

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 14 October 1971

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule.

Hon. Mr Carter

VETERINARY SURGEONS

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A BILL INTITULED

An Act to consolidate and amend the Veterinary Surgeons Act 1956 relating to the establishment, constitution, and functions of the Veterinary Surgeons Board and to the registration, control, and discipline of veterinary surgeons 5

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

1. **Short Title and commencement**—(1) This Act may be cited as the Veterinary Surgeons Act 1971. 10

(2) This Act shall come into force on the 1st day of January 1972.

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

“Animals” includes birds, reptiles, and fish:

“Board” means the Veterinary Surgeons Board:

5 “Council” means the Council of the New Zealand Veterinary Association Incorporated:

“Director-General” means the Director-General of Agriculture:

“Minister” means the Minister of Agriculture:

10 “Professional misconduct” includes—

(a) Gross carelessness, or gross neglect, or gross incapacity, in the performance of professional duties:

(b) Any act or default of a veterinary surgeon which brings discredit on the veterinary profession:

15 (c) The wilful default of a veterinary surgeon in the observance or discharge of any professional obligation or duty:

“Recognised”, in relation to any university or any veterinary college or institution, or any degree or diploma, means recognised pursuant to section 19 of this Act:

20 “Register” means the register of veterinary surgeons:

“Registrar” means the Registrar of Veterinary Surgeons:

“Supreme Court” or “Court” means the Administrative Division of the Supreme Court:

25 *Struck Out*

“Veterinary surgery”—

(a) Means that part of veterinary science relating to—

30 (i) The medical or surgical treatment of animals:

(ii) The performance of surgical operations on animals:

(b) Includes that part of veterinary science relating to—

35 (i) The diagnosis of diseases in, and injuries to, animals, including tests performed on animals for diagnostic purposes:

(ii) The giving of advice based on any such diagnosis:

40 “Veterinary surgeons’ special fund” means the fund maintained by the Board under section 16 of this Act.

PART I

VETERINARY SURGEONS BOARD

3. Constitution of Veterinary Surgeons Board—(1) There shall continue to be a Board to be known as the Veterinary Surgeons Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and, subject to the provisions of this Act, shall be capable of acquiring, holding, and disposing of real and personal property and of bringing and defending actions in any court, and of doing and suffering all such acts and things as bodies corporate may do or suffer.

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

“The Veterinary Surgeons Board | 1971, No. 00—The Veterinary Surgeons Act 1971.”

Cf. 1956, No. 22, s. 3

4. Membership of Veterinary Surgeons Board—(1) The Board shall consist of nine members, to be appointed by the Minister, of whom—

- (a) Five shall be veterinary surgeons nominated by the New Zealand Veterinary Association Incorporated:
- (b) Two shall be veterinary surgeons nominated by the Veterinary Services Council:
- (c) Two shall be veterinary surgeons nominated by the Director-General.

(2) Notwithstanding the reconstitution of the Board by subsection (1) of this section,—

- (a) Every member of the Board who was in office immediately before the commencement of this Act shall, unless he sooner vacates office under section 7 of this Act, continue as a member of the Board until the expiration of the term for which he was appointed:
- (b) The provisions of this Act shall apply to those members of the Board who were appointed under subsection (2) of section 3 of the Veterinary Surgeons Act 1956 as if they had been appointed under subsection (1) of this section.

Cf. 1956, No. 22, s. 3

5. Deputies of members—(1) In any case where the Minister is satisfied that any member of the Board is incapacitated from performing the duties of his office by illness or by absence from New Zealand or by some other sufficient cause, 5 the Minister may appoint a deputy to act for the member during his incapacity.

(2) Every deputy appointed under subsection (1) of this section shall be nominated by the person or body who nominated the incapacitated member.

10 (3) Every deputy appointed under subsection (1) of this section shall, while acting in that capacity, be deemed to be a member of the Board.

(4) No appointment of a deputy and no acts done by him as such, and no acts done by the Board while any deputy is 15 acting as such, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

6. Term of office of members—(1) Except as otherwise provided in this Act and subject to the provisions of this 20 section, every member of the Board shall hold office for a term of 3 years:

Provided that, unless he sooner vacates his office pursuant to any provision of this Act, he shall continue to hold office until his successor has been appointed.

25 (2) Any member of the Board may be reappointed on the completion of the period for which he was appointed or reappointed.

Cf. 1956, No. 22, s. 3

7. Vacancies—(1) Any member of the Board may at any 30 time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(2) If any appointed member of the Board dies, or resigns, 35 or is removed from 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, subject to the provisions of this Act, hold office for the residue of the term for which his predecessor was appointed.

40 (3) The powers of the Board shall not be affected by any vacancy in its membership.

Cf. 1956, No. 22, s. 10; 1964, No. 15, s. 6

8. Board meetings—(1) Meetings of the Board shall be held at such times and places as the Board or its chairman may from time to time decide:

Provided that any 4 members of the Board may require the chairman to call and hold a special meeting of the Board. 5

(2) Notice of the time and place of every such meeting, signed by the chairman or by the registrar, shall be sent to every member of the Board at least 7 days before the time fixed for the meeting.

(3) At all meetings of the Board the quorum necessary for the transaction of business shall be not less than 5 members. 10

(4) In the absence of the chairman from any meeting of the Board the members present shall elect one of their number to be the chairman of that meeting.

(5) At any meeting of the Board the chairman presiding at that meeting shall have a deliberative vote, and, in the case of an equality of the votes, shall also have a casting vote. 15

(6) All questions arising at any meeting of the Board shall be decided by a majority of the valid votes recorded by the members present and entitled to vote. Any member may demand a poll to decide any question, but otherwise voting shall be carried out by a show of hands. 20

(7) Subject to this section, the Board may determine its own procedure.

(8) Notwithstanding anything to the contrary in this section, a resolution signed, or assented to by a letter or telegram, by all the members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted. 25

Cf. 1956, No. 22, s. 6 30

9. Chairman—(1) At the first meeting of the Board held after the commencement of this Act, and at the first meeting of the Board held after the 1st day of January 1973 and in every year thereafter, the Board shall appoint one of its members to be chairman. 35

(2) Any person appointed as chairman of the Board shall hold that office, while he continues to be a member of the Board or unless he sooner resigns his office, until the appointment of his successor, and may be reappointed. 40

Cf. 1956, No. 22, s. 4

Functions and Powers of Board

10. Functions of the Board—The Board shall have the following functions:

- 5 (a) To exercise general supervisory control in respect of the register of veterinary surgeons kept under this Act:
- (b) To consider and determine applications by persons seeking to be registered as veterinary surgeons under this Act:
- 10 (c) Subject to the provisions of this Act, to exercise disciplinary powers over veterinary surgeons as provided by Part III of this Act:
- (d) Subject to the provisions of this Act, to satisfy itself
15 that the courses of study available to students training to be veterinary surgeons at recognised universities and the standard of proficiency required to obtain their degrees are sufficient to guarantee that persons registered in the register will have the knowledge and competence required for the efficient
20 practice of veterinary science:
- (e) Where necessary to conduct or arrange for the examining of persons seeking registration as veterinary surgeons:
- 25 (f) To exercise and perform such other functions as are conferred or imposed on it under this Act or any other enactment.

11. Board may appoint subcommittees—(1) The Board may from time to time appoint subcommittees, comprising members of the Board, to advise it on such matters as it may
30 refer to them.

(2) Every such subcommittee shall in all matters be subject to the control of the Board, and shall carry out all lawful directions (whether general or special) of the Board in relation to the Board or its affairs.

