

No. , 1920.

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## A BILL

To provide for the regulation of the practice of veterinary science; and for purposes consequent thereon or incidental thereto.

[CAPTAIN DUNN;— *October, 1920.*]

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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  
5 the same, as follows:—

### PART I.

#### PRELIMINARY.

**1.** This Act may be cited as the "Veterinary Surgeons Act, 1920." Short title.

4367

103—A (4)

**2.**

**Parts,**

**2.** This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—*ss.* 1-3.

PART II.—THE BOARD—*ss.* 4-8.

PART III.—REGISTER—*ss.* 9-11.

PART IV.—VETERINARY SURGEONS—*ss.* 12-23. **5**

PART V.—MISCELLANEOUS—*ss.* 24-28.

**Definitions.**

**3.** In this Act, unless inconsistent with the context or subject-matter,—

“Board” means the Board of Veterinary Surgeons established by this Act. **10**

“Member” means member of the board.

“Minister” means Minister of the Crown, who for the time being is administering this Act.

“Person” includes corporation, company, society, association, and firm. **15**

“Practise” and similar expressions, in relation to veterinary science, refer to practising veterinary science as a principal for fee or reward.

“Prescribed” means prescribed by this Act or the regulations. **20**

“Registrar” means registrar of the board.

“Veterinary science” includes any branch of the science or art of veterinary medicine or of veterinary surgery.

“Veterinary surgeon” means person registered as **25** a veterinary surgeon under this Act.

PART II.

THE BOARD.

4. (1) A board, to be called the "Board of Veterinary Surgeons," is hereby established. Incorporation of board.

5 (2) The board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

5. (1) The members of the first board shall be the chief veterinary officer of the Department of Agriculture, Constitution of board.  
10 two persons nominated by the Senate of the University of Sydney, two persons who hold the degree of Bachelor of Veterinary Science or the diploma of the Royal College of Veterinary Surgeons of Great Britain, and two other persons. Such members shall be appointed by the  
15 Governor.

(2) The members of the first board shall hold office for three years, and thereafter the board shall consist of a president and six other members, all of whom shall be veterinary surgeons, and shall be appointed by  
20 the Governor and hold office for three years.

(3) The president and three other members shall be persons who hold a degree, diploma or license of competency as a veterinary surgeon from the University of Sydney, the Royal College of Veterinary Surgeons of  
25 Great Britain, or such other university, veterinary college, or school as may be prescribed. Two members shall be persons nominated by the Senate of the University of Sydney.

6. (1) If the office of a member become vacant Vacancies and remuneration  
30 during the term for which he is appointed his successor shall be appointed for the remainder of such term.

(2) If a member is likely from any cause to be absent from meetings of the board for more than three months the Governor may appoint a deputy to act for  
35 such member during his absence.

(3) A deputy shall have the same powers, rights, and duties as the member for whom he is appointed to act.

(4) A member may be removed from office by the  
40 Governor for sufficient cause. (5)

(5) Each member shall be paid a fee of one guinea for each meeting of the board which he attends, provided that the fees paid to any member during any year shall not exceed twenty-five guineas.

Vacancies.

**7.** (1) The office of a member shall be deemed to be vacant— 5

(a) if he becomes bankrupt or compounds with his creditors; or

(b) if he is absent without leave of the board from three consecutive meetings of which due notice 10 has been given to him either personally or by post; or

(c) if he resigns his office by writing under his own hand addressed to the Governor; or

(d) if he is removed from office by the Governor. 15

Validity of acts.

(2) The validity of any acts of the board shall not be affected by any informality or irregularity in its constitution, and the fact that the office of any or every member is vacant shall not of itself operate to dissolve the corporation. 20

Registrar and other officers.

**8.** The Governor shall, on the recommendation of the Public Service Board, appoint a registrar and such other officers as the Governor thinks necessary for carrying out the provisions of this Act. The registrar and other officers appointed shall be subject to the provisions of 25 the Public Service Acts.

PART III.

REGISTER.

