

VETERINARY SURGEONS BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Veterinary Surgeons Act 1926.

Much of the legislation has been rewritten to bring it into line with the Medical Practitioners Act 1950, especially the provisions governing registration and some aspects of the disciplinary powers of the Veterinary Surgeons Board and the Supreme Court.

Footnotes to the clauses of the Bill indicate the corresponding provisions in the existing legislation. Attention is drawn in this note to corresponding provisions in the Medical Practitioners Act 1950, where relevant.

Clauses 1 and 2 relate to the Short Title and interpretation of the Bill.

Veterinary Surgeons Board and Veterinary Disciplinary Committee

Clause 3 reconstitutes the Veterinary Surgeons Board. In future the Board is to consist of seven members, to be appointed by the Governor-General on the recommendation of the Minister, of whom—

- (a) One shall be a veterinary surgeon in the employment of the Department of Agriculture:
- (b) Four shall be veterinary surgeons nominated by the New Zealand Veterinary Association Incorporated:
- (c) Two shall be veterinary surgeons nominated by the Veterinary Services Council.

Clause 4 provides for the Board to appoint a chairman annually, and also to appoint a chairman for any meeting at which the chairman of the Board is not present.

Clause 5 provides for the appointment, under the Public Service Act 1912, of a secretary to the Board.

Clause 6 contains normal provisions governing meetings of the Board.

Clause 7 gives the Board power to appoint subcommittees consisting of two or more of its members and to delegate to any such subcommittee any of the functions or powers of the Board under the Bill, except its power to inquire into a charge of grave impropriety or infamous conduct in a professional respect which has been made against a registered veterinary surgeon. Compare section 8 of the Medical Practitioners Act 1950.

Clause 8 constitutes the Veterinary Disciplinary Committee whose purpose is to give preliminary consideration to disciplinary cases as provided in *clauses 24 and 25 (1)* of the Bill. The Committee is to consist of three

members appointed by the New Zealand Veterinary Association. The persons appointed must be members of the Association and must not be members of the Board. The decision of any two members of the Committee is to be the decision of the Committee.

Clause 9 provides for the payment of remuneration and travelling expenses to members of the Board or of the Veterinary Disciplinary Committee and to assessors appointed under *clause 15* out of money appropriated by Parliament.

Clause 10 contains normal provisions regarding extraordinary vacancies on the Board and Committee. Members of the Committee who become members of the Board thereby vacate office as members of the Committee.

Registration

Clause 11 specifies the qualifications for registration as a veterinary surgeon. Compare sections 9 and 16 of the Medical Practitioners Act 1950.

Clause 12 specifies the method of making application for registration as a veterinary surgeon. Compare section 13 of the Medical Practitioners Act 1950.

Clause 13 requires the Board to consider any application for registration at its first meeting after the application is submitted or as soon thereafter as practicable; and empowers the Board to examine the applicant and other persons on oath with respect to the application. Compare section 14 of the Medical Practitioners Act 1950.

Clause 14 provides that the Board is to direct whether or not the applicant is to be registered, and that the secretary is to give effect to the Board's direction and notify the applicant thereof. Compare section 15 of the Medical Practitioners Act 1950.

Clause 15 repeats an existing provision which provides for appeals against a refusal to register to be made to a Board of Appeal consisting of a Magistrate and two assessors.

Clause 16 prescribes the particulars to be entered in the register on the registration of a veterinary surgeon, and makes provision for the issue of certificates of registration. Compare section 18 of the Medical Practitioners Act 1950.

Amendment of Register

Clause 17 requires every registered veterinary surgeon to give notice of any change of address within one month after the change takes place. Compare section 20 of the Medical Practitioners Act 1950.

Clause 18 provides for the erasure of the name of a registered person from the register if the Board has reason to believe that the person has died. Compare section 21 (3), (4) of the Medical Practitioners Act 1950.

Clause 19 makes provision for the entry in the register of any degree or diploma obtained by a registered veterinary surgeon other than that by virtue of which he is registered. Compare section 22 of the Medical Practitioners Act 1950.

Clause 20 makes provision for the amendment of the register if a person is wrongfully registered or if particulars of any registration are incorrect. Compare section 23 of the Medical Practitioners Act 1950.

