

VETERINARIANS BILL

EXPLANATORY NOTE

THIS Bill replaces the Veterinary Surgeons Act 1956 and repeals the Veterinary Services Act 1946.

Clause 1 relates to the Short Title and commencement of the Bill. The Bill is to come into force on 1 August 1994.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides that the Bill binds the Crown.

PART I

RESTRICTIONS ON UNREGISTERED PERSONS AND REGISTERED VETERINARIANS

Wrongful Use of Titles and Descriptions by Unregistered Persons

Clause 4 makes it an offence to improperly use words that imply that an unregistered person is a veterinarian. The offence carries a maximum fine of \$5,000. The clause largely re-enacts section 33 of the Veterinary Surgeons Act 1956, except that the penalty in respect of the offence is increased.

Clause 5 makes it an offence to imply that a person is a specialist veterinarian if the person is not registered as such.

The Bill does not impose any restriction on the right of unregistered persons to practise veterinary science other than those contained in *clauses 4* and *5*.

Annual Retention Certificates in Respect of Registered Persons

Clause 6 makes it an offence for a registered veterinarian to practise as a veterinarian unless that person is the holder of a current annual retention certificate. The offence carries a maximum fine of \$2,000. This provision is similar to section 32A of the Veterinary Surgeons Act 1956, except that the penalty in respect of the offence is increased.

The clause also provides that the holding of an annual retention certificate is a requirement of continued registration. All registered veterinarians must hold a certificate, regardless of whether or not they are practising veterinarians. Prescribed notification procedures must be complied with before names are removed from the register under this clause.

Clause 7 provides for the issuing of annual retention certificates to registered veterinarians.

Minimum Standards for Continued Registration

Clause 8 is new. It provides that, in order to remain registered, veterinarians must comply with such minimum standards for continued registration (if any) as may be prescribed by regulation. One of the functions of the Veterinary Council will be to make recommendations to the Minister regarding any such regulations. Prescribed notification and hearing procedures must be complied with before names are removed from the register under this clause.

PART II

REGISTRATION OF VETERINARIANS

Qualifications For Registration

Clause 9 sets out the qualifications for registration as a veterinarian. It replaces section 11 (1) of the Veterinary Surgeons Act 1956.

Clause 10 is new. It sets out the qualifications for registration as a specialist veterinarian. No provision is made by the Veterinary Surgeons Act 1956 for the statutory recognition of specialist veterinarians.

Clause 11 replaces section 11 (2) of the Veterinary Surgeons Act 1956, which provides that no person shall be entitled to be registered as a veterinary surgeon unless he satisfies the Veterinary Surgeons Board that he is of good character and repute. That broad exclusion has been replaced with grounds that focus on more specific aspects of the applicant's character, such as convictions for offences reflecting adversely on the person's fitness to practise as a veterinarian.

Applicants who have obtained their qualifications overseas are also required to have adequate communication skills in the English language to enable them to practise as a veterinarian in New Zealand.

Clause 12 empowers the Veterinary Council to publish notices in the *Gazette* declaring that any institution or qualification shall be recognised for the purposes of *clause 9*. At present, certain Commonwealth Universities and Colleges are "recognised" in section 11 (1) of the Veterinary Surgeons Act 1956 and others can be approved by the Veterinary Surgeons Board.

Procedure for Registration

Clauses 13 to 15 deal with the procedure for processing applications for registration.

Clauses 16 to 21 provide for the maintenance of the register of veterinarians.

Clauses 22 and 23 provide for provisional and temporary registration as a veterinarian.

Clause 24 creates offences relating to the wrongful procuring of registration or certificates. The offences carry a maximum penalty of \$5,000. Section 22 of the Veterinary Surgeons Act 1956 creates similar offences relating to the wrongful procuring of registration, carrying a maximum penalty of imprisonment for 3 years.

PART III

DISCIPLINE

Part III relates to the taking of disciplinary proceedings against a veterinarian. A new body, the Complaints Assessment Committee, will be responsible for the investigation of complaints. The Veterinary Council will be responsible for the

hearing of disciplinary proceedings. The Council is empowered to delegate its disciplinary functions to a judicial committee of the Council. All bodies will have lay members as well as members who are veterinarians.

Complaints Against Veterinarians

Clases 25 and 26 relate to the procedure for making a complaint against a veterinarian and the initial investigation of that complaint. Any complaint must be made in writing to the Secretary. It is then referred to a Complaints Assessment Committee, comprising 2 veterinarians and 1 lay person, for investigation. The Committee is required to determine whether or not the complaint should be considered by the Veterinary Council. It may, where appropriate, attempt to deal with the complaint by way of a mediated settlement between the parties, or by way of conciliation between them (*clause 27*).

Clause 28 is new. It enables the Council to suspend a veterinarian's registration pending the determination of a complaint. There is a right of appeal against the Council's decision to the District Court.

Clause 29 provides that a veterinarian can be disciplined for certain specific conduct, namely,—

(a) Having been convicted (either in New Zealand or overseas) of an offence carrying a maximum penalty of 3 months' imprisonment, or an offence which has a direct bearing on the veterinary profession, or an offence against the Misuse of Drugs Act 1975. No such conviction will be a ground for disciplinary proceedings unless the circumstances of the offence reflect adversely on the veterinarian's fitness to practise as a veterinarian:

(b) Having been guilty of professional misconduct as a veterinarian:

(c) Having been struck off or otherwise disciplined in any other country.

The grounds for disciplinary action under section 25(1) of the Veterinary Surgeons Act 1956 are that the person has been convicted by a New Zealand Court of an offence carrying a maximum penalty of 2 years' imprisonment or has been guilty of infamous conduct in a professional respect.

Clause 30 sets out the disciplinary powers of the Council. Those powers are substantially the same as under the Veterinary Surgeons Act 1956, except that—

(a) The maximum fine is increased from \$200 to \$5,000. A fine may not be imposed in cases where a Court has already convicted the person for the offence or where the disciplinary action arises out of similar action overseas:

(b) The Council may impose conditions on a veterinarian's right to practise:

(c) The Council may order that any professional fee paid or due to the veterinarian from the complainant should be refunded, reduced, or waived.

Clause 31 provides that the Council may order that the name of the veterinarian be removed from the register of specialists if satisfied that the person is not fit to be registered as a specialist. Before making an order, a hearing must be conducted.

Clases 32 to 40 relate to the procedure to be followed by the Council and to the determination of disciplinary proceedings by the Council. The clauses also apply to the Council's determination of proceedings relating to removal of names from the register of specialists.

PART IV

SUSPENSION OF REGISTRATION FOR DISABILITY

Clauses 41 and 42 are new, and authorise the suspension of a veterinarian's registration, and the imposition of restrictions on the right of a veterinarian to practise, where the veterinarian is suffering from some mental or physical disability.

PART V

VETERINARY COUNCIL OF NEW ZEALAND AND OTHER BODIES

Veterinary Council of New Zealand

Clauses 43 to 50 provide for the establishment of a Veterinary Council of New Zealand and set out its powers, membership, and functions. The Council is to be a body corporate, with all the powers of a natural person. It will have 6 members, of whom 3 will be veterinarians elected by the profession. The other 3 members will be appointed by the Minister of Agriculture and will be 2 lay persons and one veterinarian.

The Council takes over the functions at present performed by the Veterinary Surgeons Board in relation to the registration of veterinarians. Its other functions include the exercise of disciplinary powers and the promotion of high standards of professional education and professional conduct among veterinarians.

The provisions set out in the *First Schedule* are to apply to the Council. Those provisions are of a general machinery nature, and relate to such matters as the procedure at meetings, the appointment of staff, and financial matters.

Complaints Assessment Committee

Clause 51 establishes a Complaints Assessment Committee which will be responsible for the investigation of complaints against veterinarians. The Complaints Assessment Committee is to consist of 2 veterinarians and 1 lay person, all of whom are to be appointed by the Council.

Judicial Committee

Clauses 52 to 55 empower the Council to appoint a judicial committee to exercise its disciplinary powers under *Part III* and its powers in relation to suspension for disability under *Part IV*. Any judicial committee must have at least one lay person as a member.

PART VI

APPEALS AND MISCELLANEOUS PROVISIONS

Part VI contains provisions relating to a number of unrelated matters.

Appeals

Clauses 56 to 60 relate to appeals against decisions of the Council. The Bill provides for all appeals to be made to a District Court. There is a further right of appeal on a question of law to the High Court.

Under the Veterinary Surgeons Act 1956,—

- (a) Appeals against refusals to register an applicant are made to a special Board of Appeal, consisting of a District Court Judge and 2 assessors:
- (b) If a person is dissatisfied with a decision of the Veterinary Surgeons Board relating to discipline, that person may apply to that Board for a rehearing or may appeal against the decision to the High Court.