9. (1) There shall be a register of veterinary surgeons, <sup>Keeping.</sup>  
to be kept as prescribed.
- 5 (2) On payment of the prescribed fee, the registrar shall enter in the register—
- (a) the full names and addresses of all persons to whom registration as veterinary surgeons is granted by the board ;
- 10 (b) the date and description of the qualification in respect of which such registration is granted ;
- (c) such other particulars as may be prescribed.
- 15 10. (1) The registrar shall in the month of January <sup>Roll.</sup> in each year transmit a copy of the register certified to be correct up to the thirty-first day of December of the preceding year to the Minister, who shall thereupon cause the same to be published in the Gazette as the “ Veterinary Surgeons Roll for the year ” followed by the number of the year in which it is
- 20 published.
- (2) A copy of the Gazette shall be prima facie evidence in all legal proceedings that the persons mentioned in the roll, and no others, are registered as veterinary surgeons under this Act.
- 25 11. (1) Every veterinary surgeon shall in or before <sup>Roll fee.</sup> the month of December in each year pay to the registrar the prescribed roll fee for the following year.
- (2) If any veterinary surgeon does not pay the prescribed roll fee in or before the month of December
- 30 in any year the board may cause his name to be removed from the register.
- (3) If the name of any person is removed from the register under this section the board may restore his name to the register upon payment of the prescribed fee.

## PART IV.

## VETERINARY SURGEONS.

- 12.** No person shall be entitled to be registered as a veterinary surgeon unless he satisfies the board that he is of good fame and character. 5
- 13.** Subject to the provisions of this Act, a person shall be entitled to be registered as a veterinary surgeon if he holds a degree, diploma, or license of competency as a veterinary surgeon from the University of Sydney or the Royal College of Veterinary Surgeons of Great Britain, or such other university, veterinary college or school as may from time to time be prescribed, provided that the courses of instruction in veterinary science of such other university, college, or school extend over four academic years, and are of a standard equivalent to that of the University of Sydney. 10 15
- 14.** (1) Subject to the provisions of this Act, a person who does not hold such degree, diploma, or license of competency shall be entitled to be registered as a veterinary surgeon if he— 20
- (a) has practised veterinary science in New South Wales for a period of not less than one year immediately preceding the commencement of this Act and holds a prescribed degree, diploma, license, or certificate granted by some veterinary college or school, or veterinary department of a public institution, provided that he has attended systematic courses of instruction in veterinary science extending over three academic years and satisfies the board that he possesses the requisite knowledge and skill for the efficient practice of veterinary science; or 25 30
  - (b) satisfies the board that he has for seven years immediately preceding the commencement of this Act and subsequent to his attaining the age of twenty-one years practised veterinary science in New South Wales as a sole or main means of livelihood; or 35
- (c)

- 5 (c) satisfies the board that he has for not less than four years immediately preceding the commencement of this Act and subsequent to his attaining the age of twenty-one years practised veterinary science in New South Wales as a sole or main means of livelihood, and passes before the board within one year from the commencement of this Act a written and an oral or practical examination in elementary veterinary science as prescribed; or
- 10 (d) satisfies the board that he has for seven years immediately preceding the commencement of this Act, and subsequent to his attaining the age of twenty-one years, practised veterinary science in New South Wales, but not as a sole or main means of livelihood, and passes before the board within one year from the commencement of this Act a written and an oral or practical examination in elementary veterinary science as prescribed.
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- 20

(2) No person shall come within the provisions of this section unless he applies in the prescribed manner to the board to be registered as a veterinary surgeon, or to have his name recorded as a person entitled to the benefit of this section, as the case may be, within three months from the commencement of this Act.

(3) Notwithstanding any other provision of this section, all absences on active military or naval service by a British subject may be accounted as part of the periods of practice mentioned in this section: Provided that such British subject prior to enlistment practised veterinary science in this State.

- 35 **15.** Application to the board for registration shall—
- (a) be made as prescribed;
  - (b) be supported by such evidence as the board may require; and
  - (c) be accompanied by the prescribed fee.

Application for registration.

40 **16.** The board shall issue certificates of registration as prescribed.

Registration certificate.

Refusal to  
register.

**17.** The application of any person to be registered as a veterinary surgeon may be refused by the board if in the opinion of the board the applicant does not possess the qualification he claims to possess or if any ground exists on which his name, if it were on the register, might be removed therefrom. 5

Removal  
from register.

**18.** (1) The board may remove from the register the name of any person who—

- (a) has died; or
- (b) does not possess the qualifications in respect of 10 which he was registered; or
- (c) is convicted of any felony or misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour; or
- (d) is guilty of infamous conduct in a professional 15 respect.

(2) Any such person shall not have his name removed from the register—

- (a) until he has been called upon by the board in the prescribed manner to explain any objection 20 raised against him; or
- (b) on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which 25 it was committed, render it expedient in the public interest that he should be debarred from practising veterinary science.

