

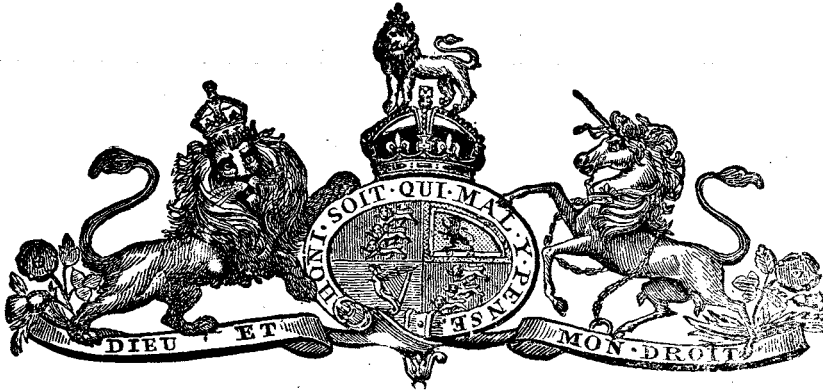
TASMANIA.

THE VETERINARY SURGEONS ACT, 1918.

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T A S M A N I A



1918.

ANNO NONO

GEORGII V. REGIS

No. 34.

AN ACT to regulate the Practice of Veterinary ^{A.D.} 1918.
Surgery, and for other relative purposes.
[24 December, 1918.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Veterinary Act, 1918,” and shall come into operation on a date to be fixed by Proclamation. Short title and commencement.

2 In this Act, unless the context otherwise requires— Interpretation.
“Board” means the Veterinary Board constituted under this Act:
“Minister” means the responsible Minister of the Crown for the time being controlling the Department of Agriculture:
“Register” means the register of Veterinary Surgeons hereinafter provided for:
“Registrar” means the Registrar appointed under this Act:
“Registered veterinary surgeon” means a person whose name appears in the register:
“This Act” includes regulations under this Act:
“Veterinary surgery” means the art and science of veterinary surgery and medicine, including any branch thereof.

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The Veterinary Board.

Constitution of
Board.
Cf. No. 51 of
1911, s. 3 (W.A.)

3 For the purposes of this Act, there shall be constituted a Board to be called the Veterinary Board, and such Board shall consist of Three members to be appointed from time to time by the Governor.

Tenure of office.
Cf., *ibid.*, s. 4.

4—(1) Except as hereinafter provided, every member of the Board shall hold office for a period of Three years from the date of his appointment, unless he dies, resigns, or is removed from office, in any of which events a successor shall be appointed who shall hold office for the unexpired term of his predecessor's term of office.

(2) Subject as aforesaid, a person who has been appointed a member of the Board shall be eligible for re-appointment.

(3) An appointment to fill any place on the Board to become vacant by effluxion of time may be made not more than One month before the place is to become vacant.

Removal from
office.
Ibid., s. 5.

5 A member of the Board may be removed from office by the Governor at any time.

Chairman.
Cf., *ibid.*, s. 6.

6—(1) The Board shall, with the approval of the Minister, choose a member to be Chairman of the Board; and as often as the office of Chairman becomes vacant the Board shall, with the like approval, choose a member to be Chairman.

(2) The Chairman shall, subject as hereinafter provided, hold office for Three years, but shall be eligible for re-appointment.

He shall cease to hold office if he ceases to be a member.

He may be removed from office, with the consent of the Minister, by a vote of the Board.

Ordinary and
special meetings
of Board.
Cf., *ibid.*, s. 7.

7—(1) The first meeting of the Board shall be held at such time and place as the Minister by notice in the "Gazette" appoints.

(2) Other meetings of the Board shall be held at such times and places as the Board from time to time appoints.

(3) The Chairman of the Board, or Two members thereof, may at any time call a special meeting of the Board.

(4) It shall be the duty of the Registrar or Chairman of the Board to call a special meeting of the Board at any time when requested so to do by a requisition in writing under the hands of Two members of the Board.

