

VETERINARY SURGEONS.

No. 45 of 1977.

AN ACT to amend the Veterinary Surgeons Act, 1960.

[Assented to 7th November, 1977.]

BE it enacted by the Queen'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. (1) This Act may be cited as the *Veterinary Surgeons Act Amendment Act, 1977.* Short title and citation.
- (2) In this Act the Veterinary Surgeons Act, 1960, is referred to as the principal Act. Act No. 64 of 1960.
- (3) The principal Act as amended by this Act may be cited as the Veterinary Surgeons Act, 1960-1977.

Commence-
ment.

2. This Act shall come into operation on a date to be proclaimed.

Section 2
amended.

3. Section 2 of the principal Act is amended—

(a) by inserting immediately prior to the definition of the term “Board” a new definition as follows—

“animal” includes bird and reptile; ;

(b) by inserting immediately prior to the definition of the term “Register” a new definition as follows—

“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; ;

(c) by inserting immediately following the definition of the term “Registrar” four new definitions as follows—

“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; ; and

- (d) by deleting the definition of the term “veterinary surgery” and substituting a new definition as follows—

“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. .

Section 5
amended.

4. Section 5 of the principal Act is amended by deleting the words "the office of Chief Veterinary Surgeon", in lines four and five, and substituting the passage "or for the time being acting in the office of Chief of Division, Animal Health Division,".

Section 12
amended.

5. Section 12 of the principal Act is amended by deleting the passage "Failure to comply with the provisions of this section: Penalty, ten pounds." appearing at the end thereof.

Section 14
amended.

6. Section 14 of the principal Act is amended by inserting after the word "Board", in line six, the words "or the Registrar".

Section 15
amended.

7. Section 15 of the principal Act is amended by substituting for the word "deemed", in line one of paragraph (c), the word "decided".

Section 16
amended.

8. Section 16 of the principal Act is amended by deleting the passage commencing with the word "and", in line seven of subsection (3), and ending with the word "amounts", in line eleven of that subsection.

Section 17
amended.

9. Section 17 of the principal Act is amended—
- (a) by deleting the word "may", in line one of subsection (2), and substituting the passage "shall, at the direction of the Board,";
 - (b) by deleting the word "January", in line two of subsection (5), and substituting the word "July"; and
 - (c) by deleting the word "January", in line four of subsection (5), and substituting the word "April".

Section 18
amended.

10. Section 18 of the principal Act is amended by adding after the word "fee", in line six, the words "for the ensuing year".

Heading
amended.

11. The principal Act is amended by deleting the heading which appears immediately following section 19 and substituting a new heading as follows—

PART IV.—VETERINARY SURGEONS.

12. Section 20 of the principal Act is amended— Section 20
amended.

- (a) by repealing subsection (1) and re-enacting that subsection with amendments as follows—

(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—

- (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
- (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. ;

(b) by adding a new subsection, to stand as subsection (2), as follows—

(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. ; and

(c) by deleting subsections (2), (3), (4), (5) and (6).

13. The principal Act is amended by inserting after section 20 a new section, to stand as section 20A, as follows—

New section added.

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.

(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.

New
section
added.

14. The principal Act is amended by inserting after section 20 a new section, to stand as section 20B, as follows—

Provisional
registration.

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.

(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. .

15. Section 21 of the principal Act is amended— Section 21
amended.
- (a) by inserting after the word “registered”, in line one of subsection (2) of that section, the passage “, or is by virtue of the grant of a provisional certificate of registration deemed to be registered,”; and
 - (b) by inserting after the word “business”, in line two of subsection (4) of that section, the words “or residence”.
16. Section 22 of the principal Act is amended— Section 22
amended.
- (a) by deleting the passage “paragraph (c) of”, in lines five and six;
 - (b) by deleting the words “a Judge in accordance with Rules of Court” in lines seven and eight, and substituting the passage “the District Court which shall have jurisdiction to, and may, determine the matter”; and
 - (c) by deleting the word “Judge”, in line eleven, and substituting the word “Court”.
17. Section 23 of the principal Act is amended— Section 23
amended.
- (a) by repealing subsection (2) and re-enacting that subsection with amendments as follows—
 - (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. ;

- (b) by inserting a new subsection, to stand as subsection (2a), as follows—

(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. ;
- (c) by inserting a new subsection, to stand as subsection (2b), as follows—

(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. ;

- (d) by deleting paragraph (c) of subsection (4) of that section and substituting a new paragraph as follows—

- (c) contravenes any of the provisions of subsections (2) or (3) of section twenty-six A of this Act; ;

- (e) by deleting the passage “regulations.”, in line five of paragraph (d) of subsection (4) of that section, and substituting the passage “regulations;” ;

- (f) by adding after paragraph (d) of subsection (4) of that section two new paragraphs as follows—