Clause 21 provides for the issue, at the discretion of the chairman of the Board, of a provisional practising certificate in favour of a person who has applied for registration as a veterinary surgeon and whose application is awaiting consideration by the Board. Compare section 25 of the Medical Practitioners Act 1950.

Clause 22 makes it an offence punishable by up to three years imprisonment to procure or attempt to procure registration by making or producing a false declaration. Compare section 27 of the Medical Practitioners Act 1950 and section 2 of the Summary Jurisdiction Act 1952.

Clause 23 provides that the register of veterinary surgeons shall at all reasonable times be open to inspection by the public at the office of the Director-General of Agriculture in Wellington. Compare section 28 of the Medical Practitioners Act 1950.

Discipline Within the Veterinary Profession

Clause 24 provides that if any person makes written complaint to the Secretary to the Board that any registered veterinary surgeon has been guilty of grave impropriety or infamous conduct in a professional respect, the Secretary shall forthwith forward a copy of the complaint to each member of the Veterinary Disciplinary Committee. The Committee, after due inquiry, has the duty of deciding whether the complaint ought to be referred to the Board. Under *clause 25 (1)* the Committee, of its own motion, may refer any matter to the Board. The Committee is being set up so as to separate the function of deciding whether to take action on any complaint from the Board's function of finally judging the case and imposing a penalty where necessary. Compare section 6 of the Dentists Act 1956 of the United Kingdom which contains similar provisions.

Clause 25 makes provision for the hearing by the Board of disciplinary cases referred to it by the Committee. The clause empowers the Board to impose a fine not exceeding £50, and (with the consent of the Attorney-General) to suspend a person from practice as a veterinary surgeon for a period not exceeding twelve months. Compare section 44 of the Medical Practitioners Act 1950.

Jurisdiction of Supreme Court

Clause 26 provides that the Board or any person may apply to the Supreme Court for an order for the removal from the register of the name of any person who is registered as a veterinary surgeon, on the ground that the person so registered has been guilty of grave impropriety or infamous conduct in a professional respect, or that the person has been convicted (either before or after his registration) of an indictable offence punishable by imprisonment for a term of two years or upwards. Compare section 28 of the Law Practitioners Act 1955 which gives an unrestricted right to apply to the Court to strike any legal practitioner off the roll.

Procedure

Clause 27 provides that the Board may appoint a legal assessor to be present at any inquiry, to advise the Board on matters of law, procedure, and evidence. Compare section 47 of the Medical Practitioners Act 1950.

Clause 28 provides machinery by which the Board may require evidence to be given at any inquiry under the Bill. Compare section 48 of the Medical Practitioners Act 1950.

Clause 29 provides that witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as they would if the inquiries were proceedings in a Court. Compare section 49 of the Medical Practitioners Act 1950.

Clause 30 makes provision, in the discretion of the Board, for the payment of the expenses of witnesses in connection with inquiries. Compare section 50 of the Medical Practitioners Act 1950.

Clause 31 gives the Board and its members and servants complete immunity from criminal and civil liability in respect of anything done or omitted or of any words spoken or written at or for the purposes of any inquiry, appeal, or other proceedings under the Bill, unless they act in bad faith. Compare section 52 of the Medical Practitioners Act 1950.

Miscellaneous Provisions

Clause 32 provides that, where a person is required to sit a special examination under *clause 11 (1) (d)* of the Bill, he must pay the cost of conducting the examination before he is allowed to sit. The amount paid goes to the Public Account or to the person conducting the examination, as the Board may direct.

Clause 33 makes it an offence for an unregistered person to adopt the title veterinary surgeon, veterinarian, or veterinary practitioner, or to use any words in such a manner or in such circumstances as to imply that he is qualified to practise or advise on veterinary science. Compare section 55 of the Medical Practitioners Act 1950.

Clause 34 authorises the making of regulations to give full effect to the provisions of the Bill and for the due administration thereof.

Clause 35 and the Schedule provide for consequential repeals and savings.

Right Hon. Mr Holyoake

VETERINARY SURGEONS

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A BILL INTITULED

An Act to consolidate and amend certain enactments of the General Assembly relating to the registration and control of veterinary surgeons

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title—(1) This Act may be cited as the Veterinary Surgeons Act 1956.

