



Australian Capital Territory

Veterinary Surgeons Act 1965

A1965-3

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Last amendment made by A2004-39
(republication for updated endnotes)

Not all amendments are in force: see last endnote
Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Veterinary Surgeons Act 1965* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 7 July 2005. It also includes any amendment, repeal or expiry affecting the republished law to 7 July 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Veterinary Surgeons Act 1965

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
3 Interpretation for Act	2
4 Competence to practise veterinary surgery	4
5 Impairment	4
Part 2 The Veterinary Surgeons Board	
6 The board	5
7 Constitution of board	5
8 Term of office of chairperson	5
Part 3 Registration	
Division 3.1 Qualifications for registration	
9 Entitlement to registration as veterinary surgeon	6

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Veterinary Surgeons Act 1965
Effective: 07/07/05-15/06/06

contents 1

Contents

	Page
10 Entitlement to registration as specialist veterinary surgeon	6
11 Registration under mutual recognition principle	7
12 Registration at discretion of board	8
13 Interim registration	8
14 Conditions of registration in cases of impairment	9
15 Refusal of registration if applicant convicted of offence	10
16 Refusal of registration if applicant deregistered under foreign law	10
17 Applicants to be competent and of good character	11
18 Restriction on registration of deregistered or suspended persons	12
Division 3.2 Registration procedure	
19 Applications for registration	12
20 Applications to be considered and determined	12
21 Registration of applicants	13
23 Conditions of registration	13
Division 3.3 Registers	
24 Register of veterinary surgeons	13
25 Register of specialist veterinary surgeons	13
26 Particulars to be entered in register of veterinary surgeons	14
27 Particulars to be entered in register of specialist veterinary surgeons	14
28 Certificate of registration	15
29 Change of address to be notified	17
30 Alteration of registers	18
31 Deregistration as specialist veterinary surgeon on basis of deregistration as veterinary surgeon	18
32 Suspension as specialist veterinary surgeon on basis of suspension as veterinary surgeon	19
33 Deregistration on basis of disciplinary action under foreign law	19
34 Imposition of conditions imposed under foreign law	21
35 Cessation of registration	21
Division 3.4 Annual registration fees	
36 Annual registration fee payable by registered veterinary surgeon	22
37 Annual registration fee payable by registered specialist veterinary surgeon	22
38 Registration to be cancelled for nonpayment	22
39 Entitlement to re-registration on payment of fees	23

	Page
Part 4	Disciplinary procedures
40	Cancellation or suspension of registration 24
41	Cancellation, suspension or restriction of right of practise on health grounds 26
42	Practising when registration suspended 27
43	Power of board to caution, reprimand etc 27
44	Power of board to impose fines 27
45	Inquiry by board 28
46	Effect of suspension and conditions 28
47	Publication of decision 29
48	Application for re-registration 30
49	Publication of names etc of registered veterinary surgeons 30
Part 5	The conduct of veterinary practice
50	Only registered veterinary surgeons to practise veterinary surgery 31
51	Person not to practise except under registered name 31
52	Publishing advertisements 32
53	Application of pt 5 32
54	Administration of estate of deceased veterinary surgeon 32
Part 6	Appeals
55	Review of decisions 33
56	Notification of decisions 34
Part 7	Miscellaneous
57	Inspection of registers 36
58	Determination of fees 36
59	Approved forms 36
60	Regulation-making power 37
Endnotes	
1	About the endnotes 38
2	Abbreviation key 38
3	Legislation history 39
4	Amendment history 42

Contents

	Page
5 Earlier republications	53
6 Renumbered provisions	53
7 Uncommenced amendments	57



Australian Capital Territory

Veterinary Surgeons Act 1965

An Act to provide for the registration of persons engaged in veterinary surgery,
and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Veterinary Surgeons Act 1965*.

3 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the Veterinary Surgeons Board established by section 6.

chairperson means the chairperson of the board.

deputy chairperson means the deputy chairperson of the board.

member means a member of the board.

Mutual Recognition Act means the *Mutual Recognition Act 1992* (Cwlth).

registered means registered under this Act.

registered specialist veterinary surgeon means a person—

- (a) who is registered in a specialist branch of veterinary surgery under this Act; or
- (b) who is to be deemed to be registered in a specialist branch of veterinary surgery under this Act because of the Mutual Recognition Act.

registered veterinary surgeon means a person—

- (a) who is registered under this Act; or
- (b) who is to be deemed to be registered under this Act because of the Mutual Recognition Act, section 25.

registration authority means a person or body empowered by a law of a place outside the ACT to register veterinary surgeons or otherwise to authorise persons to practise as veterinary surgeons.

specialist branch of veterinary surgery means 1 of the following:

- (a) animal behaviour;
- (b) veterinary anaesthesiology;
- (c) veterinary medicine;
- (d) veterinary ophthalmology;
- (e) veterinary pathobiology;
- (f) veterinary radiology;
- (g) veterinary reproduction;
- (h) veterinary surgery;
- (i) any other prescribed branch of veterinary surgery.

specialist veterinary surgeon means a person who practises a specialist branch of veterinary surgery.

veterinary service includes a veterinary attendance, operation or advice.

veterinary surgery means the medical or surgical treatment of diseases or conditions in animals.

- (2) For this Act, a person shall be deemed to practise veterinary surgery if—
- (a) the person practises veterinary surgery personally on his or her own account or as a member of a firm; or
 - (b) in the course of a business carried on by him or her, a person or persons employed by him or her is or are engaged in the practice of veterinary surgery; or

- (c) the person is engaged in the practice of veterinary surgery as a person employed in a business carried on by another person or by a firm.

4 Competence to practise veterinary surgery

For this Act, a person shall be taken to be competent to practise as a veterinary surgeon or specialist veterinary surgeon only if the person—

- (a) has sufficient physical capacity, mental capacity and skill to practise as a veterinary surgeon or specialist veterinary surgeon, as the case requires; and
- (b) has sufficient communication skills to practise as a veterinary surgeon or specialist veterinary surgeon, as the case requires, including an adequate command of the English language.

5 Impairment

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise as a veterinary surgeon or specialist veterinary surgeon, as the case requires.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

Part 2 The Veterinary Surgeons Board

6 The board

For this Act, there shall be a board that shall be known as the Veterinary Surgeons Board.

U 7 Constitution of board

- (1) The board shall consist of—
 - (a) a chairperson appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
 - (b) 2 other members appointed in accordance with that Act; and
 - (c) 2 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*.
- (3) A person is not eligible for appointment as chairperson unless the person is a registered veterinary surgeon.
- (4) A person is not eligible for appointment as a member referred to in subsection (1) (b) unless—
 - (a) the person is a registered veterinary surgeon; and
 - (b) the person was, at all times during the 3 years immediately before the appointment, entitled, under the law of a State or Territory, to practise as a veterinary surgeon in that State or Territory.
- (7) The chairperson shall be the executive officer of the board.

8 Term of office of chairperson

The chairperson holds office during the pleasure of the Minister.

Part 3 Registration

Division 3.1 Qualifications for registration

9 Entitlement to registration as veterinary surgeon

- (1) A person is entitled to be registered as a veterinary surgeon if—
- (a) the person is a graduate of a course of education and training in veterinary surgery offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; or
 - (b) the person—
 - (i) has completed a course of education or training in veterinary surgery in a place outside Australia, being a course that is accredited by the board; and
 - (ii) has undertaken the further education or training and gained the experience in practising veterinary surgery, for the period not longer than 12 months, that the board determines; and
 - (iii) has passed the examinations that the board requires.
- (2) The board shall not accredit a course offered by an institution in a place outside Australia unless the course is substantially equivalent to a course referred to in subsection (1) (a).
- (3) The entitlement under this section is an entitlement to registration that is not subject to any condition.

