

VETERINARY SURGEONS REGISTRATION

No. 3 of 1965

An Ordinance to provide for the
Registration of Persons engaged in Veterinary Surgery,
and for other purposes.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Veterinary Surgeons Registration Ordinance 1965*.* Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.† Commencement.

3. This Ordinance is divided into Parts as follows:— Parts.

Part I.—Preliminary (Sections 1-4).

Part II.—The Veterinary Surgeons Board (Sections 5-10).

Part III.—Registration and Qualifications (Sections 11-27).

Part IV.—Appeals (Section 28).

Part V.—The Conduct of Veterinary Practice (Sections 29-33).

Part VI.—Miscellaneous (Sections 34-43).

4. In this Ordinance, unless the contrary intention appears— Definitions.

“member” means a member of the Board;

“registered” means registered under this Ordinance, and
“registration” has a corresponding meaning;

“registered veterinary surgeon” means a person who is for the time being registered;

“the Board” means the Veterinary Surgeons Board constituted under this Ordinance;

“the Chairman” means the Chairman of the Board;

“the Deputy Chairman” means the member elected as Deputy Chairman of the Board under section six of this Ordinance;

* Made on 19 February, 1965; notified in the *Commonwealth Gazette* on 18 March, 1965.

† The date fixed was 27 April, 1965; see *Commonwealth Gazette*, 22 April, 1965, p. 1536.

“the Director” means the Assistant Director-General, Animal Quarantine Branch of the Commonwealth Department of Health;

“the Minister” means the Minister of State for Health;

“the Register” means the Register of Veterinary Surgeons kept in accordance with section eleven of this Ordinance;

“veterinary surgery” means the medical or surgical treatment of diseases or conditions in animals.

PART II.—THE VETERINARY SURGEONS BOARD.

The
Veterinary
Surgeons
Board.

5.—(1.) For the purposes of this Ordinance, there shall be a board which shall be known as the Veterinary Surgeons Board.

(2.) The Board—

(a) is a body corporate, with perpetual succession;

(b) shall have a seal; and

(c) may sue and be sued in its own name.

(3.) The Treasurer shall satisfy, out of moneys legally available for the purpose, all orders made by a court against the Board.

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

Members of
the Board.

6.—(1.) The Board shall consist of the Director and not less than three or more than five other members appointed by the Minister.

(2.) The Director shall be Chairman of the Board.

(3.) A person is not eligible for appointment as a member, other than as the Chairman, unless he is registered as a veterinary surgeon under the law of a State or Territory of the Commonwealth.

(4.) One at least of the members appointed by the Minister shall be a person who is engaged in the practice of veterinary surgery on his own account in the Territory.

(5.) The members of the Board shall elect one of their number to be the Deputy Chairman of the Board during the pleasure of the Board.

(6.) The Chairman shall be the executive officer of the Board.

7.—(1.) Subject to the next succeeding sub-section, a member appointed by the Minister holds office for a term of three years, and is eligible for re-appointment. Tenure of office.

(2.) Where the office of a member appointed by the Minister becomes vacant before the expiration of his term of office, the person appointed by the Minister to fill the vacancy holds the office for the unexpired portion of the term of office of the member whose office has become vacant.

8. The Minister may remove a member, other than the Chairman, from office for misbehaviour or inability to carry out the duties of his office. Removal of member from office.

9.—(1.) A member, other than the Chairman, shall be deemed to have vacated his office— Vacation of office by member.

- (a) if he becomes bankrupt or insolvent or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors;
- (b) if he becomes of unsound mind;
- (c) if he is convicted of an indictable offence;
- (d) if he resigns his office in writing addressed to the Minister and the resignation is accepted by the Minister;
- (e) if he is absent without leave of the Board from two consecutive meetings of the Board; or
- (f) if he ceases to be a person who is eligible for appointment as a member.