35 Cf. 1956, No. 22, s. 7; 1964, No. 15, s. 3

12. Board may invite specialist advice—(1) The Board may from time to time invite or employ any person who, in its opinion, possesses expert knowledge or is otherwise able to assist it, or any subcommittee appointed by it, in connection
40 with the exercise of the Board's functions—

- (a) To attend any meetings of the Board or subcommittee, as the case may be; or

(b) To advise the Board or subcommittee on any matter with which it is concerned; or

(c) To perform any other duty agreed upon between the person and the Board.

(2) Any person attending a meeting under this section may, if invited, take part in any discussion at the meeting, but shall not have any voting rights. 5

13. Board may insure members—The Board may from time to time enter into contracts of insurance insuring its members against loss from personal accident arising out of and in the course of the exercise of their powers and duties as Board members, and may pay the premiums payable in respect of any such contracts. 10

14. Indemnity insurance—The Board may from time to time enter into contracts of indemnity insurance indemnifying itself and its members and officers against claims made against it or against any of its members or officers arising from any act or omission of the Board or any of its members or officers while acting within the scope of their duties, and pay the premiums payable in respect of any such contract. 15
20

Officers of the Board

15. Registrar of Veterinary Surgeons and other officers—

(1) For the purposes of this Act the Board shall from time to time appoint, or arrange for the appointment of, a Registrar of Veterinary Surgeons who shall have such functions, powers, and duties as are prescribed by this Act, and perform such other functions and duties and exercise such other powers as the Board may from time to time direct. 25

(2) Until a Registrar of Veterinary Surgeons who is not an officer of the Public Service is appointed by the Board under subsection (1) of this section, such a Registrar shall from time to time be appointed under the State Services Act 1962 as an officer of the Public Service. 30

(3) There may from time to time be appointed by the Board such clerical and other officers as may be required to enable the Board to carry out its functions under this Act. 35

(4) Any such office may be held either separately or in conjunction with any other office in the Public Service.

Cf. 1956, No. 22, s. 5

Financial Provisions

16. Veterinary surgeons' special fund and account—

(1) The Board shall continue to maintain a fund known as the veterinary surgeons' special fund and a bank account
5 known as the veterinary surgeons' special fund account; and all fees and other money received by the Board shall form part of that fund and be paid into that account.

(2) The Board may apply the money in the fund and account for all or any of the following purposes, and for
10 no other purposes:

(a) Payment of remuneration and travelling allowances and expenses to its members, and of all other costs and expenses incurred by the Board and other
15 persons, pursuant to this Act; but subject to any order made by the Board under Part III of this Act relating to costs.

(b) In making from time to time to the Council such contribution as may be appropriate towards the costs of the Council in connection with any investigation under section 32 of this Act or any inquiry
20 held by the Board under section 33 or section 35 of this Act:

(c) In payment of such fee as may be necessary to remunerate any person conducting or invigilating at any examination held by or on behalf of the Board and any person engaged to mark any paper submitted by any candidate at any such examination:
25

(d) In payment of contributions to the National Provident Fund under the National Provident Fund Act 1950, and to any other superannuation scheme approved by the Minister of Finance for the purpose of providing superannuation and allowances for its officers and servants:
30

(e) In contributing towards the cost of education and research in the fields of veterinary science, and providing scholarships and fellowships and making donations for any such purpose:
35

(f) In payment of all costs and expenses incurred in doing whatever the Board considers expedient to accomplish its functions.
40

(3) The Board may from time to time invest any money in the account which is not for the time being required for any of the purposes specified in subsection (2) of this section in any manner authorised by the Trustee Act 1956 for the
45 investment of trust funds.

(4) Every withdrawal or payment of money made by the Board from the account shall be authorised by a prior resolution of the Board or shall be submitted to it for authorisation by it at its next ordinary meeting after the date of payment.

(5) Where the Board authorises the withdrawal or payment of money from the account, that withdrawal or payment shall be by cheque signed by the registrar or one other officer approved by the Board, and countersigned by one of the members of the Board. 5

(6) The Board shall at all times keep full and correct records of all its transactions in respect of the fund and account. 10

(7) At the end of its financial year, the Board shall cause a statement of income and expenditure to be prepared showing all its financial transactions for that year in respect of the fund and account, together with a balance sheet as at the last day of that year. Every such balance sheet shall give a true and fair view of the state of the fund and account as at the end of the Board's financial year, and every such statement of income and expenditure shall give a true and fair view of the income and expenditure for that year. 15 20

(8) The statement and balance sheet shall be duly audited by the Audit Office.

(9) The Board shall in each year publish in a publication which is generally available to members of the veterinary profession the audited statement and balance sheet and the report of the auditor. 25

(10) For the purposes of this section the financial year of the Board shall be the period ending with the 31st day of March in each year or with such other date as the Board may from time to time determine. 30

17. Fees and travelling allowances—(1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Board 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. 35

PART II

REGISTRATION OF VETERINARY SURGEONS

The Register of Veterinary Surgeons and Qualifications for Registration

- 5 **18. Register of veterinary surgeons**—(1) There shall continue to be a register known as the register of veterinary surgeons, which shall be kept by the registrar.
- (2) The registrar shall enter in the register the following particulars:
- 10 (a) The name of every person directed by the Board to be registered together with such other particulars as the Board may determine:
- (b) Where the Board has ordered the name of any
15 veterinary surgeon to be struck off the register or has ordered the registration of any veterinary surgeon to be suspended or where the name of any veterinary surgeon is restored to the register or the suspension of a veterinary surgeon is revoked, particulars of the order, restoration, or revocation, as
20 the case may be.
- (3) The register in the form published under subsections (4) and (5) of this section shall at all reasonable times be kept open for inspection by members of the public at the office of the Board.
- 25 (4) The Board shall cause the register in such form, whether abbreviated or otherwise, as it thinks fit to be published as often as it thinks necessary.
- (5) If in any year the register is not published, the Board shall cause any alterations to the register which have been
30 made since the last publication of the register or since the last publication of alterations, as the case may be, to be published within that year.
- (6) A copy of the register published as aforesaid shall, in the absence of proof to the contrary, be sufficient evidence
35 in all courts of any matters entered in it as required by or under this Act.
- (7) In the case of a person whose name does not appear in any such copy of the register, a certified copy of the register or an extract therefrom, under the hand of the registrar, shall,
40 in the absence of proof to the contrary, be sufficient evidence of the entry in all courts.

Cf. 1956, No. 22, ss. 16, 23; Veterinary Surgeons Act 1966, s. 9 (U.K.)

19. Recognition of universities and veterinary colleges and institutions—(1) The Board may from time to time publish in the *Gazette* a notice under the hand of the chairman declaring that any university or veterinary college or institution shall be recognised for the purposes of paragraph (a) of subsection (1) of section 20 of this Act, and that any degree or diploma in veterinary science conferred by any such university, college, or institution and specified in the notice shall be recognised for the purposes of that paragraph. 5

(2) Before publishing any such notice, the Board shall satisfy itself— 10

- (a) That the university, college, or institution provides a course of instruction in veterinary science of at least 5 years' duration;
- (b) That the course of instruction provides tuition in veterinary science that is satisfactory to the Board and leads to a degree or diploma in veterinary science acceptable to the Board; and 15
- (c) That the examinations leading to any such degree or diploma are satisfactory to the Board. 20

(3) If at any time the Board 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 such notice.

20. Qualifications for registration—(1) Subject to the provisions of subsection (2) of this section, every person shall be entitled to registration as a veterinary surgeon who satisfies the Board— 25

- (a) That he is the holder of a recognised degree or diploma in veterinary science conferred by a recognised university or by a recognised veterinary college or institution; or 30
- (b) That he has undertaken and completed a course of study of not less than 5 years in veterinary science at any university or veterinary college or institution acceptable to the Board and is the holder of a degree or diploma approved by the Board in veterinary science of such a university, college, or institution, and, in addition, 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 that behalf. 35 40

(2) No person shall be registered as a veterinary surgeon unless he satisfies the Board that he is of good character and repute and has a reasonable command of the English language.