10 Entitlement to registration as specialist veterinary surgeon

A person is entitled to be registered as a specialist veterinary surgeon if the person is a registered veterinary surgeon who—

- (a) holds a qualification in a specialist branch of veterinary surgery, being a qualification that is accredited by the board or approved by a registration authority of a State or another Territory; and
- (b) has gained the experience practising in the specialist branch of veterinary surgery that the board requires to regard the person as a specialist veterinary surgeon in that branch.

11 Registration under mutual recognition principle

- (1) A person who is licensed or registered as a veterinary surgeon under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a veterinary surgeon under this Act.
- (2) A person who is licensed or registered as a specialist veterinary surgeon under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a specialist veterinary surgeon in the same specialist branch of veterinary surgery under this Act.
- (3) If the person's licence or registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (4) If the person's licence or registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that licence or registration is subject or conditions appropriate to give effect to any restriction to which that licence or registration is subject.

12 Registration at discretion of board

- (1) If a person is a graduate of a course of education or training referred to in section 9 (1) (b) (i), the board may register the person as a veterinary surgeon on a temporary basis to enable him or her to—
 - (a) undertake a course of education or training approved by the board; or
 - (b) gain experience in practising veterinary surgery.
- (2) The board may register a person as a veterinary surgeon for the purpose of enabling an unmet area of need to be met if the board is satisfied that the person has suitable qualifications and experience to practise veterinary surgery in that area of need.
- (3) The board may register a person as a veterinary surgeon for the purpose of enabling the person to fill a teaching or research position if—
 - (a) the person has qualifications that the board considers appropriate for that purpose; and
 - (b) the application is supported in writing by the professional association, university or other institution by which it is proposed that the person be engaged for that purpose.
- (4) The board may register a person as a veterinary surgeon on a temporary basis if satisfied that it is in the public interest to do so.
- (5) The board may impose the conditions on the registration of a person under this section that it considers appropriate.

13 Interim registration

- (1) An applicant for registration may be granted interim registration if—
 - (a) the person is entitled to registration under section 9 or 10 but it is not practicable to wait until the board can consider the application; or

- (b) the person would be entitled to registration under section 9 or 10 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 58 (Determination of fees) for this section.
- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
 - (a) granted him or her registration; or
 - (b) refused his or her application for registration; or
 - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.
- (5) A person who holds interim registration is for all purposes to be taken to be a registered veterinary surgeon or a specialist veterinary surgeon, as the case requires.

14 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration as a veterinary surgeon or specialist veterinary surgeon if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—

- (a) that the person no longer suffers from the impairment; or
- (b) that the impairment has lessened;

the board may alter or remove the conditions or impose new conditions.

15 Refusal of registration if applicant convicted of offence

- (1) Subject to subsection (3), the board may refuse an application for registration as a veterinary surgeon or specialist veterinary surgeon if—
 - (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
 - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise veterinary surgery or the specialist branch of veterinary surgery in relation to which the person has applied for registration.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

16 Refusal of registration if applicant deregistered under foreign law

- (1) Subject to subsection (4), the board may refuse an application for registration as a veterinary surgeon if the applicant's name has been removed from a foreign register of veterinary surgeons for any reason relating to conduct of the person as a veterinary surgeon or on any basis relating to the person's physical or mental capacity to practise veterinary surgery.

- (2) Subject to subsection (4), the board may refuse an application for registration as a specialist veterinary surgeon if the applicant's name has been removed from a foreign register of specialist veterinary surgeons for any reason relating to conduct of the person as a specialist veterinary surgeon or on any basis relating to the person's physical or mental capacity to practise the branch of specialist veterinary surgery in relation to which he or she has applied for registration.
- (3) A person's name shall be taken to have been removed from a foreign register of veterinary surgeons or specialist veterinary surgeons if it is removed from any register or roll established or kept under any law of a State, another Territory or a place outside Australia providing for the registration or licensing of veterinary surgeons or specialist veterinary surgeons, or the authorisation of persons to practise veterinary surgery or a specialist branch of veterinary surgery, as the case requires.
- (4) Subsections (1) and (2) do not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

17 Applicants to be competent and of good character

- (1) Subject to subsection (3), the board shall not register a person as a veterinary surgeon unless it is satisfied that the person is competent to practise veterinary surgery and is of good character.
- (2) Subject to subsection (3), the board shall not register a person as a specialist veterinary surgeon unless it is satisfied that the person is competent to practise the specialist branch of veterinary surgery in relation to which the person has applied for registration.
- (3) Subsections (1) and (2) do not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

18 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), a person whose registration as a veterinary surgeon or specialist veterinary surgeon has been cancelled (otherwise than under section 31 (1), 33 or 38 (2)) or suspended (otherwise than under section 32 (1) or 45 (2)) the person may not apply for re-registration or termination of the suspension otherwise than under section 48.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 3.2 Registration procedure

19 Applications for registration

- (1) This section applies to applications for registration as a veterinary surgeon or specialist veterinary surgeon other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 58 (Determination of fees) for this section.

Note 2 If a form is approved under s 59 (Approved forms) for an application, the form must be used.

20 Applications to be considered and determined

The board shall consider each application under section 19 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

21 Registration of applicants

If a person who is applying for registration as a veterinary surgeon or specialist veterinary surgeon otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to registration in accordance with this Act;

the board shall, subject to this Act, register the applicant as a veterinary surgeon or specialist veterinary surgeon, as the case requires.

23 Conditions of registration

The conditions that the board may impose on registration as a veterinary surgeon or specialist veterinary surgeon at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 3.3 Registers

24 Register of veterinary surgeons

- (1) The board shall keep a register to be called the register of veterinary surgeons.
- (2) The register may be kept by electronic means.

25 Register of specialist veterinary surgeons

- (1) The board shall keep a register to be called the register of specialist veterinary surgeons.

- (2) The register may be kept by electronic means.

26 Particulars to be entered in register of veterinary surgeons

The registration of a person as a veterinary surgeon shall be effected by entering in the register of veterinary surgeons—

- (a) the name of the person; and
- (b) the person's professional address or addresses in the ACT or, if he or she has no professional address in the ACT, his or her place of residence, whether within or outside the ACT; and
- (c) particulars of the qualifications of the person relevant to practise as a veterinary surgeon; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) the provision under which the person is entitled to be registered; and
- (g) any condition to which the person's registration is subject; and
- (h) the other particulars (if any) prescribed under the regulations.

27 Particulars to be entered in register of specialist veterinary surgeons

The registration of a person as a specialist veterinary surgeon shall be effected by entering in the register of specialist veterinary surgeons—

- (a) the name of the person; and
- (b) the specialist branch of veterinary surgery in which the person is being registered; and
- (c) particulars of the qualifications of the person relevant to practising that specialist branch of veterinary surgery; and

- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) the provision under which the person is entitled to be registered; and
- (g) any condition to which the person's registration is subject; and
- (h) the registration number allotted to the person in the register of veterinary surgeons; and
- (i) the other particulars (if any) prescribed under the regulations.

28 Certificate of registration

- (1) If a person is registered as a veterinary surgeon, the board shall issue to the person a certificate of registration, signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall—
 - (a) state the provision under which the person specified in the certificate is entitled to be registered as a veterinary surgeon; and
 - (b) if the person is registered as a specialist veterinary surgeon—state the specialist branch of veterinary surgery in which the person is registered and the provision under which the person is entitled to be registered as a specialist veterinary surgeon; and
 - (c) set out any conditions to which his or her registration as a veterinary surgeon or specialist veterinary surgeon is subject.
- (3) The chairperson may, by written notice, require a person registered as a specialist veterinary surgeon and to whom a certificate of registration as a veterinary surgeon has been issued, to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice for the purpose of enabling the board to endorse on the certificate details of the person's registration as a specialist veterinary surgeon.

