

459

No. , 1915.

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## A BILL

To provide for the registration of veterinary surgeons qualified to practise in New South Wales.

[MR. GRAHAME :— , 1915.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**1.** This Act may be cited as the "Veterinary Surgeons Act, 1915." Short title.

31775

422—(2)

**2.**

## Definitions.

**2.** In the construction of this Act, unless the context otherwise indicates, the following terms shall have the respective meanings hereby assigned to them, that is to say:—

“Person”—Any individual or any corporation, 5  
whether established by charter or otherwise,  
or any company or society duly registered in  
pursuance of the provisions of any Act of  
Parliament.

“Practice”—The attendance on and treatment of 10  
animals for disease, and the performance of  
operations on animals for remuneration and as  
a sole or main means of livelihood.

“Prescribed”—Prescribed by this Act, or by any 15  
regulations made thereunder.

“Registered veterinary surgeon”—A person whose  
name appears in the veterinary surgeons register  
prepared in pursuance of the provisions of this  
Act.

“The board”—The board of veterinary surgeons 20  
appointed under this Act.

“The registrar”—The registrar of the veterinary  
surgeons board.

“Veterinary science”—The art and science of  
veterinary surgery and medicine including any 25  
branch thereof.

## PART I.

*The Veterinary Surgeons Board of New South Wales.*

Board and  
appointment  
of first board.

**3.** As soon as may be after the commencement of  
this Act the Governor shall appoint two members of the 30  
Board of Studies in Veterinary Science of the Sydney  
University, who shall possess qualifications in Veterinary  
Science, to be nominated by the Senate of that University,  
and two members of the Royal College of Veterinary  
Surgeons of Great Britain, and three other persons to 35  
be

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be members of the board of veterinary surgeons of New South Wales, one of whom shall be Chief Veterinary Officer of the State, and shall also appoint one of such members to be president thereof. The board so  
5 appointed shall hold office for a period of three years.

4. If any vacancy occurs in the office of member of <sup>Vacancies.</sup> the board during the period for which the first members of the board are appointed, the Governor may, on the recommendation of the board, fill such vacancy, and the  
10 person so appointed shall hold office until the expiration of three years from the date of the appointment of the first members of the board and no longer.

5. On the expiration of the period for which this <sup>Constitution of second and succeeding boards.</sup> first board has been appointed to hold office, and at the  
15 expiration of every third year thereafter, the members of the board shall retire, and a new board of eight members shall be constituted as follows :—

20 Six members shall be veterinary surgeons registered under this Act who have been elected in the manner prescribed by the persons whose names are on the register, two at least of whom shall be registered under section sixteen, paragraph (a), and who have duly paid all fees due by them under this Act and the regulations thereunder.  
25 The regulations shall provide for voting by post.

Two members, who shall also be registered veterinary surgeons, to be nominated by the Senate of the Sydney University.

30 The president shall be elected by the members of the board.

In the absence of the president from any meeting of the board, one of the members present shall be elected chairman of that meeting.

35 Four members of the board shall form a quorum.

The Governor may for sufficient cause remove the president or any member of the board, and on the death, removal, or resignation of an elected member, a new member shall be elected in his place. In the event of  
40 no proper election taking place within three months after the death, removal, or resignation of an elected member,

member, the Governor may appoint the necessary number of persons who are veterinary surgeons registered under this Act.

Board to be  
body cor-  
porate, &c.

**6.** The board shall, under the name of the Veterinary Surgeon's Board of New South Wales, be a body corporate, having perpetual succession and a common seal, and shall be capable in law of suing and being sued. The validity of any acts of the board shall not be affected by any informality or irregularity in its constitution, and the fact that all or any of the seats on the board are vacant shall not of itself operate to dissolve the corporation. 5 10

Registrar and  
other officers.

**7.** The board may from time to time appoint a registrar and any such officers as it may think fit for carrying out the provisions of this Act, and shall have power to remove same at any time. 15

Regulations.

**8.** The board may, with the approval of the Governor, make regulations for the procedure of the board, and the method of carrying out elections under this Act, for the verification by statutory declaration or other evidence of the compliance of applicants for registration with the requirements of this Act, and generally for carrying this Act into full effect; and may also in such regulations impose any penalty not exceeding *ten* pounds for any breach of the same. 25

All such regulations shall, upon being published in the Gazette, be good and valid in law, provided that a copy of all such regulations be laid before both Houses of Parliament within fourteen days of publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of next session. 30

Power of  
board to  
examine on  
oath.

