

WESTERN AUSTRALIA

VETERINARY SURGEONS AMENDMENT ACT

No. 43 of 1988

AN ACT to amend the *Veterinary Surgeons Act 1960*.

[Assented to 30 November 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Veterinary Surgeons Amendment Act 1988*.

Commencement

2. This Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

Principal Act

3. In this Act the *Veterinary Surgeons Act 1960** is referred to as the principal Act.

[*Reprinted as approved 7 January 1980 and amended by Acts Nos. 8 of 1984 and 77 of 1987.]

Section 2 amended

4. Section 2 of the principal Act is amended by deleting the definition of “registered veterinary surgeon” and substituting the following definition—

“ “registered veterinary surgeon” means—

- (a) a person who is registered as a veterinary surgeon or as an honorary veterinary surgeon under section 17; and
- (b) a person who holds a certificate of provisional registration as a veterinary surgeon under section 20B; ”.

Section 17 amended

5. Section 17 of the principal Act is amended—

- (a) in subsection (2) by deleting “under this Act register that person” in paragraph (a) and substituting the following—

“ or prerequisites under this Act, register that person as a veterinary surgeon, an honorary veterinary surgeon or a specialist ”; and

- (b) in subsection (6)—

- (i) in paragraph (a) by inserting after “qualifications” the following—

“ or the prerequisites ”; and

- (ii) in paragraph (b) by inserting after “qualification” in both places where it occurs the following—

“ or prerequisite ”.

Section 18 amended

6. Section 18 of the principal Act is amended by inserting after “registered” in the first place where it occurs the following—

“ as a veterinary surgeon ”.

Section 20 amended

7. Section 20 of the principal Act is amended—

(a) in subsection (1) by inserting after “Act” in the second place where it occurs the following—

“ as a veterinary surgeon ”; and

(b) in subsection (3) by inserting after “Act” in the first place where it occurs the following—

“ as a veterinary surgeon ”.

Sections 20AA and 20AB inserted

8. After section 20 of the principal Act the following sections are inserted—

Registration as an honorary
veterinary surgeon

“ 20AA. Subject to section 20A, a person who is entitled to be, or is, registered under this Act as a veterinary surgeon is entitled to be registered as an honorary veterinary surgeon if the Board is satisfied that the person’s standing in the profession of veterinary science justifies the person’s registration as an honorary veterinary surgeon and—

(a) the person is a veterinary surgeon of not less than 40 years standing; or

(b) the person is a veterinary surgeon of long standing and is of or above the age of 65 years.

Registration as a specialist

20AB. (1) The Board may register a registered veterinary surgeon, not being a body corporate, as a specialist in a prescribed branch of veterinary surgery if the Board is satisfied that the veterinary surgeon has qualifications in veterinary surgery and experience in the practice of veterinary surgery to justify the registration.

(2) Prerequisites for registration as a specialist in a branch of veterinary surgery may be prescribed. ”.

Section 20A amended

9. Section 20A of the principal Act is amended by deleting the phrase commencing “Notwithstanding the provisions of section 20” and ending “the Board may—” and substituting the following phrase—

“ Notwithstanding sections 20, 20AA and 20AB where, after due inquiry, the Board is of the opinion that an individual registered under any of those sections 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, or practice as a specialist in a branch of veterinary surgery as the case may be, the Board may”.

Section 21 amended

10. Section 21 of the principal Act is amended—

(a) in subsection (1) by inserting after “Act” the following—

“ , including application for registration as an honorary veterinary surgeon under section 20AA and registration as a specialist under section 20AB ”; and

(b) in subsection (2) by inserting after “registration” in the second place where it occurs the following—

“ , honorary registration or registration as a specialist ”.

Section 22 amended

11. Section 22 of the principal Act is amended in subsection (1)—

(a) by inserting after “surgeon” the following—

“ under section 20 or as a specialist under section 20AB ”;
and

(b) by deleting “referred to in subsection (1) of section twenty of this Act” and substituting the following—

“ or prerequisites under section 20 or section 20AB ”.

Section 23 amended

12. Section 23 of the principal Act is amended—

(a) in subsection (1) by deleting paragraph (b) and substituting the following paragraph—

“ (b) does not possess, or has ceased to possess, any qualification or prerequisite that entitled him to registration under section 20, 20AA or 20AB; or ”;

(b) in subsection (2a)—

(i) by deleting the fullstop at the end of the subsection and substituting a semicolon; and

(ii) by inserting after subparagraph (vi) the following subparagraph—

“ (vii) impose conditions as to the registration of that veterinary surgeon or restrictions on the practice of veterinary surgery by that person. ”; and

(c) by repealing subsection (3) and substituting the following subsection—

“ (3) A person suspended from practice as a veterinary surgeon under this Act is not a registered veterinary surgeon for the period of suspension. ”.