- (4) A certificate of registration is evidence that the person specified in the certificate was registered as a veterinary surgeon and, if applicable, as a specialist veterinary surgeon, on the date or dates specified in the certificate.
- (5) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 58 (Determination of fees) for this section.

- (6) The chairperson shall, by written notice, require a veterinary surgeon or specialist veterinary surgeon whose registration is cancelled or suspended to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice.
- (7) If the registration of a person as a specialist veterinary surgeon is cancelled, the board shall, on receipt of the certificate of registration in accordance with subsection (6), issue to the veterinary surgeon a certificate of registration as a veterinary surgeon.
- (8) If a person whose registration as a veterinary surgeon has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration as a veterinary surgeon has sooner been cancelled.
- (9) If the board suspends the registration of a person as a specialist veterinary surgeon, the board shall, on receipt of the certificate of registration in accordance with subsection (6)—
 - (a) keep the certificate during the period of the suspension; and
 - (b) issue a temporary certificate of registration as a veterinary surgeon to the person for that period; and
 - (c) return the firstmentioned certificate to the person at the end of that period unless—

- (i) the person's registration as a veterinary surgeon has sooner been suspended or cancelled; or
 - (ii) the person's registration as a specialist veterinary surgeon has sooner been cancelled.
- (10) If, after a certificate of registration has been issued to a person—
 - (a) conditions are imposed on the registration of the person as a veterinary surgeon or specialist veterinary surgeon; or
 - (b) conditions imposed on the registration of the person as a veterinary surgeon or specialist veterinary surgeon are varied;the chairperson may, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice for the purpose of enabling a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.
- (11) A person who, without reasonable excuse, contravenes a notice under subsection (3), (6) or (10) commits an offence.
Maximum penalty: 5 penalty units.

29 Change of address to be notified

If—

- (a) a change occurs in an address of a registered veterinary surgeon shown in the Register of Veterinary Surgeons; or
- (b) a registered veterinary surgeon establishes, or ceases to have, a professional address in the ACT;

the registered veterinary surgeon shall, within 1 month of the change or establishment notify the chairperson in writing.

Maximum penalty: 5 penalty units.

30 Alteration of registers

- (1) The board shall remove from the register of veterinary surgeons the name of—
 - (a) a registered veterinary surgeon who has died; or
 - (b) a registered veterinary surgeon whose registration has been cancelled.
- (2) The board shall remove from the register of specialist veterinary surgeons the name of—
 - (a) a registered specialist veterinary surgeon whose name has been removed from the register of veterinary surgeons; or
 - (b) a registered specialist veterinary surgeon whose registration as a specialist veterinary surgeon has been cancelled.
- (3) The board may, from time to time, at the request of a person or on its own initiative, make any other alterations to particulars in the register of veterinary surgeons or the register of specialist veterinary surgeons that are necessary.

Note A fee may be determined under s 58 (Determination of fees) for this section.

31 Deregistration as specialist veterinary surgeon on basis of deregistration as veterinary surgeon

- (1) If the board has removed from the register of veterinary surgeons the name of a person who is registered as a specialist veterinary surgeon, the board shall cancel the registration of the person as a specialist veterinary surgeon.
- (2) If—
 - (a) the name of a person whose registration as a specialist veterinary surgeon has been cancelled under subsection (1), is restored to the register of veterinary surgeons; and

- (b) the person applies to the board to be re-registered as a specialist veterinary surgeon;

the board shall re-register the person as a specialist veterinary surgeon.

32 Suspension as specialist veterinary surgeon on basis of suspension as veterinary surgeon

- (1) If the board has suspended the registration as a veterinary surgeon of a person who is registered as a specialist veterinary surgeon, the board shall suspend the registration of the person as a specialist veterinary surgeon during the same period.
- (2) If the suspension of the registration as a veterinary surgeon of a person referred to in subsection (1) is terminated, the board shall terminate the suspension of the registration of the person as a specialist veterinary surgeon.

33 Deregistration on basis of disciplinary action under foreign law

- (1) If the board is satisfied that the name of a person who is registered as a veterinary surgeon under this Act has been removed from any register or roll of veterinary surgeons kept under a law of a State or another Territory for any reason relating to—
- (a) conduct of the person as a veterinary surgeon; or
- (b) the physical or mental capacity of the person to practise veterinary surgery;
- the board shall cancel the registration of the person as a veterinary surgeon.
- (2) If the board is satisfied that the name of a person who is registered as a specialist veterinary surgeon under this Act has been removed from a register or roll of specialist veterinary surgeons kept under a law of a State or another Territory for any reason relating to—
- (a) conduct of the person as a specialist veterinary surgeon; or

- (b) the physical or mental capacity of the person to practise the specialist branch of veterinary surgery in which he or she is registered;

the board shall cancel the registration of the person as a specialist veterinary surgeon, as the case requires.

- (3) If—

- (a) the name of a person whose registration has been cancelled under subsection (1) or (2) is restored to the register or roll referred to in that subsection; and
- (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person as a veterinary surgeon or specialist veterinary surgeon, as the case requires.

- (4) If the board is satisfied that the name of a person who is registered as a veterinary surgeon under this Act has been removed from any register or roll of veterinary surgeons kept under a law of a place outside Australia for any reason relating to—

- (a) conduct of the person as a veterinary surgeon; or
- (b) the physical or mental capacity of the person to practise veterinary surgery;

the board may cancel the registration of the person as a veterinary surgeon.

- (5) If the board is satisfied that the name of a person who is registered as a specialist veterinary surgeon under this Act has been removed from any register or roll of specialist veterinary surgeons kept under a law of a place outside Australia for any reason relating to—

- (a) conduct of the person as a specialist veterinary surgeon; or
- (b) the physical or mental capacity of the person to practise the specialist branch of veterinary surgery in which he or she is registered;

the board may cancel the registration of the person as a specialist veterinary surgeon.

- (6) The board may re-register a person whose registration has been cancelled under subsection (4) or (5) if the board is satisfied that it is appropriate in the circumstances to do so.

34 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that, after a person has been registered as a veterinary surgeon or specialist veterinary surgeon under this Act, a condition has been imposed on the registration of the person as a veterinary surgeon or specialist veterinary surgeon under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person as a veterinary surgeon or specialist veterinary surgeon under this Act.
- (2) If the board is satisfied that after a person has been registered as a veterinary surgeon or specialist veterinary surgeon under this Act a condition has been imposed on the registration of the person as a veterinary surgeon or specialist veterinary surgeon under a law of a place outside Australia, the board may impose a similar condition on the registration of the person as a veterinary surgeon or specialist veterinary surgeon under this Act.

35 Cessation of registration

A person who is registered as a veterinary surgeon or specialist veterinary surgeon ceases to be so registered—

- (a) when the board gives the person notice that his or her registration as a veterinary surgeon or specialist veterinary surgeon has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

Division 3.4 Annual registration fees

36 Annual registration fee payable by registered veterinary surgeon

- (1) On or before 1 July in each year, a registered veterinary surgeon must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.
- (2) The board shall send to each registered veterinary surgeon, not later than 1 month before 1 July in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered veterinary surgeon for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

37 Annual registration fee payable by registered specialist veterinary surgeon

- (1) On or before 1 July in each year, a registered specialist veterinary surgeon must pay to the Territory the annual registration fee determined under section 58 (Determination of fees) for the year.
- (2) The board shall send to each registered specialist veterinary surgeon, not later than 1 month before 1 July in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered specialist veterinary surgeon for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

38 Registration to be cancelled for nonpayment

- (1) If a person who is a registered veterinary surgeon or registered specialist veterinary surgeon does not comply with section 36 (1) or 37 (1), the board shall send to the person a notice requiring him or her to pay the fee due under that section by a day specified in the notice and advising him or her that if the fee is not paid on or before

that day his or her registration as a veterinary surgeon or specialist veterinary surgeon will be cancelled.