5 (3) The Board may from time to time prescribe fees to be paid by any person sitting any examination under paragraph (b) of subsection (1) of this section.

Cf. 1956, No. 22, s. 11; 1964, No. 15, s. 7

Registration Procedure

10 **21. Applications for registration**—(1) Every person desiring to be registered as a veterinary surgeon shall apply in writing to the registrar on a form supplied or approved by the Board.

(2) Every such application shall be accompanied by—

15 (a) The prescribed fee (if any):

(b) Such evidence of the qualifications, professional competence, command of the English language, and character of the applicant as may be required by the Board:

20 (c) Such proof as the Board may require to identify the applicant.

Cf. 1956, No. 22, s. 12; 1964 No. 15, s. 8

22. Consideration of application by Board—(1) As soon as practicable after the receipt of any application, the registrar
25 shall place the application before the Board for its consideration.

(2) When considering any application made under section 21 of this Act, the Board may summon before it the applicant, or any other person who has made any statement in support
30 of the application, for the purpose of examining him. If the Board decides to examine the applicant or other person on oath, the oath shall be administered by the chairman of the Board.

(3) Without limiting its powers under subsection (2) of
35 this section, the Board may require any person to verify by statutory declaration any statement made by him in or in connection with any application before the Board.

Cf. 1956, No. 22, s. 13

23. Orders by Board regarding registration—(1) If the Board, after considering any application for registration made under section 21 of this Act, is satisfied that the applicant is entitled to be registered, it shall make an order directing the registrar to enter his name in the register together with such other particulars as the Board may require; but if the Board is not so satisfied it shall refuse to approve the application. 5

(2) Notwithstanding the provisions of subsection (1) of section 20 of this Act, the Board may, in its absolute discretion, order the registration of an applicant who is a holder of a degree or diploma in veterinary science conferred by a university or veterinary college or institution after a course of study of less than 5 years if the applicant has undertaken to the satisfaction of the Board such additional studies or training or probationary service as the Board may prescribe or approve. No appeal shall lie against a refusal by the Board to order registration under this subsection. 10 15

(3) The Board shall cause the registrar to notify in writing the applicant of its decision under subsection (1) or subsection (2) of this section. 20

(4) If the Board has refused to grant an application under subsection (1) of this section, the decision shall be accompanied by a statement of the Board's reasons for its refusal. 25

(5) If the Board has made an order directing that the applicant be registered, the registrar shall, as soon as practicable after complying with the order, forward to the applicant a certificate of registration. 30

Cf. 1956, No. 22, s. 14

24. Provisional registration—(1) Notwithstanding anything to the contrary in this Act, if the chairman of the Board, or a member of the Board appointed by it to act on behalf of the chairman for the purposes of this section, believes that an applicant for registration as a veterinary surgeon is qualified to be registered, the registrar shall, if so directed by the chairman or the appointed member of the Board, issue to the applicant a provisional certificate of registration which will entitle him, pending consideration of his application by the Board and subject to his becoming the holder of a current practicing certificate issued under this Act, to practise as a veterinary surgeon. 35 40

(2) While any such certificate remains in force the person named in it shall, for the purposes of this Act, be deemed to be registered as a veterinary surgeon.

5 (3) Every such certificate shall, unless it has been sooner cancelled or has lapsed, remain in force for the period specified in it (not exceeding 3 months) or until the determination of the holder's application, whichever first occurs. If the Board so directs, any such certificate may be from time to time renewed.

10 (4) The Board may at any time, if it has reasonable grounds for so doing, make an order directing the registrar to cancel any provisional certificate of registration, whereupon he shall notify in writing the holder of the certificate that it has been cancelled.

15 (5) The provisions of Part V of this Act shall not apply in respect of any refusal to make a direction under subsection (1) of this section or in respect of any order made under subsection (4) of this section.

20 (6) No person to whom a provisional certificate of registration has been issued shall engage in any branch of veterinary science unless he is the holder of a current practising certificate issued under this Act.

Cf. 1956, No. 22, s. 21

25. Temporary registration of veterinary surgeons visiting New Zealand—(1) Notwithstanding anything to the contrary in this Act, if the Board is satisfied that any person is or will be visiting New Zealand—

- (a) For the purpose of giving instruction in veterinary science; or
- 30 (b) For the purposes of carrying out research in any aspect of veterinary science; or
- (c) For any other purpose that the Board may approve for the purposes of this section—

the Board may, on application being made to it for the purpose by that person and on being satisfied that he is entitled to be registered under this Act, make an order directing the registrar to issue to him a certificate of temporary registration.

35 (2) While any such certificate remains in force the person named in it shall, for the purposes of this Act, be deemed to
40 be registered as a veterinary surgeon.

(3) Every such certificate shall, unless it has been sooner cancelled or has lapsed, remain in force for such period as may be determined by the Board and specified in the certificate. If the Board so orders any such period may be extended.

(4) The provisions of section 18, sections 21 to 23, and section 56 of this Act shall apply to every application for temporary registration under this section as if the application were an application for permanent registration: 5

Provided that the Board may waive any fee payable in respect of any such application or in respect of any certificate of temporary registration or practising certificate. 10

(5) The Board may from time to time extend the period specified in any certificate issued under this section if it is satisfied that the circumstances in which it was issued still exist. Where the Board has granted any such extension, the holder of the certificate shall deliver it to the registrar who shall thereupon endorse particulars of the extension on the certificate and in the register. 15

(6) The Board may at any time, if it has reasonable grounds for so doing, make an order directing the registrar to cancel any certificate issued under this section, whereupon he shall notify in writing the holder of the certificate that it has been cancelled. 20

Cf. 1956, No. 22, s. 21A; 1964, No. 15, s. 11

26. No appeals in relation to temporary registration—The provisions of Part V of this Act shall not apply in respect of any refusal to make an order under subsection (1) of section 25 of this Act or in respect of any order made under subsection (6) of that section. 25

Amendment of Register 30

27. Change of address—(1) Every registered veterinary surgeon who at any time changes his address as appearing in the register shall, within 1 month thereafter, give to the registrar notice of his new address and, in any case where a post office box number is specified, sufficient particulars to identify his new place of residence; and the registrar shall thereupon correct the entry in the register relating to that person accordingly. 35

(2) Every such veterinary surgeon commits an offence, and is liable on summary conviction to a fine not exceeding \$50, who, without reasonable excuse, fails to comply with the provisions of subsection (1) of this section.

5 Cf. 1956, No. 22, s. 17

28. Correction of errors in the register—Subject to the provisions of section 37 of this Act, where a mistake exists in the register or in any certificate of registration or practising certificate issued under this Act, the registrar shall, as soon
10 as practicable after becoming aware of the mistake but subject to the prior approval of the Board, correct it; and for that purpose he may require the production of any certificate of registration or practising certificate required to be corrected.

29. Removal of names of deceased persons and others from the register—(1) On any Registrar of Births and Deaths registering the death of any registered veterinary surgeon, he shall as soon as practicable thereafter send by post to the registrar a copy certified under his hand of the entry in the
20 register of deaths relating to the death; and, on receipt of that notification, the registrar shall, if he has obtained the approval of the Board, strike the name of the deceased veterinary surgeon off the register.

(2) The registrar may at any time, and shall if the Board
25 so directs, send to any registered veterinary surgeon a registered letter, addressed to his address as appearing in the register, inquiring as to whether or not he desires to continue his registration.

(3) If any veterinary surgeon to whom a letter has been
30 sent under subsection (2) of this section fails to reply to it within 6 months after the date of its posting, or if he so requests, the registrar shall, if the Board so orders, strike his name off the register.

