

WESTERN AUSTRALIA

# VETERINARY SURGEONS.

9° Elizabeth II., No. LXIV.

No. 64 of 1960.<sup>1</sup>

[As amended by Act:

No. 45 of 1977,<sup>2</sup> assented to 7th November, 1977,  
and reprinted pursuant to the Amendments Incorporation Act,  
1938.]

**AN ACT to consolidate Certain Acts Regulating the Practice of Veterinary Surgery, by repealing those Acts and re-enacting them with Amendments, and for incidental and other purposes.**

[Assented to 2nd December, 1960.]

**BE** it enacted—

PART I.—PRELIMINARY.

1. (1) This Act may be cited as the *Veterinary Surgeons Act, 1960-1977*.

Short title, commencement and repeal.

(2) This Act shall come into operation on a day to be fixed by proclamation.<sup>1</sup>

Amended by No. 45 of 1977, s. 1.

(3) The Veterinary Act, 1911, and the Veterinary Surgeons Act Amendment Act, 1923, are repealed.

<sup>1</sup> Came into operation 12th January, 1962; see *Gazette* 12/1/62, p. 103.

<sup>2</sup> Came into operation 21st December, 1979; see *Gazette* 21/12/79, p. 3909.

Interpre-  
tation.

Amended by  
No. 45 of  
1977, s. 3.

2. In this Act unless the context requires otherwise—

“animal” includes bird and reptile;

“Board” means the Veterinary Surgeons’ Board constituted under this Act;

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

“member” means a member of the Board;

“practise”, in relation to veterinary surgery, includes the doing or performing, whether on one occasion or on more than one occasion, of any act, matter, procedure, or thing that is included within the interpretation of the term “veterinary surgery”; and “practice” shall be construed accordingly;

“Register” means the Register of Veterinary Surgeons, Western Australia, referred to in section seventeen of this Act;

“registered veterinary surgeon” means a person whose name appears in the Register and includes a person who is deemed to be registered as a veterinary surgeon under this Act;

“Registrar” means the Registrar appointed by the Board under this Act;

“the District Court” means The District Court of Western Australia;

“veterinary clinic” means any premises at which veterinary surgery is practised, but at which animals are not retained overnight;

“veterinary hospital” means any premises at which veterinary surgery is practised at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance;

“veterinary nurse” means a person who has been approved by the Board to perform prescribed veterinary services pursuant to section twenty-six E of this Act;

“veterinary surgery” means the art and science of veterinary surgery and veterinary medicine, and, without limiting the generality of the foregoing, includes—

- (a) the examination of any animal for the purpose of the diagnosis of disease in, or injury to, that animal, or the conduct of tests, whether physiological or pathological, on any animal for diagnostic purposes;
- (b) the provision of advice based upon diagnosis of disease of, or injury to, any animal;
- (c) the surgical or medical treatment of any animal;
- (d) the giving of any anaesthetic to, or the performance of surgical operations on, any animal; and
- (e) the doing or performing of any act, matter, procedure, or thing that is prescribed pursuant to section thirty-one of this Act as forming part of the practice of veterinary surgery.

3. Subject to the Minister, this Act shall be administered by the Board.

Adminis-  
tration

PART II.—THE VETERINARY SURGEONS'  
BOARD.

Establish-  
ment of  
Board.

4. (1) For the purposes of this Act there shall be a Board by the name of the Veterinary Surgeons' Board.

(2) The Board—

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

Constitution  
of Board.  
Amended by  
No. 45 of  
1977, s. 4.

5. (1) The Board shall consist of five members, who shall be appointed by the Governor and shall be—

- (a) the person holding or for the time being acting in the office of Chief of Division, Animal Health Division, in the Government department known as the Department of Agriculture;
- (b) two persons who are registered veterinary surgeons and who shall be elected at such time and in such manner and subject to such conditions as may be prescribed, to be members, by the persons who are so registered;
- (c) one person nominated in writing to be a member by the Western Australian division of the body known as the Australian Veterinary Association and who shall be a registered veterinary surgeon; and
- (d) one person nominated in writing by the Minister.

(2) A member shall be appointed to hold office for three years but is eligible for re-appointment if at the time of his re-appointment he has the necessary qualifications.

(3) In the event of a member ceasing to hold office before the termination of the period of his appointment, another member may be appointed in his place for the remainder of that period.

(4) The exercise of a power or the performance of a function by the Board is not invalidated by reason only of there being a vacancy or vacancies in the membership of the Board.

(5) The appointment of a member is not invalidated and shall not be called into question by reason of a defect or irregularity in or in connection with his election or his nomination.

6. (1) The Governor may appoint a person to be the deputy of a member during the pleasure of the Governor. Deputies of members.

(2) A person so appointed shall have the same qualifications as are required in the case of the member for whom he is deputy and in the event of the absence from a meeting of the Board of that member he is entitled to attend that meeting and, when so attending, shall be deemed to be a member.

7. (1) At the first meeting of the Board, the Board shall appoint one of its members to be chairman of the Board. Chairman of the Board.