- (2) The board shall cancel the registration as a veterinary surgeon or specialist veterinary surgeon of a person to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

39 Entitlement to re-registration on payment of fees

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 58 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 59 (Approved forms) for an application, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register of veterinary surgeons or the register of specialist veterinary surgeons.
- (3) The board may refuse to re-register a person under this section if satisfied that the person is not competent to practise veterinary surgery or is not of good character.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register of veterinary surgeons or the register of specialist veterinary surgeons.

Part 4 Disciplinary procedures

40 Cancellation or suspension of registration

- (1) The board may—
- (a) cancel the registration of a person; or
 - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate;
- if satisfied—
- (c) that the registration of the person was obtained by fraud or misrepresentation; or
 - (d) that the qualification of the person that entitled him or her to registration has been withdrawn or cancelled by the body that granted it; or
 - (e) that the person has contravened this Act; or
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).
- (f) that the person has contravened a condition to which his or her registration under this Act is subject; or
 - (g) that the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise as a veterinary surgeon or specialist veterinary surgeon; or
 - (h) that the person has advertised for the purpose of procuring practice as a veterinary surgeon or specialist veterinary surgeon or has sanctioned, or been associated with or employed by a person who sanctions, such an advertisement; or

- (i) that the person has canvassed or employed an agent or canvasser for the purpose of procuring practice as a veterinary surgeon or specialist veterinary surgeon or has sanctioned, or been associated with or employed by a person who sanctions, the employment of an agent or canvasser for that purpose; or
 - (j) that the person is guilty of habitual drunkenness, or addiction to a deleterious drug, that renders him or her unfit to practise as a veterinary surgeon or a specialist veterinary surgeon; or
 - (k) that the person has engaged in conduct, whether in practising as a veterinary surgeon, or specialist veterinary surgeon, or not, that adversely affects the way the person practises as a veterinary surgeon or specialist veterinary surgeon; or
 - (l) that the person has engaged in any improper or unethical conduct relating to practising as a veterinary surgeon or specialist veterinary surgeon; or
 - (m) that the person has failed to exercise adequate judgment or care in practising as a veterinary surgeon or specialist veterinary surgeon; or
 - (n) that the person is not competent to practise as a veterinary surgeon or specialist veterinary surgeon, as the case requires.
- (2) A reference to advertising in subsection (1) (h) does not include a reference to—
- (a) the publication by a registered veterinary surgeon or specialist veterinary surgeon, from time to time, of a notice of the fact that he or she practises as a veterinary surgeon or specialist veterinary surgeon and of each place where he or she practises; or
 - (b) the publication by a registered veterinary surgeon or specialist veterinary surgeon of a notice of the fact that he or she has begun or resumed practice as a veterinary surgeon or specialist veterinary surgeon or a notice of a change of an address where he or she practises; or

- (c) the exhibition by a registered veterinary surgeon or specialist veterinary surgeon at each place where he or she practises of a notice containing his or her name and qualifications;

being a notice of a kind that conforms to the accepted customs and usages of the veterinary profession.

41 Cancellation, suspension or restriction of right of practise on health grounds

- (1) Subject to subsection (2), the board shall, when it is satisfied that the mental or physical condition of a person who is registered as a veterinary surgeon or specialist veterinary surgeon renders him or her unfit to practise as a veterinary surgeon or specialist veterinary surgeon—
 - (a) cancel the registration of the person as a veterinary surgeon or specialist veterinary surgeon; or
 - (b) by order served on the person, suspend the registration of the person as a veterinary surgeon or specialist veterinary surgeon for the period the board considers appropriate.
- (2) The board may, instead of cancelling or suspending the registration of a person, if satisfied that the person is fit to give or perform some veterinary services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person, direct the person not to give or perform the veterinary services specified, whether individually or otherwise, in the order.
- (3) If the board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if satisfied that the mental or physical condition of the person has changed since the order was made, amend or revoke the order.
- (4) A person on whom an order under subsection (1) (b) or (2) has been served who gives or performs a veterinary service in contravention of that order shall, in giving or performing the service, be deemed to be a person other than a registered veterinary surgeon or a specialist veterinary surgeon.

42 Practising when registration suspended

If a person whose registration as a veterinary surgeon or specialist veterinary surgeon has been suspended is convicted of an offence against section 50, the board may—

- (a) cancel the registration of the person; or
- (b) by order served on the person, suspend the registration of the person for the further period that the board considers appropriate.

43 Power of board to caution, reprimand etc

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a person who is a registered veterinary surgeon or specialist veterinary surgeon:
 - (a) caution or reprimand the person;
 - (b) order that the person seek and undergo medical or psychiatric treatment or counselling;
 - (c) impose on the person's registration the conditions that the board considers appropriate relating to the person practising as a veterinary surgeon or specialist veterinary surgeon;
 - (d) order that the person complete specified educational courses;
 - (e) order that the person seek and follow advice, in relation to his or her practice as a veterinary surgeon or specialist veterinary surgeon from persons specified by the board.
- (2) Subsection (1) (d) does not apply in relation to a person who obtained registration under this Act because of the Mutual Recognition Act.

44 Power of board to impose fines

- (1) Subject to subsection (2), if the board finds that a person who is a registered veterinary surgeon or specialist veterinary surgeon has failed to comply with an order of the board under section 43 it may,

by order served on the person, impose on him or her a fine not exceeding \$1 000.

- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a person on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
 - (a) cancel the registration of the person; or
 - (b) by order served on the person, suspend the registration of the person for the period that the board considers appropriate.

45 Inquiry by board

- (1) The board shall hold an inquiry before—
 - (a) cancelling the registration of a person, other than under section 31 (1), 33 (1) or (2) or 38 (2); or
 - (b) suspending the registration of a person, other than under section 32 (1); or
 - (c) making an order under section 41 (2); or
 - (d) taking any action under section 43 (1).
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.

46 Effect of suspension and conditions

- (1) For this Act, a registered veterinary surgeon or specialist veterinary surgeon whose registration is suspended shall be deemed, during the

period of the suspension, not to be a registered veterinary surgeon or specialist veterinary surgeon.

- (2) For this Act, a registered veterinary surgeon or specialist veterinary surgeon who provides a veterinary service in contravention of a condition imposed on his or her registration shall, in providing that service, be deemed not to be a registered veterinary surgeon or specialist veterinary surgeon.

47 Publication of decision

- (1) The chairperson may prepare a written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—

- (a) cancelling the registration of a person; or
- (b) suspending, otherwise than under section 45 (2), the registration of a person; or
- (c) imposing conditions on the registration of a person; or
- (d) making or amending an order under section 41 (2); or
- (e) taking any action under section 43 (1); or
- (f) imposing a fine on a person under section 44 (1);

and the reasons for the decision, including the findings on material questions of fact.

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The notice must not be notified until—

- (a) the period within which an application may be made to the administrative appeals tribunal for review of the decision has ended; and

- (b) if an application for review of the decision is made—the administrative appeals tribunal has given its decision on the application.

48 Application for re-registration

- (1) If the registration of a person has been cancelled, otherwise than under section 31 (1), 33 or 38 (2), or suspended, otherwise than under section 32 (1) or 45 (2), the person may apply for re-registration or termination of the suspension on the ground that, because of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he or she should be re-registered or his or her suspension should be terminated.
- (2) On an application made under this section the board may, if it is satisfied that, because of the change in circumstances, the person should be re-registered or his or her suspension should be terminated, order that the person be re-registered or that his or her suspension be terminated.

