New South Wales.

ANNO PRIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 4, 1952.

An Act to amend the Veterinary Surgeons Act, 1923-1946, in certain respects; and for purposes connected therewith. [Assented to, 2nd April, 1952.]

BE it enacted by the Queen'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:—

Short title and citation.

1. (1) This Act may be cited as the "Veterinary Surgeons (Amendment) Act, 1952".

(2) The Veterinary Surgeons Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Veterinary Surgeons Act, 1923-1952.

Amendment of Act No. 25, 1923.

2. The Veterinary Surgeons Act, 1923-1946, is amended—

Sec. 6. (Vacancies and remuneration.)

(a) (i) by omitting from subsection four of section six the words "one guinea" and by inserting in lieu thereof the words "three guineas";

(ii) by omitting from the same subsection the word "twenty-five" and by inserting in lieu thereof the word "fifty";

(iii) by inserting at the end of the same subsection the words—

"Each member shall be entitled to be paid travelling expenses at such rates as may be approved by the Governor";

New sec. 7A.

(b) by inserting next after section seven the following new section:—

Protection of board and members and others from liability.

cf. Act No. 10, 1934, s. 21.

7A. No matter or thing done or suffered by the board, or the registrar, or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the board, or any member of the board, or the registrar, or an inspector, or any person, or the Crown, to any liability in respect thereof.

Sec. 8. (Registrar and other officers.)

(c) (i) by inserting in subsection one of section eight after the word "registrar" the words "an inspector or inspectors";

(ii) by inserting at the end of the same subsection the following new paragraph:—

"An inspector may, for the purposes of ascertaining whether any of the provisions of this Act or of the regulations made thereunder has been or is being contravened by

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a veterinary surgeon or whether a veterinary surgeon is so conducting himself as to be guilty of misconduct in a professional respect, enter and inspect any premises in which such veterinary surgeon is carrying on the practice of veterinary science and may make such enquiries therein as he may think fit."

(d) by omitting section ten and by inserting in lieu thereof the following section:— Subst. sec. 10.

10. The registrar shall in the month of July in each year transmit a copy of the register certified to be correct up to the thirtieth day of June of such year to the Minister, who shall thereupon cause the same to be printed and published by the Government Printer. Register to be printed and published.

(e) (i) by omitting from section eleven the word "July" wherever occurring and by inserting in lieu thereof the word "October"; Sec. 11. (Roll fee.)

(ii) by inserting at the end of subsection three of the same section the words "or such less fee as the board may in any particular case determine";

(f) (i) by inserting at the end of subsection one of section thirteen the following word, new paragraph and new subsection:— Sec. 13. (Qualifications for registration.)

"or

(c) (i) has passed through a regular graded course of study in veterinary science of four or more years' duration at a university, college or school or any universities, colleges or schools in any country or countries whether British or foreign (other than New South Wales);

(ii) has obtained from any such university, college or school a degree, diploma or license of competency in veterinary science which

which is or at the time of issue was accepted in the country in which it was issued as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science in that country;

(iii) has within a period of five years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952, passed—

(a) the prescribed examination; or

(b) the annual examinations conducted by the University of Sydney in the final two years of the course of study for the degree of Bachelor of Veterinary Science at that University in such subjects as may be prescribed; and

(iv) has, at the time of making application for registration, been resident in the Commonwealth of Australia for a continuous period of twelve months or more.

(1A) Where the Minister approves of a recommendation of the examiners that a person has such qualifications in veterinary science and such experience in the practice of veterinary science as to justify the exemption of such person from the requirements of subparagraph (iii) of paragraph (c) of subsection one of this section the Minister may grant such person exemption from such requirements.

Any

Any person so exempted shall, subject to this Act, be entitled to be registered as a veterinary surgeon if he satisfies the requirements of subparagraphs (i) (ii) and (iv) of paragraph (c) of subsection one of this section."

(ii) by inserting next after paragraph (f) of subsection two of the same section the following new paragraph:—

(f1) at any time after the passing of this Act and before the commencement of the Pastures Protection Act, 1934, held the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912.

(g) by omitting section eighteen and by inserting in lieu thereof the following sections:— Subst. sec. 18 and new sec. 18A.

Removal of name of deceased veterinary surgeons, etc. cf. Act No. 10, 1934, s. 7.

18. (1) The board shall cause to be removed from the register the name of any person who—

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which he was registered;

(c) has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;

(d) requests that his name be so removed.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any veterinary surgeon, shall transmit notice of such death to the registrar of the Board of Veterinary Surgeons of New South Wales at Sydney and the board shall, upon receipt of such notice, cause the name of such veterinary surgeon to be removed from the register. (3)

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

Removal of name on account of misconduct, etc.

cf. Act No. 10, 1934, s. 8.

18A. (1) Where a veterinary surgeon has—

(a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or

(b) been adjudged by the board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect;

the board may remove his name from the register or suspend his registration for such period as the board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a veterinary surgeon shall be guilty of such misconduct who—

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

(c) contravenes any of the provisions of section twenty-one of this Act or of any regulation made under paragraph (e) of subsection one of section twenty-nine of this Act; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations.

(3) In the case of a conviction for an offence as aforesaid no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it

it was committed, render such person unfit in the public interest to practise veterinary science.

(4) In the case of a charge of misconduct in a professional respect the board, in making due enquiry, shall sit as in open court and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the board alleging misconduct in a professional respect against any person, shall deposit with the board the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(6) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the board and the president thereof or the member presiding at the enquiry shall have the powers conferred by the Royal Commissions Acts, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(7) Whenever the board suspends the registration of a veterinary surgeon under the provisions of this section the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(8) Any person aggrieved by the removal of his name from the register or by the suspension of his registration under the provisions of this section may within three months after the date on which notice is given to him by the registrar that his name has been so removed or his registration suspended appeal against the removal or suspension to the district court of the district in which he resides. Such appeal shall be in the nature of a rehearing and the decision of the court shall be final and the board shall give effect thereto.