Chairman to
preside at
meetings.
Cf., *ibid.*, s. 8

8—(1) At every meeting of the Board the Chairman, if present, shall preside.

(2) If the Chairman is absent from any meeting, or if there is for the time being no Chairman, the members present shall choose One of their number to act as chairman at that meeting, and the member so chosen shall have the same powers at that meeting as if he were the Chairman of the Board.

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9—(1) Every question before the Board shall be decided by the votes of a majority of the members of the Board. A.D. 1918.

(2) The Chairman shall have a deliberative vote only. Conduct of meetings.

(3) Any Two members of the Board shall be a quorum, and subject to the following provision, shall have all the powers and authority by the Act conferred upon the Board. Cf., *ibid.*, s. 9.

(4) If at any meeting of the Board Two members only are present, and such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present.

10—(1) The Director of Agriculture for the time being for this State, or, during any vacancy in that office, the officer acting in his place, shall, under the Minister, administer this Act. Administration of Act.

(2) Such officer of the Department of Agriculture as the Public Service Board shall from time to time recommend, with the approval of the Minister, shall be appointed, and be Registrar and perform all the duties of a Registrar under this Act, and the Minister shall have power from time to time at pleasure to remove any such Registrar. Registrar.

11 The Board—

i. May from time to time, appoint such examiners as it thinks necessary for giving effect to this Act: and Board may appoint examiners.

ii. May out of the funds at its disposal pay to such examiners such fees as may be prescribed. Cf., 4 Geo. V., No. 15, s. 17 (Tas.).

All such persons shall hold office during the pleasure of the Board. No member of the Board shall receive payment for his services in the capacity of such member.

Nothing in this Act shall be construed to prevent the Board from—

i. Appointing One or more of its members to be an examiner or examiners: or

ii. Paying any member so appointed for his services as examiner.

12 The establishment of the Board and the validity or legality of acts done by the Board shall not be affected by any error or defect in the appointment of any member of the Board, or by the fact that the full number of members has not been appointed. Acts of Board not affected by irregularities in appointments, &c. Cf., *ibid.*, s. 11 (W.A.).

13—(1) The Board may, with respect to matters within its jurisdiction, examine or cause to be examined on oath or solemn affirmation any person appearing before it, and for that purpose the Chairman or Registrar may administer or receive any oath or affirmation. Power of Board to examine witnesses.

(2) The Chairman or Registrar of the Board may by writing under his hand summon any person to attend before the Board for the purpose of being examined with respect to any matter within the jurisdiction of the Board, and every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or attending refuses to be sworn, or to make a solemn affirmation, or to be examined, or to give evidence, or to answer all such questions as the Board may legally ask, or cause to be asked of him, shall be liable to a penalty not exceeding Ten Pounds. Power to summon witnesses. Cf., *ibid.*, s. 12 (W.A.).

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The Register.

Register.

Cf., *ibid.*, s. 13.

14 The Board shall from time to time, on payment of the prescribed fees, cause the names of all duly qualified persons applying for registration under this Act to be registered, together with their respective places of residence and a description of their respective qualifications, in a register to be kept by the Board for that purpose in the prescribed form, and such register shall be called the "Veterinary Register of Tasmania."

Roll fee.

15 Every person registered under this Act shall, during the month of January in each year, pay to the registrar such roll fee as may be prescribed in regulations hereunder; and in the event of any such registered person failing to pay such fee before the month of March next succeeding, the Registrar shall send by post to such person a notice, addressed to him according to his address as entered on the register, enquiring whether or not he has ceased to practice, and if the Registrar does not receive any answer thereto from such person within One month of sending him such notice, the Registrar shall send him by post, in a registered letter, addressed as aforesaid, another notice referring to the first notice and stating that no answer thereto has been received, and if the Registrar does not within Two months after sending the second notice receive any answer thereto, he shall report to the Board accordingly, and the Board may cause the name of such person to be removed from the register, but may restore his name to the said register upon personal application and the production of his certificate of registration or proof to the satisfaction of the Board of his former registration and payment of the prescribed fee for restoration.