49 Publication of names etc of registered veterinary surgeons

- (1) As soon as practicable after 1 July in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the veterinary surgeons registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Part 5 The conduct of veterinary practice

50 Only registered veterinary surgeons to practise veterinary surgery

- (1) A person other than a registered veterinary surgeon shall not—
- (a) practise or perform, for fee or reward, veterinary surgery; or
 - (b) hold himself or herself out to be a veterinary surgeon; or
 - (c) take or use the title of veterinary surgeon, registered veterinary surgeon or any other title of similar meaning.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A registered veterinary surgeon shall not—
- (a) hold himself or herself out to be a specialist veterinary surgeon in a specialist branch of veterinary surgery in relation to which he or she is not registered; or
 - (b) take or use the title of a specialist veterinary surgeon, registered specialist veterinary surgeon or any other title of similar meaning if he or she is not registered as a specialist veterinary surgeon.

Maximum penalty: 30 penalty units.

51 Person not to practise except under registered name

A person shall not practise veterinary surgery under a name other than the name under which he or she is registered.

Maximum penalty: 50 penalty units.

52 Publishing advertisements

- (1) A person shall not knowingly publish a statement, whether by way of advertisement or otherwise, by which a person who is not registered as a veterinary surgeon or specialist veterinary surgeon is held out to be a veterinary surgeon or specialist veterinary surgeon, as the case may be.

Maximum penalty: 30 penalty units.

53 Application of pt 5

Nothing in this part—

- (a) prevents the performance, in an emergency, of veterinary surgery by a veterinary surgeon entitled to apply for registration under this Act or by a doctor; or
- (d) affects the lawful business or occupation of a pharmacist registered under the law in force in the ACT.

54 Administration of estate of deceased veterinary surgeon

The executor or executrix of the will of a deceased veterinary surgeon, or an administrator or trustee of the estate of a deceased veterinary surgeon, of a deceased registered veterinary surgeon who was, at the time of his or her death, carrying on business as a veterinary surgeon, may continue the business for 6 months or for any longer period that the board, on application by the executor, executrix, administrator or trustee, permits, if the practice of veterinary surgery in the business is carried on by a registered veterinary surgeon.

Part 6 Appeals

55 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 12 (5), 14 (1) or 34 (2) to impose conditions on the registration of a person; or
- (b) under section 13 (4) to cancel the interim registration of a person; or
- (c) under section 14 (2) to refuse to review conditions imposed on the registration of a person; or
- (d) under section 14 (2) to refuse to alter or remove conditions imposed on the registration of a person; or
- (e) under section 14 (2) to alter conditions imposed on the registration of a person; or
- (f) under section 14 (2) to impose new conditions on the registration of a person; or
- (g) under section 20 (b) to refuse to register a person; or
- (h) under section 33 (4) or (5), 40 (1) (a), 41 (1) (a), 42 (a) or 44 (4) (a) to cancel the registration of a person; or
- (i) under section 33 (6), 39 (3) or 48 (2) to refuse to re-register a person; or
- (j) under section 40 (1) (b), 41 (1) (b), 42 (b) or 44 (4) (b) or 45 (2) to suspend the registration of a person; or
- (k) under section 41 (2) to make an order directing a person not to give or perform a veterinary service; or

- (l) under section 41 (3) to refuse to review an order directing a person not to give or perform a veterinary service; or
- (m) under section 41 (3) to refuse to amend or revoke an order directing a person not to give or perform a veterinary service; or
- (n) under section 41 (3) to amend an order directing a person not to give or perform a veterinary service; or
- (o) under section 43 (1) to take any action of the kind referred to in that section in relation to a registered veterinary surgeon or specialist veterinary surgeon; or
- (p) under section 44 (1) to impose a fine on a registered veterinary surgeon or specialist veterinary surgeon; or
- (q) under section 48 (2) to refuse to terminate the suspension of registration of a person; or
- (r) under section 54 to refuse to extend beyond 6 months the period during which the executor or executrix of the will of a deceased veterinary surgeon, or the administrator or trustee of the estate of a deceased veterinary surgeon, may continue the business of the veterinary surgeon; or
- (s) under section 54 to fix a period longer than 6 months during which the executor or executrix of the will of a deceased veterinary surgeon, or the administrator or trustee of the estate of a deceased veterinary surgeon may continue the business of the veterinary surgeon.

56 Notification of decisions

- (1) If a decision of the kind referred to in section 55 (other than paragraph (b), (j), (k) or (p)) is made, the board shall give written notice of the decision —
 - (a) for a decision referred to in section 55 (a)—to the person on whose registration conditions have been imposed; or

- (b) for a decision referred to in section 55 (c), (d) or (e)—to the person whose registration is subject to the conditions; or
 - (c) for a decision referred to in section 55 (f)—to the person on whose registration new conditions have been imposed; or
 - (d) for a decision referred to in section 55 (g)—to the person whose application for registration has been refused; or
 - (e) for a decision referred to in section 55 (h)—to the person whose registration has been cancelled; or
 - (f) for a decision referred to in section 55 (i)—to the person whose application for re-registration has been refused; or
 - (g) for a decision referred to in section 55 (l), (m) or (n)—to the person in relation to whom the order was made; or
 - (h) for a decision referred to in section 55 (o)—to the registered veterinary surgeon in relation to whom the action has been taken; or
 - (i) for a decision referred to in section 55 (q)—to the person whose registration has been suspended; or
 - (j) for a decision referred to in section 55 (r) or (s)—to the executor or executrix of the will of the deceased veterinary surgeon or the administrator or trustee of the estate of the deceased veterinary surgeon.
- (2) A notice under subsection (1) or section 10B (4) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) An order under section 25D (1) (b), 25E (1) (b) or (2), 25F (b), 25H (1) or (4) (b) or 25J (2) shall have endorsed on it or attached to it a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 7 Miscellaneous

57 Inspection of registers

- (1) A person may inspect, or obtain a certified copy of, an entry in the register of veterinary surgeons or the register of specialist veterinary surgeons.

Note A fee may be determined under s 58 (Determination of fees) for this section.

- (2) The board may, on request by a registration authority and without payment by the registration authority of a fee, forward a certified copy of the register of veterinary surgeons or the register of specialist veterinary surgeons to that registration authority.

58 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

59 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

60 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Veterinary Surgeons Registration Ordinance 1965* A1965-3 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was renamed as the *Veterinary Surgeons Act 1965* by the *Veterinary Surgeons (Amendment) Act 1994* No 48 (see s 4).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

Legislation before becoming Territory enactment

Veterinary Surgeons Act 1965 No 3

notified 18 March 1965

commenced 27 April 1965 (s 2 and Cwlth Gaz 1965 p 1536)

as amended by

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 sch 1

notified 23 December 1966

commenced 23 December 1966

Veterinary Surgeons Registration Ordinance 1967 No 17

notified 8 June 1967

commenced 8 June 1967

Veterinary Surgeons Registration Ordinance 1970 No 39

notified 22 October 1970

commenced 22 October 1970

Ordinances Revision Ordinance 1977 No 65 sch 2

notified 22 December 1977

Endnotes

3 Legislation history

commenced 22 December 1977

Ordinances Revision Ordinance 1978 No 46 sch 2

notified 28 December 1978

commenced 28 December 1978

Ordinances Revision (Penalties) Ordinance 1979 No 26 s 9 and sch

notified 31 August 1979

commenced 31 August 1979

**Veterinary Surgeons Registration (Amendment) Ordinance 1980
No 52**

notified 23 December 1980

commenced 31 December 1981 (Cwlth Gaz 1981 No S273)