(2) In the event of a vacancy occurring in the office of chairman, the Board shall, at the next meeting of the Board, after the vacancy occurs, appoint one of its members to be chairman of the Board.

(3) Before or during any absence of the chairman of the Board, the Board may choose one of its members to perform the duties and exercise the powers of the chairman in his absence, as vice-chairman and while so acting the vice-chairman has the same powers as and is subject to the same duties as the chairman.

(4) A member of the Board appointed as chairman holds office until the appointment of a successor or until he ceases to be a member, whichever first happens, but is eligible for re-appointment if he is then otherwise qualified to be a member.

Leave of  
absence.

8. The Board may grant leave of absence to a member upon such terms and conditions as the Board determines.

Fees,  
allowances,  
expenses.

9. Each member and deputy of a member is entitled to such remuneration and travelling expenses while engaged with the approval of the Board on business of the Board as are prescribed.

Vacation  
of office.

10. If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Board, from three consecutive meetings of the Board;
- (c) becomes permanently incapable of performing his duties;
- (d) becomes a person who would not be qualified to be appointed a member;
- (e) dies or resigns his office by writing under his hand addressed to the Governor, and the resignation is accepted;

- (f) is convicted of any indictable offence or of an offence against this Act; or
- (g) is informed in writing by the Governor that for good cause, he has terminated his appointment as a member,

the Minister shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

11. If at the time prescribed for holding an election to elect the two persons referred to in paragraph (b) of subsection (1) of section five of this Act to be members—

Power of Governor to fill vacancies of elected members.

- (a) no election is held;
- (b) no candidates are nominated; or
- (c) the number of candidates nominated is less than the number of candidates required to be elected,

the Governor may appoint any person or persons, as the case requires, having the necessary qualifications to be a member or members to fill the existing vacancies in the membership of the Board for which purpose the election was to be held, and the persons so appointed shall be deemed to have been duly elected.

12. (1) Meetings of the Board shall be held at such times and places as the Board from time to time appoints.

Ordinary and special meetings of the Board.

Amended by No. 45 of 1977, s. 5.

(2) The chairman of the Board, or a majority of the members, may at any time call a special meeting of the Board.

(3) The chairman of the Board or the Registrar shall call a special meeting of the Board whenever he is requested so to do by a written requisition under the hands of the majority of the members.

Officers.

13. The Board may from time to time appoint on such terms and conditions as the Board determines a Registrar and such other officers as it may think necessary for the purpose of carrying this Act into effect, and may from time to time and at any time remove any person so appointed.

Exemption from personal liability. Amended by No. 45 of 1977, s. 6.

14. A person who is or has been a member or Registrar is not personally liable for anything done or omitted in good faith, in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Board or the Registrar by or under this Act.

Meetings of Board. Amended by No. 45 of 1977, s. 7.

15. At a meeting of the Board—

- (a) three members form a quorum;
- (b) the chairman or, in his absence, the vice-chairman, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the chairman or vice-chairman if presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Funds of Board. Amended by No. 45 of 1977, s. 8.

16. (1) The Board or the Registrar shall pay into the funds of the Board all moneys received by the Board, or the Registrar, under this Act.

(2) The Board shall pay or cause to be paid out of its funds the remuneration and travelling expenses of the members and the salary and expenses of the Registrar and other officers appointed by the Board under this Act, and all other costs and expenses of and incidental to the administration of this Act.



(3) If the funds of the Board are insufficient at any time for the proper administration of this Act by the Board, the Treasurer with the approval of the Governor, who is hereby authorised to grant the approval, may make, from the Public Account, advances of such amounts as the Governor approves.

(4) Any surplus funds of the Board which are not required for the purposes of subsection (2) or (3) of this section may be expended by the Board for the purposes of the advancement of veterinary science in such manner as it may determine.

PART III.—REGISTER OF VETERINARY  
SURGEONS.

17. (1) For the purposes of this Act, the Registrar shall keep in the prescribed form a register called the Register of Veterinary Surgeons, Western Australia.

Register.  
Amended by  
No. 45 of  
1977, s. 9.

(2) The Registrar shall, at the direction of the Board, register a person having the necessary qualifications under this Act, by entering his name together with the other particulars referred to in subsection (3) of this section.

(3) On payment of the prescribed fee, the Registrar shall enter in the Register—

- (a) the full name and address of a person who is entitled to be registered under this Act;
- (b) the date and description of the qualifications in respect of which the registration is granted; and
- (c) such other particulars as may be prescribed.

(4) (a) In all questions under this Act and in any prosecution for any offence against this Act, a certificate under the hand of the Registrar is *prima facie* evidence of the truth of the matter contained therein.

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(b) Courts, judges and other persons acting judicially shall take judicial notice of the appointment and signature of the Registrar.

(5) (a) The Registrar shall in the month of July in each year transmit to the Minister a copy of the Register certified by him to be a correct copy of the Register as at the first day of April in that year.

(b) The Minister shall as soon as practicable after he receives the copy cause it to be published in the *Gazette* under the heading, "Roll of Veterinary Surgeons for Western Australia", followed by the year in which it is published.