(2.) The exercise or performance of the powers or functions of the Board is not affected by reason only of there being a vacancy in the office of a member.

10.—(1.) Subject to the next succeeding sub-section, a meeting of the Board shall be convened by the Chairman by notice in writing to the other members, and shall be held at the time and place specified in the notice. Meetings.

(2.) The Minister may, by notice in writing to each member, direct that a meeting be held at the time and place specified in the notice.

(3.) The Chairman shall preside at all meetings of the Board at which he is present.

(4.) At a meeting of the Board at which he is present, the Chairman has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

(5.) In the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside at that meeting.

(6.) A quorum of the Board consists of the Chairman or Deputy Chairman and such number of other members as, together with the member so presiding, constitutes a majority of the members.

(7.) All questions before a meeting of the Board shall be decided by a majority of votes of the members present.

(8.) If, at a meeting of the Board at which the Chairman is not present, the members present are equally divided upon a question, the determination of that question shall be postponed until the next meeting of the Board.

(9.) Subject to this Ordinance, the procedure at meetings shall be as the Board determines.

PART III.—REGISTRATION AND QUALIFICATIONS.

The Register.

11. The Board shall keep a Register to be called “The Register of Veterinary Surgeons”.

Persons entitled to registration.

12.—(1.) A person is entitled to apply to the Board for registration if—

- (a) he holds a degree in veterinary science granted by a university recognized by the Board for the purposes of this section; or
- (b) he holds a diploma or certificate granted by a veterinary school or college recognized by the Board for the purposes of this section and has completed such studies, undergone such training or passed such examinations as the Board requires.

(2.) Subject to section fourteen of this Ordinance, a person entitled to apply for registration may lodge an application to the Board setting out his qualifications, training and experience and accompanied by payment of a fee of One pound and by a degree, diploma or certificate, testifying to his qualifications.

(3.) Subject to the next two succeeding sub-sections, the Board shall authorize the registration of an applicant if the Board is satisfied that he is entitled to apply for registration as a veterinary surgeon under sub-section (1.) of this section.

(4.) The Board shall not authorize the registration of an applicant unless the Board is satisfied that—

- (a) he is a fit and proper person to be registered;
- (b) the degree, diploma or certificate testifying to his qualifications was, after examination, obtained by him from a university, veterinary school or college which is recognized by the Board for the purposes of this section; and
- (c) he has not been removed from the register of veterinary surgeons of a State, a Territory of the Commonwealth or another country for any cause for which the Board would be entitled to order the cancellation of the registration of a veterinary surgeon or, if he has been so removed, that he has been restored to the register.

(5.) The Board may require an applicant for registration to attend personally before the Board and, if he fails to attend as required, may refuse the application.

13.—(1.) The registration of a person expires on the thirtieth day of June next following the day on which the person was registered.

Expiry and
renewal of
registration.

(2.) A person may—

- (a) on or before the day on which his registration expires; or
- (b) before the expiration of a period of thirty days from the day on which his registration expired,

make application to the Board to be registered for a period of twelve months from and including the day following the day on which his registration expires or expired.

(3.) Subject to the next succeeding section, an application under this section shall be accompanied by a fee of One pound and, unless the Board otherwise directs, if the application is made within the time limited by paragraph (b) of the last preceding sub-section, an additional fee of One pound.

(4.) Where a person makes application under this section, the Board shall authorize the registration of that person if it is satisfied that he would, if he had made application under section twelve of this Ordinance, have been entitled to be registered.

Officers and employees exempt from registration fees.

14. A person who lodges an application under section twelve or section thirteen of this Ordinance is not liable to pay the fees referred to in those sections if he is an officer or an employee within the meaning of the *Public Service Act* 1922-1964.

Mode of registration.

15.—(1.) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

- (a) his name;
- (b) his professional address or addresses (if any) in the Territory or, if he has no such professional address, his place of residence (whether in the Territory or elsewhere);
- (c) particulars of his qualifications;
- (d) a registration number allotted to him;
- (e) the date of his registration; and
- (f) such other particulars (if any) as the Board directs.