Miscellaneous Provisions

Clauses 61 to 71 contain various unrelated provisions.

Dissolutions, Repeals, Revocations, and Consequential Amendments

Clause 72 provides for the dissolution of the Veterinary Surgeons Board. The assets and liabilities of the Board will be transferred to the Veterinary Council of New Zealand established by the Bill.

Clause 73 provides for the dissolution of the Veterinary Services Council. That Council was established in 1946 with the function of promoting the provision of efficient veterinary services for owners of livestock in New Zealand, with a view to the maintenance and improvement of the health and general condition of livestock and the quality of produce derived from any livestock, and the increased production of such produce. The assets and liabilities of the Council will be transferred to the New Zealand Federation of Veterinary Clubs (Incorporated). The liabilities of the Veterinary Services Council that arise under the Veterinary Services Sickness or Disability Scheme Order 1981 will cease with the revocation of that order by *clause 74*.

Clause 74 repeals the Veterinary Services Act 1946 and the Veterinary Surgeons Act 1956 and revokes the regulations made under those Acts, including the Veterinary Services Sickness or Disability Scheme Order 1981. The clause also makes consequential amendments to other Acts.

Transitional Provisions

Clauses 75 to 79 contain transitional provisions.

VETERINARIANS

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A BILL INTITULED

An Act to consolidate and amend the law relating to veterinarians and the provision of veterinary services

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Veterinarians Act 1993. 5

(2) This Act shall come into force on the 1st day of August 1994.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Chairperson” means the chairperson of the Council elected under clause 1 of the First Schedule to this Act: 10

“Complaints Assessment Committee” means the Complaints Assessment Committee appointed under section 51 of this Act:

“Council” means the Veterinary Council of New Zealand established under section 43 of this Act: 15

“Judicial committee” means any committee appointed under section 52 of this Act:

“Minister” means the Minister of Agriculture:

“Provisional certificate” means a certificate issued under section 22 of this Act:

5 “Recognised”, in relation to any university, or any veterinary college or institution, or any degree or diploma, means recognised pursuant to section 12 of this Act:

“Register” means the register of veterinarians maintained by the Council:

10 “Registered address” means the address of any person appearing on the register:

“Registration” means registration as a veterinarian under this Act, and includes registration as a specialist:

15 “Secretary” means the Secretary to the Council appointed under clause 2 of the First Schedule to this Act:

“Veterinarian” means a veterinarian registered under this Act:

“Working day” means any day of the week other than—

20 (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and

(b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

25 Cf. 1956, No. 22, s. 2

3. Act to bind the Crown—This Act shall bind the Crown.

PART I

RESTRICTIONS ON UNREGISTERED PERSONS AND REGISTERED VETERINARIANS

30 *Wrongful Use of Titles and Descriptions by Unregistered Persons*

4. Restrictions on description as veterinarian—Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who, not being registered under this Act as a veterinarian, uses or causes or permits to be used in connection with his or her business, trade,

35 calling, employment, or profession—

(a) The title “veterinarian”; or

40 (b) Any title that includes the word “veterinary”, or any words, initials, or abbreviations, that are intended to cause, or that may reasonably cause, any person to believe that the person using that title or any such

words, initials, or abbreviations is a veterinarian or is registered under this Act.

Cf. 1956, No. 22, s. 33

5. Restrictions on description as specialist—Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who, not being registered under this Act as a specialist in respect of any particular branch of veterinary science designated by the Council under **section 10 (1)** of this Act, uses or causes or permits to be used in connection with his or her business, trade, calling, employment, or profession any words, initials, or abbreviations that are intended to cause, or that may reasonably cause, any person to believe that the person using any such words, initials, or abbreviations is a specialist, or is registered as a specialist under this Act, in respect of that branch of veterinary science.

Cf. 1988, No. 150, s. 14

Annual Retention Certificates in Respect of Registered Persons

6. Veterinarians to hold annual retention certificates—

(1) Except as provided in **subsection (4)** of this section, no veterinarian shall be entitled—

- (a) To have his or her name retained on the register; or
- (b) To practise as a veterinarian in any year, whether in the service of the Crown or otherwise,—

unless he or she is the holder of an annual retention certificate issued by the Council in respect of that year.

(2) Every veterinarian commits an offence, and is liable on summary conviction to a fine not exceeding \$2,000, who practises as a veterinarian in contravention of this section.

(3) The Council may not order that the name of a veterinarian be removed from the register for failure to hold an annual retention certificate unless it has complied with such notification procedures as may be prescribed by regulations made under this Act in that respect.

(4) Nothing in **subsection (1)** or **subsection (2)** of this section shall apply with respect to—

- (a) Any person holding a provisional certificate for the time being in force under **section 22** of this Act;
- (b) Any person holding a certificate of temporary registration for the time being in force under **section 23** of this Act.

Cf. 1956, No. 22, s. 32A (1); 1988, No. 150, s. 15

7. Issue of annual retention certificates to veterinarians—(1) The Council, on application made to it by any veterinarian, and on payment of the prescribed fee (if any), shall issue to that veterinarian an annual retention certificate, which shall, subject to this section, be in force during the year in respect of which it is issued.

(2) If, at any time during the currency of any such certificate, its holder ceases to be registered under this Act, the certificate shall be deemed to be cancelled.

(3) Every person who is entitled to receive an annual retention certificate under this section shall be deemed to hold the certificate when he or she has duly applied for it and has paid the prescribed fee.

Cf. 1956, No. 22, s. 32A (2), (4); 1988, No. 150, s. 16

Minimum Standards for Continued Registration

8. Minimum standards for continued registration—

(1) No veterinarian shall be entitled to have his or her name retained on the register unless he or she complies with such minimum standards for continued registration (if any) as may be prescribed by regulations made under this Act.

(2) The Council may not order that the name of a veterinarian be removed from the register for failure to comply with minimum standards for continued registration unless it has complied with such notification and hearing procedures as may be prescribed by regulations made under this Act in that respect.

PART II

REGISTRATION OF VETERINARIANS

Qualifications for Registration

9. Qualifications for registration as a veterinarian—

Except as provided in section 11 of this Act, every person shall be entitled to be registered as a veterinarian under this Act who satisfies the Council—

(a) That he or she is the holder of, or is qualified to hold, a recognised degree or diploma in veterinary science conferred by a recognised university or by a recognised veterinary college or institution; or

(b) That he or she—

(i) Has undertaken and completed a course of study of not less than 5 years in veterinary science at any university, veterinary college, or institution acceptable to the Council; and

- (ii) Is the holder of a degree or diploma in veterinary science approved by the Council; and
- (iii) Has undertaken such post-graduate studies or training or has passed such examination (whether in New Zealand or elsewhere) as the Council may approve. 5

Cf. 1956, No. 22, s. 11 (1)

10. Qualifications for registration as a specialist—

(1) The Council may, in its discretion, designate any branch of veterinary science as a branch in respect of which veterinarians may be registered as specialists. 10

(2) Except as provided in section 11 of this Act, every veterinarian shall be entitled to be registered as a specialist in respect of any designated branch of veterinary science who satisfies the Council— 15

(a) That he or she is appropriately qualified for registration in respect of the branch of veterinary science in relation to which the application is made; and

(b) That he or she has had sufficient training and experience in that branch of veterinary science to justify registration as a specialist in respect of that branch of veterinary science. 20

(3) No person shall remain registered as a specialist if for any reason that person is not registered as a veterinarian.

Cf. 1988, No. 150, s. 21 25

11. Persons disqualified from registration—(1) No person shall be registered under this Act—

(a) If the person has within the last 10 years been convicted by any Court in New Zealand or overseas of any offence for which the maximum penalty is not less than 3 months' imprisonment and the Council is satisfied that the circumstances of the offence reflect adversely on the person's fitness to practise as a veterinarian; or 30

(b) If the Council is satisfied that registration would be inappropriate because the person is currently facing professional disciplinary proceedings in another country, or is under investigation, or has been struck off the register of veterinarians or otherwise disciplined, by any veterinary professional organisation in another country; or 35 40

(c) If the Council is satisfied that the person is unable to perform professional duties satisfactorily by reason of any mental or physical disability or condition.

5 (2) No person who has obtained his or her degree or diploma in veterinary science outside New Zealand shall be registered under this Act unless the Council is satisfied that that person has adequate communication skills in the English language to enable him or her to practise as a veterinarian in New Zealand.