(2) This Act shall come into force on the first day of 10
March, nineteen hundred and fifty-seven.

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

“Board” means the Veterinary Surgeons Board:

“Committee” means the Veterinary Disciplinary Com- 15
mittee:

“Minister” means the Minister of Agriculture:

“Secretary” means the secretary to the Board.

Cf. 1926, No. 50, s. 2

*Veterinary Surgeons Board and Veterinary Disciplinary 20
Committee*

3. Veterinary Surgeons Board—(1) There shall be a Board to be called the Veterinary Surgeons Board.

(2) The Board shall consist of seven members, to be appointed by the Governor-General on the recommendation 25
of the Minister of whom—

(a) One shall be a veterinary surgeon in the employment of the Department of Agriculture:

(b) Four shall be veterinary surgeons nominated by the New Zealand Veterinary Association Incorporated: 30

(c) Two shall be veterinary surgeons nominated by the Veterinary Services Council.

(3) Except as otherwise provided in section *ten* of this Act, every member of the Board shall hold office for a period of three years, but may from time to time be reappointed. 35

Cf. 1926, No. 50, s. 3

4. Chairman of Board—(1) The Board, at its first meeting held after the commencement of this Act, and at its first meeting held after the first day of January in the year nineteen hundred and fifty-eight and in each year thereafter, shall
5 appoint one of its members to be chairman of the Board. Any such member may from time to time be reappointed as chairman of the Board.

(2) The chairman shall preside at all meetings of the Board at which he is present.

10 (3) The chairman appointed in each year shall hold office until his successor is appointed or he sooner ceases to be a member of the Board.

15 (4) If the chairman ceases to be a member of the Board before the expiration of the period for which he has been appointed, the Board shall appoint some other member in his stead to be chairman for the residue of that period.

20 (5) If at any meeting of the Board the chairman for the time being is not present or there is no chairman of the Board, the Board shall appoint some member present to act as chairman in respect of that meeting, and the person so appointed shall have and may exercise all the powers and functions of the chairman for the purposes of that meeting.

Cf. 1926, No. 50, s. 4 (1)

25 **5. Secretary to the Board**—There shall from time to time be appointed, under the provisions of the Public Service Act 1912, a secretary to the Veterinary Surgeons Board.

30 **6. Meetings of the Board**—(1) Meetings of the Board shall be held at such times and places as the chairman, or the secretary to the Board on the direction of the chairman or of any three members, may from time to time appoint.

(2) Notice of the time and place of every such meeting, signed by the chairman or by the secretary to the Board, shall be sent to every member of the Board at least seven clear days before the time appointed for that meeting.

35 (3) At any meeting of the Board five members shall form a quorum.

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

(5) The chairman of the Board or of any meeting shall have a deliberative vote; and, in the case of an equality of votes, shall also have a casting vote.

(6) Subject to the foregoing provisions of this section, the Board may regulate its procedure as it thinks fit. 5

Cf. 1926, No. 50, s. 4

7. Subcommittees of Board—The Board may appoint subcommittees consisting of two or more members of the Board and may delegate to any such subcommittee any of the functions or powers of the Board under this Act: 10

Provided that the Board shall not delegate its power to inquire into a charge of grave impropriety or infamous conduct in a professional respect which has been made against a registered veterinary surgeon.

8. Veterinary Disciplinary Committee—(1) There shall be a Committee to be called the Veterinary Disciplinary Committee. 15

(2) The Committee shall consist of three members, to be appointed by the New Zealand Veterinary Association, of whom one shall be so appointed as chairman. 20

(3) No person shall be appointed as a member of the Committee unless he is a member of the New Zealand Veterinary Association, and no member of the Board shall be appointed as a member of the Committee.

(4) Except as otherwise provided in section *ten* of this Act, every member of the Committee shall hold office for a period of one year, but may from time to time be reappointed. 25

(5) The decision of any two members of the Committee shall be the decision of the Committee.

(6) Subject to the foregoing provisions of this section, the Committee may regulate its procedure as it thinks fit. 30

9. Remuneration and travelling expenses—(1) The Board and the Veterinary Disciplinary Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951. 35

(2) There shall be paid to members of the Board or of the Veterinary Disciplinary Committee, and to any assessors appointed under section *fifteen* of this Act, out of money appropriated by Parliament for the purpose, remuneration by

way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any such assessors (as well as the members of the Board and of the Veterinary Disciplinary Committee) were members of a statutory Board within the meaning of that Act.