(9) A person whose registration is suspended under the provisions of this section shall during the period of the suspension be deemed to be a person not registered as a veterinary surgeon under this Act.

Sec. 19. (Restoration of name.)

(h) (i) by inserting in subsection one of section nineteen after the word "board" where firstly occurring the words "pursuant to section eighteen or 18A of this Act";

(ii) by inserting in subsection two of the same section after the word "therefrom" the words "pursuant to section eighteen or 18A of this Act";

Sec. 21. (Prohibited practices.)

(i) (i) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections:—

(3) No person other than a veterinary surgeon registered under this Act shall—

(a) practise as a veterinary surgeon;

(b) do or perform, for fee or reward, any act, matter or thing, the doing or performance of which forms part of the practice of veterinary science; or

(c) take or use the name "veterinary surgeon" or the term "veterinary"

or

or any abbreviation thereof, either alone or in connection with any other name, title or business:

Provided that this subsection shall not prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(3A) Notwithstanding the provisions of subsection three of this section, a society registered under the Co-operation Act, 1923-1950, may provide a veterinary service for its members and charge for such service provided that the persons employed or engaged by the society to do or perform any act, matter or thing in connection with such service forming part of the practice of veterinary science shall be veterinary surgeons registered under this Act.

(ii) by omitting from subsection four of the same section the words "and if a veterinary surgeon shall be guilty of misconduct in a professional respect";

(j) (i) by omitting from section twenty-four the word "performing" and by inserting in lieu thereof the words "de-worming any animal or performing the Mules operation or";

Sec. 24. (Minor and urgent operations.)

(ii) by inserting at the end of the same section the following new paragraph:—

(c) doing or performing during the period of five years next following the commencement of the Veterinary Surgeons (Amendment) Act, 1952, any acts, matters or things the doing or performance of which

forms

forms part of the practice of veterinary science where such acts, matters or things are done or performed—

(i) by a person who has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of paragraph (c) of subsection one of section thirteen of this Act; and

(ii) by such person in the course of his employment with and under the supervision of a veterinary surgeon.

New sec. 26A.

(k) by inserting next after section twenty-six the following new section:—

Application of sections 25 and 26.

26A. Sections twenty-five and twenty-six of this Act shall not apply to and in respect of an enquiry by the board under section 18A of this Act in the case of a charge of misconduct in a professional respect.

New sections 27A, 27B.

(l) by inserting next after section twenty-seven the following new sections:—

Document under hand of registrar to be prima facie evidence.

Act No. 10, 1934, s. 19.

27A. A document purporting to be a certificate under the hand of the registrar and stating any one or more of the following matters:—

(a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended;

shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the facts stated.

27B. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts.

cf. Act No. 10, 1934, s. 20.

(a) by production of a document purporting to be a true copy of such entry and purporting to be certified as such by the registrar; or

(b) by production of a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

(m) (i) by omitting from subsection one of section twenty-nine the words "upon the recommendation of the board";

Sec. 29. (Regulations.)

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) regulating the holding of examinations, the appointment of examiners, the times at which such examinations shall be held, the subjects of and fees for such examinations and the remuneration of examiners;

(iii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(g) regulating the manner in which and the extent to which a veterinary surgeon is authorised to advertise.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

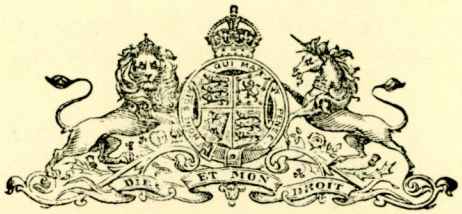
[8*d*.]

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 25 *March,* 1952.

New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

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Act No. 4, 1952.

An Act to amend the Veterinary Surgeons Act, 1923-1946, in certain respects; and for purposes connected therewith. [Assented to, 2nd April, 1952.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Veterinary Surgeons (Amendment) Act, 1952". Short title and citation.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

(2) The Veterinary Surgeons Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Veterinary Surgeons Act, 1923-1952.

Amendment of Act No. 25, 1923.

2. The Veterinary Surgeons Act, 1923-1946, is amended—

Sec. 6. (Vacancies and remuneration.)

(a) (i) by omitting from subsection four of section six the words "one guinea" and by inserting in lieu thereof the words "three guineas";

(ii) by omitting from the same subsection the word "twenty-five" and by inserting in lieu thereof the word "fifty";

(iii) by inserting at the end of the same subsection the words—

"Each member shall be entitled to be paid travelling expenses at such rates as may be approved by the Governor";

New sec. 7A.

(b) by inserting next after section seven the following new section:—

Protection of board and members and others from liability.

cf. Act No. 10, 1934, s. 21.

7A. No matter or thing done or suffered by the board, or the registrar, or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the board, or any member of the board, or the registrar, or an inspector, or any person, or the Crown, to any liability in respect thereof.

Sec. 8. (Registrar and other officers.)

(c) (i) by inserting in subsection one of section eight after the word "registrar" the words "an inspector or inspectors";

(ii) by inserting at the end of the same subsection the following new paragraph:—

"An inspector may, for the purposes of ascertaining whether any of the provisions of this Act or of the regulations made thereunder has been or is being contravened by

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a veterinary surgeon or whether a veterinary surgeon is so conducting himself as to be guilty of misconduct in a professional respect, enter and inspect any premises in which such veterinary surgeon is carrying on the practice of veterinary science and may make such enquiries therein as he may think fit."

(d) by omitting section ten and by inserting in lieu thereof the following section:— Subst. sec. 10.

10. The registrar shall in the month of July in each year transmit a copy of the register certified to be correct up to the thirtieth day of June of such year to the Minister, who shall thereupon cause the same to be printed and published by the Government Printer. Register to be printed and published.

(e) (i) by omitting from section eleven the word "July" wherever occurring and by inserting in lieu thereof the word "October"; Sec. 11. (Roll fee.)