**Veterinary Surgeons Registration (Amendment) Ordinance 1981
No 53**

notified 9 December 1981

commenced 1 May 1982 (Cwlth Gaz 1982 No S84)

**Veterinary Surgeons Registration (Amendment) Ordinance 1982
No 33**

notified 28 June 1982

commenced 30 June 1982 (Cwlth Gaz 1982 No S139)

**Veterinary Surgeons Registration (Amendment) Ordinance (No 2)
1982 No 48**

notified 30 June 1982

commenced 30 June 1982

**Veterinary Surgeons Registration (Amendment) Ordinance 1984
No 14**

notified 18 May 1984

commenced 15 June 1984

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989
No S164)

Legislation after becoming Territory enactment**Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Health (Consequential Provisions) Act 1993 No 14 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993 (s 2)

Veterinary Surgeons (Amendment) Act 1994 No 48 (as am by Act 1994 No 60 sch 1)

notified 5 October 1994 (Gaz 1994 No S196)
ss 1-3 commenced 5 October 1994 (s 2 (1))
remainder commenced 6 October 1994 (s 2 (2) and Gaz 1994 No S214)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Veterinary Surgeons (Amendment) Act 1999 No 39

notified 16 July 1999 (Gaz 1999 No S43)
commenced 16 July 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 406

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 406 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Endnotes

4 Amendment history

Health Professionals Legislation Amendment Act 2004 A2004-39 sch 12 pt 12.1 (as am by A2005-28 amdt 1.40)

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 12 pt 12.1 awaiting commencement (s 2 and see Health
Professionals Act 2004 A2004-38, s 2 as am by A2005-28 amdt 1.1)

Note default commencement under s 2: 9 July 2006

Health Legislation Amendment Act 2005 A2005-28 amdt 1.40

notified LR 6 July 2005

s 1, s 2 commenced 6 July 2005 (LA s 75 (1))

amdt 1.40 commenced 7 July 2005 (LA s 79A)

Note This Act only amends the Health Professionals Legislation
Amendment Act 2004 A2004-39.

as repealed by

Health Professionals Act 2004 A2004-38 s 136 (1) (m)

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

s 136 (1) (m) awaiting commencement (s 2 as am by A2005-28
amdt 1.1)

Note 1 default commencement: 9 July 2006 (s 2)

Note 2 default commencement under LA s 79 does not apply to this
Act

4 Amendment history

Name of Act

s 1 am 1994 No 48 s 4

Commencement

s 2 om 2001 No 44 amdt 1.4206

Interpretation of Act

s 3 orig s 3 om 1977 No 65 sch 2
(prev s 4) am 1978 No 46 sch 2; 1980 No 52 s 5; 1984 No 14
s 4; 1994 No 48 s 5 and sch; ss renum R3 LA
def **board** sub 1994 No 48 s 5
def **chairperson** sub 1994 No 48 s 5
def **deputy chairperson** sub 1980 No 52 s 4; 1994 No 48 s 5
def **determined fee** ins 1994 No 48 s 5
om 2001 No 44 amdt 1.4207
def **Mutual Recognition Act** ins 1994 No 48 s 5
def **registered** am 1984 No 14 s 4

def **registered specialist veterinary surgeon** ins 1994 No 48 s 5
 def **registered veterinary surgeon** sub 1994 No 48 s 5
 def **registration authority** ins 1994 No 48 s 5
 def **specialist branch of veterinary surgery** ins 1994 No 48 s 5
 pars renum R3 LA
 def **specialist veterinary surgeon** ins 1994 No 48 s 5
 def **the director** om 1980 No 52 s 4
 def **the Election Ordinance** ins 1980 No 52 s 4
 om 1981 No 53 s 4
 def **the Minister** om 1978 No 46 sch 2
 def **the register** am 1984 No 14 s 4
 om 1994 No 48 s 5
 def **tribunal** ins 1981 No 53 s 4
 sub 1989 No 38 sch 1
 om 1994 No 60 sch 1
 def **veterinary service** ins 1984 No 14 s 4
 renum 1994 No 48 s 31

Competence to practise veterinary surgery

s 4 orig s 4 renum as s 3
 (prev s 4A) ins 1984 No 14 s 5
 am 1989 No 38 sch 1
 sub 1994 No 48 s 6
 renum 1994 No 48 s 31

Competence to practise veterinary surgery

s 4A renum as s 4

Impairment

s 4B renum as s 5

Impairment

s 5 orig s 5 renum as s 6
 (prev s 4B) ins 1994 No 48 s 6
 renum 1994 No 48 s 31

The board

s 6 orig s 6 renum as s 7
 (prev s 5) am 1978 No 46 sch 2; 1981 No 53 s 6
 renum 1994 No 48 s 31

Constitution of board

s 7 orig s 7 renum as s 8
 (prev s 6) sub 1980 No 52 s 5
 am 1981 No 53 s 7; 1989 No 38 sch 1; 1994 No 48 sch
 renum 1994 No 48 s 31
 am 1999 No 39 s 4; A2004-39 amdt 12.1

Endnotes

4 Amendment history

Term of office of elected members

s 7A ins 1980 No 52 s 5
om 1981 No 53 s 8

Term of office of chairperson

s 8 orig s 8 om 1981 No 53 s 8
(prev s 7) sub 1980 No 52 s 5; 1981 No 53 s 7
renum 1994 No 48 s 31
sub 1999 No 39 s 5

Registration

pt 3 hdg am 1994 No 48 s 7

Qualifications for registration

div 3.1 hdg (prev pt 3 div 1 hdg) ins 1994 No 48 s 8
renum R3 LA

Entitlement to registration as veterinary surgeon

s 9 orig s 9 renum as s 10
(prev s 8) om 1981 No 53
ins 1994 No 48 s 8
renum 1994 No 48 s 31

Entitlement to registration as specialist veterinary surgeon

s 10 orig s 10 renum as s 11
(prev s 9) am 1980 No 52 s 6
om 1981 No 53 s 8
ins 1994 No 48 s 8
renum 1994 No 48 s 31

Registration at discretion of board

s 10A renum as s 12

Interim registration

s 10B renum as s 13

Conditions of registration in cases of impairment

s 10C renum as s 14

Refusal of registration if applicant convicted of offence

s 10D renum as s 15

Refusal of registration if applicant deregistered under foreign law

s 10E renum as s 16

Applicants to be competent and of good character

s 10F renum as s 17

Restriction on registration of deregistered or suspended persons

s10G renum as s 18

Applications for registration

s 10H renum as s 19

Applications to be considered and determined

s 10J renum as s 20

Registration of applicants

s 10K renum as s 21

Fee for registration pursuant to Mutual Recognition Act

s 10L renum as s 22

Conditions of registration

s 10M renum as s 23

Registration under mutual recognition principle

s 11 orig s 11 renum as s 24
 (prev s 10) om 1981 No 53 s 8
 ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Registration at discretion of board

s 12 orig s 12 renum as s 25
 (prev s 10A) ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Interim registration

s 13 orig s 13 renum as s 26
 (prev s 10B) ins 1994 No 48 s 8
 renum 1994 No 48 s 31
 am 2001 No 44 amdt 1.4208

Conditions of registration in cases of impairment

s 14 orig s 14 renum as s 27
 (prev s 10C) ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Refusal of registration if applicant convicted of offence

s 15 orig s 15 renum as s 28
 (prev s 10D) ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Refusal of registration if applicant deregistered under foreign law

s 16 orig s 16 renum as s 29
 (prev s 10E) ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Applicants to be competent and of good character

s 17 orig s 17 sub 1982 No 33 s 7
 om 1994 No 48 s 10
 (prev s 10F) ins 1994 No 48 s 8
 renum 1994 No 48 s 31