(2.) An entry in the Register shall be signed by the Chairman or Deputy Chairman.

(3.) Where a person is registered, the Board shall cause to be issued to him a certificate of registration, in a form approved by the Board, under the hand of the Chairman or Deputy Chairman.

Board to record finding on which decision was based.

16. If the Board refuses to authorize the registration of a person, the Board shall record the finding on which the decision was based and shall, if the person so requests, furnish to him a copy of the finding.

Proof of registration.

17.—(1.) A certificate of registration issued under this Ordinance is evidence that the person specified in the certificate was registered on the date specified in the certificate.

(2.) A document purporting to be a certificate under the hand of the Chairman or Deputy Chairman and stating that any person was or was not registered on any date or dates or during any period mentioned in the document is, in all courts and before all persons and bodies authorized to receive evidence, evidence of the matters so stated.

18. A person shall not, in connexion with an application for registration, make a false or misleading statement or produce a false certificate, testimonial or other document.

Fraudulent registration.

Penalty: One hundred pounds.

19.—(1.) A registered veterinary surgeon who changes his professional address in the Territory, or establishes a professional address, or an additional professional address, in the Territory, shall, within thirty days after the change or establishment, notify the Chairman in writing accordingly.

Change of address to be notified.

Penalty: Five pounds.

(2.) A registered veterinary surgeon not having a professional address in the Territory who changes his place of residence shall, within thirty days after the change, notify the Chairman in writing accordingly.

Penalty: Five pounds.

20.—(1.) The Board shall cause to be removed from the Register the name of a registered veterinary surgeon who has died or whose registration has been cancelled under this Ordinance and may cause to be made such alterations to the particulars recorded in the Register as are, in the opinion of the Board, necessary.

Alteration of Register.

(2.) A name removed from the Register under this section may be restored by authority of the Board.

21.—(1.) The Board may order the cancellation of the registration of a person—

Cancellation of registration for fraud and on other grounds.

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose degree, diploma or certificate has been cancelled by the university, veterinary school or college by which it was granted;
- (c) who is convicted, whether in the Territory or elsewhere, of an offence which, in the opinion of the Board, renders him unfit to practise as a veterinary surgeon;
- (d) who becomes of unsound mind; or
- (e) who is found by the Board to have been guilty of—
 - (i) habitual drunkenness or addiction to any drug;
 - (ii) unprofessional conduct; or
 - (iii) any other misconduct which renders him unfit to practise as a veterinary surgeon.

(2.) The Board may, instead of cancelling the registration of a person who has been found guilty of conduct or an act referred to in paragraph (e) of the last preceding sub-section, reprimand the person or suspend the registration of the person for such period, not exceeding twelve months, as the Board thinks fit.

(3.) In this section, and subject to the next succeeding sub-section, "unprofessional conduct" includes—

(a) advertising with a view to procuring practice as a veterinary surgeon, or sanctioning or being associated with or employed by a person who sanctions such an advertisement; and

(b) canvassing or employing an agent or canvasser for the purpose of procuring practice as a veterinary surgeon, or sanctioning or being associated with or employed by a person who sanctions such canvassing or employment.

(4.) A registered veterinary surgeon is permitted—

(a) to publish, from time to time, a notice of the fact that he practises as a veterinary surgeon and of the place or places at which he practises;

(b) to publish a notice or notices of the fact that he has commenced or resumed practice as a veterinary surgeon or a notice or notices of a change of the address at which he practises as a veterinary surgeon; and

(c) to exhibit at the place or places at which he practises as a veterinary surgeon a notice or notices containing his name, his qualifications and any other matters approved by the Board as being matters that may be included in the notice or notices,

being, in each case, a notice or notices of a kind which conforms to the accepted customs and usages of the veterinary profession.