**9.** The board may examine any person on oath and take a solemn declaration from any person for the purposes of this Act, and if any person wilfully makes any false statement on such examination or in such declaration, or utters or attempts to utter or put off as true before the board any false, forged, or counterfeited certificate, diploma, license, letter, testimonial, or other document or writing, he shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any period not exceeding *twelve* months. 35 40

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**10.** The president of the board may in writing under his hand summons any person to attend before the board for the purpose of being examined with respect to any matter within the jurisdiction of the board, and every **5** person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered him, or attending refuses to be sworn or to make a solemn declaration, or refuses to be examined or to give evidence or to answer all such questions as the board may legally **10** ask of him, shall be liable on conviction to a penalty not exceeding *twenty* pounds.

Power to  
summon  
witnesses.

PART II.

*The veterinary surgeons register of New South Wales.*

**11.** The registrar shall enter in a register in the **15** prescribed manner and on payment of the prescribed fee, the full names and addresses, date and description of qualification in respect of which registration was granted by the board, and all other prescribed particulars of all veterinary surgeons, and shall transmit in the **20** month of January in each year, a certified copy of such register correct up to the thirty-first day of December of the preceding year, to the Minister, who shall cause the same thereupon to be published in the Gazette as "*The Veterinary Surgeons' Roll of New South Wales* **25** for year one thousand nine hundred and ,"  
followed by the number of the year in which it is published. A copy of such Gazette shall be prima facie evidence in all legal proceedings (until the contrary is made to appear) that the persons mentioned therein **30** are registered veterinary surgeons according to the provisions of this Act, and the omission of any name therefrom for the time being shall be prima facie evidence (until the contrary is made to appear) that such person is not so registered.

Register.

**12.**

Fees.

**12.** Every registered veterinary surgeon shall, during the month of July in each year, subsequent to the commencement of this Act, pay to the registrar such roll fee as may be prescribed in regulations hereunder; and in the event of any registered veterinary surgeon failing to pay such fee before the month of September next succeeding, the registrar shall send by post to such person a notice addressed to him according to his address as entered on the register, inquiring whether or not he has ceased to practise, and if the registrar does not receive any answer thereto from such person within one month of sending him such notice, the registrar shall send him by post in a registered letter addressed as aforesaid another notice referring to the first notice and stating no answer thereto has been received, and if the registrar does not within two months after sending the second notice receive any answer thereto, he shall report to the board accordingly, and the board may cause the name of such person to be removed from the register, but may restore his name to the said register upon personal application and the production of his certificate of registration or proof to the satisfaction of the board of his former registration.

Removal of name from register.  
Grounds for refusal to register.

**13.** The board may cause to be removed from the register the names of any deceased veterinary surgeons.

**14.** The board may refuse to register as a veterinary surgeon or may remove from the register any person who—

- (a) has ceased to possess or does not possess the qualifications in respect of which he was registered; or
- (b) has been convicted of any felony or misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour, and which in the opinion of the board renders it unfit that his name should be on the veterinary surgeons register of New South Wales; or
- (c) has been guilty of infamous conduct in any professional respect :

Provided

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Provided that any such person shall not be refused registration nor have his name removed from the register until he has been called upon to explain any objection raised against him :

5 Provided further that in a case of a charge of infamous conduct as aforesaid, the board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence either in person or by counsel, and shall have the right of appeal to the  
10 Supreme Court, and such appeal shall be of the nature of a rehearing.

15 **15.** Where the board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register except by direction of the board or by order of a court of competent jurisdiction. The board may if it thinks fit in any case direct the registrar to restore to the register any name removed therefrom without payment of fee or on payment of such fee, not exceeding the registra-  
20 tion fee, as the board may from time to time direct, and he shall restore the same accordingly.

Restoration of name to register.

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PART III.

*Registered veterinary surgeons.*

25 **16.** No person shall be entitled to registration as a veterinary surgeon under this Act unless he has attained the age of twenty-one years and furnishes proof to the satisfaction of the board that he is a person of good fame and character, and—

Qualification for registration.