(6) (a) A copy of the *Gazette* containing the roll for any year is *prima facie* evidence in all proceedings that the persons, other than a person referred to in subsection (3) of section twenty of this Act, named in the roll are registered under this Act and possess the qualifications therein mentioned.

(b) The absence of the name of a person from the roll is *prima facie* evidence that the person is not so registered; and the fact that the roll does not show that registration of a person has been granted in respect of any particular qualification is *prima facie* evidence that the person does not possess that qualification.

Roll fees.  
Amended by  
No. 45 of  
1977, s. 10.

18. Every person who is registered under this Act shall on or before the thirty-first day of December in the year in which he was first registered, and on or before that date in every year during which he continues to be so registered, pay to the Registrar the prescribed roll fee for the ensuing year.

Power  
of Board  
to make  
necessary  
alterations  
in Register  
and to  
remove  
names.

19. (1) The Board may from time to time make any necessary alterations in the Register so as to ensure that the Register is kept correctly posted.

(2) The Board may from time to time cause the Registrar to send a prepaid registered letter to any person registered under this Act, addressed to him at his address as appearing in the Register, and if no answer to the letter is received from that person within two months after the date of the posting of that letter, then the Board may cause the name of that person to be removed from the Register.

(3) If the name of a person is removed from the Register under this section, the Board may restore his name to the Register upon the 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.

PART IV.—VETERINARY SURGEONS.

Heading  
amended by  
No. 45 of  
1977, s. 11.

20. (1) Subject to the provisions of section 20A of this Act, a person who satisfies the Board that he is of good fame and character is entitled to be registered under this Act if he proves to the satisfaction of the Board that he—

Qualifica-  
tions.  
Amended by  
No. 45 of  
1977, s. 12.

- (a) holds a degree, diploma or licence of competency in veterinary surgery from a University in the Commonwealth of Australia; or
- (b) is a member of the Royal College of Veterinary Surgeons of Great Britain who has passed the membership examination of that College; or
- (c) holds a degree, diploma or licence of competency in veterinary surgery from a University in the United Kingdom of Great Britain and Northern Ireland which would entitle the holder on application to become a member of the Royal College of Veterinary Surgeons of Great Britain; or

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- (d) holds a degree, diploma or licence of competency in veterinary surgery by virtue of having satisfactorily completed a regularly graded course of study of not less than five years' duration at a University, College or institution recognised by the Board; or
- (e) has—
  - (i) satisfactorily completed a regularly graded course of study in veterinary surgery of not less than four years' duration at a University, College or institution approved by the Board (not being a University, College or institution recognised by the Board for the purposes of paragraph (d) of this subsection) and holds a degree, diploma or licence of competency in veterinary surgery which he proves to the satisfaction of the Board is or at the time of its issue was, accepted in the country in which it was issued as sufficient evidence of the holder having the requisite knowledge of, and skill in, the practice of veterinary surgery, so as to permit him to practise veterinary surgery in that country;
  - (ii) been continuously resident in the Commonwealth of Australia for the period of one year immediately preceding the date of his application for registration; and
  - (iii) passed a prescribed examination to the satisfaction of the Board.

(2) Where a person satisfies the Board that he has such qualifications in veterinary surgery as to justify the Board in exempting him from all or any of the requirements of subparagraph (ii) and

subparagraph (iii) of paragraph (e) of subsection (1) of this section, the Board may—

- (a) exempt him from all or any of those requirements; or
- (b) if the Board thinks fit, impose conditions as to his registration or restrictions on the practice of veterinary surgery by that person notwithstanding his registration; or
- (c) so exempt him, and impose such conditions.

(3)-(6) [*Deleted by No. 45 of 1977, s. 12.*]

**20A.** Notwithstanding the provisions of section 20 of this Act where, after due inquiry, the Board is of the opinion that a person may, by reason of his prolonged absence from the practice of veterinary surgery or from some other cause, not be possessed of the knowledge and skills considered by the Board to be necessary for the practice of veterinary surgery the Board may—

Deferred registration.  
Added by  
No. 45 of  
1977, s. 13.

- (a) require that person to pass an examination conducted by or on behalf of the Board in such subjects as the Board considers requisite; or
- (b) if the Board thinks fit, impose conditions as to his registration or restrictions on the practice of veterinary surgery by that person notwithstanding his registration; or
- (c) so require, and impose such conditions.

**20B.** (1) Where a person applies to the Board to be registered as a veterinary surgeon the chairman, or in the absence of the chairman a member of the Board authorised generally in that behalf by the Board, upon being satisfied that the applicant appears to be entitled to be registered as a veterinary surgeon, may grant to him a certificate of provisional registration as a veterinary surgeon.

Provisional registration.  
Added by  
No. 45 of  
1977, s. 14.

(2) A person to whom a certificate of provisional registration as a veterinary surgeon is granted is deemed to be registered under this Act as a veterinary surgeon and this Act, subject to subsection (3) of this section, applies to and with respect to that person accordingly—

- (i) until the date stated in the certificate; or
- (ii) until such later date as may be fixed by the Board,

but the date so stated or fixed shall not in any case be a date later than three months from the date on which the certificate was granted.

