



## ANALYSIS

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1964, No. 15

**An Act to amend the Veterinary Surgeons Act 1956**

*[16 October 1964]*

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

**1. Short Title**—This Act may be cited as the Veterinary Surgeons Amendment Act 1964, and shall be read together with and deemed part of the Veterinary Surgeons Act 1956 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Committee”.

(2) Section 2 of the principal Act is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Council’ means the Council of the New Zealand Veterinary Association Incorporated:

“‘Professional misconduct’ includes—

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

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

“(c) The wilful default of a veterinary surgeon in the observance or discharge of any professional obligation or duty.”

**3. Subcommittees of Board**—Section 7 of the principal Act is hereby amended by omitting from the proviso the words “grave impropriety”, and substituting the words “professional misconduct”.

**4. Veterinary Disciplinary Committee**—The principal Act is hereby amended by repealing section 8.

**5. Remuneration and travelling expenses**—(1) Section 9 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “and the Veterinary Disciplinary Committee are hereby declared to be statutory Boards”, and substituting the words “is hereby declared to be a statutory Board”:

(b) By omitting from subsection (2) the words “or of the Veterinary Disciplinary Committee”:

(c) By omitting from subsection (2) the words “and of the Veterinary Disciplinary Committee”.

(2) Section 9 of the principal Act is hereby further amended by adding to subsection (2) the following proviso:

“Provided that, where the Board holds any inquiry under section 24A of this Act (as inserted by section 13 of the Veterinary Surgeons Amendment Act 1964), all remuneration, travelling allowances, and expenses paid to members of the Board in connection with the inquiry shall be paid out of the Veterinary Surgeons Special Fund established under section 32A of this Act (as inserted by section 20 of the Veterinary Surgeons Amendment Act 1964).”

**6. Extraordinary vacancies**—Section 10 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) and also from subsection (3) the words “or Committee”:
- (b) By repealing subsection (2):
- (c) By omitting from subsection (4) and also from subsection (5) the words “and of the Committee”.

**7. Registration of veterinary surgeons**—Section 11 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of subsection (2) of this section, every person shall be entitled to be registered as a veterinary surgeon under this Act who satisfies the Board—

- “(a) That he is a graduate in veterinary science of any University in New Zealand; or
- “(b) That he is a member of the Royal College of Veterinary Surgeons, London; or
- “(c) That he is a graduate in veterinary science of any University in the United Kingdom or the Republic of Ireland, the obtaining of whose degree entitles the holder on application to become a member of the Royal College of Veterinary Surgeons, London; or
- “(d) That he is a graduate in veterinary science of any University in the Commonwealth of Australia, or of the University of Pretoria, Union of South Africa, or of the Ontario Veterinary College, University of Toronto, Canada; or
- “(e) That he is a graduate in veterinary science or the holder of a diploma in veterinary science, who has completed a five years’ course at any University or Veterinary College approved by the Board and has undertaken such post-graduate studies or training or has passed such examination, whether in New Zealand or elsewhere, as the Board may prescribe or approve in that behalf.”

**8. Application for registration**—Section 12 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every application for registration as a veterinary surgeon under this Act shall be made to the secretary to the Board, and shall be accompanied by such evidence of the professional ability and personal character of the applicant as may be required by the Board.”

**9. Notification of death of veterinary surgeon**—The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. Every Registrar of Births and Deaths, on registration of the death of any person who is registered as a veterinary surgeon under this Act, shall forthwith transmit by post to the secretary to the Board a notification in writing of that death, with particulars of the date and place of death; and, on the receipt of that notification, the secretary to the Board shall remove the name of the deceased person from the register.”

**10. Name may be removed from register if registered person cannot be found, etc.**—The principal Act is hereby further amended by repealing section 18, and substituting the following section:

“18. (1) The secretary to the Board may at any time, and shall if the Board so directs, send to any person who is registered as a veterinary surgeon, by registered letter addressed to him at his address as appearing in the register, an inquiry as to whether or not he desires to have his name retained in the register.

“(2) If no reply is received to that letter within six months from the date of the posting thereof, or if the letter is not delivered and is returned to the secretary to the Board, or if the said person registered as a veterinary surgeon so requests, the secretary shall, if the Board so directs, remove from the register the name of the person to whom the letter was so sent.

“(3) If the Board has reason to believe that any such person has died outside New Zealand, it may direct the secretary to the Board to remove the name of that person from the register, and the secretary shall remove that name accordingly.

