

# AUSTRALIAN CAPITAL TERRITORY

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## Veterinary Surgeons Registration (Amendment) Ordinance 1984

### No. 14 of 1984

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 11 May 1984.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

NEAL BLEWETT  
Minister of State for Health

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An Ordinance to amend the *Veterinary Surgeons Registration Ordinance 1965*

### Short title

1. This Ordinance may be cited as the *Veterinary Surgeons Registration (Amendment) Ordinance 1984*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories and Local Government by notice in the *Gazette*.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Veterinary Surgeons Registration Ordinance 1965*.<sup>2</sup>

**Interpretation****4.** Section 4 of the Principal Ordinance is amended—

- (a) by omitting “, and ‘registration’ has a corresponding meaning” from the definition of “registered”;
- (b) by omitting “section eleven of this Ordinance” from the definition of “the Register” and substituting “section 11”;
- (c) by inserting after the definition of “the Tribunal” the following definition:

“ ‘veterinary service’ includes a veterinary attendance, operation or advice;” and

- (d) by adding at the end thereof the following sub-sections:

“(2) A reference in a provision of this Ordinance to a prescribed fee shall be read as a reference to the fee determined under section 42B for the purposes of that provision.

“(3) For the purposes of this Ordinance, a person shall be deemed to practise veterinary surgery if—

- (a) he practises veterinary surgery personally on his own account or as a member of a firm;
- (b) in the course of a business carried on by him, a person or persons employed by him is or are engaged in the practice of veterinary surgery; or
- (c) he is engaged in the practice of veterinary surgery as a person employed in a business carried on by another person or by a firm.”.

**5.** After section 4 of the Principal Ordinance the following section is inserted in Part I:

**Application**

“4A. Nothing in this Ordinance applies to or in relation to a person who is registered as a veterinary surgeon in a State or another Territory and who practises as a veterinary surgeon solely in the performance of his duties as—

- (a) an officer or employee within the meaning of the *Public Service Act 1922*; or

- (b) a member of the Defence Force engaged on continuous full-time service.”.

### **Persons entitled to registration**

6. Section 12 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (3) “the next two succeeding sub-sections” and substituting “sub-sections (4) and (5)”;
- (b) by omitting from sub-section (3) “of this section”; and
- (c) by omitting from paragraph (4) (c) “a Territory of the Commonwealth or another country” and substituting “another Territory or a place outside Australia”.

### **Repeal**

7. Section 18 of the Principal Ordinance is repealed.

### **Cancellation of registration for fraud and on other grounds**

8. Section 21 of the Principal Ordinance is amended—

- (a) by omitting paragraphs (1) (c) and (d) and substituting the following paragraphs:
  - “(c) who is convicted in the Territory or elsewhere of an offence punishable by imprisonment for a period of one year or longer or any other offence that renders him unfit to practise;
  - “(d) who, being a person whose registration is suspended, is convicted of an offence against section 29 or 31;”;
- (b) by adding at the end of sub-paragraph (e) (i) “or”;
- (c) by omitting sub-paragraph (e) (iii);
- (d) by adding at the end of sub-section (1) the following paragraph:
  - “(f) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee.”;
- (e) by omitting sub-section (2) and substituting the following sub-section:
  - “(2) In the case of a person to whom paragraph (1) (e) or (f) applies, the Board may, instead of cancelling the registration of a person—

- (a) suspend the registration of a person for such period, not exceeding 12 months, as it thinks fit; or
- (b) reprimand the person.”;
- (f) by omitting from sub-section (3) “the next succeeding sub-section” and substituting “sub-section (4)”;
- (g) by omitting from paragraph (4) (c) “, his qualifications and any other matters approved by the Board as being matters that may be included in the notice or notices,” and substituting “and qualifications,”.

**Inquiry to be held**

9. Section 22 of the Principal Ordinance is amended—

- (a) by omitting “the last preceding section” and substituting “section 21 or 23”; and
- (b) by adding at the end thereof the following sub-section:

“(2) Pending the holding of an inquiry under sub-section (1), the Board may suspend temporarily the registration of the person in respect of whom the inquiry is held.”.

10. After section 22 of the Principal Ordinance the following section is inserted:

**Suspension of registration or restriction of practice on health grounds**

“23. (1) Subject to this section, the Board shall, where it is satisfied that the mental or physical condition of a registered veterinary surgeon is such as to render him unfit to practise, make an order suspending the registration of that person.

“(2) The Board may, instead of suspending the registration of a person under sub-section (1), where it is satisfied that that person’s unfitness does not extend to the whole of the practice of veterinary surgery and that it would not be contrary to the public interest to make an order under this sub-section, make an order directing that person not to give or perform the veterinary service or services specified, whether individually or otherwise, in the order.

“(3) The Board shall—

- (a) within 12 months of the making of an order under this section and thereafter at intervals not exceeding 12 months; and

- (b) subject to sub-section (4), at any other time if so requested by the person in respect of whom the order was made,

review that order and, where the Board is satisfied that the mental or physical condition of that person has changed since the making of the order, it may set aside that order and may, if it thinks fit, make such other order as it could have made under this section that would be appropriate in the changed circumstances.