(ii) by inserting at the end of subsection three of the same section the words "or such less fee as the board may in any particular case determine";

(f) (i) by inserting at the end of subsection one of section thirteen the following word, new paragraph and new subsection:— Sec. 13. (Qualifications for registration.)

"or

(c) (i) has passed through a regular graded course of study in veterinary science of four or more years' duration at a university, college or school or any universities, colleges or schools in any country or countries whether British or foreign (other than New South Wales);

(ii) has obtained from any such university, college or school a degree, diploma or license of competency in veterinary science which

which is or at the time of issue was accepted in the country in which it was issued as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science in that country;

(iii) has within a period of five years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952, passed—

(a) the prescribed examination; or

(b) the annual examinations conducted by the University of Sydney in the final two years of the course of study for the degree of Bachelor of Veterinary Science at that University in such subjects as may be prescribed; and

(iv) has, at the time of making application for registration, been resident in the Commonwealth of Australia for a continuous period of twelve months or more.

(1A) Where the Minister approves of a recommendation of the examiners that a person has such qualifications in veterinary science and such experience in the practice of veterinary science as to justify the exemption of such person from the requirements of subparagraph (iii) of paragraph (c) of subsection one of this section the Minister may grant such person exemption from such requirements.

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Any person so exempted shall, subject to this Act, be entitled to be registered as a veterinary surgeon if he satisfies the requirements of subparagraphs (i) (ii) and (iv) of paragraph (c) of subsection one of this section."

(ii) by inserting next after paragraph (f) of subsection two of the same section the following new paragraph:—

(f1) at any time after the passing of this Act and before the commencement of the Pastures Protection Act, 1934, held the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912.

(g) by omitting section eighteen and by inserting in lieu thereof the following sections:— Subst. sec. 18 and new sec. 18A.

Removal of name of deceased veterinary surgeons, etc. cf. Act No. 10, 1934, s. 7.

18. (1) The board shall cause to be removed from the register the name of any person who—

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which he was registered;

(c) has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;

(d) requests that his name be so removed.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any veterinary surgeon, shall transmit notice of such death to the registrar of the Board of Veterinary Surgeons of New South Wales at Sydney and the board shall, upon receipt of such notice, cause the name of such veterinary surgeon to be removed from the register. (3)

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

Removal of name on account of misconduct, etc.

cf. Act No. 10, 1934, s. 8.

18A. (1) Where a veterinary surgeon has—

(a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or

(b) been adjudged by the board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect;

the board may remove his name from the register or suspend his registration for such period as the board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a veterinary surgeon shall be guilty of such misconduct who—

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

(c) contravenes any of the provisions of section twenty-one of this Act or of any regulation made under paragraph (e) of subsection one of section twenty-nine of this Act; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations.

(3) In the case of a conviction for an offence as aforesaid no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it

it was committed, render such person unfit in the public interest to practise veterinary science.

(4) In the case of a charge of misconduct in a professional respect the board, in making due enquiry, shall sit as in open court and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the board alleging misconduct in a professional respect against any person, shall deposit with the board the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(6) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the board and the president thereof or the member presiding at the enquiry shall have the powers conferred by the Royal Commissions Acts, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(7) Whenever the board suspends the registration of a veterinary surgeon under the provisions of this section the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(8) Any person aggrieved by the removal of his name from the register or by the suspension of his registration under the provisions of this section may within three months after the date on which notice is given to him by the registrar that his name has been so removed or his registration suspended appeal against the removal or suspension to the district court of the district in which he resides. Such appeal shall be in the nature of a rehearing and the decision of the court shall be final and the board shall give effect thereto.

(9) A person whose registration is suspended under the provisions of this section shall during the period of the suspension be deemed to be a person not registered as a veterinary surgeon under this Act.

Sec. 19. (Restoration of name.)

(h) (i) by inserting in subsection one of section nineteen after the word "board" where firstly occurring the words "pursuant to section eighteen or 18A of this Act";

(ii) by inserting in subsection two of the same section after the word "therefrom" the words "pursuant to section eighteen or 18A of this Act";

Sec. 21. (Prohibited practices.)

(i) (i) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections:—

(3) No person other than a veterinary surgeon registered under this Act shall—

(a) practise as a veterinary surgeon;

(b) do or perform, for fee or reward, any act, matter or thing, the doing or performance of which forms part of the practice of veterinary science; or

(c) take or use the name "veterinary surgeon" or the term "veterinary"

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or any abbreviation thereof, either alone or in connection with any other name, title or business:

Provided that this subsection shall not prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(3A) Notwithstanding the provisions of subsection three of this section, a society registered under the Co-operation Act, 1923-1950, may provide a veterinary service for its members and charge for such service provided that the persons employed or engaged by the society to do or perform any act, matter or thing in connection with such service forming part of the practice of veterinary science shall be veterinary surgeons registered under this Act.

(ii) by omitting from subsection four of the same section the words "and if a veterinary surgeon shall be guilty of misconduct in a professional respect";

(j) (i) by omitting from section twenty-four the word "performing" and by inserting in lieu thereof the words "de-worming any animal or performing the Mules operation or"; **Sec. 24. (Minor and urgent operations.)**

(ii) by inserting at the end of the same section the following new paragraph:—

(c) doing or performing during the period of five years next following the commencement of the Veterinary Surgeons (Amendment) Act, 1952, any acts, matters or things the doing or performance of which forms

forms part of the practice of veterinary science where such acts, matters or things are done or performed—

(i) by a person who has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of paragraph (c) of subsection one of section thirteen of this Act; and

(ii) by such person in the course of his employment with and under the supervision of a veterinary surgeon.

New sec. 26A.

(k) by inserting next after section twenty-six the following new section:—

Application of sections 25 and 26.

26A. Sections twenty-five and twenty-six of this Act shall not apply to and in respect of an enquiry by the board under section 18A of this Act in the case of a charge of misconduct in a professional respect.

New sections 27A, 27B.

(l) by inserting next after section twenty-seven the following new sections:—

Document under hand of registrar to be prima facie evidence.