(3) The Board may, at any time before the date so stated or fixed, cancel a certificate of provisional registration and thereupon the person to whom the certificate was granted shall cease to be deemed to be registered as a veterinary surgeon under this Act, and the cancellation shall, for the purpose of this Act, be deemed to be a refusal by the Board of the application of that person to be registered as a veterinary surgeon.

(4) If a person to whom a certificate of provisional registration is granted becomes registered as a veterinary surgeon while that certificate is still in force his registration shall, unless otherwise determined by the Board, be deemed to have effect from the date of the grant of the provisional certificate.

21. (1) Application for registration under this Act—

- (a) shall be made in manner prescribed;
- (b) shall be supported by such evidence with respect to the applicant as the Board may require, including a statutory declaration verifying the fact that the applicant has not been refused registration or that his name has not been removed from the Register or other similar public document in any other place outside the State, and if such is the case, the reason therefor; and
- (c) shall be accompanied by the prescribed fee.

(2) When any person is registered, or is by virtue of the grant of a provisional certificate of registration deemed to be registered, under this Act, the Board may issue a certificate of registration in respect of that person, as prescribed.

(3) Every registered veterinary surgeon who obtains any degree, diploma or status of a higher standing than that shown opposite his name in the Register, or any qualification other than that in respect of which he is registered is entitled to have that degree, diploma, status or additional qualification inserted in the Register, on making application in that behalf to the Board and on paying the prescribed fee.

(4) Every registered veterinary surgeon on changing his place of business or residence shall forthwith give notice of the fact by post to the Registrar.

22. (1) Where the application of any person to be registered under this Act as a veterinary surgeon is refused by the Board upon any ground other than the ground that he does not possess any of the required qualifications referred to in subsection (1) of section twenty of this Act, that person has the right of appeal against refusal to the District Court which shall have jurisdiction to, and may, determine the matter.

Appeal  
against  
refusal to  
register.  
Amended by  
No. 45 of  
1977, s. 16.

(2) The appeal shall be in the nature of a rehearing and the Board shall give effect to the decision of the Court made on the appeal.

23. (1) The Board shall cause to be removed from the Register the name of any person who—

Removal  
from  
Register.  
Amended by  
No. 45 of  
1977, s. 17.

(a) has died;

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- (b) has ceased to possess, or does not possess, any of the qualifications referred to in section twenty of this Act;
- (c) has become permanently incapable of performing his duties as a registered veterinary surgeon;
- (d) has requested in writing that his name be so removed;
- (e) has failed to pay the prescribed fee payable under section eighteen of this Act.

(2) Where a registered veterinary surgeon has been convicted either in this State of an indictable offence or elsewhere of an offence of a nature, which, if that offence were committed in this State, would have constituted an indictable offence, the Board may remove his name from the Register or order the suspension of his registration for such period not exceeding twelve months as the Board thinks fit.

(2a) Where a registered veterinary surgeon is adjudged by the Board after an enquiry conducted in accordance with this Act has been held by the Board, to have been guilty of unprofessional conduct as a veterinary surgeon, the Board may, by order, do one or more of the following, according to the circumstances—

- (i) reprimand him;
- (ii) require him to give an undertaking to refrain from such conduct as may be specified by the Board;
- (iii) fine him an amount not exceeding one thousand dollars;
- (iv) order the suspension of his registration for such period not exceeding twelve months, as the Board thinks fit;
- (v) remove his name from the Register;
- (vi) require him to pay the costs of the inquiry.



(2b) Where, pursuant to a determination of an authority lawfully exercising in any place outside the State powers which in the opinion of the Board are substantially similar to the powers conferred on the Board by this Act, a person is suspended from practice as a veterinary surgeon or his name is removed from the register or other record maintained by that authority by reason of unprofessional conduct as a veterinary surgeon, the Board—

- (a) where the person is so suspended from practice, may suspend the registration of that person under this Act for a like period; or
- (b) where the name is so removed, may remove the name from the Register maintained pursuant to this Act,

as the Board thinks fit.

(3) During the period that any registration is so suspended, the person in respect of which the order is made, shall be deemed not to be registered as a veterinary surgeon under this Act.

(4) Without limiting the meaning of the expression, “unprofessional conduct as a veterinary surgeon”, a registered veterinary surgeon is guilty of such unprofessional conduct who—

- (a) is an habitual drunkard;
- (b) is habitually addicted to drugs;
- (c) contravenes any of the provisions of subsections (2) or (3) of section twenty-six A of this Act;
- (d) advertises in any way in respect of his profession as a veterinary surgeon otherwise than in accordance with the regulations, or so advertises in contravention of the regulations;
- (e) does not observe the standards of professional conduct as prescribed; or

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(f) contravenes any condition or restriction imposed on or in relation to his registration as a veterinary surgeon.