Cf. 1926, No. 50, s. 3 (5)

10. Extraordinary vacancies on Board and Committee—

10 (1) If any person, while holding office as a member of the Board or Committee,—

(a) Ceases to possess any qualification necessary for his election to the office; or

15 (b) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or

(c) Is adjudged a bankrupt; or

(d) Is convicted of any offence punishable by imprisonment,—

his office shall be thereby vacated.

20 (2) If any member of the Committee becomes a member of the Board, his office as a member of the Committee shall be thereby vacated.

25 (3) If any member of the Board or Committee dies or resigns or otherwise vacates his office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

30 (4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of the Board and of the Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

35 (5) The powers of the Board and of the Committee shall not be affected by any vacancy in the membership thereof.

Registration

11. Registration of veterinary surgeons—(1) Subject to the provisions of subsection *two* of this section, every person shall be entitled to be registered as a veterinary surgeon under this Act who satisfies the Board—

(a) That he is a member of the Royal College of Veterinary Surgeons, London; or

- (b) That he is a graduate in veterinary science of any University in the United Kingdom or the Republic of Ireland, the obtaining of whose degree entitles the holder on application to become a member of the Royal College of Veterinary Surgeons, London; or 5
- (c) That he is a graduate in veterinary science of any University in the Commonwealth of Australia, or of the University of Pretoria, Union of South Africa, or of the Ontario Veterinary College; or
- (d) That he is a graduate in veterinary science or the holder of a diploma in veterinary science of any other University or veterinary college, and has undertaken such post-graduate studies or training or has passed such examination, whether in New Zealand or elsewhere, as the Board may prescribe or approve in the case of any such graduate or holder. 10 15
- (2) No person shall be entitled to be registered as a veterinary surgeon unless he satisfies the Board that he is of good character and repute. 20

Cf. 1926, No. 50, s. 6; 1950, No. 91, s. 39

12. Application for registration—(1) Every person who is entitled to be registered as a veterinary surgeon under this Act may make application to the secretary to the Board to be registered accordingly, and shall at the same time provide such evidence of his professional ability and of his personal character as may be required by the Board. 25

(2) Any such application shall be accompanied by the prescribed fee, which shall be paid into the Public Account to be credited to the Consolidated Fund. 30

(3) On receipt by the secretary of any such application and evidence he shall forthwith submit the same to the Board for its consideration.

Cf. 1926, No. 50, s. 15

13. Applications to be considered by Board—(1) At its first meeting after any such application has been submitted to it or as soon thereafter as practicable, the Board shall consider that application and shall give such directions to the secretary of the Board in respect thereof as it thinks fit and as are hereinafter authorised. 35 40

(2) Before giving any such directions, the Board may, if it thinks fit, examine on oath or otherwise the person making the application, or any person objecting thereto, or any other person, with respect to the application; and for the purposes of any such examination the chairman for the purposes of any meeting of the Board may administer an oath to any person appearing before that meeting.

(3) The Board may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application before the Board, or with respect to any objection to any such application.

14. Directions by Board regarding registration—(1) If the Board, after considering any such application as aforesaid, is of opinion that the applicant is entitled to be registered, it shall so direct, and the secretary to the Board shall thereupon register that person and shall notify him accordingly.

(2) If the Board, after considering any such application as aforesaid, is of opinion that the applicant is not entitled to be registered, it shall direct accordingly, and the secretary to the Board shall thereupon refuse to register that person, and shall notify him accordingly.

15. Appeal against refusal to register applicant—(1) If any applicant who has been refused registration as a veterinary surgeon is dissatisfied with the direction of the Veterinary Surgeons Board, he may at any time within three months after notice of the refusal has been communicated to him by the secretary to that Board, appeal in the prescribed manner to a Board of Appeal, consisting of a Magistrate and two assessors, appointed in accordance with regulations under this Act.

(2) The Board of Appeal shall thereupon hear the appeal, and may either confirm the decision of the Veterinary Surgeons Board, or order the registration of the appellant, and the determination of the Board of Appeal shall be final and conclusive.