(4) If the Board has reason to believe that any registered
35 veterinary surgeon has died outside New Zealand, it may order the registrar to strike his name off the register; and on being notified of any such order the registrar shall accordingly strike that veterinary surgeon's name off the register.

40 Cf. 1956, No. 22, ss. 17A, 18; 1964, No. 15, ss. 9, 10; Veterinary Surgeons Act 1966, s. 13 (U.K.)

30. Entry of additional degrees and diplomas in the register—(1) Every registered veterinary surgeon who obtains any degree or diploma other than that by virtue of which he is registered may apply to the Board to make a direction to the registrar to amend the register so far as it relates to the veterinary surgeon's qualifications; and on receipt of any such application the Board shall, if satisfied that the applicant is entitled to the degree or diploma in 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 its being included in the register, direct the registrar to amend the register accordingly, and the registrar shall thereupon insert in the register particulars as to that degree or diploma. 5 10

(2) Without limiting the provisions of subsection (1) of this section, the Board may, on application being made to it by any registered veterinary surgeon for the purpose, direct the registrar to record in the register particulars of any title, honour, or other award conferred on the veterinary surgeon if the Board considers it of sufficient merit. 15 20

Cf. 1956, No. 22 s. 19

Offences as to Registration

31. Offences as to registration—Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years, who— 25

- (a) Wilfully procures or attempts to procure his registration under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation either orally or in writing; or
- (b) Assists or attempts to assist any person to act in contravention of paragraph (a) of this section. 30

Cf. 1956, No. 22, s. 22

PART III

DISCIPLINE WITHIN THE VETERINARY PROFESSION

32. Complaints of professional misconduct—(1) Every person desiring to make a formal complaint against any registered veterinary surgeon alleging that he has been guilty of professional misconduct shall lodge the complaint with the secretary of the Council of the New Zealand Veterinary Association Incorporated. 35 40

- (2) Every such complaint shall be in writing and shall—
- (a) Contain particulars sufficient to enable the veterinary surgeon against whom the complaint is made to be identified; and
- 5 (b) Specify the professional misconduct of which the veterinary surgeon is alleged to be guilty.
- (3) If the secretary so requires, the complaint shall be supported by such statutory declarations as he may specify to the complainant.
- 10 (4) Where the secretary has received any complaint under this section, or where facts are brought to his knowledge which may be grounds for such a complaint, it shall be his duty to lay the complaint or facts, as the case may be, before the Council; and the Council shall investigate the matter and
- 15 determine whether or not it is to be referred to the Board.
- (5) For the purposes of carrying out any such investigation, the Council may make, or appoint or employ any person to make on its behalf, whatever preliminary inquiries it considers necessary.
- 20 (6) Before the Council makes any final determination in respect of any matter which it investigates under this section—
- (a) The secretary shall post or deliver to the veterinary surgeon against whom the complaint has been made—
- 25 (i) A copy of the complaint in writing or particulars of the facts which are grounds for such a complaint, as the case may be, and a copy of every statutory declaration that has been made in support of the complaint; and
- 30 (ii) A notice setting out any further particulars that may be necessary to disclose the reason for the investigation and inviting the veterinary surgeon within such period (being not less than 14 days) as may be specified in the notice, to give the chairman of the Council any written explanation he may wish to offer and to advise the chairman whether or not
- 35 he wishes to be heard:
- (b) The Council shall allow the time specified in the notice to elapse, and shall give the veterinary surgeon
- 40 reasonable opportunity to be heard if he wishes to do so, and shall give due consideration to any explanation he may make.

(7) Where the Council determines that any matter investigated under this section should be referred to the Board, the Council shall forthwith refer the matter to the Board to be dealt with in accordance with the provisions of this Part of this Act.

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(8) Subject to the provisions of this Act and to the rules of the New Zealand Veterinary Association Incorporated, the Council may, when investigating any such complaint, regulate its procedure in such manner as it thinks fit.

(9) If the Council decides not to refer any such matter to the Board, it shall, by notice in writing, advise the complainant (if any) of its decision, whereupon, if the complainant is dissatisfied with the decision, he may, by notice in writing given to the registrar within 14 days of being notified of the decision, refer the matter to the Board personally.

15

Cf. 1956, No. 22, s. 24; 1964, No. 15, s. 12

33. Board to hold inquiry—(1) Where any matter is referred to the Board under section 32 of this Act, the Board shall fix a time and place for the holding of an inquiry into the matter, and the chairman of the Board shall then cause the registrar to serve on the veterinary surgeon concerned—

20

(a) Particulars of the matter, including copies of the written complaint (if any); and

(b) A notice inviting him to appear before the Board, at a time and place to be specified in the notice, to give to the Board any explanation he may wish to offer in respect of the matter.

25

(2) If the matter to be inquired into has been referred to the Board by the Council, the registrar shall, in writing, notify the time and place of the inquiry to the Council which shall thereupon appoint or employ such advocate or other person as it thinks fit to appear on its behalf at the inquiry; but, if the matter is referred to the Board under subsection (9) of section 32 of this Act, the registrar shall, in writing, notify the time and place of the inquiry to the complainant who shall either appear at the inquiry in person or appoint or employ some person to represent him. If any such complainant or his representative fails to appear at the inquiry, the Board shall forthwith dismiss the matter, and may order such costs as may have been incurred by the Board and the veterinary surgeon in respect of the inquiry to be paid by the complainant.

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(3) If the veterinary surgeon concerned in the matter or his advocate or representative fails to appear at the inquiry after being served with the notice referred to in subsection (1) of this section, the Board may, if it is satisfied on reasonable
5 grounds that the allegations made against the veterinary surgeon have been proved, forthwith adjudge him guilty of professional misconduct. If the veterinary surgeon or his advocate or representative appears at the inquiry, the Board may, after considering all the evidence tendered and repre-
10 sentations made at the inquiry and if it is satisfied on reasonable grounds that the allegations made against the veterinary surgeon have been proved, adjudge him guilty of professional misconduct. If the Board is not so satisfied, it shall dismiss the matter.

15 (4) After the hearing of any such inquiry, the Board may, if it has adjudged the veterinary surgeon concerned to be not guilty of professional misconduct, order that such costs as may have been incurred by the Board and the veterinary surgeon in respect of the inquiry be paid to it or him by the New
20 Zealand Veterinary Association Incorporated or by the complainant, as the case may be; but if the Board has adjudged the veterinary surgeon guilty of professional misconduct, it may, by notice under the hand of the chairman and served on the veterinary surgeon by the registrar, order the veterinary
25 surgeon to pay such costs as may have been incurred by the Board and by the Council or the complainant in respect of the inquiry and the expenses of the Council in conducting its investigation under section 32 of this Act.

(5) Where the Board has ordered costs to be paid under
30 this section, those costs shall be recoverable as a debt.

Cf. 1956, No. 22, s. 24A; 1964, No. 15, s. 13

34. Disciplinary powers of the Board—(1) If any registered veterinary surgeon—

35 (a) Is convicted by any court in New Zealand of any offence for which the maximum punishment is not less than 2 years' imprisonment; or

(b) Is adjudged by the Board, after due inquiry held under section 33 of this Act, to have been guilty of professional misconduct—

40 the Board may impose on that veterinary surgeon any one or more of the penalties referred to in subsection (2) of this section.

(2) Where the Board is empowered to impose a penalty on any veterinary surgeon, it may, by order under the hand of its chairman and served on the veterinary surgeon,—

(a) Impose a fine not exceeding \$200:

Provided that no such fine may be imposed under this paragraph in any case where the Board is inquiring into any act or omission which constitutes an offence for which the veterinary surgeon has been convicted by any court and in respect of which he has been fined:

(b) Admonish him:

(c) Subject to subsection (3) of this section, order his name to be struck off the register:

(d) Subject to subsection (3) of this section, order that his registration be suspended for a period not exceeding 12 months.