Cf. 1956, No. 22, s. 11 (2); 1988, No. 150, s. 22

10 **12. Recognition of universities, colleges, institutions, degrees, and diplomas**—(1) The Council may from time to time publish in the *Gazette* a notice under the hand of the chairperson declaring—

15 (a) That any university or veterinary college or institution shall be recognised for the purposes of **section 9** of this Act; and

20 (b) That any degree or diploma in veterinary science conferred by any such university, college, or institution while it is so recognised and as detailed in the notice shall be recognised for the purposes of that section.

(2) Before publishing any notice, the Council shall satisfy itself—

25 (a) That the university, college, or institution provides a course of instruction in veterinary science of at least 5 years' duration; and

30 (b) That the course of instruction provides tuition in veterinary science that is satisfactory to the Council and leads to a degree or diploma in veterinary science acceptable to the Council; and

(c) That the examinations leading to any such degree or diploma are satisfactory to the Council.

35 (3) If at any time the Council has reason to believe that any recognised university, college, institution, degree, or diploma no longer meets the requirements of **subsection (2)** of this section, it may amend or revoke any notice published pursuant to **subsection (1)** of this section.

Procedure for Registration

40 **13. Applications for registration**—(1) Every application for registration under this Act shall be made in writing to the Secretary of the Council, and shall contain such information and evidence as may be specified by the Council.

(2) Every such application shall be accompanied by the prescribed fee (if any).

Cf. 1956, No. 22, s. 12; 1988, No. 150, s. 23

14. Procedure for considering applications—(1) The Council may, if it thinks fit, examine the person making the application or any other person in respect of the application. 5

(2) The Council may also, if it thinks fit, require any person to verify by statutory declaration any statement made by the person in respect of any application before the Council.

(3) Where the Council proposes to decline any application for registration or for registration as a specialist, the Council shall— 10

(a) Give the applicant the information on which the proposed decision is based; and

(b) Give the applicant a reasonable opportunity to make submissions and be heard, either personally or by counsel or agent, in respect of the matter. 15

Cf. 1956, No. 22, s. 13 (2), (3); 1988, No. 150, s. 25

15. Registration—(1) If the Council, after considering any application, decides that the applicant is entitled to be registered or to be registered as a specialist, it shall so direct, and the Secretary shall thereupon register that person and notify him or her accordingly. 20

(2) If the Council, after considering any application, decides that the applicant is not entitled to be registered or to be registered as a specialist, it shall so direct, and the Secretary shall thereupon notify the applicant in writing of the reasons for the Council's decision. 25

Cf. 1956, No. 22, s. 14; 1988, No. 150, s. 26

16. Registers—(1) The Council shall maintain a register of veterinarians. 30

(2) The Secretary shall enter in the register—

(a) The name and professional address of the person registered:

(b) Particulars of any registration of that person as a specialist: 35

(c) Such other particulars as may be prescribed or as may be entered under this Act or as the Council considers appropriate.

(3) The Secretary shall keep the register open for public inspection during ordinary office hours at the office of the Council. 40

(4) The Secretary shall, on the application of any person who is registered under this Act and on payment of the prescribed fee (if any), issue to that person a certificate of registration.

5 (5) The Secretary shall, on payment of such reasonable fee (if any) as is determined from time to time by the Council, supply a certified copy of any entry in the register to any person requesting it.

10 (6) The Council may from time to time cause the register, or part of the register, to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person who wishes to purchase a copy of the register, or of any part of the register, such reasonable fee as it determines from time to time.

15 Cf. 1956, No. 22, ss. 16, 23; 1992, No. 29, s. 5; 1988, No. 150, s. 27

17. Additional qualifications may be entered in register—(1) Any veterinarian who obtains any qualification other than that by virtue of which he or she is registered, or any other title or award, may apply to the Council to have the register amended by the inclusion of reference to that qualification, title, or award.

(2) Every such application shall be accompanied by the prescribed fee (if any).

25 (3) The Council shall, if it is satisfied that the veterinarian holds the qualification, or has obtained the title or award, and that it is of sufficient standing and relevance to be included in the register, direct the Secretary to amend the register accordingly.

Cf. 1956, No. 22, s. 19; 1988, No. 150, s. 28

30 **18. Change of name or address**—(1) Every veterinarian who changes his or her name or registered address shall, within 1 month thereafter, notify the Secretary, and the Secretary shall amend the register accordingly.

35 (2) The Secretary may, if otherwise satisfied that the veterinarian has changed his or her name or address, or that any veterinarian's name or address is incorrectly stated in the register, amend the register accordingly.

40 (3) Every veterinarian who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$200.

Cf. 1956, No. 22, ss. 17, 20; 1988, No. 150, ss. 29, 30 (1)

19. Removal of name on request—(1) The Council may at any time if it thinks fit, on the written application of any veterinarian, direct the Secretary to remove the name of that veterinarian from the register.

(2) The Secretary to the Council shall, on the written application of any veterinarian who is registered as a specialist, remove from the register the particulars of the registration of that person as a specialist, but shall retain the veterinarian's name in the register as a veterinarian. 5

Cf. 1988, No. 150, s. 30 (2), (3) 10

20. Notification of death of veterinarian—(1) Every Registrar of Births and Deaths, on registration of the death of any person who is stated to be a veterinarian by profession, shall notify the Secretary in writing of the death of that person, with particulars of the date and place of death. 15

(2) On receipt of the notification, the Secretary shall remove the name of the deceased person from the register.

(3) The Registrar of Births and Deaths may charge the Council a reasonable fee for notifications under this section.

Cf. 1956, No. 22, s. 17A; 1988, No. 150, s. 31 (3) 20

21. Revision of register—(1) The Secretary may at any time, and shall if the Council so directs, inquire, by registered letter addressed to any veterinarian at that veterinarian's registered address, whether or not that veterinarian—

(a) Wishes to have his or her name retained in the register; or 25

(b) Has ceased to practise.

(2) If no reply is received to the letter within 6 months after it has been posted, or if the letter is not delivered and is returned to the Secretary, the Council may direct the Secretary to remove from the register the name of the person to whom the letter was sent. 30

(3) If the Council has reason to believe that any veterinarian has died, it may direct the Secretary to remove the name of that veterinarian from the register.

(4) Any person whose name has been removed from the register under this section may apply to the Council to have his or her name restored to the register; and the Council shall, if satisfied that the person is still qualified to be registered, direct the Secretary to restore to the register the name of that person. 35

(5) Every application under subsection (4) of this section shall be accompanied by the prescribed fee (if any). 40

Cf. 1988, No. 150, s. 31

5 **22. Provisional certificates**—(1) Notwithstanding anything to the contrary in this Act, the Secretary shall, if so directed by the chairperson, and on payment of the prescribed fee (if any), issue a provisional certificate to a person who has applied for registration under this Act.

10 (2) The chairperson shall not give a direction under subsection (1) of this section unless he or she is satisfied, after consulting with any other member of the Council as he or she thinks appropriate, that the applicant appears to be qualified for registration.

(3) Every provisional certificate shall be deemed, pending the consideration of the application by the Council, to be a certificate of registration.

15 (4) Every such certificate shall, unless it has been cancelled or has lapsed, remain in force for such period not exceeding 3 months as shall be stated in the certificate, and any such certificate may be renewed for one further period not exceeding 3 months.

20 (5) The holder of a provisional certificate shall, while the certificate remains in force, be deemed for all purposes to be registered as a veterinarian.

(6) The names of persons to whom provisional certificates are issued shall be entered in a separate part of the register.

25 (7) The Council may at any time direct the Secretary to cancel a provisional certificate, whereupon the Secretary shall cancel that certificate and forthwith notify the holder in writing of the reasons for the cancellation.

Cf. 1956, No. 22, s. 21; 1988, No. 150, s. 34

30 **23. Temporary registration**—(1) Notwithstanding anything to the contrary in this Act, if the Council is satisfied that any person—

(a) Is or will be temporarily visiting New Zealand and proposes to practise as a veterinarian in New Zealand; and

35 (b) Has sufficient knowledge and experience to practise as a veterinarian subject to such restrictions (if any) as the Council may specify,—

40 the Council may, if it thinks fit, issue to the person, on payment of the prescribed fee (if any), a certificate of temporary registration entitling the person to practise as a veterinarian subject to such restrictions (if any), and for such period not exceeding 3 months, as may be specified in the certificate.

(2) The Council may, if it thinks fit, renew any such certificate for one further period not exceeding 3 months.

(3) The holder of any certificate of temporary registration shall, while the certificate is in force, be deemed for all purposes to be registered under this Act as a veterinarian.