Cf. 1926, No. 50, s. 11

16. Mode of registration—(1) Registration as a veterinary surgeon shall be effected by the entry in the register kept for the purpose by the secretary to the Board of the following particulars:

- (a) The name of the person registered; 5
 - (b) Particulars as to the qualification or qualifications by virtue whereof he is registered;
 - (c) His postal address (including the name of the street and the number of the house, where possible);
 - (d) The date of registration; and 10
 - (e) Such other particulars as may be prescribed.
- (2) The secretary to the Board shall, on application in that behalf made to him at any time by a person so registered and on payment of the prescribed fee, issue to that person a certificate of registration. 15

Cf. 1926, No. 50, s. 8

Amendment of Register

17. Change of address—(1) Every person who is registered as a veterinary surgeon, and who at any time changes his address as appearing in the register, shall, within one month thereafter, send to the secretary to the Board a notice of his new address specifying where possible the name of the street and the number of the house, and the secretary shall thereupon correct the entry in the register relating to that person accordingly. 20 25

(2) Every such person who fails to comply with the provisions of subsection *one* of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

18. Name may be erased from register if registered person is believed to be dead—(1) If the Board has reason to believe that any person who is registered as a veterinary surgeon has died, it may direct the secretary to the Board to erase the name of that person from the register, and the secretary shall erase that name accordingly. 30 35

(2) Any person whose name has been erased by mistake from the register in pursuance of this section may apply to the secretary to the Board to have his name restored to the register; and on proof to the satisfaction of the Board that his
5 name has been erased by mistake, the secretary shall, if so directed by the Board, restore to the register the name of that person.

19. Entry in register of additional degrees and diplomas—

Every person who is registered as a veterinary surgeon, and
10 who obtains any degree or diploma other than that by virtue of which he is registered, may apply to the Board to amend the register so far as it relates to the qualifications of that person; and on any such application the Board shall, if satisfied that the applicant is entitled to the degree or diploma in
15 respect of which the application is made and that the degree or diploma in respect of which the application is made is of sufficient standing to warrant it being included in the register, direct the secretary to the Board to amend the register accordingly, and the secretary shall thereupon insert in the register
20 particulars as to that degree or diploma.

20. Amendment of register if person wrongfully registered or if particulars incorrect—

(1) If any person has been registered as a veterinary surgeon by reason of any false or fraudulent representation or declaration, made either orally
25 or in writing, or if any person not entitled to be registered as aforesaid has been so registered, the Board shall cause the name of that person to be erased from the register, and the fact of that erasure shall be notified by the secretary to the Board in the *Gazette*.

(2) If any particulars appearing in the register in respect of the qualifications or address of any such person are proved to the satisfaction of the Board to be or are to the knowledge of the Board false or erroneous in any respect, the Board shall
30 direct the secretary to the Board to erase those particulars from the register, or otherwise to amend the register, and the secretary shall thereupon amend the register accordingly.

(3) The provisions of subsection *two* of this section shall apply notwithstanding the fact that at the time when the entry in the register was made the person was actually
35 possessed of the qualifications particulars whereof appear in the register, or that at that time the entry was otherwise correct.

(4) Any person whose name has been erased from the register in pursuance of subsection *one* of this section, or any person the particulars of whose qualifications have been altered in pursuance of subsection *two* thereof, may by motion apply to the Supreme Court for an order to the secretary to the Board for the restoration of his name to the register, or for the restoration to the register of any particulars as to his qualifications; and thereupon the Court may make such order in the matter as it thinks fit or may refuse to make any order, and in any such case the costs of the proceedings shall be in the discretion of the Court.

Cf. 1926, No. 50, s. 10

21. Provisional practising certificates—(1) Notwithstanding anything to the contrary in this Act, the secretary to the Board shall, if so directed by the chairman of the Board, issue to a person who has applied for registration as a veterinary surgeon under this Act, a provisional certificate which shall entitle that person, pending the consideration of his application by the Board, to practise as a veterinary surgeon.

(2) Every such certificate shall, unless it has been cancelled or has lapsed, remain in force for the period stated therein, not exceeding three months, but any such certificate may from time to time be renewed.

(3) The holder of any such certificate shall, while the certificate remains in force, be deemed for all purposes to be registered as a veterinary surgeon.