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27A. A document purporting to be a certificate under the hand of the registrar and stating any one or more of the following matters:—

(a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended;

shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the facts stated.

27B. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts.

cf. Act No. 10, 1934, s. 20.

(a) by production of a document purporting to be a true copy of such entry and purporting to be certified as such by the registrar; or

(b) by production of a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

Sec. 29. (Regulations.)

(m) (i) by omitting from subsection one of section twenty-nine the words "upon the recommendation of the board";

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) regulating the holding of examinations, the appointment of examiners, the times at which such examinations shall be held, the subjects of and fees for such examinations and the remuneration of examiners;

(iii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(g) regulating the manner in which and the extent to which a veterinary surgeon is authorised to advertise.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

Government House,
Sydney, 2nd April, 1952.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 25 *March,* 1952.

New South Wales.

ANNO PRIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1952.

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2. The Veterinary Surgeons Act, 1923-1946, is amended— Amendment of Act No. 25, 1923.

(a) (i) by omitting from subsection four of section six the words "one guinea" and by inserting in lieu thereof the words "three guineas"; Sec. 6. (Vacancies and remuneration.)

(ii) by omitting from the same subsection the word "twenty-five" and by inserting in lieu thereof the word "fifty";

(iii) by inserting at the end of the same subsection the words—

"Each member shall be entitled to be paid travelling expenses at such rates as may be approved by the Governor";

(b) by inserting next after section seven the following new section:— New sec. 7A.

7A. No matter or thing done or suffered by the board, or the registrar, or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the board, or any member of the board, or the registrar, or an inspector, or any person, or the Crown, to any liability in respect thereof. Protection of board and members and others from liability. cf. Act No. 10, 1934, s. 21.

(c) (i) by inserting in subsection one of section eight after the word "registrar" the words "an inspector or inspectors"; Sec. 8. (Registrar and other officers.)

(ii) by inserting at the end of the same subsection the following new paragraph:—

"An inspector may, for the purposes of ascertaining whether any of the provisions of this Act or of the regulations made thereunder has been or is being contravened by

a veterinary surgeon or whether a veterinary surgeon is so conducting himself as to be guilty of misconduct in a professional respect, enter and inspect any premises in which such veterinary surgeon is carrying on the practice of veterinary science and may make such enquiries therein as he may think fit."

(d) by omitting section ten and by inserting in lieu thereof the following section:— Subst. sec. 10.

10. The registrar shall in the month of July in each year transmit a copy of the register certified to be correct up to the thirtieth day of June of such year to the Minister, who shall thereupon cause the same to be printed and published by the Government Printer. Register to be printed and published.

(e) (i) by omitting from section eleven the word "July" wherever occurring and by inserting in lieu thereof the word "October"; Sec. 11. (Roll fee.)

(ii) by inserting at the end of subsection three of the same section the words "or such less fee as the board may in any particular case determine";

(f) (i) by inserting at the end of subsection one of section thirteen the following word, new paragraph and new subsection:— Sec. 13. (Qualifications for registration.)

"or

(c) (i) has passed through a regular graded course of study in veterinary science of four or more years' duration at a university, college or school or any universities, colleges or schools in any country or countries whether British or foreign (other than New South Wales);

(ii) has obtained from any such university, college or school a degree, diploma or license of competency in veterinary science which

which is or at the time of issue was accepted in the country in which it was issued as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science in that country;

(iii) has within a period of five years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952, passed—

(a) the prescribed examination; or

(b) the annual examinations conducted by the University of Sydney in the final two years of the course of study for the degree of Bachelor of Veterinary Science at that University in such subjects as may be prescribed; and

(iv) has, at the time of making application for registration, been resident in the Commonwealth of Australia for a continuous period of twelve months or more.

(1A) Where the Minister approves of a recommendation of the examiners that a person has such qualifications in veterinary science and such experience in the practice of veterinary science as to justify the exemption of such person from the requirements of subparagraph (iii) of paragraph (c) of subsection one of this section the Minister may grant such person exemption from such requirements.

Any

Any person so exempted shall, subject to this Act, be entitled to be registered as a veterinary surgeon if he satisfies the requirements of subparagraphs (i) (ii) and (iv) of paragraph (c) of subsection one of this section."

(ii) by inserting next after paragraph (f) of subsection two of the same section the following new paragraph:—

(f1) at any time after the passing of this Act and before the commencement of the Pastures Protection Act, 1934, held the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912.

(g) by omitting section eighteen and by inserting in lieu thereof the following sections:—

Subst. sec. 18 and new sec. 18A.

Removal of name of deceased veterinary surgeons, etc.

cf. Act No. 10, 1934, s. 7.

18. (1) The board shall cause to be removed from the register the name of any person who—

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which he was registered;

(c) has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;

(d) requests that his name be so removed.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any veterinary surgeon, shall transmit notice of such death to the registrar of the Board of Veterinary Surgeons of New South Wales at Sydney and the board shall, upon receipt of such notice, cause the name of such veterinary surgeon to be removed from the register. (3)

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

Removal of name on account of misconduct, etc.

cf. Act No. 10, 1934, s. 8.

18A. (1) Where a veterinary surgeon has—

(a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or

(b) been adjudged by the board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect;

the board may remove his name from the register or suspend his registration for such period as the board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a veterinary surgeon shall be guilty of such misconduct who—

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

(c) contravenes any of the provisions of section twenty-one of this Act or of any regulation made under paragraph (e) of subsection one of section twenty-nine of this Act; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations.

(3) In the case of a conviction for an offence as aforesaid no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which

it

it was committed, render such person unfit in the public interest to practise veterinary science.

