 - (c) the clinical history of the animal including the results of any examination of, or diagnostic tests carried out on, the animal; and
 - (d) the name of the poison; and
 - (e) the quantity of the poison supplied or prescribed.

16. Regulations 33A to 33E inserted

After regulation 33 the following regulations are inserted —

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33A. Advertising

A registered veterinary surgeon shall not publish, or cause or permit to be published, an advertisement in connection with a veterinary practice that —

- (a) is false or misleading; or
- (b) is vulgar or sensational; or
- (c) is likely to adversely affect the reputation or standing of any veterinary surgeon or the veterinary profession; or

r. 16

(d) expressly or impliedly claims superiority for the veterinary surgeon over any or all other veterinary surgeons.

33B. Locums

- (1) In this regulation
 - "locum" means a person acting as a locum tenens during the temporary absence or inability of a registered veterinary surgeon.
- (2) A registered veterinary surgeon must not appoint as a locum any person who is not a registered veterinary surgeon.
- (3) A registered veterinary surgeon who appoints a locum must give written notice to the Board of the name of the locum and the period of the appointment before, or as soon as possible, after the appointment commences.

33C. Supervisor to ensure competence of persons under supervision

A registered veterinary surgeon must not direct or supervise the performance of a veterinary service by a person who is not a registered veterinary surgeon unless the surgeon is satisfied that the person —

- (a) is authorised under the Act to perform the service; and
- (b) is competent to perform the service.

33D. False or inaccurate certificates

A registered veterinary surgeon must not issue a certificate —

(a) knowing it to contain false information; or

r. 17

(b) without having reasonable grounds for believing that the information contained in it is accurate.

33E. Name of practice (s. 26A)

An application for approval of a name under section 26A(4) of the Act is to be —

- (a) made in an approved form; and
- (b) accompanied by such evidence with respect to the application as the Board may require.

"

17. Regulation 34 amended

Regulation 34(a) is amended by deleting "Form No. 11;" and inserting instead —

" Form 1; ".

18. Regulation 35 amended

Regulation 35 is amended as follows:

- (a) by inserting after "application"
 - " under regulation 34";
- (b) by deleting "Form No. 12, issue a temporary permit" and inserting instead
 - " Form 2".

r. 19

19. Regulations 37 to 39 replaced by regulations 37 and 38

Regulations 37 to 39 are repealed and the following regulations are inserted instead —

"

37. Renewal of registration of veterinary clinic or hospital

An application to renew the registration of a veterinary clinic or hospital is to be —

- (a) made in the form of Form 3; and
- (b) accompanied by such evidence with respect to the application as the Board may require.

38. Transfer of management of veterinary clinic or hospital

An application to transfer the management of a veterinary clinic or hospital to another registered veterinary surgeon is to be —

- (a) made in the form of Form 4; and
- (b) accompanied by such evidence with respect to the application as the Board may require.

20. Regulation 43 replaced

Regulation 43 is repealed and the following regulation is inserted instead —

"

43. Supervision of veterinary services in veterinary clinic or hospital

A person other than a registered veterinary surgeon shall not perform any duties or veterinary services in or in connection with a veterinary clinic or veterinary hospital unless —

(a) the person is authorised under the Act to perform those duties or services; and

r. 21

(b) the performance is directed or supervised in the manner required under the Act.

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21. Regulations 44 to 63 replaced by regulations 44 to 47

Regulations 44 to 63 are repealed and the following regulations are inserted instead —

"

44. Prescribed area (s. 26(3)(c))

The pastoral region is a prescribed area of the State for the purposes of section 26(3)(c) of the Act.

45. Veterinary services that may be performed by any person (s. 26(3)(e))

The following veterinary services are prescribed for the purposes of section 26(3)(e) of the Act as services that may be performed by any person —

- (a) dressing and suturing wounds;
- (b) immobilising a fractured limb by external fixation;
- (c) treating milk fever or *postparturient paresis*;
- (d) relieving bloat;
- (e) assisting a female animal at parturition;
- (f) medicating an animal with a registered vaccine or medicament;
- (g) rasping teeth;
- (h) transferring ova in an animal by non-surgical means if performed in accordance with the *Artificial Breeding of Stock Act 1965* by a person who is licensed under that Act to do so;
- (i) vivisection and other experiments or operations on animals (including giving any necessary

r. 21

anaesthetic) if performed in accordance with the *Animal Welfare Act 2002* by a person who is authorised under that Act to do so.

