



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2257.

An Act to make provision for the registration of veterinary surgeons and to regulate the qualifications for and the effect of registration, and for other purposes.

[Assented to, 2nd January, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Veterinary Surgeons Act, 1935". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement of Act.
3. The provisions of the Act are arranged as follows :— Arrangement of Act.
 - PART I.—Preliminary.
 - PART II.—The Veterinary Surgeons Board of South Australia.
 - PART III.—Registration, and Qualifications therefor.
 - PART IV.—Miscellaneous.

PART I.

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Interpretation.

4. In this Act—

“ board ” means The Veterinary Surgeons Board of South Australia constituted by this Act :

“ chairman ” means chairman of the board :

“ member ” means member of the board :

“ register ” means the register of veterinary surgeons kept under this Act :

“ registered ” means registered under this Act :

“ registrar ” means the registrar appointed under this Act.

PART II.

PART II.

THE VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA.

Constitution of the board.

5. (1) A board, to be called “ The Veterinary Surgeons Board of South Australia ”, is hereby constituted as from the day of the publication in the *Government Gazette*, pursuant to subsection (5) hereof, of the notice of the appointment of the original members thereof.

(2) The board shall consist of the Chief Veterinary Officer and four other members who shall be appointed in the manner hereinafter provided. The four appointed members of the first board to be appointed under this Act shall be appointed by the Governor after being nominated by the Minister. After the expiration of one year from the appointment as aforesaid two of the said members, who shall be selected by the Minister, shall retire, and thereafter two members shall be appointed every year by the Governor, after being respectively nominated as follows, namely :—

One shall be nominated by the Minister ; and

One shall be nominated by the persons registered under this Act and for the time being resident in the State.

(3) When a vacancy occurs on the board, whether by the expiration of a member's term of office or otherwise, the Governor shall, after nomination, appoint a member to fill the vacancy. If the member whose seat has become vacant was nominated by the Minister, the person to fill the vacancy shall be nominated by the Minister, and if by persons registered under this Act, he shall be nominated by the persons so registered.

(4) Any nomination to be made by the persons registered under this Act shall be made in manner prescribed.

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(5) Notice of the appointment of any member shall be published in the *Government Gazette*, and the notice so published shall be conclusive evidence that the member was duly nominated and appointed.

6. (1) At least two of the persons appointed on the nomination of the Minister as members of the first board shall, at the time of nomination, be persons qualified to be registered as veterinary surgeons pursuant to subsection (1) of section 17.

Qualification
for membership
of board.

(2) At least one of the persons subsequently appointed on the nomination of the Minister as a member, and at least one of the persons appointed on the nomination of the persons registered under this Act as members, shall at the time of nomination, be persons registered as veterinary surgeons pursuant to subsection (1) of section 17.

(3) All other persons appointed as members of the board shall at the time of nomination be registered as veterinary surgeons under this Act or, in the case of appointment to the first board, be qualified to be so registered.

7. (1) Subject to section 5, any appointed member shall be appointed for a term of two years: Provided that—

Tenure of
office.

I. a member appointed to fill a vacancy caused otherwise than by a retirement of a member on the expiration of his term of office shall be appointed only for the unexpired portion of the term of the member in whose place he is appointed; and

II. any retiring member shall hold office until his successor is appointed.

(2) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for reappointment.

8. In addition to the retirement of members by the expiration of their terms of office, the seat of an appointed member shall become vacant on—

Casual
vacancies.

(a) the death, lunacy, or bankruptcy of the member; or the execution by the member of a statutory deed of assignment for the benefit of his creditors; or his compounding with his creditors for less than twenty shillings in the pound; or the conviction of a member for an indictable offence;

(b) the cancellation or suspension of his registration under this Act;

(c) the resignation of the member by notice in writing, posted or delivered to the chairman; or

(d) the absence of the member from three consecutive meetings of the board without leave of the board.