“(4) Any person whose name has been removed from the register in pursuance of this section may apply to the secretary to the Board to have his name restored to the register, and on proof to the satisfaction of the Board that his name has been so removed, it shall direct the secretary to restore to the register the name of that person:

“Provided that, if any person is aggrieved by any decision of the Board under this subsection which affects the restoration of his name to the register upon an application in that behalf, he shall have the same right of appeal as if his application had been an application for registration under section 12 of this Act.”

**11. Temporary registration of veterinary surgeons visiting New Zealand**—The principal Act is hereby further amended by inserting, after section 21, the following section:

“21A. (1) Notwithstanding anything in this Act, if the Board is satisfied that any person is or will be visiting New Zealand for a limited period for the purpose of giving instruction in veterinary science, or for the purpose of engaging in research or in such other activity as the Board may approve for the purposes of this section, and that he is entitled to be registered as a veterinary surgeon under this Act, the Board may, if it thinks fit, issue to him a certificate of temporary registration as a veterinary surgeon.

“(2) Every such certificate shall, unless it has been cancelled or has lapsed, remain in force for such period as shall be determined by the Board and specified in the certificate, but any such period may from time to time be extended.

“(3) The provisions of sections 12 to 14 and section 16 of this Act shall apply to every application for temporary registration under this section:

“Provided that no fee shall be payable in respect of any application for temporary registration under this section or in respect of the issue of any certificate thereunder.

“(4) The Board may from time to time, in its discretion, extend the period specified in any certificate under this section if it is satisfied that the circumstances in which it was issued still exist. Any such extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the secretary to the Board.

“(5) During the period specified in any such certificate, or any such extension thereof, the holder of the certificate shall, unless it has been cancelled under this section, be deemed for the purposes of this Act to be registered as a veterinary surgeon.

“(6) The secretary to the Board may cancel any such certificate at any time on the direction of the Board.”

**12. Complaints of professional misconduct or infamous conduct**—The principal Act is hereby amended by repealing section 24, and substituting the following section:

“24. (1) Every person who seeks to make a formal complaint that any person who is registered as a veterinary surgeon has been guilty of professional misconduct or infamous conduct in a professional respect shall make the complaint to the secretary to the Council.

“(2) Every such complaint shall be in writing and shall, if the secretary so requires, be supported by such statutory declarations as the secretary may require.

“(3) Where the secretary has received any written complaint under this section, or where facts are brought to his knowledge which satisfy him that there may be grounds for such a complaint, it shall be the duty of the secretary to lay the complaint or facts (as the case may be) before the Council; and the Council shall investigate the matter and determine whether or not it is to be referred to the Board.

“(4) For the purposes of any such investigation the Council may make, or employ any person to make, whatever preliminary inquiries it deems necessary.

“(5) Before the Council makes any final determination in respect of any matter which it investigates under this section—

“(a) The secretary of the Council shall post or deliver to the person concerned—

“(i) Copies of the written complaint (if any) and of all statutory declarations that have been made in support of the complaint; and

“(ii) A notice setting out any further particulars that may be necessary to disclose the reason for the investigation and inviting the person concerned, within such period (not being less than fourteen days) as may be specified in the notice, to give to the Chairman of the Council any written explanation he may wish to offer and to advise the said Chairman if he wishes to be heard:

“(b) The Council shall allow the time specified in the notice to elapse, and shall give the person concerned reasonable opportunity to be heard if he wishes to do so, and shall give due consideration to any explanation he may make.

“(6) Where the Council determines that any matter investigated by it under this section should be referred to the Board, it shall be the duty of the Council to refer the matter to the Board to be dealt with as hereafter provided in this Act.

“(7) Subject to the provisions of this Act and to the rules of the New Zealand Veterinary Association Incorporated, the Council may regulate its procedure as it thinks fit.”

**13. Board to hold inquiry**—The principal Act is hereby amended by inserting, after section 24, the following section:

“24A. (1) Where the Council refers any matter to the Board under subsection (6) of section 24 of this Act (as substituted by section 12 of the Veterinary Surgeons Amendment Act 1964),—

“(a) The Board shall fix a time and place for the holding of an inquiry into the matter, and the Chairman of the Board shall thereupon cause to be served on the person concerned—

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

“(ii) A notice requiring him to appear before the Board, at a time and place to be specified in the notice, to show cause why the Board should not exercise in respect of that person all or any of the disciplinary powers conferred on the Board by section 25 of this Act (as substituted by section 14 of the Veterinary Surgeons Amendment Act 1964):

“(b) The Board shall duly inquire into the matter at the time and place fixed by the Board under paragraph (a) of this subsection, and at the inquiry shall give the person concerned due opportunity to be heard and to adduce evidence in his defence.