(4) The secretary to the Board may cancel any provisional certificate at any time on the direction of the Board.

22. Offences as to registration—(1) Every person who wilfully procures or attempts to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, and any person who assists or attempts to assist him therein, commits an offence, and shall be liable on conviction on indictment to imprisonment for a term not exceeding three years.

(2) Every such offence may be dealt with by a Magistrate under and subject to the provisions of the Summary Jurisdiction Act 1952 as if it were an offence in respect of which a Magistrate has summary jurisdiction under that Act.

Cf. 1926, No. 50, s. 9

23. Register to be open to inspection—The register kept by the secretary to the Board under this Act shall at all reasonable times be open to inspection by the public at the office of the Director-General of Agriculture in Wellington.

5 *Discipline Within the Veterinary Profession*

24. Preliminary consideration of disciplinary cases by Committee—If any person informs the secretary to the Board in writing that for reasons stated he has cause to suspect and does suspect that any person who is registered as a veterinary
10 surgeon has been guilty of grave impropriety or infamous conduct in a professional respect, the secretary shall forthwith forward a copy of the written information to each member of the Committee, and the Committee after due inquiry shall decide whether the information ought to be
15 referred to the Board to be dealt with as hereafter provided in this Act.

25. Disciplinary powers of Board—(1) In any case where the Committee refers any such written information to the Board, or where the Committee of its own motion informs
20 the Board in writing that for reasons stated it has cause to suspect and does suspect that any person who is registered as a veterinary surgeon has been guilty of grave impropriety or infamous conduct in a professional respect, the Board shall forthwith cause to be served on the person named in the
25 information—

(a) A notice requiring him to appear before the Board, at a time and place to be specified, to show cause why he should not be suspended from the practice of his profession or be otherwise dealt with in accordance
30 with this section:

(b) A copy of the said written information.

(2) If after due inquiry and after giving the person due opportunity to be heard and to adduce evidence in his defence the Board is satisfied either that the person has been guilty
35 of grave impropriety or infamous conduct in a professional respect or that his conduct has been of such a nature as to render the exercise of the powers of the Board under this section expedient, the Board may, by writing under the hand of either the chairman of the Board or the chairman in respect
40 of the meeting which makes the decision, impose a penalty upon the person not exceeding fifty pounds, or, with the consent in writing of the Attorney-General, suspend the person from practice as a veterinary surgeon for a period not exceeding twelve months. In giving or withholding consent

under this subsection the Attorney-General shall consider only the gravity and nature of the impropriety or conduct charged, apart from the question whether the veterinary surgeon has in fact been guilty of the impropriety or conduct.

(3) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Crown, and shall be paid into the Public Account to be credited to the Consolidated Fund. 5

(4) While any order of suspension from practice as a veterinary surgeon under this section remains in force the person shall be deemed not to be a registered veterinary surgeon, but forthwith on the expiry of the order his rights and privileges as a registered veterinary surgeon shall be revived as from the date of the expiry. 10

(5) There shall be a right of appeal to the Supreme Court from an order of suspension or the imposition of a penalty under this section, and on any such appeal the Court may make such order as it thinks proper, having regard to the merits of the case. 15

(6) An order of suspension shall not take effect in any case until the expiration of twenty-one days after the date of the notification by the Board to the person affected of the making of the order. If within the said period of twenty-one days, the person gives due notice of appeal to the Supreme Court, the order shall not take effect unless and until it is confirmed by the Supreme Court or the appeal is for any reason dismissed by that Court: 20 25

Provided that, unless the Supreme Court otherwise orders, the period of suspension specified in the order shall commence on the day when the order commences to have effect. 30

(7) The powers conferred on the Board by this section are in addition to its powers under section *twenty-six* of this Act, and it shall not be obligatory on the Board to take any steps under this section before proceeding to exercise the powers conferred by the said section *twenty-six*. 35

Cf. 1926, No. 50, s. 10

Jurisdiction of Supreme Court

26. Supreme Court may order removal of name from register—(1) The Board or any person may apply to the Supreme Court for an order for the removal from the register of the name of any person who is registered as a veterinary surgeon, on the ground that the person so registered has been 40

guilty of grave impropriety or infamous conduct in a professional respect, or that the person has been convicted (either before or after his registration) of an indictable offence punishable by imprisonment for a term of two years or upwards; and the Court may make such order in the matter as it thinks fit:

Provided that the name of any such person shall not be removed from the register under this section by reason of an indictable offence committed before the date of his registration if at that date the Board was aware of his conviction in respect of that offence.