(5) Where a person has been convicted of any offence referred to in subsection (2) of this section, if in the opinion of the Board the offence does not, either from its nature or from the circumstances under which it was committed, render the person unfit, having regard to the interest of the public, to practise veterinary science, the Board shall not remove the name of that person from the Register or suspend his registration as a veterinary surgeon.

(6) The Board may conduct an enquiry for the purposes of ascertaining whether a registered veterinary surgeon has been guilty of unprofessional conduct as a veterinary surgeon, and any such enquiry shall be held as an open and public hearing if the person whose conduct is the subject of the enquiry so requests or if the Board thinks fit.

(7) For the purposes of the enquiry, the Board has and may exercise the powers of a Royal Commission as if appointed under the provisions of the Royal Commissions Act, 1968, for the purpose, and the chairman of the Board or the member presiding at the enquiry has and may exercise the powers of the Chairman of a Royal Commission as if so appointed.

(8) The provisions of the Royal Commissions Act, 1968, apply with respect to any such enquiry as if re-enacted in and for the purposes of this Act.

(9) At any enquiry held pursuant to this section any complainant or any person whose conduct is the subject of the enquiry is entitled to appear and be heard, and the several parties may be represented by counsel.

(10) The Registrar shall enter in the Register against the entry relating to the person whose conduct is the subject of an enquiry under this section a memorandum of any order made or penalty imposed and of the date of the decision.

(11) Where the Board makes any decision or order in relation to a person that would result in the removal of the name of that person from the Register otherwise than at his own request or by reason of his death, or that relates to any penalty or the payment of costs, the Registrar shall as soon as is practicable give notice in writing thereof to the person concerned.

(12) A person aggrieved by a decision or order of the Board made in respect of him under this section may, within one month after the date on which written notice thereof is served upon him by the Registrar, appeal against the decision or order to the District Court which shall have jurisdiction to, and may, determine the matter.

(13) An appeal shall, unless a Judge of the District Court otherwise directs, be heard in chambers and determined on the material that was before the Board when it gave its decision, or on such other evidence as may be allowed by special order, but may, on the application of either party, be determined by way of rehearing, or partly in the one way and partly in the other.

(14) The District Court may, in determining the appeal, do one or more of the following, according to the nature of the case—

- (a) affirm, vary, or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Board for further hearing or consideration or for rehearing; or
- (c) make any further or other order as to costs or any other matter that the case requires,

and the Board shall give effect thereto.

(15) For the purpose of the enforcement of any order made on an appeal under this section—

- (a) an order for payment by way of penalty shall be deemed to be an order of the Board lawfully made; and
- (b) an order for payment as to costs shall be recoverable as a judgment of the Court.

Restoration  
of name  
to register.  
Amended by  
No. 45 of  
1977, s. 18.

24. (1) Subject to the provisions of subsection (2) of this section, where the Board removes the name of any person from the Register, the name of that person shall not again be entered therein except by order of the District Court on appeal or by the direction of the Board.

(2) The Board may direct the Registrar in any case where the circumstances appear to the Board to warrant it, to restore to the Register any name removed therefrom without payment of a fee or on payment of such fee, not exceeding the fee payable on registration, as the Board directs.

(3) Where the circumstances appear to the Board to warrant it, the Board may rescind any order suspending the registration of a person under this Act and the Registrar shall note the Register accordingly.

(4) A person whose name has been removed from the Register or whose registration is suspended may apply to the Board for the restoration of his name to the Register or for the order for suspension to be varied—

- (a) if his name was so removed or the registration was suspended by reason of—
  - (i) conviction of an offence;
  - (ii) a determination of an authority outside the State; or

- (iii) an order made in disciplinary proceedings instituted under this section,

after the expiration of twelve months from the date of the order concerned or of a previous such application whichever is the later; and

- (b) in any other case, at any time.

(5) The provisions of this Act relating to the making and consideration of applications for registration apply, with such modification as is necessary, to an application made under this section.

PART IVA.—VETERINARY CLINICS AND  
VETERINARY HOSPITALS.

Heading.  
Added by  
No. 45 of  
1977, s. 19.

24A. (1) After the expiry of a period of six months from the coming into operation of the Veterinary Surgeons Act Amendment Act, 1977, a person who conducts or carries on any veterinary clinic or veterinary hospital commits an offence unless that veterinary clinic or veterinary hospital is registered under this section of this Act.

Veterinary  
clinics and  
veterinary  
hospitals.  
Added by  
No. 45 of  
1977, s. 19.

Penalty: Five hundred dollars.

(2) No veterinary clinic or veterinary hospital shall be registered, or if registered shall continue to be registered, under the provisions of this section unless—

- (a) the premises are constructed, equipped, controlled, managed, and operated in such manner as is prescribed, or, where no such requirement is prescribed, as the Board approves;
- (b) it is under the management of a registered veterinary surgeon;
- (c) every person who performs duties of the nature of veterinary surgery in or in connection with that clinic or hospital is either a registered veterinary surgeon or a veterinary nurse; or

(d) the provisions of section twenty-six F of this Act apply.

(3) The Board shall maintain a record showing in respect of each registration effected pursuant to this section the prescribed information.