(4) The names of persons to whom certificates of temporary registration are issued shall be entered in a separate part of the register. 5

(5) The Council may at any time direct the Secretary to cancel any certificate of temporary registration, whereupon the Secretary shall cancel that certificate and forthwith notify the holder in writing of the reasons for the cancellation. 10

Cf. 1956, No. 22, s. 21A; 1988, No. 150, s. 35

24. Offences relating to registration—Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who, for the purpose of becoming registered or obtaining any certificate under this Part of this Act (either for himself or herself or for any other person),— 15

(a) Either orally or in writing, makes any declaration or representation that, to his or her knowledge, is false or misleading in a material particular; or

(b) Produces to the Council or makes use of any document knowing it to contain any such declaration or representation; or 20

(c) Produces to the Council or makes use of any document knowing that it is not genuine.

Cf. 1956, No. 22, s. 22; 1988, No. 150, s. 36 25

PART III

DISCIPLINE

Complaints Against Veterinarians

25. Complaints against veterinarians—(1) Every person who wishes to complain to the Council of the conduct of any veterinarian shall make the complaint to the Secretary. 30

(2) Every complaint shall be in writing.

(3) Where the Secretary has received any complaint under this section, or where facts are brought to the Secretary's knowledge which satisfy him or her that there may be grounds for a complaint, the Secretary shall refer the complaint to the Complaints Assessment Committee. 35

(4) Without limiting the right of any person to make a complaint, a complaint to the Council may be made by any person in the service of the Crown acting in an official capacity. 40

Cf. 1956, No. 22, s. 24 (1)-(3); 1992, No. 29, s. 4 (1); 1988, No. 150, s. 52

26. Investigation by Complaints Assessment

Committee—(1) Every complaint referred to the Complaints Assessment Committee under **section 25** of this Act shall be inquired into as soon as practicable by that Committee, unless
5 the Committee is of the opinion that the complaint is frivolous or vexatious.

(2) The Committee shall, before inquiring into any complaint, ensure that the veterinarian against whom the complaint is made is informed of the general nature of the complaint.

10 (3) The Committee may require that the complaint be supported by such statutory declarations as it thinks fit.

(4) For the purpose of carrying out any investigation, the Committee may appoint or employ any person to make on its behalf whatever inquiries it considers necessary or to advise the
15 Committee.

(5) Where the Committee considers that the matters should be considered by the Council,—

(a) It shall refer the matter to the chairperson of the Council;
and

20 (b) The chairperson of the Council shall forthwith cause a notice to be served on the veterinarian in accordance with **section 33 (1)** of this Act.

(6) Where the Committee considers that the matter should not be considered by the Council, the Committee shall—

25 (a) Inform the complainant accordingly; and

(b) Inform the Council, and the Council may, if it thinks fit, determine the matter in any event under this Part of this Act.

30 Cf. 1956, No. 22, s. 24 (3)-(5); 1992, No. 29, s. 4 (1); 1988, No. 150, s. 53

27. Settlement of complaint by mediation or

conciliation—(1) On the referral to it of a complaint under **section 25** of this Act, the Complaints Assessment Committee shall, if it thinks fit, consider—

35 (a) Whether or not it might be possible to obtain agreement between the complainant and the veterinarian concerned on the resolution of all or any of the matters that are the subject of the complaint, and, if so, shall attempt to assist those persons to reach such
40 an agreement; and

(b) Whether or not the complaint might be dealt with by way of conciliation between the complainant and the veterinarian concerned, and, if so, shall explore with those persons the possibility of such conciliation.

(2) The Complaints Assessment Committee shall, when referring a complaint to the Council, send to the Council—

(a) A statement showing—

(i) Whether or not the Committee attempted to assist the parties to the complaint to reach agreement on the resolution of all or any of the matters that are the subject of the complaint; and 5

(ii) Those matters on which agreement was reached between those parties; and

(iii) Those matters on which no agreement was reached between those parties; and 10

(b) A statement showing whether or not the Committee explored the possibility of conciliation between the parties to the complaint, and, if so, whether such conciliation occurred. 15

28. Interim suspension of registration—(1) The Complaints Assessment Committee may, if it is satisfied on reasonable grounds after conducting an investigation that it is necessary in the public interest to suspend the registration of the veterinarian, recommend to the Council that the Council make an order suspending the registration of the veterinarian until the Council has conducted a hearing in accordance with this Act. 20

(2) The Complaints Assessment Committee shall forthwith notify the veterinarian in writing that a recommendation has been made under **subsection (1)** of this section and of the reasons for the recommendation. 25

(3) The Council may, after considering any recommendation made under **subsection (1)** of this section, make the order recommended if it is satisfied on reasonable grounds that it is necessary in the public interest to suspend the registration of the veterinarian. 30

29. Disciplinary powers of Council—(1) Subject to **subsection (2)** of this section, if the Council, after conducting a hearing in accordance with this Part of this Act, is satisfied in respect of any veterinarian that the veterinarian— 35

(a) Has within the last 10 years been convicted, whether before or after the veterinarian became registered, by any Court in New Zealand or overseas of—

(i) Any offence for which the maximum penalty is not less than 3 months' imprisonment; or 40

(ii) Any other offence against this or any other Act which has a direct bearing on the veterinary profession; or

5 (iii) An offence against the Misuse of Drugs Act 1975,—

and that the circumstances of the offence reflect adversely on the veterinarian's fitness to practise as a veterinarian; or

10 (b) Has been guilty of professional misconduct as a veterinarian; or

(c) Has been struck off the register of veterinarians or otherwise disciplined by any veterinary professional organisation in another country,—

15 the Council may, by way of penalty, do any one or more of the things authorised by **section 30** of this Act.

(2) The Council shall not exercise any authority conferred by **subsection (1)** of this section in respect of any conviction, professional misconduct, or action by a veterinary professional organisation in another country that occurred before the date of the person's registration if the Council was aware of that matter before registration.

Cf. 1956, No. 22, s. 25 (1), (3); 1988, No. 150, s. 54

30. Penalties—(1) In any case to which **section 29 (1)** of this Act applies, the Council may—

25 (a) Order that the name of the veterinarian be removed from the register:

(b) Order that the registration of the veterinarian be suspended for a period not exceeding 12 months:

30 (c) Order that the veterinarian may, for a period not exceeding 3 years, practise only subject to such conditions as to employment, supervision, or otherwise as the Council may specify in the order:

(d) Order the veterinarian to pay a fine not exceeding \$5,000:

35 (e) Order that the veterinarian be censured:

(f) Order that any professional fee paid or due to the veterinarian from the complainant be refunded, reduced, or waived.

(2) Where the Council is dealing with—

40 (a) Any matter that constitutes an offence for which the person has been convicted by a Court; or

(b) Any case to which **section 29 (1) (c)** of this Act applies,—

the Council shall not impose a fine pursuant to **subsection (1) (d)** of this section.

Cf. 1956, No. 22, s. 25 (2); 1992, No. 29, s. 4 (4); 1988, No. 150, s. 55

31. Removal of name from register as specialist—(1) If the Council, after conducting a hearing in accordance with this Part of this Act in respect of any veterinarian who is registered as a specialist, is satisfied that the veterinarian is not fit to be registered as a specialist in respect of a particular branch of veterinary science, the Council may order that the name of that veterinarian be removed from the register as a specialist in respect of that branch of veterinary science. 5 10

(2) Nothing in any order under this section shall have any effect in respect of the registration of the veterinarian as a veterinarian. 15

Cf. 1988, No. 150, s. 60

32. Rules of natural justice to be observed—In all proceedings under this Part of this Act, the Council and the Complaints Assessment Committee shall observe the rules of natural justice. 20

Cf. 1988, No. 150, s. 61 (5)

33. Procedure of Council under this Part—(1) Before exercising any power under **section 29** or **section 31** of this Act, the chairperson of the Council shall cause to be served on the veterinarian concerned a notice— 25

- (a) Stating that the Complaints Assessment Committee or the Council has reason to believe that a ground exists entitling the Council to exercise its powers under **section 29** or **section 31** of this Act; and
- (b) Containing such particulars as will clearly inform the veterinarian of the substance of the grounds believed to exist; and 30
- (c) Specifying a date, being not less than 20 working days after the date of service of the notice, on which the Council intends to hear the matter. 35

(2) The notice under **subsection (1)** of this section may require the person to whom the notice is addressed to notify the Council in writing, not later than a specified date before the date proposed for the hearing of the matter, as to whether or not the person intends to appear and wishes to be heard, either personally or by counsel or agent, before the Council at the hearing of the matter. 40

(3) If the person fails to so notify his or her intention, the person shall still be entitled to appear and be heard, but the Council, in making any order under **section 39** of this Act as to the payment of costs and expenses, may take that fact into account.

(4) The Council may authorise any person to appear at the hearing of any matter, and adduce evidence and make submissions in respect of the matter.