(2) In any order under this section for the removal from the register of the name of any such person the Court may fix a time after which the person whose name is so removed as aforesaid may apply for re-registration under this Act.

(3) At the expiration of that time the person whose name has been so removed may apply for re-registration, and all the provisions of this Act as to registration shall so far as practicable apply to re-registration under this section.

(4) If the Court does not fix any such time as aforesaid, the Board may refuse to consider any such application for such time as it thinks fit:

Provided that any person aggrieved by the refusal of the Board to consider that application may apply to the Court for an order directing the Board to consider that application, or directing the secretary to the Board to enter in the register the name of that person, and thereupon the Court may make such order in the matter as it thinks fit.

Procedure

27. Appointment of legal assessor—The Board may appoint a legal assessor to be present at any inquiry, to advise the Board on matters of law, procedure, and evidence.

28. Power of Board to require evidence to be given—
(1) The Board, by notice in writing under the hand of its chairman or secretary, may require any person to attend and give evidence before it at any inquiry under this Act, and to produce all books and documents in that person's custody, or under his control relating to the subject matter of any such inquiry.

(2) The Board may require any such evidence to be given on oath, and either orally or in writing, and for that purpose the chairman of the Board or of any meeting of the Board may administer an oath.

(3) Every person who, without lawful justification, refuses or fails to give evidence when required to do so by the Board, or to answer truly and fully any question put to him by the Board, or to produce to the Board any book or document required of him, commits an offence against this section, and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 5

29. Privileges and immunities of witnesses and counsel— Witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as they would if the inquiries were proceedings in a Court. 10

30. Witnesses' expenses—(1) Every witness giving evidence or intending to give evidence at the hearing of any inquiry under this Act shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine. 15

(2) Subject to any order made by the Board as to the payment of costs or expenses, all such witnesses' expenses shall be paid by the New Zealand Veterinary Association Incorporated. 20

31. Protection of Board and other persons—Neither the Board, nor any member or servant of the Board, shall be under any criminal or civil liability whatsoever 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, appeal, 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. 25

Miscellaneous Provisions

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32. Fees for certain examinations—Any person who makes application for registration as a veterinary surgeon and who is required by the Board to sit an examination under paragraph (d) of subsection *one* of section *eleven* of this Act, shall, before being allowed to sit the examination, pay the cost of examining him into the Public Account or to the person conducting the examination, as the Board may direct. 35

33. Penalty for wrongfully using title of veterinary surgeon—(1) Subject to the provisions of subsection *two* of this section, every person commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred
5 pounds who, not being registered as a veterinary surgeon, takes, uses, or adopts the name, title, or description of veterinary surgeon, veterinarian, or veterinary practitioner, or who
10 uses or causes to be used in connection with his business, trade, calling, or profession any words whatsoever in such a manner or in such circumstances as to imply that he is a registered
veterinary surgeon or that he holds any degree or diploma in
veterinary science or that he is otherwise specially qualified
to practise or advise on veterinary science or any branch
thereof.

15 (2) Notwithstanding the provisions of subsection *one* of this section, it shall be lawful for any person who, immediately before the commencement of this Act, was entitled to use the title or description of veterinary practitioner to continue to use that title or description.

20 Cf. 1926, No. 50, s. 14

34. Regulations—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due admin-
25 istration thereof.

(2) All regulations made under this Act shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after
30 the date of the commencement of the next ensuing session.

Cf. 1926, No. 15, s. 16

35. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

35 (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such
40 document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Section 35 (1)

SCHEDULE

ENACTMENTS REPEALED

1926, No. 50—

The Veterinary Surgeons Act 1926. (1931 Reprint, Vol. V, page 736.)

1950, No. 91—

The Statutes Amendment Act 1950: Section 39.

1951, No. 79—

The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Veterinary Surgeons Board, and so much of the Second Schedule as relates to the Veterinary Surgeons Act 1926.