Change of address to be notified

s 17A ins 1982 No 33 s 7
 om 1994 No 48 s 10

Endnotes

4 Amendment history

Provisional registration

s 17B ins 1982 No 33 s 7
om 1994 No 48 s 10

Temporary registration

s 17C ins 1982 No 33 s 7
om 1994 No 48 s 10

Special registration

s 17D ins 1982 No 33 s 7
om 1994 No 48 s 10

Effect of provisional etc registration

s 17E ins 1982 No 33 s 7
om 1994 No 48 s 10

Restriction on registration of deregistered or suspended persons

s 18 orig s 18 am 1966 No 19 sch 1; 1979 No 26 sch
om 1984 No 14 s 7
(prev s 10G) ins 1994 No 48 s 8
renum 1994 No 48 s 31

Registration procedure

div 3.2 hdg (prev pt 3 div 2 hdg) ins 1994 No 48 s 8
renum R3 LA

Applications for registration

s 19 orig s 19 renum as s 30
(prev s 10H) ins 1994 No 48 s 8
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4209

Applications to be considered and determined

s 20 orig s 20 renum as s 31
(prev s 10J) ins 1994 No 48 s 8
renum 1994 No 48 s 31

Registration of applicants

s 21 orig s 21 renum as s 32
(prev s 10K) ins 1994 No 48 s 8
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4210

Fee for registration pursuant to Mutual Recognition Act

s 22 orig s 22 renum as s 33
(prev s 10L) ins 1994 No 48 s 8
renum 1994 No 48 s 31
om 2001 No 44 amdt 1.4211

Conditions of registration

s 23 orig s 23 renum as s 34
(prev s 10M) ins 1994 No 48 s 8

renum 1994 No 48 s 31

Registers

div 3.3 hdg (prev pt 3 div 3 hdg) ins 1994 No 48 s 8
renum R3 LA

Register of veterinary surgeons

s 24 orig s 24 renum as s 35
(prev s 11) am 1994 No 48 s 9
renum 1994 No 48 s 31

Register of specialist veterinary surgeons

s 25 orig s 25 renum as s 36
(prev s 12) am 1966 No 19 sch 1; 1982 No 33 s 4; 1982 No 48
s 3; 1984 No 14 s 6
sub 1994 No 48 s 10
renum 1994 No 48 s 31

Annual fee payable by registered specialist veterinary surgeon

s 25A renum as s 37

Registration to be cancelled for nonpayment

s 25B renum as s 38

Entitlement to re-registration on payment of fees

s 25C renum as s 39

Cancellation or suspension of registration

s 25D renum as s 40

Cancellation, suspension or restriction of right of practise on health grounds

s 25E renum as s 41

Practising when registration suspended

s 25F renum as s 42

Power of board to caution, reprimand etc

s 25G renum as s 43

Power of board to impose fines

s 25H renum as s 44

Inquiry by board

s 25J renum as s 45

Effect of suspension and conditions

s 25K renum as s 46

Particulars to be entered in register of veterinary surgeons

s 26 orig s 26 renum as s 47
(prev s 13) am 1966 No 19 sch 1
om 1982 No 33 s 5
ins 1994 No 48 s 10
renum 1994 No 48 s 31

Endnotes

4 Amendment history

Particulars to be entered in register of specialist veterinary surgeons

s 27 orig s 27 renum as s 48
(prev s 14) om 1982 No 33 s 5
ins 1994 No 48 s 10
renum 1994 No 48 s 31
pars renum R3 LA

Publication of registered veterinary surgeons

s 27AA renum as s 49

Return of certificates of registration

s 27A ins 1982 No 33 s 11
om 1994 No 48 s 15

Duplicate certificates

s 27B ins 1982 No 33 s 11
om 1994 No 48 s 15

Appeals

pt 4 hdg om 1994 No 48 s 15

Certificate of registration

s 28 orig s 28 sub 1981 No 53 s 13
am 1982 No 33 s 12; 1984 No 14 s 14
om 1994 No 48 s 15
(prev s 15) am 1982 No 33 s 6
sub 1994 No 48 s 10
renum 1994 No 48 s 31
am 1994 No 81 sch; 2001 No 44 amdt 1.4212

Notifications of decisions

s 28A ins 1984 No 14 s 15
am 1989 No 38 sch 1
om 1994 No 48 s 15

Change of address to be notified

s 29 orig s 29 renum as s 50
(prev s 16) om 1981 No 53 s 9
ins 1994 No 48 s 10
renum 1994 No 48 s 31
am 1994 No 81 sch

Alteration of registers

s 30 orig s 30 renum as s 51
 (prev s 19) am 1966 No 19; 1979 No 26 sch
 sub 1982 No 33 s 8
 am 1994 No 48 s 11
 renum 1994 No 48 s 31
 am 2001 No 44 amdt 1.4213, amdt 1.4214
 ss renum 2001 No 44 amdt 1.4215

Deregistration as specialist veterinary surgeon on basis of deregistration as veterinary surgeon

s 31 orig s 31 renum as s 52
 (prev s 20) om 1982 No 33 s 8
 ins 1994 No 48 s 12
 renum 1994 No 48 s 31

Suspension as specialist veterinary surgeon on basis of suspension as veterinary surgeon

s 32 orig s 32 om 1984 No 14 s 18
 (prev s 21) am 1984 No 14 s 8
 sub 1994 No 48 s 12
 renum 1994 No 48 s 31

Deregistration on basis of disciplinary action under foreign law

s 33 orig s 33 renum as s 53
 (prev s 22) am 1981 No 53 s 10; 1984 No 14 s 9
 sub 1994 No 48 s 12
 renum 1994 No 48 s 31

Imposition of conditions imposed under foreign law

s 34 orig s 34 renum as s 54
 (prev s 23) om 1981 No 53 s 11
 ins 1984 No 14 s 10
 sub 1994 No 48 s 12
 renum 1994 No 48 s 31

Cessation of registration

s 35 orig s 35 renum as s 55
 (prev s 24) am 1984 No 14 s 11
 sub 1994 No 48 s 12
 renum 1994 No 48 s 31

Annual registration fees

div 3.4 hdg (prev pt 3 div 4 hdg) ins 1994 No 48 s 12
 sub 2001 No 44 amdt 1.4216

Endnotes

4 Amendment history

Annual registration fee payable by registered veterinary surgeon

s 36 hdg sub 2001 No 44 amdt 1.4217
s 36 orig s 36 renum as s 56
(prev s 25) am 1966 No 19 sch 1
sub 1979 No 26 s 9
om 1982 No 33 s 9
ins 1994 No 48 s 12
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4218

Annual registration fee payable by registered specialist veterinary surgeon

s 37 hdg sub 2001 No 44 amdt 1.4219
s 37 orig s 37 am 1966 No 19; 1979 No 26 sch
om 1981 No 53 s 14
(prev s 25A) ins 1994 No 48 s 12
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4220

Registration to be cancelled for nonpayment

s 38 orig s 38 am 1966 No 19; 1979 No 26 sch
om 1981 No 53 s 14
(prev s 25B) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Entitlement to re-registration on payment of fees

s 39 orig s 39 om 1981 No 53 s 14
(prev s 25C) ins 1994 No 48 s 12
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4221

Disciplinary procedures

pt 4 hdg sub 1994 No 48 s 12

Cancellation or suspension of registration

s 40 orig s 40 sub 1967 No 17 s 2
am 1970 No 39 s 2
om 1981 No 53 s 14
(prev s 25D) ins 1994 No 48 s 12
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4222, amdt 1.4223; pars renum R3 LA