(5) Where the Council is not unanimous, the decision of a majority of the members present at any proceedings held under this section shall be the decision of the Council.

Cf. 1956, No. 22, s. 24A; 1992, No. 29, s. 4 (2), (3); 1988, No. 150, s. 61 (1)-(3), (6)

34. Hearings to be in public—(1) Except as provided in this section, every hearing of the Council shall be held in public.

(2) If the Council is of the opinion that it is proper to do so, having regard to the interests of any person and to the public interest, it may—

- (a) Hold a hearing or any part of a hearing in private:
- (b) Make an order prohibiting the publication of any report or account of any part of any proceedings before it, whether held in public or in private:
- (c) Make an order prohibiting the publication of the whole or any part of any books, papers, or documents produced at any hearing:
- (d) Make an order prohibiting the publication of the name or any particulars of the affairs of the person charged or any other person.

(3) Any person may at any time apply to the Council for the revocation of any order made under **subsection (2)** of this section.

(4) Unless it is reversed or modified in respect of its currency by a Court on an appeal, an order made under **subsection (2)** of this section shall continue in force until such time as may be specified in the order, or until it is revoked, whichever is the sooner.

(5) The Council may in any case deliberate in private as to its decision or as to any question arising in the course of the hearing.

(6) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$5,000, who, without lawful excuse, acts in contravention of any order made by the Council under any of **paragraphs (b) to (d)** of **subsection (2)** of this section.

(7) **Subsection (2) (d)** of this section shall not apply to or in respect of the publication under **section 63** of this Act of the effect of any order.

Cf. 1988, No. 150, s. 62

35. Council to have powers of Commission of Inquiry—(1) The Council shall, for the purposes of any hearing under this Part of this Act, have the same powers as are conferred on Commissions of Inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908.

(2) Section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908 shall apply to all persons involved in any capacity in any hearing under this Part of this Act as if it were an inquiry conducted by a Commission under that Act.

Cf. 1988, No. 150, s. 63

36. Orders to be committed to writing—(1) Every order of the Council under **section 29** or **section 31** of this Act shall—

- (a) Be committed to writing; and
- (b) Contain a statement of the reasons on which it is based; and
- (c) Contain a clear statement of the person's right to appeal against the order, and the time within which notice of such appeal must be given; and
- (d) Be signed by the chairperson of the Council.

(2) A copy of every order under **section 29** or **section 31** of this Act shall be served by or on behalf of the Secretary on the veterinarian in respect of whom it was made; and shall take effect from the date on which such service was effected, or such later date as may be specified in the order.

Cf. 1988, No. 150, s. 61 (7), (8)

37. Information from universities, etc., may be sufficient evidence of facts—If—

- (a) Any university or other educational establishment, having granted to any person a qualification that may be entered on a register under this Act, exercises any power conferred by law of removing the name of that person from the register in which the qualification is recorded; or
- (b) Any registering authority in any other country has removed the name of any person from any register of veterinarians maintained by it,—

and in either case the university or other educational establishment or registering authority informs the Council of the fact of the removal,—

5 (c) The Secretary shall make a note of the fact in the register; and

10 (d) If the university or other educational establishment or registering authority informs the Council of the findings of fact on which the decision to remove the name was based, the findings may, if the Council thinks fit and, subject to **section 32** of this Act, be treated for the purposes of any inquiry or proceedings under this section as sufficient evidence of the facts found in the absence of proof to the contrary.

15 Cf. 1988, No. 150, s. 61 (4)

38. Power of Council in relation to restoration of name to register—In any order directing that the name of any person be removed from the register, or in any subsequent order of the Council, the Council may fix a time after which the person whose name is so removed may apply to have his or her name restored to the register; and all the provisions of this Act relating to an application for registration shall apply in respect of that person.

Cf. 1956, No. 22, s. 25 (8); 1988, No. 150, s. 58

25 **39. Costs and expenses**—In any case to which **section 29 (1)** of this Act applies, the Council may order the veterinarian to pay any costs and expenses of and incidental to the hearing by the Council and any inquiry made by the Complaints Assessment Committee.

30 Cf. 1956, No. 22, s. 24A (4); 1992, No. 29, s. 4 (2) (b); 1988, No. 150, s. 56

35 **40. Recovery of fines, costs, and expenses**—Every fine imposed under **section 30** of this Act, and all costs and expenses payable under an order made under **section 39** of this Act, shall be recoverable as a debt due to the Council.

Cf. 1956, No. 22, s. 25 (6); 1988, No. 150, s. 59

PART IV

SUSPENSION OF REGISTRATION FOR DISABILITY

41. Suspension of registration for disability—(1) Where it appears to the Council that—

- (a) Any veterinarian is unable to practise satisfactorily because of any mental or physical disability or condition that the veterinarian has; and 5
 - (b) Because the veterinarian may continue to practise, it is desirable in the public interest to suspend the veterinarian's registration under this Act,— 10
- the Council may require the veterinarian to submit himself or herself for a medical examination by a medical practitioner at the expense of the Council.

(2) The requirement to submit to a medical examination shall be communicated to the veterinarian by notice in writing signed by the chairperson and served on the veterinarian; and the notice shall specify— 15

- (a) The name and address of the medical practitioner by whom the Council has arranged to have the examination conducted; and 20
- (b) The date before which the examination is to take place (being not less than 5 working days after the notice is served on the veterinarian); and
- (c) That the veterinarian may choose a medical practitioner to attend the examination if he or she wishes; and 25
- (d) That the veterinarian may refuse to submit himself or herself to the examination, but that the Council may make an order under **subsection (5)** of this section notwithstanding the refusal.

(3) Where a medical practitioner has examined a veterinarian under this section, the medical practitioner shall, as soon as practicable after the examination, make a written report to the Council as to the disability or condition of the veterinarian so far as it affects the capacity of the veterinarian to perform professional duties satisfactorily. 30 35

(4) The Council shall, as soon as practicable after receiving any such report, send a copy to the veterinarian concerned.

(5) Where—

- (a) A notice has been served on a veterinarian in accordance with **subsection (2)** of this section; and 40
- (b) An examination has been carried out in accordance with **subsection (3)** of this section, or the date before which the examination was to take place has expired; and

(c) The Council has considered any report made to it under subsection (3) of this section; and

(d) The Council has given the veterinarian a reasonable opportunity to make submissions and be heard, either personally or by counsel or agent, on the matter; and

(e) The Council is satisfied that—

(i) The veterinarian is unable to perform professional duties satisfactorily because of any mental or physical disability or condition that the veterinarian has; and

(ii) Because the veterinarian may continue to practise as a veterinarian, it is necessary in the public interest to suspend the veterinarian's registration under this Act,—

the Council may order that the veterinarian's registration under this Act be suspended.

(6) Any suspension imposed under this section may be revoked at any time by the Council if it is satisfied that the veterinarian is again able to perform professional duties satisfactorily.

(7) Every such suspension, or revocation of a suspension, shall be communicated to the veterinarian by notice in writing served on the veterinarian, and shall take effect on being served.

Cf. 1988, No. 150, s. 37

42. Limited practice in cases of disability—(1) Where—

(a) Paragraphs (a) to (d) of section 41 (5) of this Act have been complied with in respect of a registered veterinarian; and

(b) The Council is satisfied that the veterinarian is unable to perform professional duties satisfactorily, but considers that it would nevertheless not be contrary to the public interest to allow that veterinarian's registration to continue subject to special conditions,—

the Council may order that the veterinarian may practise only subject to such conditions as to employment, supervision, or otherwise as the Council considers proper to permit or impose.

(2) Any conditions imposed under this section shall be communicated to the veterinarian by notice in writing served on the veterinarian, and shall take effect on being served.

(3) A veterinarian on whom notice is served under this section may, if his or her registration is to continue, practise only to the extent permitted under this section.

Cf. 1988, No. 150, s. 38

PART V

5

VETERINARY COUNCIL OF NEW ZEALAND AND OTHER BODIES

Veterinary Council of New Zealand

43. Establishment of Veterinary Council of New Zealand—(1) There is hereby established a Council to be called the Veterinary Council of New Zealand. 10

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to purchase, take, hold, transfer, and lease property, to sue and be sued, and shall have all the rights, powers, and privileges of a natural person.