(3) In a case of a charge of infamous conduct as aforesaid, the board shall make due inquiry, sitting 30 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 Supreme Court, and such appeal shall be in the nature of a rehearing. 35

Restoration  
of name.

**19.** (1) Where the board directs the removal of the name of any person from the register, 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. 40

(2)

(2) 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 registration fee, 5 as the board may from time to time direct.

**20.** (1) No person shall 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 qualification 10 in veterinary science, or as a veterinary surgeon, or qualification for registration as a veterinary surgeon, other than such title, name, words, or letters as truly indicate the degree, diploma, or certificate, or other qualification which he in fact holds or possesses, and 15 only such as may from time to time be prescribed.

Prohibited practices.

(2) No veterinary surgeon shall without the permission of the board practise except in his own name.

(3) No person other than a veterinary surgeon shall practise veterinary science, or take or use the name 20 "veterinary surgeon" or the term "veterinary" or any abbreviation thereof, either alone or in connection with any other name, title, or business.

(4) Any person who contravenes any of the provisions of this section shall be liable to a penalty not 25 exceeding *twenty* pounds and not less than *two* pounds, and if a veterinary surgeon shall be guilty of infamous conduct in a professional respect.

**21.** Notwithstanding any other provision of this Act, upon the death of a veterinary surgeon the board may 30 abstain from removing his name from the register, and may permit his executor, administrator, or trustee to carry on under the name of the deceased veterinary surgeon the practice formerly carried on by him provided that the practice shall be carried on under the personal 35 superintendence of a veterinary surgeon whose name shall be registered as superintendent of the practice.

Continuation of name of deceased veterinary surgeon.

**22.** (1) A veterinary surgeon shall be entitled to sue 40 in any court of competent jurisdiction for any fee or charge for any service rendered, work done, or goods supplied in connection with the practice of veterinary science.

Suing for fees.

(2) After the commencement of this Act no person shall be entitled to maintain any action or claim for services rendered, work done, or goods supplied in connection with the practice of veterinary science in respect of instructions received after the said commencement unless he is registered as a veterinary surgeon under this Act. 5

**23.** Nothing in this Act shall apply to any person performing only the operations of castrating, speying, dehorning, or tailing any animal. 10

PART V.

MISCELLANEOUS.

Power of board to examine on oath.

**24.** (1) The board may for the purposes of this Act examine any person on oath or take a statutory declaration from any person. 15

(2) If any such person wilfully makes any false statement or declaration, or utters or attempts to utter or put off as true before the board any false, forged or counterfeit certificate, diploma, license, letter, testimonial, or other document, he shall be liable to imprisonment for a term not exceeding *twelve* months. 20

Power to summon witnesses.

**25.** (1) The president of the board or, with the consent of the majority of the members present at any meeting of the board, any member may in writing under his hand summon any person to attend before the board for the purpose of being examined with respect to any matter within the jurisdiction of the board. 25

(2) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or refuses to be sworn or to make a statutory declaration, or to answer any lawful question, shall be liable to a penalty not exceeding *twenty* pounds. 30

**26.**

**26.** Any 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 liable to imprisonment for a term not exceeding *twelve* months.

Penalty for forging registration.

**27.** (1) The fees payable and all penalties recovered under this Act or any regulation made thereunder shall be paid to the registrar.

Fees payable to Treasury.

(2) The amount of such fees and penalties shall be paid by the registrar into the Treasury, and carried to the Consolidated Revenue Fund.

(3) The board shall, as soon as practicable after the thirtieth day of June in each year, publish in the Gazette a statement made up to that date showing the receipts and expenditure of the board during the preceding twelve months, certified as correct by the Auditor-General.

**28.** (1) The Governor, upon the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in particular for—

Regulations.

- (a) regulating the proceedings and fixing the quorum of the board ;
- (b) regulating the duties of officers ;
- (c) prescribing what degrees, diplomas, licenses, certificates, or other documents shall be recognised by the board ;
- (d) regulating the holding of examinations, and prescribing the subjects of and fees for such examinations ;
- (e) regulating or prohibiting the employment of unregistered persons in veterinary science ;
- (f) prescribing fees payable under this Act.

(2) Such regulations may prescribe a penalty not exceeding *twenty* pounds for any breach thereof. Any such penalty may be recovered before a police or stipendiary magistrate or any two justices of the peace in petty sessions.

(3)

- (3) Such regulations shall—
- (a) be published in the Gazette;
  - (b) take effect from the date of publication, or from a later date to be specified in such regulations; and 5
  - (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. 10

If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have 15 effect.

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