(4) In the case of a charge of misconduct in a professional respect the board, in making due enquiry, shall sit as in open court and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the board alleging misconduct in a professional respect against any person, shall deposit with the board the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(6) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the board and the president thereof or the member presiding at the enquiry shall have the powers conferred by the Royal Commissions Acts, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(7) Whenever the board suspends the registration of a veterinary surgeon under the provisions of this section the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(8) Any person aggrieved by the removal of his name from the register or by the suspension of his registration under the provisions of this section may within three months after the date on which notice is given to him by the registrar that his name has been so removed or his registration suspended appeal against the removal or suspension to the district court of the district in which he resides. Such appeal shall be in the nature of a rehearing and the decision of the court shall be final and the board shall give effect thereto.

(9) A person whose registration is suspended under the provisions of this section shall during the period of the suspension be deemed to be a person not registered as a veterinary surgeon under this Act.

(h) (i) by inserting in subsection one of section nineteen after the word "board" where firstly occurring the words "pursuant to section eighteen or 18A of this Act"; **Sec. 19. (Restoration of name.)**

(ii) by inserting in subsection two of the same section after the word "therefrom" the words "pursuant to section eighteen or 18A of this Act";

(i) (i) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections:— **Sec. 21. (Prohibited practices.)**

(3) No person other than a veterinary surgeon registered under this Act shall—

(a) practise as a veterinary surgeon;

(b) do or perform, for fee or reward, any act, matter or thing, the doing or performance of which forms part of the practice of veterinary science; or

(c) take or use the name "veterinary surgeon" or the term "veterinary"

or

or any abbreviation thereof, either alone or in connection with any other name, title or business:

Provided that this subsection shall not prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(3A) Notwithstanding the provisions of subsection three of this section, a society registered under the Co-operation Act, 1923-1950, may provide a veterinary service for its members and charge for such service provided that the persons employed or engaged by the society to do or perform any act, matter or thing in connection with such service forming part of the practice of veterinary science shall be veterinary surgeons registered under this Act.

(ii) by omitting from subsection four of the same section the words "and if a veterinary surgeon shall be guilty of misconduct in a professional respect";

(j) (i) by omitting from section twenty-four the word "performing" and by inserting in lieu thereof the words "de-worming any animal or performing the Mules operation or"; **Sec. 24. (Minor and urgent operations.)**

(ii) by inserting at the end of the same section the following new paragraph:—

(c) doing or performing during the period of five years next following the commencement of the Veterinary Surgeons (Amendment) Act, 1952, any acts, matters or things the doing or performance of which forms

forms part of the practice of veterinary science where such acts, matters or things are done or performed—

(i) by a person who has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of paragraph (c) of subsection one of section thirteen of this Act; and

(ii) by such person in the course of his employment with and under the supervision of a veterinary surgeon.

(k) by inserting next after section twenty-six the following new section:— New sec. 26A.

26A. Sections twenty-five and twenty-six of this Act shall not apply to and in respect of an enquiry by the board under section 18A of this Act in the case of a charge of misconduct in a professional respect. Application of sections 25 and 26.

(l) by inserting next after section twenty-seven the following new sections:— New sections 27A, 27B.

27A. A document purporting to be a certificate under the hand of the registrar and stating any one or more of the following matters:— Document under hand of registrar to be prima facie evidence. Act No. 10, 1934, s. 19.

(a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended;

shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the facts stated.

27B.

27B. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts.

cf. Act No. 10, 1934, s. 20.

(a) by production of a document purporting to be a true copy of such entry and purporting to be certified as such by the registrar; or

(b) by production of a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

Sec. 29. (Regulations.)

(m) (i) by omitting from subsection one of section twenty-nine the words "upon the recommendation of the board";

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) regulating the holding of examinations, the appointment of examiners, the times at which such examinations shall be held, the subjects of and fees for such examinations and the remuneration of examiners;

(iii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(g) regulating the manner in which and the extent to which a veterinary surgeon is authorised to advertise.

Sydney: A. H. Pettifer, Government Printer—1952.

No. , 1952.

A BILL

To amend the Veterinary Surgeons Act, 1923-1946, in certain respects; and for purposes connected therewith.

[Mr. Graham;—12 *March*, 1952.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Veterinary Surgeons (Amendment) Act, 1952". Short title and citation.

(2) The Veterinary Surgeons Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Veterinary Surgeons Act, 1923-1952.

2. The Veterinary Surgeons Act, 1923-1946, is amended— Amendment of Act No. 25, 1923.

(a) (i) by omitting from subsection four of section six the words "one guinea" and by inserting in lieu thereof the words "three guineas"; Sec. 6. (Vacancies and remuneration.)

(ii) by omitting from the same subsection the word "twenty-five" and by inserting in lieu thereof the word "fifty";

(iii) by inserting at the end of the same subsection the words—

"Each member shall be entitled to be paid travelling expenses at such rates as may be approved by the Governor";

(b) by inserting next after section seven the following new section:— New sec. 7A.

7A. No matter or thing done or suffered by the board, or the registrar, or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the board, or any member of the board, or the registrar, or an inspector, or any person, or the Crown, to any liability in respect thereof. Protection of board and members and others from liability. cf. Act No. 10, 1934, s. 21.

(c) (i) by inserting in subsection one of section eight after the word "registrar" the words "an inspector or inspectors"; Sec. 8. (Registrar and other officers.)

(ii) by inserting at the end of the same subsection the following new paragraph:—

"An inspector may, for the purposes of ascertaining whether any of the provisions of this Act or of the regulations made thereunder has been or is being contravened by

a

a veterinary surgeon or whether a veterinary surgeon is so conducting himself as to be guilty of misconduct in a professional respect, enter and inspect any premises in which such veterinary surgeon is carrying on the practice of veterinary science and may make such enquiries therein as he may think fit."

(d) by omitting section ten and by inserting in lieu thereof the following section:— Subst. sec. 10.

10. The registrar shall in the month of July in each year transmit a copy of the register certified to be correct up to the thirtieth day of June of such year to the Minister, who shall thereupon cause the same to be printed and published by the Government Printer. Register to be printed and published.

(e) (i) by omitting from section eleven the word "July" wherever occurring and by inserting in lieu thereof the word "October"; Sec. 11. (Roll fee.)