46. Veterinary services that may be performed by veterinary students (s. 26(4)(a))

- (1) The veterinary services set out in this regulation are prescribed for the purposes of section 26(4)(a) of the Act as veterinary services that may be performed by a veterinary student.
- (2) A veterinary student may, in the presence of, and under the immediate and direct personal supervision of, a registered veterinary surgeon, diagnose disease in, or injury to, the animal and propose treatment for the animal.
- (3) The following veterinary services may be performed by a veterinary student under the direction of a registered veterinary surgeon
 - (a) administering scheduled drugs;
 - (b) supervising, caring for and nursing animals;
 - (c) administering, monitoring and managing intravenous fluid therapy and transfusions;
 - (d) providing to the owner of an animal that is under the care of the registered veterinary surgeon
 - (i) advice as to the treatment of the animal; and
 - (ii) information as to the clinical progress of the animal.
- (4) A veterinary student may, under the personal supervision of a registered veterinary surgeon, perform any veterinary service not referred to in subregulation (2) or (3).

r. 21

- (5) A veterinary student must not perform a veterinary service unless
 - (a) performance of the service is required as part of the student's course of study; and
 - (b) the veterinary surgeon under whose supervision or direction the service is performed is approved by the university at which the student is enrolled to supervise or direct the performance of that veterinary service; and
 - (c) the owner of the animal has given permission for the service to be performed by a veterinary student; and
 - (d) if the owner's permission is given subject to any conditions, those conditions are complied with.
- (6) The approval by a university of a registered veterinary surgeon for the purposes of subregulation (5)(b)
 - (a) must be made in writing; and
 - (b) may be given generally or subject to any conditions or restrictions specified in it; and
 - (c) remains in force for the period specified in it (if any) or until it is revoked by the university.
- (7) A university must keep a written record of an approval given under subregulation (5)(b) for not less than 7 years after the approval ceases to be in force, and make that record available for inspection by the Board on request.

r. 21

47. Veterinary services that may be performed by authorised persons (s. 26(4)(b))

- (1) In this regulation
 - "authorised person" means a person authorised by the Board under section 26(4)(b) of the Act, other than a veterinary nurse or a trainee veterinary nurse.
- (2) The following veterinary services are prescribed for the purposes of section 26(4)(b) of the Act as services that may be performed by an authorised person
 - (a) administering by injection sedatives, tranquilisers and euthanasia agents;
 - (b) equine dentistry;
 - (c) embryo transplantation;
 - (d) diagnosis of disease;
 - (e) administering contraceptives or other medications to dogs in the pastoral region.
- (3) An authorised person may perform such of the services referred to in subregulation (2) as are specified in the person's authorisation.
- (4) An authorisation issued under section 26(4)(b) of the Act to an authorised person
 - (a) is valid for the period specified in it unless it is revoked by the Board before the expiration of that period; and
 - (b) may be renewed.
- (5) An application for authorisation under section 26(4)(b) of the Act as an authorised person, or the renewal of such an authorisation, is to be
 - (a) made in an approved form; and
 - (b) accompanied by such evidence with respect to the application as the Board may require; and
 - (c) accompanied by the fee set out in regulation 80.

r. 22

(6) The Board must not authorise a person under section 26(4)(b) of the Act to perform a veterinary service unless the Board is satisfied that the person is competent to properly perform that service.

".

22. Regulations 64 to 67 replaced by regulations 64 to 66

Regulations 64 to 67 are repealed and the following regulations are inserted instead —

"

64. Approval of veterinary nurses (s. 26E)

- (1) An approval issued for the purposes of section 26E of the Act
 - (a) is valid until the 31 December following the date on which it is issued unless revoked by the Board before that date; and
 - (b) may be renewed.
- (2) An application for approval as a veterinary nurse, or the renewal of approval as a veterinary nurse, is to be
 - (a) made in an approved form; and
 - (b) accompanied by such evidence with respect to the application as the Board may require; and
 - (c) accompanied by the fee set out in regulation 80.

65. Duties and veterinary services that may be performed by veterinary nurses (s. 26(4)(b), 26E(4))

(1) The duties and veterinary services set out in this regulation are prescribed for the purposes of sections 26(4)(b) and 26E(4) of the Act as duties and veterinary services that may be performed by a veterinary nurse.

r. 22

- (2) A veterinary nurse may, in the presence of, and under the immediate and direct personal supervision of, a registered veterinary surgeon, assist the surgeon to perform surgical procedures.
- (3) The following duties and veterinary services may be performed by a veterinary nurse under the personal supervision of a registered veterinary surgeon
 - (a) dental prophylaxis, including simple extraction of teeth;
 - (b) superficial surgical procedures (such as suturing skin);
 - (c) taking images using x-rays, ultrasound, ECG or similar imaging techniques, in accordance with the *Radiation Safety Act 1975* and any other relevant written law;
 - (d) taking samples for the purposes of pathology tests:
 - (e) setting up and supervising intravenous drips and transfusions;
 - (f) inserting and removing indwelling catheters for the administration of intravenous fluids;
 - (g) assisting with and monitoring the administration of anaesthetics;
 - (h) monitoring the recovery of animals from anaesthesia.
- (4) The following duties and veterinary services may be performed by a veterinary nurse under the direction of a registered veterinary surgeon
 - (a) physically examining animals;
 - (b) giving general health advice in relation to weight loss, nutrition, parasite control and similar matters;

r. 22

- (c) isolating animals and carrying out barrier nursing;
- (d) administering scheduled drugs;
- (e) supplying to customers medication specified by the registered veterinary surgeon;
- (f) dressing wounds and post-surgical care;
- (g) supervising, caring for and nursing animals;
- (h) performing clinical pathology tests.