(3) No veterinary surgeon shall be struck off the register, nor shall the registration of any veterinary surgeon be suspended, under paragraph (a) of subsection (1) of this section by reason of any offence committed before the date of his registration if at that date the Board was aware of his conviction in respect of that offence.

(4) Every monetary penalty imposed on any veterinary surgeon under this Part of this Act shall be recoverable from him as a debt due to the Board, and shall be paid into the veterinary surgeons' special fund.

(5) While any order suspending the registration of any veterinary surgeon either under this section or under section 35 of this Act remains in force, he shall be deemed for the purposes of this Act (other than for the purposes of this Part and of Parts IV and V) not to be registered; but immediately on the expiration of the order his rights and privileges as a registered veterinary surgeon shall revive.

(6) Where the Board is empowered by subsection (1) of this section to impose on any veterinary surgeon any of the penalties referred to in subsection (2) of this section, it may, instead of imposing any of those penalties, order that he be discharged without penalty subject to such conditions as the Board considers fair and reasonable having regard to all the circumstances of the case. If within 3 years after the making of the order, or within such shorter period as may be specified by the Board, the veterinary surgeon is convicted by any court in New Zealand of any further offence (being an

offence punishable with not less than 2 years' imprisonment), or is adjudged guilty of further professional misconduct, or, after inquiry, is found by the Board to have failed to comply with any of the conditions subject to which he was discharged
5 as aforesaid, the Board may impose on him in respect of the offence or professional misconduct in respect of which the order discharging him was made any one or more of the penalties referred to in the said subsection (2). Any such
10 penalty may be imposed in addition to any penalty which the Board decides to impose in respect of the further offence or professional misconduct (if any).

(7) Subject to the provisions of section 39 of this Act, in any order under this section ordering the name of any veterinary surgeon to be struck off the register, the Board may fix
15 a time after which the veterinary surgeon may apply to the Board to have his name restored to the register. At the expiration of the time so fixed, the veterinary surgeon may apply to the Board, in accordance with the said section 39, for his name to be restored to the register.

(8) Subject to the provisions of section 37 of this Act, an order striking the name of a veterinary surgeon off the register or suspending his registration under this section shall not take effect, and no fine, costs, or expenses shall be payable by him, until the expiration of 28 days after the
20 date of the notification of the order to him by the Board. If within the said period of 28 days the veterinary surgeon gives notice of appeal to the Supreme Court, the order shall not take effect, and no fine, costs, or expenses shall be payable, unless and until it is confirmed by the Supreme Court or the
25 appeal is for any reason dismissed by that Court or is withdrawn by him, whichever first occurs:

30 Provided that, unless the Supreme Court otherwise orders, any period of suspension specified in the order shall commence, and any fine, costs, or expenses specified in the order shall
35 be payable, on the day when the order commences to have effect.

Cf. 1956, No. 22, s. 25; 1964, No. 15, s. 14

35. Notification of disability and suspension from practice—(1) If at any time it appears to the Board that any
40 registered veterinary surgeon is, because of mental or physical disability, unable to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Board may, by notice in writing under

the hand of its chairman or the registrar served on that veterinary surgeon, require him to submit to an examination (at the expense of the Board) by a medical practitioner specified in the notice (in accordance with an arrangement between the Board and that medical practitioner) within such reasonable time as may be specified in the notice. 5

(2) Where a medical practitioner makes an examination of any veterinary surgeon pursuant to subsection (1) of this section, the medical practitioner shall, as soon as practicable thereafter, make a report in writing to the registrar as to the mental or physical condition or as to both the mental and physical condition of the veterinary surgeon so far as it affects his capacity to perform his professional duties satisfactorily. 10

(3) In any case where a notice in writing has been served on a veterinary surgeon in accordance with subsection (1) of this section, the Board may, on the expiration of the time specified in the notice or on the earlier receipt by the registrar of a written report in respect of the veterinary surgeon from the medical practitioner named in the notice, and after considering the report (if any) and all the relevant circumstances, and after giving the veterinary surgeon a reasonable opportunity to be heard, order the veterinary surgeon's registration to be suspended, if it is satisfied that he is, because of mental or physical disability, unable to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing. 15 20 25

(4) An order made pursuant to subsection (3) of this section shall take effect immediately on its being served on the veterinary surgeon affected by it, but the order may at any time be revoked— 30

(a) By the Board of its own initiative or on application being made in writing to it by the veterinary surgeon; or 35

(b) By the Supreme Court, either—

(i) On an appeal by the veterinary surgeon made within 28 days after the date of the order or after refusal of the Board to revoke the order as a result of an application made to it under paragraph (a) of this subsection; or 40

5 (ii) On an application by the veterinary surgeon in any case where he has made an application under the said paragraph (a) and has not been advised of the Board's decision within 28 days after the date on which the application was delivered to the Board.

10 **36. Fraudulent or false entries in the register—**(1) If at any time the Board, as a result of information received from the Council, the registrar, or any other person, has reason to suspect that any entry made in the register in respect of a veterinary surgeon was fraudulently obtained, or is false in a material respect, or that he does not have or no longer holds the qualification or qualifications by virtue of which he is registered, it shall, if it so decides, hold an inquiry into the matter and fix a time and place for the holding of the inquiry.
15 The chairman of the Board shall then cause the registrar to serve on the veterinary surgeon concerned—

20 (a) Particulars of the grounds which the Board has for believing that the entry was fraudulently obtained or is false in a material particular or that he does not hold or no longer holds the qualification or qualifications by virtue of which he is registered; and

25 (b) A notice inviting him to appear before the Board, at a time and place to be specified in the notice, to give to the Board any explanation he may wish to offer in respect of the matter.

(2) The registrar shall also serve a copy of the notice referred to in paragraph (b) of subsection (1) of this section on the informant at least 7 days before the inquiry is held.

30 (3) It shall be the duty of the informant to appear at any inquiry held by the Board under this section, or to appoint or employ some advocate or other person to represent him at the inquiry, for the purpose of adducing evidence in respect of the matter which is the subject of the inquiry.

35 (4) If the informant or his representative fails to appear at the inquiry, the Board may, if it thinks fit, forthwith dismiss the matter, and may order such costs as may have been incurred in respect of the inquiry by the Board and by the veterinary surgeon concerned in the matter to be paid by the
40 informant.

(5) If the veterinary surgeon concerned in the matter fails to appear at the inquiry at the fixed time and place, the Board may, if it is satisfied on reasonable grounds that the entry in the register relating to the veterinary surgeon was fraudulently obtained or is false in a material particular or that he does not hold or no longer holds the qualification or qualifications by virtue of which he is registered, forthwith order that his name be struck off the register or that the register be amended, as the case may require. If the veterinary surgeon appears at the inquiry, the Board may, after considering all the evidence tendered and representations made at the inquiry and if it is satisfied on reasonable grounds that the entry in the register was fraudulently obtained or is false in a material particular or that he does not hold or no longer holds the qualification or qualifications by virtue of which he is registered, order that his name be struck off the register or that the register be amended, as the case may require. If the Board is not so satisfied it shall dismiss the matter.

(6) Subject to the provisions of this Act relating to appeals, an order made under this section shall take effect immediately on its being served on the veterinary surgeon affected by it.

(7) After the hearing of any such inquiry, the Board may, if it has dismissed the matter dealt with at the inquiry, order that costs be paid to the veterinary surgeon and to the Board by the informant, unless the informant is the registrar, in which case the Board shall, if it has made any such order, direct the costs of the veterinary surgeon to be paid out of the veterinary surgeons' special fund; but, if the Board has found that the entry was fraudulently obtained, or was false in a material particular, or that he does not hold or no longer holds the qualification or qualifications by virtue of which he is registered, it may, by notice in writing under the hand of the chairman and served on the veterinary surgeon by the registrar, order the veterinary surgeon to pay such costs as may have been incurred by the Board and the informant in respect of the inquiry.