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Appointment
without
nomination on
failure to
nominate.

9. (1) If in any case the person or persons who have the right to nominate a person for appointment as a member, whether as an original or other member, fail to give notice in writing to the Clerk of the Executive Council of the nomination within two months after being requested in writing by the said clerk to make the nomination, the Governor may appoint a member without nomination. In the case of the persons registered under this Act, the request to nominate shall be duly made by being published in the *Government Gazette*.

(2) A member appointed pursuant to this section shall be deemed to have been appointed after being nominated by the person or persons who had the right to nominate.

Chairman.

10. (1) The Chief Veterinary Officer shall be *ex officio* chairman of the board.

(2) The chairman, when present, shall preside at all meetings of the board. In the absence of the chairman from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside.

(3) The person presiding for the time being shall have a casting vote as well as a deliberative vote.

Quorum.

11. Three members present at a meeting shall constitute a quorum of the board.

Defects in
appointment.

12. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if the said member had been duly appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

Registrar.

13. (1) The board shall appoint a registrar for the purposes of this Act: Provided that no person shall be appointed to or dismissed from the office of registrar without the approval of the Minister first obtained.

(2) The registrar shall act under the control of the board.

Protection of
board.

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

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15. (1) The registrar shall, every year in the month of July, prepare a balance-sheet showing the income and expenditure of the board for the period of twelve months ended on the thirtieth day of the preceding month of June, and shall transmit the same to the Minister.

Annual
balance-sheet
and audit.

(2) The accounts of the board shall, once at least in every year, be audited by the Auditor-General, who shall, in respect of those accounts, have all the powers which may be exercised by him under the Audit Act, 1921, and any Act for the time being in force relating to the audit of public accounts. The report of the Auditor-General on any such audit shall be transmitted to the Minister.

PART III.

PART III.

REGISTRATION, AND QUALIFICATIONS THEREFOR.

16. (1) The registrar shall keep a register, to be called "The Register of Veterinary Surgeons of South Australia".

The register of
veterinary
surgeons.

(2) A person shall be registered by the entering in the register of his name, and such other particulars relating to him as are prescribed.

17. (1) Every person shall be entitled to be registered as a veterinary surgeon who proves to the satisfaction of the board that he has attained the age of twenty-one years and is of good fame and character, and—

Qualifications
for registration
of veterinary
surgeons.

- (a) is the holder of a degree or diploma in veterinary surgery of the Royal College of Veterinary Surgeons of Great Britain, or of any university in the Commonwealth of Australia or the Dominion of New Zealand which is legally authorised to grant such a degree or diploma; or
- (b) has passed through a regular, graded course of veterinary study in a school of veterinary science in some part of the British Empire or some other country, the said course being of not less than four years' duration and being recognised by the board as not lower in standard than that required in the University of Sydney for the degree of bachelor of veterinary science, and
- i. has received, after due examination, from a university, college, or other body, duly recognised for the purpose in the said part of the British Empire or country, a degree, diploma, certificate, or licence; and

ii. is by law entitled to be registered, or to practise, as a veterinary surgeon in the said part of the British Empire or country.

(2) A person who does not hold the requisite academic qualifications for registration as a veterinary surgeon shall be entitled to be registered as a veterinary surgeon if he proves to the satisfaction of the board that—

- (a) he has attained the age of twenty-one years ; and
- (b) he is of good fame and character ; and
- (c) he has for the seven years immediately preceding the commencement of this Act, attended and treated in Australia, animals for disease or injury as a sole means of livelihood.

Every application for registration under this subsection shall be made to the board within six months after the commencement of this Act.

Registration
of veterinary
practitioners.
Cf. N.S.W. 25,
1923, s. 13 (2).