66. Duties and veterinary services that may be performed by trainee veterinary nurses (s. 26(4)(b))

- (1) The duties and veterinary services set out in regulation 65(2), (3) and (4) are prescribed for the purposes of section 26(4)(b) of the Act as duties and veterinary services that may be performed by a trainee veterinary nurse.
- (2) A trainee veterinary nurse may perform those duties and veterinary services only in the presence of, and under the immediate and direct personal supervision of, a registered veterinary surgeon.
- (3) An authorisation issued under section 26(4)(b) of the Act to a trainee veterinary nurse
 - (a) is valid for the period specified in it unless it is revoked by the Board before the expiration of that period; and
 - (b) may be renewed.
- (4) An application for authorisation under section 26(4)(b) of the Act as a trainee veterinary nurse, or the renewal of such an authorisation, is to be
 - (a) made in an approved form; and

r. 23

- (b) accompanied by such evidence with respect to the application as the Board may require; and
- (c) accompanied by the fee set out in regulation 80.

23. Regulation 74 replaced

Regulation 74 is repealed and the following regulation is inserted instead —

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74. Licences for animal welfare societies

An application for a licence under section 26F of the Act, or the renewal of such a licence, is to be —

- (a) made in an approved form; and
- (b) accompanied by such evidence with respect to the application as the Board may require; and
- (c) accompanied by the fee set out in regulation 80.

,

24. Regulations 76 and 77 replaced by regulation 76

Regulations 76 and 77 are repealed and the following regulation is inserted instead —

"

76. Duration of licence

A licence issued under section 26F of the Act is valid for 2 years from the date on which it is issued unless it is revoked by the Board before the expiration of that period.

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r. 25

1110	Γable to regulation 80 is amended as follows:	
(a)	after item 7 by inserting —	
7A	Application for authorisation under s. 26(4)(a) as an authorised person (r. 47)	10:
(b)	by deleting item 15 and inserting instead —	
15	Application for transfer of management of a veterinary clinic or veterinary hospital (r. 38)	55
(c)	in items 16 and 17 by deleting "(r. 39)" and insertinstead —	ting
	" (r. 37) ";	
(d)	by deleting Part D and inserting instead —	
	Part D — Veterinary nurses	
18	Application for approval as a veterinary nurse (r. 64).	60
19	Renewal of approval as a veterinary nurse (r. 64)	40
19A	Application for authorisation under s. 26(4)(b) as a trainee veterinary nurse (r. 66)	20

r. 26

26. The Schedule replaced

The Schedule is repealed and the following Schedule is inserted instead —

"

Schedule 1 — Forms

[r. 34, 35, 37, 38]

Date

Application to register veterinary clinic or hospital **Application to register** Veterinary Surgeons Act 1960 s. 24A veterinary clinic or hospital Applicant Name _ (person who will Address be managing veterinary Telephone surgeon) Email **Premises** ☐ Veterinary clinic ☐ Veterinary hospital Name of clinic/hospital Street address Postal address Telephone Fax Email Owner or lessee of premises

> Name ___ Address

Applicant

Signature

r. 26

2. Certificate of registration of a veterinary clinic or hospital

Veterinary Surgeons Act 1960		
Certificate of registration of veterinary clinic*		
This is to certify that		
the [name]		
at [address]		
managed by		
is registered as veterinary clinic* under the <i>Veterinary Surgeons</i>		
Act 1960.		
The registration is valid for 3 years.		
, , , , , , , , , , , , , , , , , , ,		
Registrar of the Veterinary Surgeons' Board Date		

3. Application to renew registration of veterinary clinic or hospital

Application to renew registration Veterinary Surgeons				
of ve	terinary clinic or hospital	<i>Act 1960</i> s. 24A		
Managing	Name			
veterinary	Address			
surgeon		· · · · · · · · · · · · · · · · · · ·		
	Telephone Fax Email			
Premises	☐ Veterinary clinic ☐ Vet	erinary hospital		
	Registration No.			
	Name of clinic/hospital			
	Street address			
	Postal address			
	Telephone Fax Email			
	Owner or lessee of premises			
	Name			
	Address			
G*4				
Signature	Managing veterinary surgeon	Date		

^{[*} For a veterinary hospital, change "clinic" to "hospital".]

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4. Application to transfer management of veterinary clinic or hospital

Applica	Veterinary Surgeons	
	terinary clinic or hospital	Act 1960 s. 24A
Premises	☐ Veterinary clinic ☐ Vet	erinary hospital
	Registration No.	
	Name of clinic/hospital	
	Street address	
	Postal address	
	Telephone Fax	
	Email	
Managing	Current managing veterinary surgeo	n
veterinary	Name	
surgeon		
	New managing veterinary surgeon	
	Name	
	Address	
	Telephone Fax	
G• .	Email	
Signature		- -
	Current managing veterinary surgeon	Date
	New managing veterinary surgeon	Date

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.