(8) Where the Board has ordered costs to be paid under this section, those costs shall be recoverable in like manner as a debt.

37. **Reconsideration by Board**—(1) Where any order or decision has been made in respect of any person under section 33 or section 34 of this Act, the Board may, in its discretion and upon such terms as it thinks fit, decide to reconsider the order or decision, either as to the whole of the order or decision or as to any part of it.

(2) Where the Board decides to reconsider any such order or decision, the order or decision shall immediately cease to have effect unless the Board otherwise directs.

10 (3) If the person does not appear at the time and place fixed for the reconsideration, the Board may, if it thinks fit, determine that the original order or decision shall be restored, or make such other order as it thinks fit.

Cf. 1956, No. 22, s. 25A; 1964, No. 15, s. 15

15 38. **Restoration to the register in respect of striking off orders made under section 29**—(1) Any veterinary surgeon whose name has been struck off the register under subsection (3) or subsection (4) of section 29 of this Act may, by notice in writing, apply to the Board for an order directing his name to be restored to the register.

20 (2) On receipt of any such application, the Board may, after considering the application and any documentary evidence in support of it, summarily make the order applied for or may decide to hear the application, in which case the Board shall direct the registrar to fix a time when and a place where the hearing shall take place, and the registrar shall notify the applicant accordingly.

25 (3) On the hearing of any such application, the Board shall, if it is satisfied that the striking off order would not have been made if the Board had been aware of all the circumstances of the case, make an order directing the name of the applicant to be restored to the register.

30 (4) On the making of any order directing the name of a veterinary surgeon to be restored to the register under subsection (2) or subsection (3) of this section, the registrar shall forthwith amend the register accordingly.

35 (5) If the applicant, or his advocate or representative, does not appear at the time and place fixed under subsection (2) of this section, the Board may nevertheless proceed to decide the application in his absence.

40

(6) Where any order is made under this section, the costs of the applicant shall be met by the Board out of the veterinary surgeons' special fund, but if the Board refuses to make an order they shall be met by the applicant, in which case the costs may be recovered as a debt due to the Board. 5

Cf. 1956, No. 22, s. 18 (4); 1964, No. 15, s. 10 (4)

39. Restoration to the register in respect of striking off orders made under section 34 or section 36—(1) Any veterinary surgeon whose name has been struck off the register under section 34 or section 36 of this Act may apply, by notice 10 in writing, to the Board for an order directing his name to be restored to the register.

(2) On receipt of any such application, the Board shall direct the registrar to fix a time when and place where the hearing of the application shall take place, and the registrar shall notify the applicant accordingly. 15

(3) On the hearing of any such application, the Board may, if having regard to the public interest it is satisfied that the applicant is then a fit and proper person to resume practice as a veterinary surgeon or that the order (being an order under section 36 of this Act) striking his name off the register should not have been made, make an order directing his name to be restored to the register, whereupon the registrar shall amend the register accordingly. If the Board is not so satisfied it shall refuse the application. 20 25

(4) If the applicant, or his advocate or representative, does not appear at the time and place fixed under subsection (2) of this section, the Board may nevertheless proceed to decide the application in his absence.

(5) No application under this section shall be made to the Board— 30

(a) Within 10 months of the date of the order to which the application relates; or

(b) Within 10 months of any previous application made under this section. 35

(6) The costs incurred by the Board and by any applicant under this section shall be met by the applicant, but the Board may if it thinks just order those costs to be paid out of the veterinary surgeons' special fund.

(7) Where the Board orders the applicant to meet any costs under this section, they shall be recoverable as a debt due to the Board.

5 Cf. 1956, No. 22, s. 26A; 1964, No. 15, s. 17; Veterinary Surgeons Act 1966, s. 18 (U.K.)

PART IV

PROCEDURE IN RESPECT OF INQUIRIES AND OTHER PROCEEDINGS

10 **40. Powers of Board in respect of inquiries, etc.**—(1) The Board, under the hand of its chairman or of the registrar, may summon any person to attend and give evidence before it at any proceedings under Part III of this Act, and to produce all books and documents in his custody or under his control which relate to the proceedings.

15 (2) The Board may require any such evidence to be given on oath, either orally or in writing. Where the Board so requires, the chairman of the Board shall administer the oath.

20 (3) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$200 and to a further fine not exceeding \$5 for each day on which the offence continues, who, after being duly summoned to attend before the Board or to produce any books or documents as aforesaid,—

(a) Without reasonable excuse, fails to appear at the time and place specified in the summons; or

25 (b) Refuses to be sworn or to give evidence, or to answer such questions as may be put to him by the Board or any of its members relating to the subject matter of the proceedings; or

30 (c) Without reasonable excuse, fails to produce any such books or documents:

Provided that no person so summoned shall be liable to any such fine unless at the time of the service of the summons reasonable expenses have been offered to him in accordance with section 41 of this Act.

35 (4) Every summons to a witness shall be served on him at least 48 hours before his attendance is required.

Cf. 1956, No. 22, s. 28

40 **41. Witnesses' expenses**—(1) Every witness attending any proceedings pursuant to any summons served on him under section 40 of this Act shall be entitled to such reasonable

expenses for travelling, maintenance, and loss of earnings during his absence from his usual place of residence as the Board may determine.

(2) Subject to any order made by the Board as to the payment of costs or expenses, all such witnesses' expenses shall be paid out of the veterinary surgeons' special fund. 5

Cf. 1956, No. 22, s. 30

42. Protection of witnesses and counsel—Every witness attending and giving evidence before the Board in any proceedings under Part III of this Act, and every counsel appearing in any such proceedings, shall have the same privileges and immunities as witnesses and counsel in courts of law. 10

Cf. 1956, No. 22, s. 29

43. Protection of Board and other persons—Neither the Board, nor any member or servant of the Board, nor any legal assessor appointed by the Board under section 45 of this Act, 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 any proceedings under Part III of this Act, unless it is proved that the act or omission was done or omitted to be done, or that the words were spoken or written, in bad faith. 15 20

Cf. 1956, No. 22, s. 31

44. Appointment of assessor—For the purposes of advising the Board on questions of law arising in proceedings under Part III of this Act, the Board may appoint an assessor, who shall be a barrister or solicitor, to attend the proceedings. 25

45. Remuneration of assessors—The Board shall pay by way of remuneration and expenses to the assessor for his services in respect of the proceedings such sum as may be agreed upon between himself and the Board. Unless the Board orders one of the parties to the proceedings to pay for the remuneration and expenses of the assessor, the payment shall be made out of the veterinary surgeons' special fund. 30

46. General provisions relating to proceedings under Part III—(1) In all proceedings under Part III of this Act, the Board shall observe the rules of natural justice, and may receive evidence notwithstanding that it would not be admissible in a court of law. 35

(2) The decision of a majority of the members of the Board present at any proceedings held under Part III of this Act shall be the decision of the Board.

5 (3) Unless the Board otherwise directs, proceedings held under Part III of this Act shall not be open to the general public:

Provided that no such direction may be given by the Board without the consent of the parties.

10 (4) Subject to the provisions of this Act, the Board may determine the procedure to be followed in any such proceedings in such manner as it thinks fit.

15 **47. Reference of point of law to Supreme Court—**(1) The Board may refer any disputed point of law arising in the course of any proceedings under Part III of this Act for determination by the Supreme Court, and for this purpose may either conclude the proceedings subject to the determination of the Court or may at any stage of the proceedings adjourn them until after the determination has been given.

20 (2) The question shall be in the form of a special case drawn up by the party or parties to the proceedings, or, if there are two or more parties and the parties cannot agree, the question shall be formulated by the Board.