Section 24A amended

13. Section 24A of the principal Act is amended—

- (a) in subsection (1) by deleting “After the expiry of a period of six months from the coming into operation of the Veterinary Surgeons Act Amendment Act, 1977, a” and substituting the following—

“ A ”; and

- (b) in subsection (2)—

- (i) in paragraph (c) by deleting “or a veterinary nurse” and substituting the following—

“ , a veterinary nurse or a student from a school of veterinary science at an Australian university examining animals and performing veterinary services as prescribed under section 26 (4) (a) ”;

and

- (ii) by deleting paragraph (d) and substituting the following paragraph—

“ (d) where the clinic or hospital is conducted by a society or other body incorporated under the laws of the State which, in the opinion of the Board, is engaged solely in the promotion of the welfare of animals, the society or body is licensed under section 26F and is complying with that licence. ”.

Section 25 repealed

14. Section 25 of the principal Act is repealed and the following section is substituted—

Recovery of fees

- “ 25. (1) Subject to subsection (2), no person, or association of persons, shall take legal proceedings to recover a charge or fee made in respect of any veterinary surgery or veterinary service carried out unless—

- (a) the surgery or service was carried out in accordance with this Act; and

- (b) the person who carried out the surgery or service is the person, or a member of the association of persons, taking the legal action or was working for, or under the supervision of, that person or association.

(2) Notwithstanding subsection (1) legal proceedings under that subsection shall not be taken in respect of veterinary surgery or veterinary services carried out at a veterinary clinic or a veterinary hospital unless that clinic or hospital is conducted by a university in which case only the university shall take those proceedings. ”.

Section 26 amended

15. Section 26 of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following subsection—

“ (1) Except as otherwise provided in this section, only the following persons shall practise veterinary surgery—

(a) a registered veterinary surgeon; or

(b) an association or body of persons comprised wholly of persons who are registered veterinary surgeons.

Penalty: \$2 000. ”;

- (b) in subsection (6) by deleting “No” and substituting the following—

“ Subject to subsection (7), no ”; and

- (c) by inserting after subsection (6) the following subsection—

“ (7) Nothing in subsection (1) or (6) applies to or prohibits a university from conducting a veterinary clinic or veterinary hospital under section 24A. ”.

Section 26AA inserted

16. After section 26 of the principal Act the following section is inserted—

Offence to practise as specialist
unless registered as specialist

“ 26AA. A registered veterinary surgeon shall not—

- (a) use the title or description “specialist” or any abbreviation or derivation thereof or any title, description, words or letters implying or capable of being understood as implying, that the veterinary surgeon is a specialist in a branch of veterinary surgery; or
- (b) advertise or hold out that the veterinary surgeon is a specialist in a branch of veterinary surgery,

unless the veterinary surgeon is registered under section 20AB as a specialist in that branch. ”.

Section 26A amended

17. Section 26A of the principal Act is amended—

- (a) in subsection (1) by deleting the phrase commencing “No person” and ending “surgeons, shall—” and substituting the following phrase—

“ Subject to subsection (6), only a registered veterinary surgeon, or an association or body of persons comprised wholly of persons who are registered veterinary surgeons shall— ”;

- (b) by repealing subsection (2) and substituting the following subsection—

“ (2) A person or association of persons shall practise veterinary surgery, carry on the business of veterinary surgery or conduct a veterinary clinic or veterinary hospital only in or under a name registered in respect of that person or association of persons under this Act, unless otherwise approved in writing by the Board. ”;

- (c) by repealing subsection (4) and substituting the following subsection—

“ (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 capable of being understood to indicate qualifications in veterinary science, as a veterinary surgeon or as a specialist in a particular branch of veterinary surgery unless—

(a) the title, name, words or letters are entered in the Register opposite that person’s name, or are an abbreviation or derivative of such an entry; or

(b) the Board has approved the use or publication of the title, name, words or letters by the person. ”;

- (d) in subsection (5) by deleting “No” and substituting the following—

“ Subject to subsection (6), no ”; and

- (e) by inserting after subsection (5) the following subsection—

“ (6) Notwithstanding this section, a university conducting a veterinary clinic or veterinary hospital registered under section 24A may hold itself out as being willing to provide veterinary surgery. ”.

Section 26C repealed and a section substituted

18. Section 26C of the principal Act is repealed and the following section is substituted—

Employment of veterinary surgeons

“ 26C. A registered veterinary surgeon shall not employ any person to practise veterinary surgery other than a registered veterinary surgeon. ”.