(ii) by inserting at the end of subsection three of the same section the words "or such less fee as the board may in any particular case determine";

(f) (i) by inserting at the end of subsection one of section thirteen the following word, new paragraph and new subsection:— Sec. 13. (Qualifications for registration.)

"or

(c) (i) has passed through a regular graded course of study in veterinary science of four or more years' duration at a university, college or school or any universities, colleges or schools in any country or countries whether British or foreign (other than New South Wales);

(ii) has obtained from any such university, college or school a degree, diploma or license of competency in veterinary science which

which is or at the time of issue was accepted in the country in which it was issued as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science in that country;

(iii) has within a period of five years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952, passed—

(a) the prescribed examination; or

(b) the annual examinations conducted by the University of Sydney in the final two years of the course of study for the degree of Bachelor of Veterinary Science at that University in such subjects as may be prescribed; and

(iv) has, at the time of making application for registration, been resident in the Commonwealth of Australia for a continuous period of twelve months or more.

(1A) Where the Minister approves of a recommendation of the examiners that a person has such qualifications in veterinary science and such experience in the practice of veterinary science as to justify the exemption of such person from the requirements of subparagraph (iii) of paragraph (c) of subsection one of this section the Minister may grant such person exemption from such requirements.

Any

Any person so exempted shall, subject to this Act, be entitled to be registered as a veterinary surgeon if he satisfies the requirements of subparagraphs (i) (ii) and (iv) of paragraph (c) of subsection one of this section."

(ii) by inserting next after paragraph (f) of subsection two of the same section the following new paragraph:—

(f1) at any time after the passing of this Act and before the commencement of the Pastures Protection Act, 1934, held the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912.

(g) by omitting section eighteen and by inserting in lieu thereof the following sections:— Subst. sec. 18 and new sec. 18A.

Removal of name of deceased veterinary surgeons, etc.

cf. Act No. 10, 1934, s. 7.

18. (1) The board shall cause to be removed from the register the name of any person who—

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which he was registered;

(c) has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;

(d) requests that his name be so removed.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any veterinary surgeon, shall transmit notice of such death to the registrar of the Board of Veterinary Surgeons of New South Wales at Sydney and the board shall, upon receipt of such notice, cause the name of such veterinary surgeon to be removed from the register.

(3)

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

Removal of name on account of misconduct, etc.

cf. Act No. 10, 1934, s. 8.

18A. (1) Where a veterinary surgeon has—

(a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or

(b) been adjudged by the board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect;

the board may remove his name from the register or suspend his registration for such period as the board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a veterinary surgeon shall be guilty of such misconduct who—

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

(c) contravenes any of the provisions of section twenty-one of this Act or of any regulation made under paragraph (e) of subsection one of section twenty-nine of this Act; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations.

(3) In the case of a conviction for an offence as aforesaid no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it

it was committed, render such person unfit in the public interest to practise veterinary science.

(4) In the case of a charge of misconduct in a professional respect the board, in making due enquiry, shall sit as in open court and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the board alleging misconduct in a professional respect against any person, shall deposit with the board the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(6) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the board and the president thereof or the member presiding at the enquiry shall have the powers conferred by the Royal Commissions Acts, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(7) Whenever the board suspends the registration of a veterinary surgeon under the provisions of this section the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(8)

(8) Any person aggrieved by the removal of his name from the register or by the suspension of his registration under the provisions of this section may within three months after the date on which notice is given to him by the registrar that his name has been so removed or his registration suspended appeal against the removal or suspension to the district court of the district in which he resides. Such appeal shall be in the nature of a rehearing and the decision of the court shall be final and the board shall give effect thereto.

(9) A person whose registration is suspended under the provisions of this section shall during the period of the suspension be deemed to be a person not registered as a veterinary surgeon under this Act.

(h) (i) by inserting in subsection one of section nineteen after the word "board" where firstly occurring the words "pursuant to section eighteen or 18A of this Act"; Sec. 19. (Restoration of name.)

(ii) by inserting in subsection two of the same section after the word "therefrom" the words "pursuant to section eighteen or 18A of this Act";

(i) (i) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections:— Sec. 21. (Prohibited practices.)

(3) No person other than a veterinary surgeon registered under this Act shall—

(a) practise as a veterinary surgeon;

(b) do or perform, for fee or reward, any act, matter or thing, the doing or performance of which forms part of the practice of veterinary science; or

(c) take or use the name "veterinary surgeon" or the term "veterinary"

or

or any abbreviation thereof, either alone or in connection with any other name, title or business:

Provided that this subsection shall not prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(3A) Notwithstanding the provisions of subsection three of this section, a society registered under the Co-operation Act, 1923-1950, may provide a veterinary service for its members and charge for such service provided that the persons employed or engaged by the society to do or perform any act, matter or thing in connection with such service forming part of the practice of veterinary science shall be veterinary surgeons registered under this Act.

(ii) by omitting from subsection four of the same section the words "and if a veterinary surgeon shall be guilty of misconduct in a professional respect";

(j) (i) by omitting from section twenty-four the word "performing" and by inserting in lieu thereof the words "de-worming any animal or performing the Mules operation or"; Sec. 24. (Minor and urgent operations.)

(ii) by inserting at the end of the same section the following new paragraph:—

(c) doing or performing during the period of five years next following the commencement of the Veterinary Surgeons (Amendment) Act, 1952, any acts, matters or things the doing or performance of which forms

forms part of the practice of veterinary science where such acts, matters or things are done or performed—

(i) by a person who has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of paragraph (c) of subsection one of section thirteen of this Act; and

(ii) by such person in the course of his employment with a veterinary surgeon.

(k) by inserting next after section twenty-six the following new section:— New sec. 26A.

26A. Sections twenty-five and twenty-six of this Act shall not apply to and in respect of an enquiry by the board under section 18A of this Act in the case of a charge of misconduct in a professional respect. Application of sections 25 and 26.

(l) by inserting next after section twenty-seven the following new sections:— New sections 27A, 27B.