(4) Application for the registration, or the transfer or renewal of the registration, of any veterinary clinic or veterinary hospital, shall be made to the Registrar in the prescribed form and manner and accompanied by the prescribed fee.

"This Act" includes regulations, see Act No. 30 of 1918.

(5) The Board, upon being satisfied that the provisions of this Act have been complied with and that there are no grounds upon which the application ought to be refused, shall cause a veterinary clinic or veterinary hospital to be registered under this section and shall issue to the veterinary surgeon for the time being having the management of that clinic or hospital a certificate of registration thereof in the prescribed form.

(6) Where the Board refuses an application for registration, or renewal of registration, as the case may be, the Registrar shall forthwith notify the applicant in writing of the grounds upon which the refusal was made.

(7) Subject to this Act, the registration of a veterinary clinic or veterinary hospital continues in force from the date of issue of the notification of the registration for a period of three years, but where the veterinary surgeon to whom the certificate of registration is issued ceases to have the management of that clinic or hospital the certificate may, with the approval of the Board, be transferred to a veterinary surgeon who proposes to take over that management.

(8) Regulations may provide for the issue of temporary permits having effect for a period of not more than three months, and during the currency of any such permit the veterinary clinic or veterinary hospital to which it relates shall be deemed to be registered under this section of this Act.

(9) The Registrar may, at any time, require an applicant or the holder of a certificate of registration under this section—

- (a) to furnish the Board with information, or additional information, as to the veterinary clinic or veterinary hospital concerned;
- (b) to permit the premises to be inspected on behalf of the Board; and
- (c) to permit a person authorised by the Board to examine and remove samples, specimens and records thereon or relating thereto.

(10) If the Board, after giving to the holder of the certificate of registration a reasonable opportunity to make representations to the Board, is of the opinion that the provisions of this Act have not been complied with in relation to any veterinary clinic or veterinary hospital the Registrar may cancel the registration of that clinic or hospital under this section and shall forthwith notify the holder of the certificate of registration in writing of the grounds upon which the cancellation was made.

**24B.** (1) A person aggrieved by the refusal of the Board to grant or renew the registration of any veterinary clinic or veterinary hospital, or by a decision of the Board to cancel any such registration, may, within one month after the date on which written notice thereof is served upon him by the Registrar, appeal against the decision to the District Court which shall have jurisdiction to, and may, determine the matter by way of rehearing.

(2) The District Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

Appeals  
as to  
registration  
of clinics  
or hospitals.  
Added by  
No. 45 of  
1977, s. 19.

- (a) affirm, vary, or quash the decision appealed against;
- (b) remit the subject matter of the appeal to the Board for further consideration; or
- (c) make any further or other order as to costs or any other matter that the case requires, and any order for payment as to costs shall be recoverable as a judgment of the Court.

Heading.  
Added by  
No. 45 of  
1977, S. 20.

Prohibition  
of unregist-  
ered persons  
from recover-  
ing fees.  
Amended by  
No. 45 of  
1977, s. 21.

PART V.—VETERINARY PRACTICE, AND OFFENCES.

25. (1) Subject to the provisions of subsection (2) of this section, no person is entitled to sue, counterclaim or set off, or recover any charge or remuneration for any veterinary advice, attendance, service, operation or medicine, given, performed or supplied by him except—

- (a) a registered veterinary surgeon; or
- (b) a person who, immediately before the coming into operation of this Act, was the holder of a current permit under the Veterinary Surgeons Act Amendment Act, 1923.

(2) Nothing in subsection (1) of this section limits or affects the right of a person to sue or counterclaim for, or set off or recover, any charge or remuneration for any veterinary service lawfully performed or provided by him under the authority of this Act.

(3) [*Repealed by No. 45 of 1977, s. 21.*]

[*Heading deleted by No. 45 of 1977, s. 22.*]

Penalty for  
practising  
veterinary  
surgery.  
Amended by  
No. 45 of  
1977, s. 23.

26. (1) Subject to the provisions of this section no person other than a registered veterinary surgeon, and no association or body of persons, corporate or incorporate, other than an association or body comprised wholly of persons who are registered veterinary surgeons, shall practise veterinary surgery.

Penalty: Five hundred dollars.



(2) Nothing in subsection (1) of this section shall extend to make any person liable to any penalty if he satisfies the court that he has not directly or indirectly been paid or remunerated or received any other valuable consideration, or been promised or expected any such pay, remuneration or consideration for or in relation to the practice of veterinary surgery or any other directly or indirectly related matter arising out of or connected with the relevant circumstances.

(3) Nothing in subsection (1) of this section applies to or prohibits the performance, whether or not for reward, by a person—

- (a) of first aid for the purpose of saving the life of an animal or relieving pain suffered by an animal;
- (b) of a veterinary service prescribed for the purposes of this paragraph, if, within fifty kilometres of the place where the service is required either—
  - (i) no registered veterinary surgeon is in practice; or
  - (ii) no registered veterinary surgeon willing to perform the service can be found; or
  - (iii) no registered veterinary surgeon is available to perform the service within a reasonable time;
- (c) in a prescribed area of the State and using humane methods, of the operation of spaying cattle or of castrating any animal over the age of twelve months;
- (d) using humane methods, of the operation of dehorning cattle, tailing or mulesing lambs, or of castrating any animal not over the age of twelve months; or
- (e) of such veterinary services as may be prescribed for the purposes of this paragraph.