Registrar may make necessary alterations in register.

Cf., *ibid.*, s. 15.

Removal of name from register on death.

Cf., *ibid.*, s. 16.

16 The Registrar, with the approval of the Board, may from time to time make any necessary alterations in the registration of the place of residence and qualifications of any registered veterinary surgeon.

17 The Registrar shall remove from the register the name of any veterinary surgeon whose death shall be proved to the Registrar's satisfaction; but whenever it shall appear to the Board that any name has been removed under this section in error, the Board shall direct the Registrar to restore such name, and he shall restore it to the register accordingly.

Removal from register for misconduct.

Cf., *ibid.*, s. 17.

18 If any registered veterinary surgeon shall after due inquiry, be adjudged by the Board to be incompetent or to have been guilty of misconduct as a veterinary surgeon, the Board may direct the Registrar to remove the name of such surgeon from the register.

Provided that the Board may, if it thinks fit, restore to the register the name of any surgeon whose name has been removed therefrom.

Appeal to judge.

Cf., 4 Geo. V., No. 15, s. 26 (Tas.).

19—(1) Any person who thinks himself aggrieved by any decision, order, or direction of the Board in refusing to enter his name in the register, or in removing his name from the register, may, within

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Three months after the date of the decision, order, or direction, A.D. 1918.
appeal by summons to a judge of the Supreme Court.

No such appeal shall be entertained unless 'Ten days' notice in writing of such appeal, stating the nature and grounds thereof, is given to the Chairman of the Board.

(2) The judge may make such order as he thinks just (including any order as to costs), and such order shall have effect according to its tenor and shall be final, and shall be observed by the Board and by every person concerned. Order thereon

(3) The judges of the Supreme Court may from time to time make, alter, suspend, and rescind rules or orders to regulate the practice and procedure, and until such rules or orders are made, and, so far as any such rules or orders when made do not apply, the provisions of "The Appeals Regulation Act," as to appeals from justices, shall, with the necessary alterations, apply to appeals under this Act. Judges to make rules.
19 Vict., No. 10

20 A copy of the register—correct up to the Thirty-first day of December of the preceding year—shall, in the month of January in each year, be published by the Board in the "Gazette" as "The Veterinary Roll of Tasmania for the year One thousand nine hundred and followed by the number of the year in which it is published." Copy of register to be published.
Cf., *ibid.*, s. 19 (W.A.).

21 Any copy of the register purporting to be certified by the Registrar or a "Gazette" containing what purports to be a copy of the register shall, in all courts of law, be *prima facie* evidence that the persons therein named were at the date of the certificate or "Gazette" and are registered veterinary surgeons, and the absence of the name of any person shall be *prima facie* evidence that such person was not at the date of the certificate or "Gazette" and is not so registered. Certified copy evidence.
Cf., *ibid.*, s. 20 (W.A.).

Registered Veterinary Surgeons.

22—(1) Every person shall be entitled to be registered as a veterinary surgeon in the register under this Act who proves to the satisfaction of the Board that he— Qualifications of practitioners.

- i. Has attained the age of Twenty-one years: and
- ii. Is a person of good fame and character: and
- iii. Holds a degree, diploma, certificate, or licence of competency as a veterinary surgeon from the Melbourne University, or Sydney University, or from the Royal College of Veterinary Surgeons of Great Britain, or from such other college, university, or institution as may from time to time be prescribed by the Governor by regulations.

Cf., *ibid.*, s. 21.

(2) Where at the passing of this Act any person practises, and has continuously for not less than Five years before the passing of this Act practised veterinary surgery in Tasmania, and has passed a prescribed examination to the satisfaction of the Board, the Board, notwithstanding such person does not comply with the provisions of paragraph iii., of Sub-section (1) of this Section, may enter his name as a veterinary practitioner in a portion of the register to be headed Veterinary practitioners.