27A. A document purporting to be a certificate under the hand of the registrar and stating any one or more of the following matters:— Document under hand of registrar to be prima facie evidence. Act No. 10, 1934, s. 19.

(a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended;

shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the facts stated.

27B.

27B. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts. cf. Act No. 10, 1934, s. 20.

(a) by production of a document purporting to be a true copy of such entry and purporting to be certified as such by the registrar; or

(b) by production of a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

Sec. 29. (Regulations.)

(m) (i) by omitting from subsection one of section twenty-nine the words "upon the recommendation of the board";

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) regulating the holding of examinations, the appointment of examiners, the times at which such examinations shall be held, the subjects of and fees for such examinations and the remuneration of examiners;

(iii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(g) regulating the manner in which and the extent to which a veterinary surgeon is authorised to advertise.

Sydney: A. H. Pettifer, Government Printer—1952.

[1s.]

VETERINARY SURGEONS (AMENDMENT) BILL, 1952.

EXPLANATORY NOTE.

THE object of this Bill is to amend the Veterinary Surgeons Act, 1923-1946—

(a) (i) to enable certain veterinary graduates from foreign countries to obtain registration under the Act subject to compliance with certain prescribed conditions;

(ii) to enable such graduates for a limited period to perform veterinary work as employees of registered veterinary surgeons;

(b) to provide that all persons who during the prescribed period held the certificate of the Stock Board of Examiners, issued under the Pastures Protection Act, 1912, shall be qualified for registration;

(c) to enable a society registered under the Co-operation Act, 1923-1950, to provide a veterinary service for its members and to make charges therefor subject to the persons employed by the society for such purpose being registered veterinary surgeons;

(d) to extend the minor operations which may be performed by unregistered persons;

(e) to make further provision with respect to the deregistration of veterinary surgeons and to make provision for suspension of the registration of veterinary surgeons;

(f) to increase the fees and remuneration of members of the Board of Veterinary Surgeons;

(g) to enable regulations to be made with respect to the manner in which and the extent to which veterinary surgeons may advertise;

(h) to make other minor amendments of a machinery nature.

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PROOF

No. , 1952.

A BILL

To amend the Veterinary Surgeons Act, 1923-1946, in certain respects; and for purposes connected therewith.

[Mr. Graham;—12 *March*, 1952.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Veterinary Surgeons (Amendment) Act, 1952". **Short title and citation.**

(2) The Veterinary Surgeons Act, 1923, as amended by subsequent Acts and by this Act, may be cited as the Veterinary Surgeons Act, 1923-1952.

2. The Veterinary Surgeons Act, 1923-1946, is amended— Amendment of Act No. 25, 1923.

(a) (i) by omitting from subsection four of section six the words "one guinea" and by inserting in lieu thereof the words "three guineas"; Sec. 6. (Vacancies and remuneration.)

(ii) by omitting from the same subsection the word "twenty-five" and by inserting in lieu thereof the word "fifty";

(iii) by inserting at the end of the same subsection the words—

"Each member shall be entitled to be paid travelling expenses at such rates as may be approved by the Governor";

(b) by inserting next after section seven the following new section:— New sec. 7A.

7A. No matter or thing done or suffered by the board, or the registrar, or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the board, or any member of the board, or the registrar, or an inspector, or any person, or the Crown, to any liability in respect thereof. Protection of board and members and others from liability. cf. Act No. 10, 1934, s. 21.

(c) (i) by inserting in subsection one of section eight after the word "registrar" the words "an inspector or inspectors"; Sec. 8. (Registrar and other officers.)

(ii) by inserting at the end of the same subsection the following new paragraph:—

"An inspector may, for the purposes of ascertaining whether any of the provisions of this Act or of the regulations made thereunder has been or is being contravened by

a veterinary surgeon or whether a veterinary surgeon is so conducting himself as to be guilty of misconduct in a professional respect, enter and inspect any premises in which such veterinary surgeon is carrying on the practice of veterinary science and may make such enquiries therein as he may think fit."

(d) by omitting section ten and by inserting in lieu thereof the following section:— Subst. sec. 10.

10. The registrar shall in the month of July in each year transmit a copy of the register certified to be correct up to the thirtieth day of June of such year to the Minister, who shall thereupon cause the same to be printed and published by the Government Printer. Register to be printed and published.

(e) (i) by omitting from section eleven the word "July" wherever occurring and by inserting in lieu thereof the word "October"; Sec. 11. (Roll fee.)

(ii) by inserting at the end of subsection three of the same section the words "or such less fee as the board may in any particular case determine";

(f) (i) by inserting at the end of subsection one of section thirteen the following word, new paragraph and new subsection:— Sec. 13. (Qualifications for registration.)

"or

(c) (i) has passed through a regular graded course of study in veterinary science of four or more years' duration at a university, college or school or any universities, colleges or schools in any country or countries whether British or foreign (other than New South Wales);

(ii) has obtained from any such university, college or school a degree, diploma or license of competency in veterinary science which

which is or at the time of issue was accepted in the country in which it was issued as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of veterinary science in that country;

(iii) has within a period of five years after the commencement of the Veterinary Surgeons (Amendment) Act, 1952, passed—

(a) the prescribed examination; or

(b) the annual examinations conducted by the University of Sydney in the final two years of the course of study for the degree of Bachelor of Veterinary Science at that University in such subjects as may be prescribed; and

(iv) has, at the time of making application for registration, been resident in the Commonwealth of Australia for a continuous period of twelve months or more.

(1A) Where the Minister approves of a recommendation of the examiners that a person has such qualifications in veterinary science and such experience in the practice of veterinary science as to justify the exemption of such person from the requirements of subparagraph (iii) of paragraph (c) of subsection one of this section the Minister may grant such person exemption from such requirements.

Any

Any person so exempted shall, subject to this Act, be entitled to be registered as a veterinary surgeon if he satisfies the requirements of subparagraphs (i) (ii) and (iv) of paragraph (c) of subsection one of this section.

