



New South Wales

Veterinary Practice (Savings and Transitional) Regulation 2005

under the

Veterinary Practice Act 2003

His Excellency the Lieutenant Governor, with the advice of the Executive Council, has made the following Regulation under the *Veterinary Practice Act 2003*.

IAN MICHAEL MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The *Veterinary Practice Act 2003* (which is largely uncommenced) will repeal the *Veterinary Surgeons Act 1986*.

The objects of this Regulation are:

- (a) to suspend the operation of certain provisions of the *Veterinary Surgeons Act 1986* that overlap with or are inconsistent with offences that have commenced in the *Veterinary Practice Act 2003*, and
- (b) to ensure that references to veterinary practitioners in the offence provisions that have commenced in the *Veterinary Practice Act 2003* are read as references to registered veterinary surgeons under the *Veterinary Surgeons Act 1986* until the new registration scheme in the *Veterinary Practice Act 2003* commences, and
- (c) to ensure that other references in the offence provisions that have commenced in the *Veterinary Practice Act 2003* are appropriately read until that Act is fully commenced.

This Regulation is made under the *Veterinary Practice Act 2003*, including section 102 (the general regulation-making power) and Part 1 of Schedule 4.

This Regulation comprises or relates to matters of a savings or transitional nature.

2005 No 320

Clause 1 Veterinary Practice (Savings and Transitional) Regulation 2005

Veterinary Practice (Savings and Transitional) Regulation 2005

under the

Veterinary Practice Act 2003

1 Name of Regulation

This Regulation is the *Veterinary Practice (Savings and Transitional) Regulation 2005*.

2 Definitions

In this Regulation:

the new Act means the *Veterinary Practice Act 2003*.

the old Act means the *Veterinary Surgeons Act 1986*.

3 Savings and transitional provisions

- (1) Until the repeal of the old Act:
 - (a) a reference in section 11, 14 or 15 of the new Act to a veterinary practitioner is taken to be a reference to a registered veterinary surgeon within the meaning of the old Act, and
 - (b) a reference in section 11 of the new Act to veterinary science is taken to be a reference to veterinary science within the meaning of the old Act, and
 - (c) a reference in section 11 of the new Act to a veterinary hospital licence is taken to be a reference to a licence to conduct a veterinary hospital issued under Part 6 of the old Act, and
 - (d) a reference in section 12 of the new Act to registration as a veterinary practitioner is taken to be a reference to registration as a veterinary surgeon under the old Act, and
 - (e) a reference in section 15 of the new Act to unsatisfactory professional conduct or professional misconduct is taken to be a reference to conduct about which a complaint may be made under section 26 of the old Act, and
 - (f) a reference in section 91 of the new Act to an inspector is taken to be a reference to an inspector appointed under section 55 (6) of the old Act.

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- (2) Until the repeal of the old Act, section 37 (1) (b) of the old Act is not to be read as preventing an exempt person or body from using any title or description referred to in that paragraph.
 - (3) Until the repeal of the old Act, section 39 of the old Act is not to be read as preventing a registered veterinary surgeon from carrying on the practice of veterinary science under the name of an exempt person or body.
 - (4) On the commencement of section 12 of the new Act, section 41 of the old Act ceases to have effect.
 - (5) Until the repeal of the old Act, section 43 of the old Act is not to be read as preventing an exempt person or body from recovering any fee or charge for doing any act, matter or thing which is required by that Act to be done or performed by a registered veterinary surgeon (within the meaning of that Act).
 - (6) In this clause, *exempt person or body* means any of the following persons or bodies:
 - (a) a corporation or firm in which one or more registered veterinary surgeons (within the meaning of the old Act) has or have the controlling interest,
 - (b) a person or body referred to in section 14 (5) of the new Act.