18. (1) A person who does not hold the requisite academic or other qualifications for registration as a veterinary surgeon, shall be entitled to be registered as a veterinary practitioner if he proves to the satisfaction of the board that he has attained the age of twenty-one years and that—

- (a) he is of good fame and character ; and
- (b) he has for the five years immediately preceding the commencement of this Act, attended and treated in Australia animals for disease or injury, as a sole or substantial source of livelihood, or he was at the time of the passing of this Act, at least twenty-one years of age and was the veterinary officer of a veterinary lodge subsidised by the Government or of any other veterinary lodge approved by the Minister ; or
- (c) he is, at the commencement of this Act, an inspector of stock under the Stock and Poultry Diseases Act, 1934, and the holder of a certificate as an inspector of stock issued under regulations made pursuant to paragraph xvi. of section 6 of the Stock Diseases Act, 1888.

(2) Every application for registration under this section shall be made to the board within six months after the commencement of this Act.

(3) Except in sections 29 and 30, every reference in this Act to registered veterinary surgeon shall be deemed to include a reference to a person registered as a veterinary practitioner and, except as aforesaid, the provisions of this Act relating to registered veterinary surgeons shall apply to persons registered as veterinary practitioners.

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19. (1) Any person desiring to be registered shall submit to the board proof of the qualification upon which he relies.

Application for registration and proceedings thereon.

(2) The board shall require the attendance before it of the person applying to be registered, unless he is specially excused by the board, and may require the attendance of any other person.

(3) The board may examine any person upon oath, affirmation, or declaration, and for that purpose any member may administer an oath, affirmation, or declaration.

(4) A summons issued by the board requiring the attendance of any person or the production of any documents, and signed by the registrar, shall have the same effect as a subpoena *ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action; and obedience thereto, or non-observance thereof, or refusal to give evidence, shall be enforced or punished by a judge of the Supreme Court in chambers, in the same manner as in the case of disobedience or non-observance of a subpoena issued out of the said court, or refusal to give evidence before the said court.

(5) If not satisfied that the applicant is entitled to be registered the board may refuse the application or adjourn the same for further consideration.

20. (1) There shall be an appeal against any decision, ruling, order, or direction of the board or registrar. Such appeal shall be to the Supreme Court, and shall be instituted within one month from the making or giving of the decision, ruling, order, or direction appealed against.

Appeal from the board.

(2) All proceedings on, or in connection with any such appeal shall be conducted as if it were an appeal against an order of a court of summary jurisdiction.

(3) Any notice or other document which, if the appeal were an appeal against an order of a court of summary jurisdiction, would be required to be served by the appellant on any person, may be served on the registrar, and any such service shall be deemed sufficient.

21. (1) No person shall be registered until he has paid to the registrar a registration fee of two guineas.

Registration and renewal fees.

(2) Notwithstanding his registration, or anything in this Act, no person shall be deemed, at any time in any year, to be registered, until he has paid a renewal fee of two guineas for that calendar year.

(3) Any person who holds any appointment in the public service of the State or Commonwealth and who is qualified for registration or is registered under section 17, shall be

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entitled to be registered and to the renewal of his registration, as the case may be, without the payment of the fee mentioned in this section.

Certificate of registration.

22. (1) When any person has paid the registration fee and has become registered, the registrar shall deliver to him a certificate of registration in the prescribed form.

(2) On application made to him at any time and on payment of the prescribed fee, the registrar shall issue to any registered person a duplicate certificate of his registration in any case where the registrar is satisfied that the original certificate is lost or destroyed.

Provisional certificate.

23. (1) When a person has applied to be registered, the chairman, or, in his absence from the city of Adelaide, any other member of the board, upon being satisfied that the said person is entitled to be registered, and upon payment of the registration fee required by section 21, may grant to the said person a provisional certificate of registration in the prescribed form.

(2) When a person has obtained a provisional certificate he shall be deemed to be registered under this Act until—

- (a) the date stated in the certificate ; or
- (b) such later date as is fixed by the board,

which in no case shall be later than three months from the granting of the certificate : Provided that if the board, before the date so stated or fixed, has reason to believe that the said person is not entitled to be registered, it may, without prejudice to his application to be registered, cancel his provisional certificate ; and the said person shall thereupon cease to be deemed to be registered.