“(2) It shall be the duty of the Council to appoint or employ such person as it thinks fit to appear on behalf of the Council at any inquiry held by the Board under this section and adduce evidence in respect of the matter which is the subject of the inquiry.

“(3) The Board may appoint a legal assessor, who may be present at the inquiry and may then, or at any time previously or subsequently, advise the Board on matters of law, procedure, and evidence relating thereto.

“(4) After the hearing of any inquiry under this section the Board may, if it thinks fit, order that costs be awarded to the person whose conduct is the subject of the inquiry, and that such costs be paid by the New Zealand Veterinary Association Incorporated.”

**14. Disciplinary powers of Board**—The principal Act is hereby amended by repealing section 25, and substituting the following section:

“25. (1) If any person who is registered as a veterinary surgeon—

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

“(b) Is judged by the Board, after due inquiry held under section 24A of this Act (as inserted by section 13 of the Veterinary Surgeons Amendment Act 1964), to have been guilty of infamous conduct in a professional respect—

the Board may, if it thinks fit, exercise in respect of that person all or any of the disciplinary powers conferred on it by subsection (2) of this section.

“(2) The disciplinary powers which the Board may so exercise in respect of any such person, if it thinks fit, shall be as follows:

“(a) The Board may, by writing under the hand of the Chairman, impose a penalty upon the person not exceeding one hundred pounds:

“Provided that no such penalty may be imposed under this paragraph in any case where the Board is inquiring into any act or omission which constitutes an offence for which the person has been convicted by any Court and which is punishable by imprisonment or fine:

“(b) The Board may, by writing under the hand of the Chairman, censure the person:

“(c) Subject to subsection (3) of this section, the Board may, by writing under the hand of the Chairman, suspend the person from practice as a veterinary surgeon for a period not exceeding twelve months:

“(d) Subject to subsection (3) of this section, the Board may cause the name of the person to be removed from the register; and thereupon the person shall cease to be a registered veterinary surgeon:

“(e) The Board may, by writing under the hand of the Chairman, order the person to pay any costs and expenses of and incidental to the inquiry by the Board and the investigation by the Council.

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

“(4) If any person who is registered as a veterinary surgeon is judged by the Board, after due inquiry held under the said section 24A of this Act, to have been guilty of professional misconduct, the Board may, if it thinks fit, exercise in



respect of that person all or any of the disciplinary powers conferred on it by paragraphs (a), (b), and (c) of subsection (2) of this section.

“(5) Every order made by the Board under this section shall contain a statement of the findings of the Board in relation to the case, and shall be signed by the Chairman. A copy of every such order shall be forwarded to the person against whom the order was made and to the Chairman of the Council.

“(6) Every monetary penalty imposed, and all costs and expenses payable, shall be recoverable under this section as a debt due to the Board and shall be paid into the Veterinary Surgeons Special Fund established under section 32A of this Act (as inserted by section 20 of the Veterinary Surgeons Amendment Act 1964).

“(7) While any order of suspension from practice as a veterinary surgeon under this section remains in force, the person shall be deemed, for the purposes of this Act other than sections 24 to 31, not to be a registered veterinary surgeon, but forthwith on the expiry of the order his rights and privileges as a registered veterinary surgeon shall be revived as from the date of the expiry.

“(8) In any order under this section for the removal from the register of the name of any person, the Board may fix a time after which the person whose name is so removed may apply to the Board for the restoration of his name to the register. At the expiration of that time the person whose name has been so removed may apply to the Board, in accordance with the provisions of section 26A of this Act (as inserted by section 17 of the Veterinary Surgeons Amendment Act 1964), for the restoration of his name to the register.

“(9) There shall be a right of appeal to the Supreme Court in accordance with section 26 of this Act (as substituted by section 16 of the Veterinary Surgeons Amendment Act 1964) from any order made by the Board under this section.

“(10) An order of removal from the register or of suspension or censure shall not take effect, and no penalty or costs or expenses shall be payable, in any case until the expiration of twenty-one days after the date of the notification by the Board to the person affected by the making of the order. If within the said period of twenty-one days the person gives due notice of appeal to the Supreme Court, the order shall not take effect, and no penalty or costs or expenses shall be payable, unless and until it is confirmed by the Supreme Court or the appeal is for any reason dismissed by that Court:

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

“(11) If any University or institution, having granted to any person a degree or diploma or other qualification registrable under this Act, exercises any power conferred by law of striking off the name of that person and notifies to the Board the fact of striking off,—

“(a) The secretary to the Board shall make a note of the fact in the register:

“(b) If the said University or institution notifies to the Board the findings of fact on which the decision to strike off the name was based, the findings may (if the Board thinks fit) be treated, for the purposes of any inquiry under this section, as sufficient evidence of the facts found, in the absence of proof to the contrary.