Cf. 1956, No. 22, s. 3 (1); 1988, No. 168, s. 3 15

44. Functions of Council—The functions of the Council shall be—

- (a) To advise and make recommendations to the Minister in respect of any matter relating to veterinarians and the practice of veterinary science: 20
- (b) To advise the Council of any University in New Zealand on any matter relating to the education of veterinarians:
- (c) To receive applications for registration under this Act, and to authorise registration in proper cases: 25
- (d) To promote and encourage high standards of professional education and professional conduct among veterinarians:
- (e) To hear and determine complaints against veterinarians, and to exercise disciplinary powers, in accordance with this Act: 30
- (f) To make recommendations to the Minister concerning the minimum standards which should be required of veterinarians to ensure continued registration under this Act: 35
- (g) To enter into reciprocal arrangements with registration bodies in other countries:
- (h) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act. 40

45. Membership—The Council shall consist of—

- (a) Three veterinarians elected, in accordance with regulations made under **section 71** of this Act, by veterinarians:
 - 5 (b) Two persons who are not veterinarians appointed by the Minister:
 - (c) One veterinarian appointed by the Minister.
- Cf. 1956, No. 22, s. 3 (2)

46. Term of office of elected members—Every member
10 elected under **section 45 (a)** of this Act shall be elected for a term of 3 years and shall be eligible for re-election.

Cf. 1956, No. 22, s. 3 (3)

47. Term of office of appointed members—Every
15 member appointed under **section 45 (b)** or **section 45 (c)** of this Act—

- (a) Shall be appointed by notice published in the *Gazette*:
- (b) Shall be appointed for a term of 3 years or such lesser term as may be specified in the notice of appointment:
- 20 (c) Shall take office from the date of the notice of appointment or such later date as may be specified in the notice:
- (d) Shall be eligible for reappointment from time to time, but shall not be eligible to be a member of the Council for
25 more than 9 consecutive years.

Cf. 1956, No. 22, s. 3 (3)

48. Continuation in office after term expires—
30 Notwithstanding **section 46** or **section 47** of this Act, every elected or appointed member of the Council, unless sooner vacating office under **section 49** of this Act, shall continue in office until the member's successor comes into office.

49. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the
35 Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign by notice in writing addressed to the Secretary.

(2) Every member appointed under **section 45 (a)** or **(c)** of this Act shall cease to be a member of the Council if that person ceases to be a veterinarian.

40 (3) Every member appointed under **section 45 (b)** of this Act shall cease to be a member of the Council if that person becomes a veterinarian.

(4) If a member dies, resigns, is removed from office, or ceases to be a member in accordance with **subsection (2)** or **subsection (3)** of this section,—

- (a) The vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made; and 5
- (b) The person appointed to fill the vacancy shall be appointed for the residue of the term for which the person's predecessor was appointed.
- (5) The powers of the Council shall not be affected by any vacancy in its membership. 10
- Cf. 1956, No. 22, s. 10

50. Administration of Council—The provisions set out in the **First Schedule** to this Act shall apply in respect of the Council. 15

Cf. 1988, No. 150, s. 75

Complaints Assessment Committee

51. Complaints Assessment Committee—(1) The Council shall appoint 2 veterinarians and one person who is not a veterinarian to be a Complaints Assessment Committee. 20

(2) The Council shall appoint one of the members of the Complaints Assessment Committee to be the chairperson.

(3) The Council may at any time revoke any appointment made under this section or reconstitute the Committee.

(4) No member of any judicial committee appointed under **section 52** of this Act shall be appointed to be a member of the Complaints Assessment Committee. 25

Cf. 1988, No. 150, s. 45

Judicial Committee

52. Council may appoint judicial committee—The Council may, in accordance with **clause 3** of the **First Schedule** to this Act, appoint a judicial committee to exercise on behalf of the Council all or any of its functions or powers under any provision of **Part III** or **Part IV** of this Act. 30

53. Lay person to be appointed to judicial committee—No judicial committee shall be validly constituted unless it has as a member one or more persons who is not a veterinarian. 35

54. Procedure of judicial committee—The procedure of the judicial committee, including provisions as to a quorum, 40

shall, except as provided in this Act, be determined by the Council.

5 **55. Powers of judicial committee**—(1) A judicial committee shall have and may exercise all such functions and powers as are validly delegated to it by the Council.

(2) References in this Act to the Council shall, where the function or power is exercised by a judicial committee, include references to the judicial committee.

PART VI

10 APPEALS AND MISCELLANEOUS PROVISIONS

Appeals

56. Appeals from decisions of Council—(1) Any person who is dissatisfied with the whole or any part of—

15 (a) Any decision of the Council relating to the removal of that person's name from the register or to an application by that person for registration (including registration as a specialist) or for a provisional certificate; or

(b) Any order of the Council made under **Part III** of this Act relating to that person; or

20 (c) Any order affecting that person made under **section 34** of this Act, or the refusal of the Council to make any such order; or

(d) Any order of the Council made under **section 39** of this Act requiring him or her to pay any costs or expenses; or

25 (e) Any order made under **section 41** or **section 42** of this Act by the Council—

may, by way of originating application, appeal to a District Court against the decision or order, as the case may be.

Cf. 1956, No. 22, s. 26 (1); 1988, No. 150, s. 64 (1)

30 **57. Time for lodging appeal**—An appeal under **section 56** of this Act shall be brought within 20 working days after the notice of the decision or order has been served on him or her by the Secretary, or within such further time as the District Court may allow on application made before or after the
35 expiration of that period.

Cf. 1956, No. 22, s. 26 (2); 1988, No. 150, s. 64 (1)

40 **58. Procedure on appeal**—(1) The Court shall, as soon as practicable, hear any appeal under **section 56** of this Act and may confirm, reverse, or modify the decision or order of the Council, or may refer the matter back to the Council, or may

give any decision or make any order that the Council could have given or made.

(2) Nothing in this section gives a Court power to review any part of the decision or order of the Council other than the part against which the appellant has appealed.

5

Cf. 1988, No. 150, s. 64 (3), (4)

59. Decision to continue in force pending appeal—

Subject to any order of the Court, every decision or order of the Council against which an appeal is lodged shall continue in force and have effect pending the determination of the appeal.

10

Cf. 1988, No. 150, s. 64 (5)

60. Appeal on question of law—(1) Where, in respect of any appeal under **section 56** of this Act, the Council or the appellant is dissatisfied with any decision of the District Court Judge as being erroneous in point of law, the Council or the appellant may appeal to the High Court by way of case stated for the opinion of that Court on the question of law only.

15

(2) Subject to **subsection (3)** of this section, every appeal under this section shall be heard and determined by the High Court in accordance with rules of Court.

20

(3) The provisions of Part IV of the Summary Proceedings Act 1957 (including the other provisions of that Act that are applied in that Part), so far as they relate to appeals by way of case stated on questions of law only, shall apply, so far as they are applicable and with all necessary modifications, to every appeal under this section.

25

Cf. 1988, No. 150, s. 64 (7)

Miscellaneous Provisions

61. Suspension and conditions of practice to be entered in register—(1) The Secretary shall enter in the register at the entry for the appropriate veterinarian—

30

(a) The fact that any suspension from registration has been imposed upon the veterinarian under **Part III or Part IV** of this Act and the conditions (if any) relating to the suspension; or

35

(b) Details of any conditions of practice that have been imposed upon the veterinarian under **section 30** or **section 42** of this Act.

(2) Every entry made in the register under **subsection (1)** of this section shall be removed on the expiry of the period of

40

suspension or the conditions, or the lifting of the suspension or conditions, by the Council, the District Court or the High Court.

Cf. 1988, No. 150, s. 65

5 **62. Surrender of certificates**—(1) Any person whose name is removed from the register or whose registration is suspended under this Act shall, within 10 working days after the date on which written notice of the removal or suspension has been given to him or her, deliver to the Secretary every current certificate in respect of that person that has been issued under
10 this Act and has not been so delivered before that date.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who wilfully fails to comply with subsection (1) of this section.

Cf. 1988, No. 150, s. 66

15 **63. Publication of orders**—Where—

(a) The Council has made an order under **Part III** or **Part IV** of this Act in respect of any person and no appeal against that order has been brought within the time limited in that behalf; or

20 (b) Any Court has made an order under this Act in respect of any person,—

the Secretary shall, if the Council in its discretion so directs, but subject to any order made under **section 34** of this Act, cause a notice stating the effect of the order to be published in such
25 publications as may be directed by the Council.

Cf. 1956, No. 22, s. 25 (12); 1988, No. 150, s. 67

30 **64. Legal assessors**—(1) The Council and the Complaints Assessment Committee may each appoint a legal assessor, who, subject to **subsection (2)** of this section, may be present at any proceedings of the Council or the Committee under **Part III** or **Part IV** of this Act, and may then or at any time previously or subsequently advise the Council or the Committee on matters of law, procedure, and evidence relating thereto.

35 (2) No legal assessor shall be entitled to be present during the deliberations of the Council or the Complaints Assessment Committee.