- (e) does not observe the standards of professional conduct as prescribed; or

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

- (g) by deleting the passage “paragraph (a) of”, in line two of subsection (5) of that section;

- (h) by repealing subsection (6) of that section and re-enacting that subsection with amendments as follows—

(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. ;

- (j) by deleting the paragraph designation “(a)”, in line one of subsection (7) of that section;

- (k) by deleting the passage “Commissioners’ Powers Act, 1902,” in line four of subsection (7) of that section, and substituting the passage “Commissions Act, 1968,”;

- (l) by deleting paragraph (b) of subsection (7) and substituting a new subsection, to stand as subsection (8), as follows—

(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. ;

- (m) by inserting a further subsection, to stand as subsection (9), as follows—

(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. ;

- (n) by repealing subsection (8) of that section and re-enacting the subsection with amendments, to stand as subsection (10), as follows—

(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. ;

- (o) by inserting a further subsection, to stand as subsection (11), as follows—

(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. ;

- (p) by repealing subsection (9) of that section and re-enacting the subsection with amendments, to stand as subsection (12), as follows—

(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. ;

- (q) by inserting a further subsection, to stand as subsection (13), as follows—

(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. ;

- (r) by inserting a further subsection, to stand as subsection (14), as follows—

(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. ;
and

- (s) by inserting a further subsection, to stand as subsection (15), as follows—

(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. .

18. Section 24 of the principal Act is amended— Section 24
amended.

- (a) by deleting the words “a Judge”, in line five of subsection (1) of that section, and substituting the words “the District Court”; and
- (b) by adding three new subsections as follows—

(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. .

New Part
added.

19. The principal Act is amended by inserting after section 24 a new Part, to stand as Part IVA, as follows—

PART IVA.—VETERINARY CLINICS AND
VETERINARY HOSPITALS.

Veterinary
clinics and
veterinary
hospitals.

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.

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.

(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.

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

(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.

Appeals
as to
registration
of clinics
or hospitals.

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—

- (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 judgement of the Court. .

20. The principal Act is amended by inserting immediately prior to section 25 a new heading as follows—

Heading inserted.

PART V.—VETERINARY PRACTICE, AND OFFENCES.

21. Section 25 of the principal Act is amended by repealing subsections (2) and (3) and substituting a new subsection as follows—

Section 25 amended.

(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. .

22. The principal Act is amended by deleting the heading which appears immediately following section 25.

Heading deleted.

23. Section 26 of the principal Act is amended—

Section 26 amended.

- (a) by repealing subsection (1) and re-enacting it with amendments as follows—

(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. ;

- (b) by inserting a new subsection, to stand as subsection (2), as follows—

(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. ;

- (c) by repealing subsection (2) and re-enacting it with amendments to stand as subsection (3) as follows—

(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. ;
- (d) by inserting a new subsection, to stand as subsection (4), as follows—
- (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. ;
- (e) by repealing subsection (3) and subsection (4) and re-enacting them to stand respectively as subsection (2) and subsection (3) of a new section 26A;
- (f) by adding a new subsection, to stand as subsection (5) as follows—
- (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 provi-

sions 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. ; and

- (g) by adding a new subsection, to stand as subsection (6) as follows—

(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. .

New
section
added.

24. The principal Act is amended by inserting a new section, to stand as section 26A, of which—

- (a) subsection (1) shall be as follows—

Use of term
"veterinary",
etc.

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.

- (b) subsection (4) shall be as follows—

(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. ; and

- (c) subsection (5) shall be as follows—

(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. .

25. The principal Act is amended by inserting a new section, to stand as section 26B, as follows—

New
section
added.

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

Estates of
deceased
persons.

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. .

New
section
added.

26. The principal Act is amended by inserting a new section, to stand as section 26C, as follows—

*Locum
tenens.*

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. .

New
section
added.

27. The principal Act is amended by inserting a new section to stand as section 26D, as follows—

Issuing
certificates
under
other Acts.

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. .

New
section
added.

28. The principal Act is amended by inserting a new section, to stand as section 26E, as follows—

Veterinary
nurses.

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.

29. The principal Act is amended by inserting a new section, to stand as section 26F, as follows—

New
section
added.

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.

- (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. .

Section 30
amended.

30. Section 30 of the principal Act is amended by deleting the words "fifty pounds", in line five, and substituting the words "two hundred dollars".

Section 31
amended.

31. Section 31 of the principal Act is amended—

- (a) by inserting after the section designation "31." the subsection designation "(1)";

- (b) by inserting after paragraph (c) a new paragraph as follows—

(ca) relating to the training of persons desiring to apply for approval as a veterinary nurse; ;

- (c) by adding after the word "surgeons", in line two of paragraph (f), the words "and the issue of certificates to veterinary nurses";

- (d) by deleting paragraph (j), paragraph (k) and paragraph (l) and substituting the following new paragraphs—

(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. ; and

(e) by adding a new subsection as follows—

(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. .