(3) If a person to whom a provisional certificate has been granted becomes registered, his registration shall, unless otherwise decided by the board, date from the granting of his provisional certificate.

New or additional qualifications.

24. Every registered person who obtains any degree or qualification other than that in respect of which he is registered shall be entitled, on payment of the prescribed fee, to have such other degree or qualification inserted in the register, in substitution for or in addition to the qualification therein stated.

Power of board to cancel registration, etc.

25. (1) The board may cancel or suspend the registration of any person as a veterinary surgeon—

- (a) whose registration has been obtained by fraud or misrepresentation ; or

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(b) whose qualification has been withdrawn or cancelled by the university, college, or other body by which it was conferred ; or

(c) who has been certified to be a mental defective ; or

(d) who is deemed by the board to have been guilty of infamous conduct in any professional respect,

and upon the making of the order of cancellation or during the period specified in the order of suspension, the said person shall cease to be registered as a veterinary surgeon.

(2) If any registered veterinary surgeon is guilty of unprofessional conduct, or is convicted of any felony or misdemeanour, or is convicted outside the State of any offence, which, if committed in South Australia, would be a felony or misdemeanour, or is guilty of habitual drunkenness or habitual addiction to any drug, the board may impose all or any of the following penalties on the offending person, namely, the board may—

(a) censure him :

(b) order him to pay the board's costs and expenses of inquiring into the matter alleged against him, and of hearing any charge in relation thereto, including witness fees ; and may also suspend him from practising until such costs and expenses be paid :

(c) require him to give such undertaking as the board thinks fit, to abstain in the future from the conduct complained of :

(d) impose a fine not exceeding fifty pounds :

(e) suspend his registration, either conditionally or absolutely for a period not greater than five years :

(f) cancel his registration, in serious cases.

(3) The cancellation or suspension of the registration of any person whose registration has been so cancelled or suspended may, at any time and for such reason as the board thinks fit, by order of the board, be annulled, and the effect of any such annulment shall be as the board determines.

(4) Before cancelling or suspending the registration of any person or taking any proceeding under subsection (1) or subsection (2) against any person, the board shall—

(a) give to the said person, by post by registered letter, addressed to the last known place of residence or business of the said person, at least fourteen days' notice in writing of the complaint against him, and of the day, time, and place fixed for hearing the same ; and

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(b) hold full inquiry into the matter of the complaint, and afford the said person an opportunity of giving an explanation personally or in writing.

(5) The provisions of section 19 shall apply to the holding of an inquiry under this section in the same manner as if the inquiry were the hearing of any application for registration under this Act.

Correction of register.

26. The registrar shall from time to time strike out in the register the names of all registered persons who have died, and shall make such alterations and amendments in the register as the board from time to time directs, for the purpose of making the same an accurate record of the names, addresses, and qualifications of all persons for the time being registered.

Inspection of register.

27. The register shall be kept in the office of the registrar, and shall at all times be open to inspection by any person on payment of the prescribed fee.

Annual publication of register.

28. (1) A copy of the register shall, in the month of January in each year, be sent by the board to the Minister, and shall by him be published in the *Government Gazette*.

(2) Any copy of the register appearing in the *Government Gazette* shall in all courts and before all persons be *prima facie* evidence that the persons therein specified, and no others, are registered: Provided that a certificate purporting to be signed by the registrar, and stating that, at the date mentioned therein, a person was or was not registered, shall be *prima facie* evidence that the said person was or was not registered at the date mentioned in the certificate.

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PART IV.

PART IV.

MISCELLANEOUS.

29. After six months after the commencement of this Act any person who, not being registered under this Act—

Penalty for advertising when not registered.