(4) Nothing in subsection (1) of this section applies to or prohibits—

- (a) students from a school of veterinary science at an Australian university examining animals and performing such veterinary services as may be prescribed for the purposes of this paragraph subject to the conditions as to supervision and other matters prescribed; or
- (b) the performance by a veterinary nurse or other person authorised by the Board of such duties or veterinary services as may be prescribed for the purposes of this paragraph, under the direction of a registered veterinary surgeon.

(5) A person who uses for the diagnosis, examination, or treatment of any animal ailment or defect any method or equipment which is subject to the provisions of the Radiation Safety Act, 1975, and is prescribed for the purposes of this subsection in regulations made under this Act commits an offence unless he is, or is acting under the supervision of, a registered veterinary surgeon.

(6) No person other than a registered veterinary surgeon shall carry on the business of a veterinary surgeon, whether alone or in association with any other person or persons or association of persons, or own or have any pecuniary interest in any business which consists of or includes the practice of veterinary surgery; but nothing in this subsection prohibits a person from permitting premises owned or occupied by him to be used for the purposes of a veterinary clinic or a veterinary hospital under the provisions of this Act.

Penalty: Five hundred dollars.

Use of term  
"veterinary",  
etc.  
Added by  
No. 45 of  
1977, s. 24.

26A. (1) No person other than a registered veterinary surgeon, and no association or body of persons, corporate or incorporate, other than an association or body comprised wholly of persons who are registered veterinary surgeons, shall—

- (a) use the title of veterinary surgeon, or of registered veterinary surgeon;
- (b) hold himself or itself out directly, indirectly or by implication as practising or being willing to practise veterinary surgery in any of its aspects; or
- (c) use any name, title, word, abbreviation, or initial or combination of letters which implies or is calculated to imply that he or it is registered under this Act or is entitled to carry on the practice of veterinary surgery.

Penalty: Five hundred dollars.

(2) No registered veterinary surgeon shall practise veterinary surgery except in and under his own name without the written permission of the Board.

Formerly s.s.  
(3) of s. 26.

(3) No registered veterinary surgeon shall make known the place or places where and the fact that he is practising veterinary surgery, except in accordance with the regulations.

Formerly s.s.  
(4) of s. 26.

(4) A person shall not use or publish in connection with veterinary science or the practice of veterinary surgery, any title, name, words, or letters which are capable of being understood to indicate qualifications in veterinary science, or as a veterinary surgeon, other than such as truly indicate the qualifications that he in fact holds or possesses, and unless he has proved to the satisfaction of the Board that he is entitled to such title, name, word, or letters.

(5) No person, other than a person authorised so to do by or under this Act, shall in connection with any business take or use the term "veterinary", or any abbreviation or amplification of that term, either alone or in connection with any other name or title, save that the term may lawfully be used by a person as indicating that he carries on the business of supplier of wares or materials used in connection with veterinary science.

Estates of  
deceased  
persons.  
Added by  
No. 45 of  
1977, s. 25.

26B. The legal personal representative of a person who, at the time of his death, was carrying on the business and practice of a registered veterinary surgeon may, after having received the Board's written consent, continue to carry on that business and practice for a period of twelve months or for such further period as the Board may allow, subject to the express condition that the business and practice are carried on by and under the immediate and personal supervision and management of a registered veterinary surgeon.

*Locum  
tenens.*  
Added by  
No. 45 of  
1977, s. 26.

26C. (1) No person shall act as *locum tenens* for a veterinary surgeon in the State unless he is a registered veterinary surgeon appointed in writing by the veterinary surgeon for whom he acts and is employed as such only during the temporary absence or inability of that veterinary surgeon.

(2) A registered veterinary surgeon shall not act as *locum tenens* for another for a period of more than three months without the prior written approval of the Board.

Issuing  
certificates  
under  
other Acts.  
Added by  
No. 45 of  
1977, s. 27.

26D. No person other than a registered veterinary surgeon shall sign any certificate or other document prescribed by or under any Act which requires the signature of a veterinary surgeon or veterinary officer in respect of the freedom from disease of any animal or animal product.

Veterinary  
nurses.  
Added by  
No. 45 of  
1977, s. 28.

26E. (1) A person shall be approved by the Board to carry out the duties of a veterinary nurse if that person is a person of good fame and character and proves to the Board, if so required after personal attendance before the Board or a Committee of the Board, that he or she has completed to the satisfaction of the Board an approved course of study and veterinary practice and training.

(2) The approval of the Board shall be evidenced by a certificate, which shall be endorsed with particulars of any condition or limitation to which that approval is subject, issued to the applicant by the Registrar.

(3) The Registrar shall record all certificates of approval issued under this section, and particulars of every endorsement thereon.

(4) The duties and veterinary services that may be performed by a veterinary nurse may be prescribed.