Inquiry to be held.

22.—(1.) Before taking action in relation to a person in pursuance of the last preceding section, the Board shall hold an inquiry.

(2.) At the inquiry the person may be represented by counsel, a solicitor or an agent, who may examine witnesses and address the Board on his behalf.

(3.) In conducting the inquiry the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks fit.

(4.) The Attorney-General may appoint counsel or a solicitor to assist the Board.

23. Where the Board—

- (a) reprimands a person;
- (b) suspends the registration of a person; or
- (c) orders the cancellation of the registration of a person,

Board to record finding on which a decision was based.

the Board shall record the finding on which the decision was based and shall, if the person so requests, furnish to him a copy of the finding.

24.—(1.) A person whose registration is suspended under section twenty-one of this Ordinance shall, for the purposes of this Ordinance, be deemed to be, during the period for which the registration is suspended, a person who is not registered as a veterinary surgeon under this Ordinance.

Suspension of registration.

(2.) The Board may, by notice in writing, revoke such a suspension and may direct, in the notice, that the revocation shall have effect from a date specified in the notice.

25.—(1.) Where the name of a person is removed from the Register or the registration of a person is suspended, the Board may, by notice in writing posted or otherwise delivered to that person at his professional address or at one of his professional addresses as last recorded in the Register, or at his last-known place of residence, require him, within fourteen days after receipt of the notice, to deliver his certificate of registration to the Board for cancellation.

Surrender of certificate on removal of name from Register.

(2.) A person shall not fail to comply with a notice served on him under the last preceding sub-section.

Penalty: Five pounds for every day after the period of fourteen days during which the certificate is not surrendered.

(3.) It is a defence to a prosecution for an offence against the last preceding sub-section if the person satisfies the court that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, he has been unable to find the certificate.

26.—(1.) The Minister may, if he thinks fit, cause notice of a decision of the Board or of the Supreme Court on appeal from a decision of the Board—

Publication of notice of decision of Board or Court on appeal.

- (a) reprimanding a person;
- (b) suspending the registration of a person; or
- (c) removing the name of a person from the Register,

and the finding on which the decision was based to be published in the *Gazette*.

(2.) Notice of a decision of the Board or of the Supreme Court and of the finding on which the decision was based shall not be published under the last preceding sub-section until—

- (a) the period within which an appeal may be brought against the decision has expired; and
- (b) if an appeal is brought against the decision, judgment has been given on that appeal.

Application
for
re-registration.

27. A person whose registration has been cancelled in pursuance of section twenty-one of this Ordinance may apply to the Board for re-registration, but he is not entitled to be again registered unless the Board, in its absolute discretion, thinks fit to authorize the re-registration.

PART IV.—APPEALS.

Appeals.

28.—(1.) Where the Board—

- (a) reprimands a person;
- (b) refuses to authorize the registration of a person;
- (c) cancels the registration of a person; or
- (d) suspends the registration of a person,

the person may appeal to the Supreme Court against the decision of the Board within twenty-one days after the decision was given.

(2.) An appeal under this section shall be in the nature of a re-hearing.

(3.) On the hearing of such an appeal the Supreme Court may—

- (a) affirm, set aside or vary the decision of the Board;
- (b) give such judgment as to the Court seems proper; and
- (c) make such other order as justice requires.

(4.) Where the Supreme Court sets aside or varies a decision of the Board, the Court shall express in its decision the finding on which the decision was based.

PART V.—THE CONDUCT OF VETERINARY PRACTICE.

Only registered
veterinary
surgeons to
practise
veterinary
surgery.

29.—(1.) A person other than a registered veterinary surgeon shall not—

- (a) practise or perform, for fee or reward, veterinary surgery;
- (b) hold himself out to be a veterinary surgeon; or

(c) take or use the title of veterinary surgeon, registered veterinary surgeon or any other title of similar meaning.

Penalty: One hundred pounds.