Cf. 1956, No. 22, s. 24A (3); 1988, No. 150, s. 68

40 **65. Protection of Council, Complaints Assessment Committee, and other persons**—Neither the Council, the Complaints Assessment Committee, nor any member or employee of any of them, shall be under any criminal or civil

liability in respect of anything done or omitted to be done, or of any words spoken or written, at or for the purposes of the hearing of any inquiry or other proceedings under this Act unless it is proved to the satisfaction of the Court before which any proceedings are taken that the defendant in the proceedings has acted in bad faith. 5

Cf. 1956, No. 22, s. 31; 1988, No. 150, s. 76

66. Certificates of Secretary to be evidence—A certificate under the hand of the Secretary to the effect that any person was or was not registered, or was or was not the holder of a provisional certificate, certificate of temporary registration, or annual retention certificate at any particular time or during any period specified in the certificate, or as to any entry in the register, or as to any act or proceeding of the Council or of any committee of the Council, shall for all purposes be sufficient evidence of the matters specified in the certificate, in the absence of proof to the contrary. 10 15

Cf. 1988, No. 150, s. 77

67. Power of Council to supply evidence for registration overseas—(1) The Council may supply to any veterinarian such documents as it thinks fit for the purpose of enabling him or her to seek registration as a veterinarian outside New Zealand. 20

(2) Every veterinarian who requests any such document from the Council shall pay such reasonable fee (if any) for the document as is determined from time to time by the Council. 25

Cf. 1988, No. 150 s. 78

68. Payment and application of fees, fines, and other money—(1) Unless otherwise provided by this Act, all fees, fines, and other money payable under this Act shall be payable to the Council. 30

(2) Any such fees, fines, and other money shall be paid to the Secretary who shall forthwith pay it into the Council's account.

(3) Where a fee is payable in respect of any matter, the Council or the Secretary, or any other officer or employee of the Council, may decline to do any act, or permit any act to be done, or to receive any document in respect of which that fee is payable unless the fee is paid. 35

Cf. 1956, No. 22, ss. 12 (2), 16 (3), 25 (6), 32, 32A (5); 1992, No. 8, ss. 4-8; 1988, No. 150 s. 79 (1)-(3) 40

69. References to veterinarians in other enactments—

All references in any enactment to a veterinarian or a veterinary surgeon, or registered veterinarian or veterinary surgeon, or duly qualified veterinarian or veterinary surgeon shall, unless a different intention appears, be deemed to be references to a veterinarian registered under this Act.

Cf. 1988, No. 150 s. 81

70. Service of documents—(1) Any notification or document required or authorised under this Act, or under any regulations made under this Act, to be served on or given to any person, may be served or given by personal service, or by leaving it at the person's last known place of residence or business, or by posting it by registered post or by ordinary letter addressed to the person at the person's last known place of residence or business.

(2) Every notice posted by ordinary letter in accordance with subsection (1) of this section shall be deemed, in the absence of proof to the contrary, to have been served or given on the 4th day after the day on which it was posted.

(3) If the person is absent from New Zealand, the document may be served or given, in any manner referred to in subsection (1) of this section, on or to the person's agent in New Zealand.

(4) If the person is deceased, the document may be served or given, in any manner referred to in subsection (1) of this section, on or to the person's personal representative.

(5) If the person's place of residence or business is not known, or if the person is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the document may be served or given in such manner as may be directed by a District Court Judge.

(6) Notwithstanding anything in this section, a District Court Judge may in any case make an order directing the manner in which any document is to be served or given, or dispensing with the service or giving of any such document.

Cf. 1988, No. 150 s. 82

71. Regulations—(1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister given after consultation by the Minister with the Council, make regulations for all or any of the following purposes:

(a) Prescribing the fees payable in respect of—

(i) Any application for registration or provisional registration or temporary registration under this Act:

- (ii) The restoration of names to the register after removal therefrom and any other alteration of or addition to the register:
- (iii) The issue of certificates of registration, certificates of temporary registration, provisional certificates, annual retention certificates, and any other certificates under this Act: 5
- (iv) Any examination held for the purposes of this Act,—
 which fees may be set at different levels depending on the class or classes of persons liable to pay the fees: 10
- (b) Exempting or providing for the exemption of any veterinarian or class of veterinarian from liability to pay any fees payable under this Act: 15
- (c) Authorising the refund or remission, in specified circumstances, of any fees payable under this Act:
- (d) Regulating the procedure of the Council:
- (e) Prescribing minimum standards for continued registration as a veterinarian: 20
- (f) Prescribing the procedures to be complied with by the Council before the removal of any veterinarian's name from the register pursuant to **section 6** or **section 8** of this Act:
- (g) Prescribing the manner of holding elections of members to be elected to the Council, and providing for the coming into office of such members: 25
- (h) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act or for its due administration. 30
- (2) The Minister shall not recommend the making of any regulations under **subsection (1) (e)** of this section unless the regulations are in accordance with a recommendation of the Council. 30
- Cf. 1956, No. 22, s. 34; 1988, No. 150 s. 83 35

Dissolutions, Repeals, Revocations, and Consequential Amendments

72. Dissolution of Veterinary Surgeons Board—On the commencement of this Act—

- (a) The Veterinary Surgeons Board established pursuant to the Veterinary Surgeons Act 1956 shall be dissolved; and 40
- (b) All real and personal property belonging to the Veterinary Surgeons Board shall become vested in the

- Council subject to all liabilities, charges, obligations, or trusts affecting the property; and
- (c) All money payable to the Veterinary Surgeons Board shall become payable to the Council; and
- 5 (d) All liabilities and obligations of any nature (other than under contracts of employment), and all rights and authorities of any nature (except as otherwise provided by this Act), of the Veterinary Surgeons Board shall become liabilities, obligations, rights, and
- 10 authorities of the Council.

73. Dissolution of Veterinary Services Council—On the commencement of this Act—

- (a) The Veterinary Services Council established pursuant to the Veterinary Services Act 1946 shall be dissolved; and
- 15 (b) All real and personal property belonging to the Veterinary Services Council shall become vested in the New Zealand Federation of Veterinary Clubs (Incorporated) subject to all liabilities, charges, obligations, or trusts affecting the property; and
- 20 (c) All money payable to the Veterinary Services Council (other than money payable by any producer board by way of funding of the Veterinary Services Council) shall become payable to the New Zealand Federation of Veterinary Clubs (Incorporated); and
- 25 (d) All liabilities and obligations of any nature (other than under contracts of employment), and all rights and authorities of any nature (except those conferred by the Veterinary Services Act 1946), of the Veterinary Services Council shall become liabilities, obligations, rights, and authorities of the New Zealand Federation of Veterinary Clubs (Incorporated).
- 30

74. Repeals, revocations, and consequential amendments—(1) The enactments specified in the **Second Schedule** to this Act are hereby repealed.

35

(2) The regulations and order specified in the **Third Schedule** to this Act are hereby revoked.

(3) The **First Schedule** to the Fees and Travelling Allowances Act 1951 is hereby consequentially amended by repealing the item that relates to the Veterinary Services Council.

40

(4) Part II of the **First Schedule** to the Public Bodies Contracts Act 1959 is hereby consequentially amended by inserting, in its appropriate alphabetical order, the following item:

“The Veterinary Council of New Zealand | 1993, No. 00—The Veterinarians Act 1993.”

(5) The First Schedule to the Official Information Act 1982 is hereby consequentially amended by repealing the item that relates to the Veterinary Services Council. 5

Transitional Provisions

75. Persons entitled to retain registration—Every person who was registered under the Veterinary Surgeons Act 1956 immediately before the coming into force of this Act shall, notwithstanding section 9 of this Act, but subject to the other provisions of this Act, be entitled to remain on the register, and shall be deemed to be registered as a veterinarian under this Act. 10

Cf. 1988, No. 150, s. 87

76. Transitional provisions relating to registration as specialist—(1) Notwithstanding section 10 of this Act, every veterinarian shall be entitled to be registered as a specialist in respect of any designated branch of veterinary science— 15

- (a) Who makes the application for such registration before the 1st day of August 1996; and 20
- (b) Who was, immediately before the coming into force of this Act, registered as a veterinary surgeon; and
- (c) Who satisfies the council that he or she is recognised within the veterinary profession as having such ability in the branch of veterinary science to which the application relates by virtue of training and experience in that branch of veterinary science that registration as a specialist would be appropriate. 25

77. Annual practising certificates issued under Veterinary Surgeons Act 1956 to continue in full force— 30
Every current annual practising certificate issued under section 32A of the Veterinary Surgeons Act 1956 to any person who, immediately before the commencement of this Act, was registered as a veterinary surgeon under that Act shall be deemed to be an annual retention certificate issued to that person pursuant to section 7 of this Act, and shall continue in full force and effect until the 31st day of March 1995, except in so far as it is cancelled pursuant to any provision of this Act. 35

78. Transitional provisions relating to membership of Council—(1) Except as provided in subsection (3) of this section and section 79 of this Act, the persons holding office 40

immediately before the commencement of this Act as members of the Veterinary Surgeons Board constituted under section 3 of the Veterinary Surgeons Act 1956 shall cease to hold office as such on the commencement of this Act.