- (a) advertises or holds himself out as being a registered veterinary surgeon; or
- (b) advertises or holds himself out as being a veterinary surgeon or a veterinary, or as being entitled or qualified to practise veterinary surgery,

shall be guilty of an offence, and liable to a penalty not exceeding fifty pounds.

30. (1) No person who is registered as a veterinary practitioner shall in any advertisement, or on any nameplate or sign, or by means of any written or printed matter, advertise or hold himself out as a veterinary surgeon.

Veterinary practitioners.

(2) No person who is not registered as a veterinary surgeon or a veterinary practitioner shall advertise or hold himself out as a veterinary practitioner.

(3) Any person who commits any contravention of this section shall be deemed to be guilty of infamous conduct in a professional respect.

31. Any person who exhibits or publishes, or causes, permits, or suffers to be exhibited or published, any letter, or any circular, handbill, placard, card, letter-paper, billhead, receipt form, or invoice, or any document or paper to be used in connection with any business, practice, or profession, or other advertisement of any kind, whereby any person advertises or holds himself out contrary to any provision of section 29, or section 30, or attempts so to do, shall be guilty of an offence and liable to a penalty not exceeding fifty pounds: Provided that this section shall not apply to any newspaper or magazine proprietor or printer publishing the advertisement unless the advertisement is published after written notice is given to him from the registrar that the advertisement is contrary to the said section.

Persons advertising contrary to preceding sections liable to penalty.

32. Any person who—

- (a) makes or causes to be made any falsification in the register or in any matter relating to the register; or
- (b) knowingly makes any false statement upon any examination before the board, or in any document to be used in evidence before, or to be submitted to, the board; or

Penalty for falsifying register.

- (c) utters or puts off, or attempts to utter or put off, as true before the board any false, forged, or counterfeit degree, diploma, licence, certificate, or other document or writing ; or
- (d) procures or attempts to procure himself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent statement, declaration, or representation, either verbal or in writing ; or
- (e) falsely personates or represents himself as being the person referred to in any degree, diploma, licence, certificate, document, or writing presented to the board, or in any certificate granted under this Act ;

or who—

- I. fraudulently or by false representation obtains any certificate of registration under this Act ; or
- II. forges, alters, or counterfeits any such certificate ; or
- III. utters or uses, or attempts to utter or use, any such forged certificate, knowing the same to have been forged,

shall be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding three years.

Disposal of fees.

33. All moneys received by the board under this Act shall be paid to the Treasurer for the public uses of the State.

Regulations.

34. The Governor may, on the recommendation of the board, make regulations prescribing all matters which by this Act are contemplated or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act, including regulations for the following, among other purposes :—

- I. Prescribing the manner in which nominations of members are to be made by the persons registered under this Act :
- II. Regulating the meetings and proceedings and the conduct of the business of the board :
- III. Prescribing the duties of the registrar :
- IV. Regulating the manner of keeping and the form of the register :
- V. Prescribing forms to be used and other fees to be paid under this Act :

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- VI. Regulating, supervising, or restricting, in so far as may be in the public interest, the practice of registered veterinary surgeons :
- VII. Regulating, supervising, or restricting advertising by registered veterinary surgeons :
- VIII. Regulating, supervising, or restricting the use by registered veterinary surgeons of any specified substances in the practice of veterinary surgery and requiring the use of any specified substance to be notified to the Chief Veterinary Officer :
- IX. Prescribing penalties not exceeding ten pounds and recoverable summarily for breach of any regulation.
- 35.** The Supreme Court, or a judge thereof, making or declining to make an order in any matter under this Act, may make any order and give any directions as to the costs thereof which it or he thinks proper. Costs in Supreme Court proceedings.
- 36.** All proceedings in respect of any offence against this Act, not being a misdemeanour, shall be disposed of summarily. Summary proceedings for offences.
- 37.** The money required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes. Expenses under Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.