(2.) This section does not apply to a person who was formerly registered until the expiration of a period of thirty days from the day on which his registration expired.

30. A person shall not practise veterinary surgery in all or any one or more of its branches except in his own name.

Person not to practise except in his own name.

Penalty: Fifty pounds.

31.—(1.) A person shall not knowingly publish a statement, whether by way of advertisement or otherwise, whereby a person who is not registered under this Ordinance is held out to be a veterinary surgeon.

Publishing advertisements.

Penalty: Ten pounds.

(2.) A person shall not use or publish any title, name, words or letters which are capable of being understood to indicate qualifications in veterinary science, unless that title or name or those words or letters represent a degree, diploma, licence, certificate, membership or other qualification which he in fact holds or possesses.

Penalty: Ten pounds.

32. Only a registered veterinary surgeon is entitled to sue or counterclaim for, set off or recover, in a court of competent jurisdiction fees or remuneration for veterinary surgery.

Only a registered veterinary surgeon may sue for fees, &c.

33. Nothing in this Part—

Application of Part V.

- (a) prevents the performance, in an emergency, of veterinary surgery by a veterinary surgeon entitled to apply for registration under this Ordinance or by a medical practitioner;
- (b) prohibits a person from performing the operation known as the Mules operation or the operations of castrating, spaying, dehorning or inoculating animals or tailing lambs;
- (c) prohibits a person from administering an anthelmintic to, or dipping or jetting, an animal; or
- (d) affects the lawful business or occupation of a pharmacist registered under the law in force in the Territory.

PART VI.—MISCELLANEOUS.

34.—(1.) The Chairman or Deputy Chairman may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and

Power to summon witnesses.

there to give evidence and produce any books, documents or writings in his custody or control which he is required by the summons to produce.

(2.) A summons under this section shall be served—

- (a) by delivering it personally to the person to be served;
- (b) by sending it by prepaid registered letter addressed to him at his place of abode or business last-known to the Chairman or Deputy Chairman; or
- (c) by leaving it at his place of abode or business last-known to the Chairman or Deputy Chairman with some person apparently an inmate of that place and apparently not less than sixteen years of age.

Power to examine on oath.

35. A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

Affirmation in lieu of oath.

36.—(1.) Where a witness to be examined before the Board conscientiously objects to taking an oath, he may make an affirmation that he conscientiously objects to taking an oath, and that he will state the truth, the whole truth and nothing but the truth, in answering all questions that may be asked him.

(2.) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

Failure to attend or produce documents.

37.—(1.) A person served with a summons to attend the Board shall not fail, without reasonable excuse, to attend the Board or to produce the books, documents or writings in his custody or control which he is required by the summons to produce.

Penalty: Fifty pounds.

(2.) It is a defence to a prosecution for failing without reasonable excuse to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.

Refusal to be sworn or give evidence.

38.—(1.) A person appearing as a witness before the Board shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Board.

Penalty: Fifty pounds.

(2.) A statement or disclosure made before the Board by a witness is not, except in an appeal to the Supreme Court under Part IV. of this Ordinance or in a prosecution for giving false testimony before the Board, admissible in evidence against him in civil or criminal proceedings in a court.

39. A witness before the Board has the same protection as a witness in a matter before the Supreme Court. Protection of witnesses.

40. A person who attends before the Board for the purpose of giving evidence shall be paid such fees and allowances as the Chairman or Deputy Chairman thinks fit to allow in accordance with the scale of fees set out in the Third Schedule to the Court of Petty Sessions Rules. Allowances to witnesses.

41. The Board may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board. Board may inspect books, &c.

42. Proceedings for offences against this Ordinance may be instituted in a court of competent jurisdiction by the Chairman or by a person authorized in writing by the Chairman. Institution of proceedings.

43. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing penalties, not exceeding a fine of Twenty pounds, for offences against the regulations. Regulations.