5 (2) The Veterinary Surgeons Board shall, notwithstanding subsection (1) of this section, nominate 3 of the members appointed under section 3 (2) (b) of the Veterinary Surgeons Act 1956 to be interim members of the Council.

10 (3) The 3 members nominated under subsection (2) of this section shall be deemed to be members of the Council until members are elected under section 45 (a) of this Act or until the 31st day of July 1995 or until the member dies, resigns, is removed from office, or ceases to be a member in accordance with section 49 of this Act, whichever first occurs.

15 **79. Savings in respect of investigations, etc., commenced under Veterinary Surgeons Act 1956—**(1) All investigations, inquiries, and other proceedings of a disciplinary nature that have been commenced by the Veterinary Surgeons Board under the Veterinary Surgeons Act 1956 before the
20 commencement of this Act and not completed before that date shall be continued and completed as if this Act had not been passed.

(2) The persons holding office immediately before the commencement of this Act as members of the Veterinary
25 Surgeons Board shall, notwithstanding section 72 and section 78 of this Act, continue to hold office for the purpose of continuing and completing any such investigations, inquiries, or other proceedings.

SCHEDULES

Section 50

FIRST SCHEDULE

PROVISIONS APPLYING IN RESPECT OF VETERINARY COUNCIL OF
NEW ZEALAND

1. Chairperson and deputy chairperson—(1) At its first meeting in the year commencing with the **1st day of August 1994**, and at its first meeting in every subsequent year commencing with the **1st day of August**, the Council shall elect one of its members to be its chairperson, and another to be its deputy chairperson.

(2) The chairperson shall preside at all meetings of the Council at which he or she is present.

(3) Every person elected as chairperson or deputy chairperson, unless he or she sooner resigns or vacates office as a member of the Council, shall hold office until his or her successor is elected under this clause, and shall be eligible for re-election.

(4) If any person who is for the time being holding office as chairperson or deputy chairperson vacates office as a member of the Council, an election to fill the vacancy in the office of chairperson or deputy chairperson shall be held at the first meeting of the Council held after the vacancy on the Council has been filled.

(5) Where the office of chairperson or deputy chairperson becomes vacant in any other case, the Council shall elect one of its members to fill that vacancy as soon as practicable after its occurrence.

(6) During every vacancy in the office of chairperson, or while the chairperson is for any reason unable to perform the functions, powers, and duties of the chairperson, the deputy chairperson shall perform the functions, powers, and duties of the chairperson.

2. Secretary and other officers and employees—(1) The Council shall appoint a Secretary to the Council, and may appoint such other officers and employees as it thinks fit.

(2) Persons appointed under **subclause (1)** of this clause shall be employed on such terms and conditions of employment, and shall be paid such salary and allowances as the Council from time to time determines.

(3) The Council may, for the purpose of providing superannuation or retiring allowances for its officers and employees, subsidise or contribute to any superannuation scheme that is registered under the Superannuation Schemes Act 1989.

3. Committees—(1) The Council may from time to time—

(a) Appoint committees, consisting of 2 or more people (of whom at least one shall be a member of the Council) as the Council thinks fit, to inquire into and report to the Council on such matters within the scope of its functions as are referred to them by the Council:

(b) Subject to **subclause (2)** of this clause, delegate to any committee the exercise or performance of any of the Council's functions and powers, either generally, or in relation to a particular case or cases of a particular kind or description.

(2) The functions and powers conferred on the Council by any of the provisions of **Parts III and IV** of this Act may be delegated only to the judicial committee.

FIRST SCHEDULE—*continued*PROVISIONS APPLYING IN RESPECT OF VETERINARY COUNCIL OF
NEW ZEALAND—*continued*

(3) Unless the Council otherwise determines, the Council shall appoint the chairperson of every committee appointed under this clause.

(4) Every committee appointed under this clause shall be subject in all things to the control of the Council, and may at any time be discharged, altered, or reconstituted by the Council.

(5) Subject to any general or special directions given or conditions imposed by the Council, the committee to which any function or power is delegated may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(6) Every committee purporting to act pursuant to any delegation under this clause shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

(7) Any delegation under this clause may be revoked at any time.

(8) No delegation under this clause shall prevent the exercise of any function or power by the Council.

4. Meetings—(1) The first meeting of the Council after the 1st day of August 1994 shall be held at such time and place as the Minister shall appoint.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or its chairperson from time to time appoints.

(3) At all meetings of the Council the quorum necessary for the transaction of business shall be 4 members.

(4) Every question before the Council shall be determined by a majority of the votes of the members present at the meeting of the Council.

(5) The chairperson shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) No member of the Council shall be entitled to be present or vote or otherwise participate in the capacity of a member of the Council at any part of a meeting of the Council where—

(a) Any matter relating to the member's registration, suspension, or discipline under this Act is being considered; or

(b) The member has a direct or indirect pecuniary interest in the matter being considered.

5. Assent to resolution without a meeting—(1) Subject to subclause (2) of this clause, a resolution in writing signed, or assented to by letter, facsimile, telegram, cable, or telex message by all the members of the Council who are for the time being in New Zealand shall be as valid and effectual as if it had been passed at a meeting of the Council duly called and constituted.

(2) No such resolution shall be valid if passed in the exercise of any function or power conferred on the Council by any of the provisions of Part III or Part IV of this Act in connection with any matter that has been the subject of a hearing.

6. Procedure—Subject to the provisions of this Act, the Council may regulate its procedure in such manner as it thinks fit.

7. Fees and allowances—(1) The Council, the Complaints Assessment Committee, and every committee appointed by the Council are hereby

FIRST SCHEDULE—*continued*PROVISIONS APPLYING IN RESPECT OF VETERINARY COUNCIL OF
NEW ZEALAND—*continued*

declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid, out of the Council's funds, to members of the Council, the Complaints Assessment Committee, and any committee appointed by the Council, remuneration by way of fees, salary, or allowances and travelling allowances and travelling expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

SECOND SCHEDULE
ENACTMENTS REPEALED

Section 74 (1)

- 1946, No. 26—The Veterinary Services Act 1946. (R.S. Vol. 11, p. 761.)
- 1954, No. 22—The Veterinary Services Amendment Act 1954. (R.S. Vol. 11, p. 776.)
- 1955, No. 82—The Veterinary Services Amendment Act 1955. (R.S. Vol. 11, p. 776.)
- 1956, No. 22—The Veterinary Surgeons Act 1956. (R.S. Vol. 11, p. 781.)
- 1962, No. 110—The Veterinary Services Amendment Act 1962. (R.S. Vol. 11, p. 777.)
- 1964, No. 15—The Veterinary Surgeons Amendment Act 1964. (R.S. Vol. 11, p. 803.)
- 1979, No. 115—The Veterinary Services Amendment Act 1979. (R.S. Vol. 11, p. 777.)
- 1980, No. 10—The Veterinary Services Amendment Act 1980. (R.S. Vol. 11, p. 778.)
- 1980, No. 152—The Veterinary Services Amendment Act (No. 2) 1980. (R.S. Vol. 11, p. 779.)
- 1981, No. 104—The Veterinary Services Amendment Act 1981. (R.S. Vol. 11, p. 780.)
- 1988, No. 20—The State Sector Act 1988: So much of the Fifth Schedule as relates to the Veterinary Services Act 1946.
- 1988, No. 119—The Trustee Amendment Act 1988: So much of the Second Schedule as relates to the Veterinary Services Act 1946.
- 1989, No. 142—The Acts and Regulations Publication Act 1989: Sections 34 and 35.
- 1989, No. 143—The Regulations (Disallowance) Act 1989: So much of the Schedule as relates to the Veterinary Surgeons Act 1956.
- 1992, No. 8—The Veterinary Surgeons Amendment Act 1992.
- 1992, No. 29—The Veterinary Surgeons Amendment Act (No. 2) 1992.
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Section 74 (2)

THIRD SCHEDULE
REGULATIONS AND ORDER REVOKED

Title	Statutory Regulations Serial Number
The Veterinary Surgeons Regulations 1958	1958/96
The Veterinary Services Sickness or Disa- bility Scheme Order 1981	1981/273
The Veterinary Surgeons Regulations 1958, Amendment No. 8	1992/45