(ii) by inserting next after paragraph (f) of subsection two of the same section the following new paragraph:—

(f1) at any time after the passing of this Act and before the commencement of the Pastures Protection Act, 1934, held the certificate of the Stock Board of Examiners issued under the provisions of the Pastures Protection Act, 1912.

(g) by omitting section eighteen and by inserting in lieu thereof the following sections:— Subst. sec. 18 and new sec. 18A.

Removal of name of deceased veterinary surgeons, etc.

cf. Act No. 10, 1934, s. 7.

18. (1) The board shall cause to be removed from the register the name of any person who—

(a) has died;

(b) has ceased to possess or does not possess the qualifications in respect of which he was registered;

(c) has become an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1949;

(d) requests that his name be so removed.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any veterinary surgeon, shall transmit notice of such death to the registrar of the Board of Veterinary Surgeons of New South Wales at Sydney and the board shall, upon receipt of such notice, cause the name of such veterinary surgeon to be removed from the register.

(3)

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act shall extend to such fees.

Removal of name on account of misconduct, etc.

cf. Act No. 10, 1934, s. 8.

18A. (1) Where a veterinary surgeon has—

(a) been convicted either in New South Wales of a felony or misdemeanour or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or

(b) been adjudged by the board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect;

the board may remove his name from the register or suspend his registration for such period as the board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a veterinary surgeon shall be guilty of such misconduct who—

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

(c) contravenes any of the provisions of section twenty-one of this Act or of any regulation made under paragraph (e) of subsection one of section twenty-nine of this Act; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations.

(3) In the case of a conviction for an offence as aforesaid no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it

it was committed, render such person unfit in the public interest to practise veterinary science.

(4) In the case of a charge of misconduct in a professional respect the board, in making due enquiry, shall sit as in open court and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the board alleging misconduct in a professional respect against any person, shall deposit with the board the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(6) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the board and the president thereof or the member presiding at the enquiry shall have the powers conferred by the Royal Commissions Acts, 1923-1934, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the board.

(7) Whenever the board suspends the registration of a veterinary surgeon under the provisions of this section the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(8) Any person aggrieved by the removal of his name from the register or by the suspension of his registration under the provisions of this section may within three months after the date on which notice is given to him by the registrar that his name has been so removed or his registration suspended appeal against the removal or suspension to the district court of the district in which he resides. Such appeal shall be in the nature of a rehearing and the decision of the court shall be final and the board shall give effect thereto.

(9) A person whose registration is suspended under the provisions of this section shall during the period of the suspension be deemed to be a person not registered as a veterinary surgeon under this Act.

(h) (i) by inserting in subsection one of section nineteen after the word "board" where firstly occurring the words "pursuant to section eighteen or 18A of this Act"; Sec. 19. (Restoration of name.)

(ii) by inserting in subsection two of the same section after the word "therefrom" the words "pursuant to section eighteen or 18A of this Act";

(i) (i) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections:— Sec. 21. (Prohibited practices.)

(3) No person other than a veterinary surgeon registered under this Act shall—

(a) practise as a veterinary surgeon;

(b) do or perform, for fee or reward, any act, matter or thing, the doing or performance of which forms part of the practice of veterinary science; or

(c) take or use the name "veterinary surgeon" or the term "veterinary"

or

or any abbreviation thereof, either alone or in connection with any other name, title or business:

Provided that this subsection shall not prohibit persons from using the term "veterinary" only as indicating that they carry on the business of suppliers of wares or materials used in connection with veterinary science.

(3A) Notwithstanding the provisions of subsection three of this section, a society registered under the Co-operation Act, 1923-1950, may provide a veterinary service for its members and charge for such service provided that the persons employed or engaged by the society to do or perform any act, matter or thing in connection with such service forming part of the practice of veterinary science shall be veterinary surgeons registered under this Act.

(ii) by omitting from subsection four of the same section the words "and if a veterinary surgeon shall be guilty of misconduct in a professional respect";

(j) (i) by omitting from section twenty-four the word "performing" and by inserting in lieu thereof the words "de-worming any animal or performing the Mules operation or"; Sec. 24. (Minor and urgent operations.)

(ii) by inserting at the end of the same section the following new paragraph:—

(c) doing or performing during the period of five years next following the commencement of the Veterinary Surgeons (Amendment) Act, 1952, any acts, matters or things the doing or performance of which forms

forms part of the practice of veterinary science where such acts, matters or things are done or performed—

(i) by a person who has obtained a degree, diploma or license of competency as referred to in subparagraph (ii) of paragraph (c) of subsection one of section thirteen of this Act; and

(ii) by such person in the course of his employment with a veterinary surgeon.

(k) by inserting next after section twenty-six the following new section:— New sec. 26A.

26A. Sections twenty-five and twenty-six of this Act shall not apply to and in respect of an enquiry by the board under section 18A of this Act in the case of a charge of misconduct in a professional respect. Application of sections 25 and 26.

(l) by inserting next after section twenty-seven the following new sections:— New sections 27A, 27B.

27A. A document purporting to be a certificate under the hand of the registrar and stating any one or more of the following matters:— Document under hand of registrar to be prima facie evidence. Act No. 10, 1934, s. 19.

(a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended;

shall in all courts and before all persons and bodies authorised by law to receive evidence be prima facie evidence of the facts stated.

27B.

27B. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts.

cf. Act No. 10, 1934, s. 20.

(a) by production of a document purporting to be a true copy of such entry and purporting to be certified as such by the registrar; or

(b) by production of a copy of the register purporting to be printed by the Government Printer which is for the time being the latest copy so printed.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

Sec. 29. (Regulations.)

(m) (i) by omitting from subsection one of section twenty-nine the words "upon the recommendation of the board";

(ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) regulating the holding of examinations, the appointment of examiners, the times at which such examinations shall be held, the subjects of and fees for such examinations and the remuneration of examiners;

(iii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(g) regulating the manner in which and the extent to which a veterinary surgeon is authorised to advertise.

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