30 (a) holds a degree, diploma, or license of competency as a veterinary surgeon from the Sydney University or the Royal College of Veterinary Surgeons of Great Britain, or such other university, veterinary college, or school  
35 as may from time to time be prescribed by the board in regulations hereunder, provided the courses

- courses of instruction in veterinary science of such university, college, or school shall extend over four academic years and be of a standard equivalent to that of the Sydney University; or
- (b) has been engaged in practice as a veterinary 5  
surgeon in New South Wales for a period of not less than one year immediately preceding the commencement of this Act and holds a degree, diploma, license, certificate, or document granted by some university, college, 10  
school, or public institution in a British possession or foreign country where he has attended courses of instruction in veterinary science extending over three academic years, and furnishes, to the satisfaction of the board, 15  
sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science, provided application for registration is made to the board within one year after the commencement of 20  
this Act; or
- (c) has, for the seven years immediately preceding the commencement of this Act, been bona fide engaged in practice as a veterinary surgeon in New South Wales, provided application for 25  
registration is made to the board within one year after the commencement of this Act; or
- (d) has for less than seven but not less than four years immediately preceding the commencement of this Act been bona fide engaged 30  
in practice as a veterinary surgeon in New South Wales, and who shall make application for registration and pass an examination in elementary veterinary science in accordance with the prescribed regulations within one 35  
year after the commencement of this Act;
- (e) has not for less than four years immediately preceding the commencement of this Act been duly indentured as an apprentice to a veterinary surgeon registered under this Act, and shall 40  
have passed an examination in veterinary science



science as prescribed by the board at the close of the period of apprenticeship, and shall have applied for registration within one year after the commencement of this Act ;

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**17.** The application of every person who applies for registration by the board shall be made on the prescribed form, and shall be accompanied by the certificates, diploma, or documents on which such application is based, and supported by such corroborative evidence as the board may in each case, in its discretion, require. Before registration by the board of any person as a registered veterinary surgeon such person shall pay to the registrar such fees as may from time to time be prescribed in regulations hereunder.

Application  
for  
registration.

**18.** No registered veterinary surgeon shall after the coming into operation of this Act use or publish in connection with veterinary science, or the practice of veterinary science, any title, name, words, or letters which are capable of being understood to indicate qualifications in veterinary science or qualifications for registration as a registered veterinary surgeon, or as qualifications as a registered veterinary surgeon other than such title, name, words, or letters as truly indicate that he is a registered veterinary surgeon and truly indicate the degree, diploma, or certificate, or other qualification which he in fact holds or is possessed of, and only such as may from time to time be prescribed by regulations under this Act.

Use of titles,  
letters, &c.

**19.** It shall not be lawful after six months from the passing of this Act for any person not being a registered veterinary surgeon under this Act to take or use the term "veterinary," either alone or in connection with any other word, name, title, or business ; or to practise or attempt to practise as a veterinary surgeon or veterinary practitioner, whether using the name of veterinary surgeon or veterinary practitioner or not, for fee or reward, or for fee or reward in that behalf to render veterinary service of any kind, to give veterinary attendance of any kind, or to give veterinary advice of any kind ; and any person who contravenes any of the provisions of this section shall be liable on conviction

Unregistered  
person not  
to practise.

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thereof to a penalty not exceeding *ten* pounds for each such offence. And a copy of the register kept in pursuance of this Act, signed by the president of the board, shall in any proceedings under this section be prima facie evidence that the persons whose names are therein contained, and no other, were, up to and including the time the said copy of the register was so signed, registered veterinary surgeons. 5

Continuation  
of business  
after death of  
registered  
person.

**20.** Upon the death of a registered veterinary surgeon, in business as a veterinary surgeon on his own account 10 on the day of his death, the executor, administrator, or trustee of his estate may continue the said business under the name of the deceased veterinary surgeon, subject to the condition that the business is in charge of a registered veterinary surgeon, who shall personally 15 superintend the carrying on of the said business.

Registered  
person  
entitled to  
sue for fees.

**21.** Every registered veterinary surgeon shall be entitled to sue in any court of competent jurisdiction for any fee or charge for veterinary service, attendance, or advice rendered by him, and also for any medicine 20 supplied by him for veterinary purposes, and no person shall be entitled to recover in any court of law any fee or charge for performing any veterinary operation, or for giving any veterinary attendance or advice, or for acting in any manner as a veterinary surgeon or veteri- 25 nary practitioner, or for practising in any case veterinary science, unless he be registered in accordance with the provisions of this Act.

PART IV.

*Miscellaneous.*

**22.** Any registrar or any other person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment with or without hard labour, for any term not exceeding *twelve* months.

Penalty for forging registration, &c.

**23.** Information for offences under this Act may be laid by the registrar or some other person appointed by the board for that purpose, or by a member of the police, and all penalties when recovered shall be paid to the veterinary surgeons board for the purposes of this Act. All such penalties may be recovered before any stipendiary or police magistrate, or two justices of the peace sitting in petty session.

Informations, recovery of penalties, &c.

**24.** The fees payable under this Act or any regulation made thereunder shall be paid to the registrar, and shall be applied by the board in such manner as it may think fit in paying the officers appointed under, and defraying the expenses of carrying out, the provisions of this Act, and of any regulations made under its authority.

Application of fees.