(3) The decision of the Court shall be final and binding on all the parties to the proceedings and on the Board.

25 **48. Board to notify decisions and orders—**(1) Every order, decision, or determination of the Board made under Part III of this Act shall be reduced to writing and shall contain a statement of the reasons on which it is based, and shall be signed by the chairman of the meeting at which the order,
30 decision, or determination was made.

(2) The registrar shall serve on the veterinary surgeon affected by the order, decision, or determination a copy of it. The registrar shall also forward a copy of the order, decision, or determination to any other person who was a party to the
35 proceedings.

Cf. 1956, No. 22, s. 25; 1964, No. 15, s. 14

49. Notification of striking off orders, etc., in the Gazette—(1) Where—

40 (a) The Board has made an order (other than an order relating to costs) under Part III of this Act in respect of any veterinary surgeon and he does not appeal

against the order within the time limited by Part V of this Act for bringing appeals or, having appealed, withdraws or fails to prosecute his appeal;
or

(b) Any such order is confirmed by the Supreme Court (with or without modification) — 5

the registrar shall cause a notice stating the effect of the order to be published in the *Gazette*, and, if the Board so directs, in the *New Zealand Veterinary Journal*.

(2) If at any subsequent time the name of any veterinary surgeon whose name has been struck off the register is restored to the register, or the suspension of any veterinary surgeon is revoked, the registrar shall cause a notice of the restoration or revocation of suspension to be published in the *Gazette* and, if the Board so directs, in the *New Zealand Veterinary Journal*. 10 15

PART V

APPEALS TO ADMINISTRATIVE DIVISION OF SUPREME COURT

50. Matters on which appeals lie—(1) If any applicant for registration under this Act is dissatisfied with any decision of the Board under subsection (1) of section 23 of this Act refusing to approve his application, he may, at any time within 28 days after the date on which he was notified of the decision, appeal to the Supreme Court against the decision. 20

(2) If any veterinary surgeon is dissatisfied with any order or decision made by the Board in respect of him under section 33, section 34, section 35, or section 36 of this Act, he may, at any time within 28 days after the date on which he was notified of the order or decision, appeal to the Supreme Court against the whole or any part of the order or decision. 25 30

(3) If any veterinary surgeon is dissatisfied with the refusal of the Board under section 38 or section 39 of this Act to restore his name to the register, or with the refusal of the Board under section 35 of this Act to revoke any order suspending his registration, he may, at any time within 28 days after the date on which he was notified of the refusal, appeal to the Supreme Court against the refusal. 35

(4) Every such appeal shall be commenced by filing a notice of appeal with the Registrar of the Supreme Court in Wellington. The appellant shall, not later than the time limited for filing a notice of appeal as aforesaid, serve a copy 40

of the notice on the registrar and, in the case of an appeal brought under subsection (2) of this section, shall, if the Council or any other person was a party to the proceedings in respect of which the appeal is being brought, also serve a
5 copy of the notice on the Council or, as the case may be, on that other person.

Cf. 1956, No. 22, s. 26; 1964, No. 15, s. 16

51. Appeals to be heard by the Administrative Division—

10 (1) Every appeal under section 50 of this Act shall be heard and determined by the Administrative Division of the Supreme Court.

(2) The procedure in respect of any such appeal shall be in accordance with the rules of the Court.

52. Decisions of the Court in respect of appeals under this

15 **Part—**After the hearing of any such appeal, the Court may—

(a) In the case of an appeal made under subsection (1) of section 50 of this Act,—

20 (i) Order the appellant's name to be entered in the register, subject to such terms and conditions (if any) as the Court thinks just; or

(ii) Refer the application back to the Board with a direction on the issue the subject of the appeal so as to allow the Board to decide whether or not the applicant satisfies the other requirements for registration; or
25

(iii) Confirm the Board's refusal; or

(b) In the case of an appeal made under subsection (2) of the said section 50,—

30 (i) Reverse or modify the order or decision or the part of the order or decision appealed against, subject to such terms and conditions (if any) as the Court thinks just; or

(ii) Confirm the order or decision or the part of the order or decision appealed against; or

35 (c) In the case of an appeal made under subsection (3) of the said section 50,—

(i) Direct that the name of the appellant be restored to the register, subject to such terms and conditions (if any) as the Court thinks just; or
40

(ii) Confirm the Board's refusal:

Provided that nothing in this section shall be construed to give the Court power to review any part of the Board's order or decision other than the part against which the appellant has appealed.

PART VI

5

RESTRICTIONS ON THE PRACTICE OF VETERINARY SURGERY

*Struck Out***53. Offence to practise veterinary surgery if unregistered—**

(1) Subject to the provisions of this section, no person shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered under this Act. 10

(2) Every person who contravenes any of the provisions of subsection (1) of this section commits an offence and is liable— 15

(a) On summary conviction to a fine not exceeding \$200 and, in the case of a continuing offence, to a further fine not exceeding \$20 for each day on which the offence has continued; or

(b) On conviction on indictment to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$40 for each day on which the offence has continued. 20

(3) The Governor-General may, by Order in Council, made on the advice of the Minister given on the recommendation of the Board, exempt from subsections (1) and (2) of this section the carrying out or performance of any veterinary treatment, test, or operation specified in the order, subject to compliance with such conditions as may be prescribed in the order, by students of veterinary science of any prescribed class. 25 30

(4) Subsections (1) and (2) of this section shall not prohibit—

(a) The carrying out of any research or experimental work on an animal by a research worker acting in good faith: 35

(b) The doing of anything specified in the Schedule to this Act and not prohibited by the Animals Protection Act 1960:

(c) The performance by a registered medical practitioner of an operation on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings: 40

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- (d) The carrying out of any duty by an inspector appointed under the Animals Act 1967:
- 5 (e) The carrying out or performance of any treatment, test, or operation by a registered medical practitioner or a registered dentist at the request of a registered veterinary surgeon:
- 10 (f) The carrying out or performance of any minor treatment, test, or operation specified in any regulations made under this Act:
 Provided that any such treatment, test, or operation shall be in accordance with such conditions as may be prescribed in the regulations.
- Cf. Veterinary Surgeons Act 1966, s. 19 (U.K.)

15 **54. Unregistered persons not to use title of veterinary surgeon—**(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$20 for each day during which the offence continues who, not being registered as a veterinary surgeon, practises veterinary
 20 science, or any branch of veterinary science, under the name, title, or description of veterinary surgeon, veterinarian, or veterinary practitioner, or under any name, title, or description implying that he holds any degree or diploma in veterinary science or is specially qualified by experience or
 25 otherwise to practise veterinary science or any branch of veterinary science.

- (2) Every person who, not being registered as a veterinary surgeon,—
- 30 (a) Takes, uses, or adopts the name, title, or description of veterinary surgeon, veterinarian, or veterinary practitioner, unless he establishes that the manner and circumstances of his so doing were such as to raise no reasonable inference that he was describing himself or otherwise holding himself out as having
 35 any such qualification; or
- (b) Uses or causes to be used in connection with his business, trade, calling, or profession any words, title, or initials whatsoever in such a manner or in such
 40 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 especially qualified by experience or otherwise to practise or advise on veterinary science or any branch thereof— commits an offence and is liable on summary conviction to a fine not exceeding \$200; or on conviction on indictment to a fine not exceeding \$400. 5

Cf. 1956, No. 22, s. 33; 1964, No. 15, s. 21

55. Veterinary practitioners—Notwithstanding anything to the contrary in this Part of this Act or in section 22 of the Police Offences Act 1927, it shall be lawful for any person who was, before the 31st day of March 1957, entitled to use the title of veterinary practitioner to continue to use that title and to continue to perform the services usually performed by veterinary practitioners before that date. 10

Cf. 1956, No. 22, s. 33; 1964, No. 15, s. 21 15

56. Annual practising certificate—(1) Subject to the provisions of this section, every registered veterinary surgeon, unless specifically exempted by the Board, shall obtain from the registrar an annual practising certificate under this section.