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"Veterinary Practitioners," provided application in that behalf is made to the Board on or before the Thirtieth day of June One thousand nine hundred and nineteen, and the applicant proves to the satisfaction of the Board that he is a person of good fame and character.

(3) Where any person has before the passing of this Act joined the Australian Imperial Forces for service outside Tasmania in the war in which His Majesty is engaged, and previous to enlistment has continuously for a period of Three years practised veterinary surgery in Tasmania, such person shall upon satisfying the Board that he is a person of good fame and character, and passing a prescribed examination to the satisfaction of the Board within Eighteen months after his return to Tasmania, be entitled to have his name entered as a "Veterinary Practitioner" in the said portion of the register to be headed "Veterinary Practitioners," notwithstanding such person does not comply with the provisions of Paragraph III. of Subsection (1) of this section.

(4) Every person whose name is so entered as a veterinary practitioner shall, whilst his name continues so registered, be deemed, for the purposes of this Act, a registered veterinary surgeon.

Provided, however, that no such person shall in any advertisement, or on any name-plate or sign, or by means of any written or printed matter advertise or hold himself out as a registered veterinary surgeon, unless it is made to appear in such advertisement, plate, sign, or written or printed matter, that such person is registered as a veterinary practitioner only.

(5) Save as in this Section provided, no person shall be registered as a veterinary surgeon under this Act.

Certificate of
registration.
Cf., *ibid.*, s. 22.

23- (1) Every registered veterinary surgeon shall, on payment of a fee of One Shilling, be entitled to obtain from the Registrar a certificate stating that he is registered under this Act, and setting out the qualifications by virtue of which he is registered.

(2) In the case of a certificate issued to a person qualified as provided in Subsection (1) of Section Twenty-two, the certificate shall be called a "Certificate of Competency," and shall state that such person is registered as a competent veterinary surgeon.

(3) A certificate issued to a veterinary practitioner shall be called a "Certificate of Practice only."

(4) Every such certificate shall be *prima facie* evidence of the matters therein stated.

Veterinary
surgeons may
sue for fees, &c.
Cf., *ibid.*, s. 23.

24 Every registered veterinary surgeon may, whilst so registered, sue in any court of law of competent jurisdiction for the recovery of his fees or other remuneration for professional services, whether medical or surgical.

Prohibition on
unregistered
person recovering
fees.
Cf., *ibid.*, s. 24.

25 No person other than a registered veterinary surgeon shall, subject as hereinafter provided, be entitled to sue or counterclaim for, or set off, or recover any charge or remuneration for any veterinary advice, attendance, service, operation, or medicine.

*Veterinary Surgeons.**Offences.*

A.D. 1918.

26—(1) Except as hereinafter provided, from and after the Thirty-first day of July, One thousand nine hundred and nineteen, no person other than a registered veterinary surgeon shall be entitled to—

Penalty for practising when not registered.
Cf., *ibid.*, s. 25.

- i. Practise veterinary surgery, or perform or give for reward any veterinary service, operation, or advice: or to
- ii. Advertise or hold himself out as being a registered veterinary surgeon: or to
- iii. Advertise or hold himself out as being entitled or qualified to practise veterinary surgery, or to perform or give any veterinary service, operation, or advice

(2) Every person who does or permits any act, matter, or thing contrary to this section, shall be liable, upon conviction, to a penalty not exceeding Twenty Pounds.

Provided, nevertheless, that nothing herein shall make it illegal for any person to perform, for reward, the operation of castration, ear-marking spaying, or dehorning on any animal, or the tailing of lambs.

(3) Any person other than a registered veterinary surgeon who shall advertise or hold himself out as being a registered veterinary practitioner, shall be deemed guilty of an offence under this section, and liable to the penalty mentioned in Subsection Two thereof.

(4) Any person who shall, by act or omission, contravene the proviso to Subsection (4) of Section Twenty-two, shall be liable on conviction, to a penalty not exceeding Ten Pounds.