“(4) Where the Board—

- (a) makes an order under this section; or
- (b) reviews an order made under this section,

the person in respect of whom the order was made shall not be entitled to—

- (c) a review of the order; or
- (d) a further review of the order,

as the case requires, within a period of 3 months from the date of the order or review.

“(5) Where a person in respect of whom the Board has made an order in pursuance of sub-section (1) or (2) gives or performs a veterinary service in contravention of that order, he shall, in giving or performing that service, be deemed to be a person other than a registered veterinary surgeon.”.

### **Suspension of registration**

**11.** Section 24 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “section twenty-one of this Ordinance” and substituting “section 21, 22 or 23”;
- (b) by omitting from sub-section (1) “as a veterinary surgeon under this Ordinance”; and
- (c) by omitting sub-section (2).

### **Publication of notice of decision of Board or Tribunal**

**12.** Section 26 of the Principal Ordinance is amended by omitting from sub-section (1) “Minister” and substituting “Chairman”.

### **Application for re-registration**

**13.** Section 27 of the Principal Ordinance is repealed and the following sections are substituted:

**Application for re-registration**

“27. (1) Where the registration of a person has been cancelled, otherwise than under sub-section 17 (4), or suspended, otherwise than under sub-section 22 (2) or 23 (1), the person may apply for re-registration or termination of the suspension, as the case may be, on the ground that, by reason of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he should be re-registered or his suspension should be terminated.

“(2) Upon an application made under this section the Board may, if it is satisfied that, by reason of the change in circumstances, the person should be re-registered or his suspension should be terminated, order that the person be re-registered or that his suspension be terminated, as the case requires.

**Publication of registered veterinary surgeons**

“27AA. The Board shall, as soon as practicable after 1 July in each year, cause to be published a notice listing the names of all veterinary surgeons registered under this Ordinance on that date and the professional address or professional addresses, if any, of those veterinary surgeons.”.

**Appeals**

14. Section 28 of the Principal Ordinance is amended—

(a) by omitting paragraph (1) (a) and substituting the following paragraph:

“(a) refusing to authorize the registration, or to order the re-registration, of a person;”;

(b) by omitting from paragraph (1) (c) “or”;

(c) by inserting in paragraph (1) (d) “, otherwise than under sub-section 22 (2)” after “person”; and

(d) by adding at the end of sub-section (1) the following paragraphs:

“(e) making an order under sub-section 23 (1) or (2); or

(f) refusing to permit an extension of the period under section 34.”.

15. After section 28 of the Principal Ordinance the following section is inserted in Part IV:

### **Notification of decisions**

“28A. (1) Where the Board makes a decision—

- (a) refusing to authorize the registration, or to re-register, a person;
- (b) refusing to grant special registration to a person under section 17D or refusing to renew a special registration granted to a person under that section; or
- (c) refusing to extend the period under section 34,

or the Chairman makes a decision refusing to grant, or to renew temporary registration, the Board or the Chairman, as the case may be, shall cause a statement in writing to be given to the person whose interests are adversely affected by the decision setting out the decision, the findings or material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.

“(2) A statement by the Board or the Chairman under sub-section (1) or a statement by the Board under section 31 of the Procedures Ordinance shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, a person whose interests are adversely affected by the decision to which the statement relates is entitled to apply to the Tribunal for a review of the decision.

“(3) The validity of a decision to which a statement under sub-section (1) or section 31 of the Procedures Ordinance relates shall not be taken to be affected by a failure to comply with sub-section (2).

“(4) In this section, ‘Procedures Ordinance’ means the *Health Professions Boards (Procedures) Ordinance 1981*.”.

### **Person not to practise except in his own name**

**16.** Section 30 of the Principal Ordinance is amended by omitting “in all or any one or more of its branches except in his own name” and substituting “under a name other than the name under which he is registered”.

### **Publishing advertisements**

**17.** Section 31 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “under this Ordinance”; and
- (b) by omitting sub-section (2).

**Repeal**

18. Section 32 of the Principal Ordinance is repealed.

**Application of Part V**

19. Section 33 of the Principal Ordinance is amended—

- (a) by adding at the end of paragraph (a) “or”; and
- (b) by omitting paragraphs (b) and (c).

20. After section 33 of the Principal Ordinance the following section is inserted in Part V:

**Administration of estate of deceased veterinary surgeon**

“34. The executor, administrator or trustee of the estate of a deceased registered veterinary surgeon who was, at the time of his death, carrying on business as a veterinary surgeon, may continue the business for a period of 6 months or for such longer period as the Board, on application by the executor, administrator or trustee, permits, if the practice of veterinary surgery in the business is carried on by a registered veterinary surgeon.

21. After section 42A of the Principal Ordinance the following section is inserted:

**Power of Minister to determine fees**

“42B. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.”.

**Regulations**

22. Section 43 of the Principal Ordinance is amended by omitting all words after “to this Ordinance”.

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 18 May 1984.
2. No. 3, 1965, as amended by No. 19, 1966; No. 17, 1967; No. 39, 1970; No. 65, 1977; No. 46, 1978; No. 26, 1979; No. 52, 1980; No. 53, 1981; Nos. 33 and 48, 1982.