(2) The only ground for exemption shall be retirement from the practise of veterinary science and every branch thereof. 20

(3) Subject to the payment of such fee (if any) as may be prescribed, the registrar, on application being made to him by any registered veterinary surgeon, shall issue to him an annual practising certificate. 25

(4) Every such certificate shall, unless it is sooner cancelled under the provisions of this Act, be in force from and including the date of its commencement as specified in the certificate until the expiration of the 31st day of March following: 30

Provided that, where the holder of a certificate that was in force on the 31st day of March in any year applies during the month of April in that year for a fresh annual practising certificate and at the same time pays the prescribed fee therefor, the fresh annual practising certificate when issued shall be in force from the time of the expiration of the previous one. 35

(5) Notwithstanding the provisions of subsection (3) of this section, where the registrar has received an application for an annual practising certificate (together with any fee that may be payable) before the expiration of any existing annual practising certificate held by the applicant and for some 40

reason it is not practicable to issue a new certificate before the expiration of the existing certificate, the existing certificate shall remain in force until the registrar has issued a new certificate.

5 (6) Notwithstanding anything to the contrary in this section, if any veterinary surgeon in respect of whom an annual practising certificate is for the time being in force ceases to be registered under this Act, the certificate shall thereupon be deemed to be cancelled.

10 (7) Every veterinary surgeon commits an offence, and is liable on summary conviction to a fine not exceeding \$50, and in the case of a continuing offence, to an additional fine not exceeding \$10 for each day on which the offence has continued, who practises veterinary science or any branch thereof
15 in New Zealand when he is not, or does not become, the holder of a practising certificate under this section that was in force at the material time.

Cf. 1956, No. 22, s. 32A; 1964, No. 15, s. 20

PART VII

20 MISCELLANEOUS PROVISIONS

57. Fees for examinations—Any person who applies to the Board to be registered under this Act and whom the Board requires to sit an examination under paragraph (b) of subsection (1) of section 20 of this Act shall, before sitting the
25 examination (being an examination conducted by or on behalf of the Board), pay the cost of examining him into the veterinary surgeons' special fund or to such agent as may be notified to him by the Board.

Cf. 1956, No. 22, s. 32

30 **58. Loss or destruction of certificate of registration or practising certificate**—(1) Where the registrar is satisfied that a certificate of registration or practising certificate has been lost or destroyed, he may, on application being made to him by the person to whom the certificate was issued and on
35 payment of the prescribed fee (if any), cause a duplicate certificate of registration or practising certificate to be issued to the applicant.

(2) For the purposes of satisfying himself that any certificate of registration has been lost or destroyed, the registrar
40 may require the applicant to provide a statutory declaration in support of the application or such evidence of loss or destruction as he may specify to the applicant.

59. Only registered veterinary surgeons may sue for fees—
(Except in the case of any treatment, test, or operation which may, by virtue of any of the provisions of paragraphs (c), (d), (e), and (f) of subsection (4) of section 53 of this Act or by virtue of clause 4 of the Schedule to this Act, be carried out by a person other than a registered veterinary surgeon) 5

No person shall be entitled to recover any charge in any court of law in New Zealand for—

- (a) Any veterinary surgical or veterinary medical advice or attendance; or 10
- (b) The performance of an operation on any animal— unless he was registered as a veterinary surgeon at the time when the charge was incurred.

60. References to veterinary surgeons in other Acts—All references in any Act to a veterinary surgeon, or registered veterinary surgeon, or duly qualified veterinary surgeon shall, unless a different intention appears from the context of that Act, be deemed to be references to a veterinary surgeon registered under this Act. 15

61. Notification of conviction of veterinary surgeons— 20
 Where any veterinary surgeon is convicted of any offence punishable by imprisonment for 2 years or more, the registrar of the convicting court shall provide the Board with particulars of the conviction.

62. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 25

- (a) Prescribing the fees to be payable in respect of applications, certificates of registration, and annual practising certificates: 30
- (b) Prescribing the mode and form of application for registration:
- (c) Prescribing the documents and evidence to be filed in support of applications for registration:
- (d) Prescribing the form of certificates of registration 35 (including certificates issued to persons temporarily registered), and annual practising certificates:
- (e) Regulating the keeping of the register, and providing for the keeping of an alphabetical index of veterinary surgeons whose names are entered in the 40 register:

- (f) Regulating the procedure at meetings of the Board, and providing for the keeping of the minutes of those meetings by the registrar:
- 5 (g) Prescribing scales of costs in respect of proceedings held under Part III of this Act:
- (h) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

Cf. 1956, No. 22, s. 34

10 **63. Service of notices**—(1) Any notice or other document to be given to or served on any person for the purposes of this Act may be given or served—

- (a) By causing it to be delivered to that person personally; or
- 15 (b) By causing it to be left at his usual or last known place of residence or business or at the address stated by him in any application or other document under this Act; or
- 20 (c) By causing it to be sent by registered letter addressed to him at that place of residence or business.

(2) Where any notice or document is sent to any person by registered letter as aforesaid, the notice or document shall be deemed to be given or served at the time when the letter would have been delivered in the ordinary course of post.

25 **64. Repeals, amendment, and saving**—(1) The following enactments are hereby repealed:

- (a) The Veterinary Surgeons Act 1956;
- (b) The Veterinary Surgeons Amendment Act 1964.
- 30 (2) The Summary Proceedings Act 1957 is hereby amended

by repealing so much of the First Schedule as relates to the Veterinary Surgeons Act 1956, and substituting the following:

“The Veterinary Surgeons | 31 | Offences as to
Act 1971 | | registration”.

35 (3) Where any person is provisionally registered at the commencement of this Act, his provisional registration may be renewed notwithstanding that he no longer holds the qualification for registration as a veterinary surgeon under this Act.

*Struck Out*Section 53**SCHEDULE****EXEMPTIONS FROM RESTRICTIONS ON PRACTICE OF VETERINARY SURGERY****TREATMENT AND OPERATIONS WHICH MAY BE GIVEN OR CARRIED OUT BY UNQUALIFIED PERSONS**

1. Any treatment given to an animal—
 - (a) By its owner; or
 - (b) By another member of a household of which the owner is a member; or
 - (c) By a person in the employment of the owner or of any other member of such a household.
2. Anything (except a laparotomy) done, otherwise than for reward, to an animal used in agriculture by the owner of the animal or by a person engaged or employed in caring for animals so used.
3. The rendering in an emergency of first aid for the purpose of saving life or relieving pain.
4. The performance by any person over 18 years of age of any of the following operations:
 - (a) Caponizing:
 - (b) Castrating any bull, goat, ram, or boar under 6 months of age:
 - (c) The tailing of a lamb:
 - (d) The docking of a tail of a dog before its eyes are open:
 - (e) The amputation of the dew claws of a dog before its eyes are open:
 - (f) The docking of the tail of a dairy cow by applying a rubber ring between the joints of the tail at a point not less than 2 inches below the lower tip of the vulva in a cow and not less than 1 inch below the lower tip of the vulva in a calf:
 - (g) The disbudding of the horn buds in calves and the dehorning of cattle under the age of 18 months.
5. The performance, by any person of or over 17 years of age undergoing instruction in animal husbandry, of any operation specified in clause 4 of this Schedule if either of the following conditions is satisfied:
 - (a) The instruction is given by a registered veterinary surgeon and the operation is performed under his direct personal supervision:
 - (b) The instruction is given at an institution approved by the Board and the operation is performed under the direct personal supervision of a person appointed to give that instruction at the institution.