(5) Every person who exhibits or publishes any letter, circular card, or advertisement of any kind whereby any person holds himself out contrary to any part of this section or Section Twenty-two, shall be liable, upon conviction, to a penalty not exceeding Five Pounds.

Penalty for advertising when not registered.

Provided that this section shall not apply to any newspaper proprietor or printer publishing such advertisement in good faith before receiving written notice from the registrar that such advertisement is contrary to some part of this section.

27 If any person—

- i. Shall resist or obstruct any member of the Board or any person in the performance of any duties or the exercise of any powers under this Act: or
- ii. Shall wilfully mislead any such member or person in any particular likely to affect the discharge of his duty—

Penalty for obstructing or misleading officers.
Cf., *ibid.*, s. 26

such person shall be guilty of an offence against this Act and liable, on conviction, to a penalty not exceeding Twenty Pounds.

Miscellaneous.

28—(1) The Governor may, from time to time, make, alter, and repeal regulations for—

Regulations.
Cf., *ibid.*, s. 27

- i. Determining the evidence to be produced and conditions to be fulfilled by any person applying for registration under this Act:

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- ii. Regulating the form of the register and the manner of keeping and controlling the register :
- iii. Regulating the meetings and proceedings of the Board :
- iv. Prescribing what certificates, diplomas, membership, degrees, licences, letters testimonial, or other titles, status, or documents will be recognised by the Board as qualifying persons holding them or any of them to be registered as veterinary surgeons, whether immediately or after further examination or training or both :
- v. Prescribing and regulating the method, subjects, and scope of examinations and the remuneration of examiners :
- vi. Prescribing a scale of fees to be charged and paid in respect of any application, examination, registration, certificate, inspection, or any other proceeding, act, or thing provided or required under this Act :
- vii. Regulating the manner of making and dealing with complaints against registered veterinary surgeons alleged to be incompetent or to have been guilty of misconduct as such surgeons :
- viii. Regulating or prescribing all matters which by this Act are required or permitted to be prescribed or regulated, or which it may be necessary or convenient to regulate or prescribe for giving effect to this Act or the regulations :
- ix. Prescribing forms for use under this Act.

(2) Such regulations may state a penalty, not exceeding Ten Pounds, for any neglect or breach thereof.

Copy of
"Gazette"
evidence.
Cf., 4 Geo. V.,
No. 15, s. 32
(Tas.)
Judicial notice.

29—(1) The production of a copy of the "Gazette" purporting to contain any notification relating to any appointment, register, registration, erasure, regulations, or any other matter under or for the purposes of this Act shall be received in all courts and in all proceedings whatsoever as *prima facie* evidence of the facts therein published.

(2) Every court shall take judicial notice of the signatures of the Chairman and of the Registrar of the Board.

(3) In any proceeding by or on behalf of the Board, it shall not be necessary to prove the appointment of the members, Chairman, or Registrar.

Recovery of fees
and penalties.
Appropriation.

30—(1) All fees under this Act may be recovered as ordinary debts due to the Board.

(2) All penalties recovered shall go to and form part of the Municipal Fund of the municipality wherein the offence was committed, and all fees accruing under this Act, except examination fees, shall be paid into the Treasury, and form part of the Consolidated Revenue.

The examination fees shall be at the disposal of the Board for the purpose of defraying the expenses of conducting the examinations.

Veterinary Surgeons.

31 All informations for offences against the provisions of this Act, and all penalties, imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply. A.D. 1918.
Procedure.
19 Vict. No. 8.

32 Nothing in this Act contained shall extend to or interfere with the business or with the rights and privileges of any registered pharmaceutical chemist in supplying drugs or medical and surgical appliances used for horses, cows, and other animals, in the ordinary course of such business, nor with the business of any wholesale druggist. Act not to interfere with chemists.
Cf., *ibid.*, s. 29
(W.A.).