Cancellation, suspension or restriction of right of practise on health grounds

s 41 orig s 41 om 1981 No 53 s 14
(prev s 25E) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Practising when registration suspended

s 42 orig s 42 renum as s 57
(prev s 25F) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Payment of prescribed fees

s 42A ins 1982 No 48 s 4
am 1990 No 63 sch 1
om 1993 No 14 sch 1

Power of Minister to determine fees

s 42B renum as s 58

Power of board to caution, reprimand etc

s 43 orig s 43 renum as s 59
(prev s 25G) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Power of board to impose fines

s 44 (prev s 25H) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Inquiry by board

s 45 (prev s 25J) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Effect of suspension and conditions

s 46 (prev s 25K) ins 1994 No 48 s 12
renum 1994 No 48 s 31

Publication of decision

s 47 (prev s 26) sub 1981 No 53 s 12
am 1982 No 33; 1984 No 14 s 12; 1994 No 48 s 13
renum 1994 No 48 s 31
am 2001 No 44 amds 1.4224–1.4227

Application for re-registration

s 48 (prev s 27) sub 1984 No 14 s 13
am 1994 No 48 s 14
renum 1994 No 48 s 31

Publication of names etc of registered veterinary surgeons

s 49 (prev s 27AA) ins 1984 No 14 s 13
renum 1994 No 48 s 31
sub 2001 No 44 amdt 1.4228

Only registered veterinary surgeons to practise veterinary surgery

s 50 (prev s 29) am 1966 No 19 sch 1; 1979 No 26 sch; 1982 No 33
s 13; 1994 No 48 s 16
renum 1994 No 48 s 31
am 1994 No 81 sch

Person not to practise except under registered name

s 51 hdg (prev s 30 hdg) am 1994 No 48 notes
s 51 (prev s 30) am 1966 No 19 sch 1; 1979 No 26 sch; 1984 No 14
s 16; 1994 No 48 sch
renum 1994 No 48 s 31

Endnotes

4 Amendment history

am 1994 No 81 sch

Publishing advertisements

s 52 (prev s 31) am 1966 No 19 sch 1; 1979 No 26 sch; 1984 No 14 s 17; 1994 No 48 s 17
renum 1994 No 48 s 31
am 1994 No 81 sch

Application of pt 5

s 53 (prev s 33) am 1984 No 14 s 19
renum 1994 No 48 s 31

Administration of estate of deceased veterinary surgeon

s 54 (prev s 34) om 1981 No 53 s 14
ins 1984 No 14 s 20
am 1994 No 48 sch
renum 1994 No 48 s 31

Appeals

pt 6 hdg (prev pt 5A hdg) ins 1994 No 48 s 18
renum 1994 No 48 s 31

Review of decisions

s 55 (prev s 35) om 1981 No 53 s 14
ins 1994 No 48 s 18
renum 1994 No 48 s 31
am 1994 No 60 sch 1; pars renum R3 LA

Notification of decisions

s 56 (prev s 36) om 1981 No 53 s 14
ins 1994 No 48 s 18
renum 1994 No 48 s 31
am 1994 No 60 sch 1; pars renum R3 LA

Miscellaneous

pt 7 (prev pt 6) renum 1994 No 48 s 31

Inspection of registers

s 57 (prev s 42) om 1981 No 53 s 14
ins 1982 No 33 s 14
am 1994 No 48 s 19
renum 1994 No 48 s 31
am 2001 No 44 amdt 1.4229
ss renum 2001 No 44 amdt 1.4230

Determination of fees

s 58 (prev s 42B) ins 1984 No 14 s 21
renum 1994 No 48 s 31
sub 2001 No 44 amdt 1.4231

Approved forms

s 59 (prev s 43) am 1966 No 19 sch 1; 1979 No 26 sch; 1984 No 14 s 22; 1989 No 38 sch 1
renum 1994 No 48 s 31
sub 2001 No 44 amdt 1.4231

Regulation-making power

s 60 ins 2001 No 44 amdt 1.4231

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	30 June 1991
2	Act 1994 No 81	28 February 1995
3	A2001-44	21 August 2002

6 Renumbered provisions

as made by Act 1994 No 48 s 31.

previous number	provision heading	renumbered or inserted as
4	Interpretation	3
4A	Competence to practise veterinary surgery	4
4B	Impairment	5
5	The board	6
6	Constitution of board	7
7	Term of office of chairperson	8
8	Entitlement to registration as veterinary surgeon	9

Endnotes

6 Renumbered provisions

previous number	provision heading	renumbered or inserted as
9	Entitlement to registration as specialist veterinary surgeon	10
10	Registration under mutual recognition principle	11
10A	Registration at discretion of board	12
10B	Interim registration	13
10C	Conditions of registration in cases of impairment	14
10D	Refusal of registration if applicant convicted of offence	15
10E	Refusal of registration if applicant deregistered under foreign law	16
10F	Applicants to be competent and of good character	17
10G	Restriction on registration of deregistered or suspended persons	18
10H	Applications for registration	19
10J	Applications to be considered and determined	20
10K	Registration of applicants	21
10L	Fee for registration pursuant to Mutual Recognition Act	22
10M	Conditions of registration	23
11	Register of veterinary surgeons	24
12	Register of specialist veterinary surgeons	25
13	Particulars to be entered in register of veterinary surgeons	26
14	Particulars to be entered in register of specialist veterinary surgeons	27

previous number	provision heading	renumbered or inserted as
15	Certificate of registration	28
16	Change of address to be notified	29
19	Alteration of registers	30
20	Deregistration as specialist veterinary surgeon on basis of deregistration as veterinary surgeon	31
21	Suspension as specialist veterinary surgeon on basis of suspension as veterinary surgeon	32
22	Deregistration on basis of disciplinary action under foreign law	33
23	Imposition of conditions imposed under foreign law	34
24	Cessation of registration	35
25	Annual registration fee payable by registered veterinary surgeon	36
25A	Annual registration fee payable by registered specialist veterinary surgeon	37
25B	Registration to be cancelled for nonpayment	38
25C	Entitlement to re-registration on payment of fees	39
25D	Cancellation or suspension of registration	40
25E	Cancellation, suspension or restriction of right of practise on health grounds	41
25F	Practising when registration suspended	42

Endnotes

6 Renumbered provisions

previous number	provision heading	renumbered or inserted as
25G	Power of board to caution, reprimand etc	43
25H	Power of board to impose fines	44
25J	Inquiry by board	45
25K	Effect of suspension and conditions	46
26	Publication of decision	47
27	Application for re-registration	48
27AA	Publication of names etc of registered veterinary surgeons	49
29	Only registered veterinary surgeons to practise veterinary surgery	50
30	Person not to practise except under registered name	51
31	Publishing advertisements	52
33	Application of pt 5	53
34	Administration of estate of deceased veterinary surgeon	54
Part 5A	Appeals	Part 6
35	Review of decisions	55
36	Notification of decisions	56
Part 6	Miscellaneous	Part 7
42	Inspection of registers	57
42B	Determination of fees	58
43	Approved forms	59

7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Health Professionals Legislation Amendment Act 2004 A2004-39 sch 12 pt 12.1
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Part 12.1 Veterinary Surgeons Act 1965

[12.1] Section 7 (1)

substitute

- (1) The board consists of—
- (a) a chairperson appointed under the *Health Professions Boards (Procedures) Act 1981* (repealed); and
 - (b) 2 other members appointed under that Act; and
 - (c) 2 members elected, as occasion requires, under the *Health Professions Boards (Elections) Act 1980* (repealed).

[12.2] Section 7

renumber subsections when Act next republished under Legislation Act

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