26F. (1) Notwithstanding the provisions of section twenty-six of this Act, a society or other body incorporated under the laws of the State and which is, in the opinion of the Board, engaged solely in the promotion of the welfare of animals may cause treatment to be carried out on sick or injured animals where—

Animal  
welfare  
societies.  
Added by  
No. 45 of  
1977, s. 29.

- (a) that society or other body is for the time being licensed so to do by the Board in writing; and
- (b) the provisions of that licence are complied with.

(2) A society or other body which applies to be licensed by the Board under this section, or which is so licensed, and is aggrieved by—

- (a) a refusal by the Board to issue or renew such a licence;
- (b) the conditions laid down in, or any other provision of, such a licence or proposed licence; or
- (c) the prospective or actual revocation or variation of such a licence,

may refer the matter in writing to the Minister and the Minister shall determine the matter and give such directions to the Board as the case requires, and effect shall be given to any such direction.

Prescription  
of proof  
of action  
formalities.

27. (1) In a prosecution or in other legal proceedings instituted by or under the direction of the Board, under the provisions of this Act, until proof is given to the contrary, proof is not required of—

- (a) the constitution of the Board;
- (b) an order of the Board to prosecute;
- (c) any authorisation by which the Board authorises a person to make a complaint for an offence against this Act; or
- (d) the appointment of the chairman of, or of any other member or of the Registrar to the Board.

Power for  
Board  
to take  
proceedings  
by Registrar,  
etc.

(2) In any proceedings by or on behalf of the Board—

- (a) the Registrar; or
- (b) any member or employee of the Board appointed for the purpose generally or in a particular case in writing by the chairman of the Board,

may represent the Board in all respects as if he were the party concerned.

Application.

28. Nothing in this Act extends to or applies to or in any manner affects the rights and privileges of—

- (a) any registered pharmaceutical chemist in supplying drugs, medicines, medical and surgical appliances used for any animals in the ordinary course of his business as such;
- (b) the owner of any wholesale druggist or retail business supplying drugs, medicines, medical and surgical appliances, and vaccines for the treatment of any animals.

29. A person who does not do a thing which by or under this Act he is required or directed to do, and a person who does or attempts to do a thing which by or under this Act he is prohibited from doing, commits an offence against the provisions of this Act.

Penalties for offences.

30. A person who commits an offence against the provisions of this Act is liable on conviction to the penalty expressly mentioned as the punishment for the offence, or, if a penalty is not so expressly mentioned, to a penalty not exceeding two hundred dollars.

General penalty. Amended by No. 45 of 1977, s. 30.

31. (1) The Governor may make regulations prescribing fees and forms and all matters required or permitted to be prescribed or necessary or convenient to be prescribed for facilitating the carrying out or giving effect to this Act and without limiting the generality of the foregoing provisions of this section may make regulations—

Regulations. Amended by No. 45 of 1977, s. 31.

- (a) for regulating the meetings and proceedings of the Board;
- (b) for prescribing the form of the seal of the Board and the manner in which the seal may be affixed to documents and the manner in which documents issued by the Board may be authenticated;
- (c) for prescribing the course of training of and examinations to be passed by persons desiring to be registered as veterinary surgeons;
- (ca) relating to the training of persons desiring to apply for approval as a veterinary nurse;
- (d) for regulating the manner of making any charge or complaint against a registered veterinary surgeon or a person who was the holder of a permit under the Veterinary Surgeons Act Amendment Act, 1923, on the coming into operation of this Act, and the holding of an enquiry by the Board into the charge or complaint;

*Veterinary Surgeons.*

- (e) for prescribing the fees to be charged for any registration, certificate, examination, or other matter under this Act;
- (f) relating to the registration and deregistration of veterinary surgeons and the issue of certificates to veterinary nurses;
- (g) for prescribing qualifications of universities, colleges or institutions for the purposes of this Act;
- (h) relating to the issue, cancellation, renewal and replacement of certificates of registration;
- (i) for regulating and prohibiting the method and manner in which a registered veterinary surgeon may make known the place or places where and the fact that he is practising veterinary science;
- (j) prescribing the veterinary services that may lawfully be performed pursuant to section twenty-six of this Act;
- (k) prescribing that any act, matter, procedure, or thing shall be deemed to form part of the practice of veterinary surgery for the purposes of this Act;
- (l) relating to veterinary clinics and veterinary hospitals, their establishment and functions and the registration and control thereof, the standards to be observed, the manner in which they are to be conducted, the duties of persons employed therein or thereby, the equipment and facilities to be provided, and the manner and extent to which they may be advertised;
- (m) relating to the theoretical and practical studies of veterinary students, and the supervision thereof; and
- (n) relating to the maintenance of prescribed standards of professional conduct.



- (2) Any regulations made under this Act may—
- (a) be of general or limited application, according to time, place or circumstance;
  - (b) impose upon any person or class of person a discretionary authority; and
  - (c) provide penalties not exceeding two hundred dollars for offences against the regulations, and daily penalties not exceeding ten dollars for every day that an offence continues.