“(12) Where—

“(a) The Board has made any order under this section against any person who is registered as a veterinary surgeon and no appeal therefrom has been brought within the time limited in that behalf by subsection (2) of section 26 of this Act (as substituted by section 16 of the Veterinary Surgeons Amendment Act 1964); or

“(b) An order has been made against any person who is registered as a veterinary surgeon by the Supreme Court under this Act,—

the secretary to the Board shall, if the Board in its discretion so directs, cause a notice stating the effect of the order to be published in the *New Zealand Veterinary Journal*.”

**15. Board may grant a rehearing**—The principal Act is hereby amended by inserting, after section 25, the following section:

“25A. (1) Where, after due inquiry held by the Board under section 24A of this Act (as inserted by section 13 of the Veterinary Surgeons Amendment Act 1964), an order has been made against any person, the Board may, in its discretion and upon such terms as it thinks fit, grant a rehearing of the matter which was the subject of the inquiry, either as to the whole matter or only as to the order, as the case may be.

“(2) When a rehearing has been granted, the decision of the Board or, as the case may be, the order made on the hearing, shall immediately cease to have effect, unless the Board otherwise directs.

“(3) If the person concerned does not appear on the date set down by the Board for the rehearing, the Board may, if it thinks fit, without rehearing the matter, determine that the original decision of the Board, or, as the case may be, the original order made by the Board, shall be restored.”

**16. Appeals to the Supreme Court**—The principal Act is hereby amended by repealing section 26, and substituting the following section:

“26. (1) An appeal against any order made by the Board under section 25 of this Act (as substituted by section 14 of the Veterinary Surgeons Amendment Act 1964) shall lie to the Supreme Court at the instance of the person to whom the order relates.

“(2) Every such appeal shall be brought by notice of appeal filed in the Supreme Court within twenty-one days after the date on which the order was notified to the veterinary surgeon concerned. A copy of the notice of appeal shall be forwarded within the same period to the Chairman of the Council and the secretary to the Board.”

**17. Restoration of name to register**—The principal Act is hereby amended by inserting, after section 26, the following section:

“26A. (1) Any veterinary surgeon whose name has been removed from the register under section 25 of this Act (as substituted by section 14 of the Veterinary Surgeons Amendment Act 1964) may apply to the Board for the restoration of his name to the register.

“(2) On the hearing of any such application, the Board, if it is satisfied that the applicant is a fit and proper person to practice as a veterinary surgeon, may order that the name of the applicant be restored to the register.

“(3) If any applicant is dissatisfied with the decision of the Board refusing to restore his name to the register, he may, at any time within three months after notice of the refusal has been communicated to him by the secretary to the Board, appeal to the Supreme Court against the decision.

“(4) On any appeal made under subsection (3) of this section, the Supreme Court may either confirm the decision of the Board or order the Board to restore the name of the

appellant to the register, and the determination of the Supreme Court shall be final and conclusive.”

**18. Procedure on appeals to Supreme Court**—The principal Act to hereby amended by inserting after section 26A the following section:

“26B. Every appeal to the Supreme Court under section 26 of this Act (as substituted by section 16 of the Veterinary Surgeons Amendment Act 1964) or under section 26A of this Act (as inserted by section 17 of the Veterinary Surgeons Amendment Act 1964) shall be by way of rehearing; and, unless the Court otherwise directs, on any such rehearing the record of the evidence adduced at the hearing before the Board shall be placed before the Court, and it shall not be permissible to recall witnesses who gave evidence before the Board or to call other witnesses. On any appeal to which this subsection applies, the Court may make such order or recommendation as it thinks proper, having regard to the merits of the case and to the public welfare.”

**19. Repeal**—The principal Act is hereby consequentially amended by repealing section 27.

**20. Annual practising certificates**—The principal Act is hereby further amended by inserting, after section 32, the following section:

“32A. (1) Subject to the provisions of this section, on and after the first day of April, nineteen hundred and sixty-five, every person who is registered as a veterinary surgeon commits an offence and is liable on summary conviction to a fine not exceeding five pounds for each day during which the offence continues who, not having obtained from the secretary to the Board under this section a certificate which is then in force to the effect that he is registered under this Act as a veterinary surgeon, practises veterinary science, or any branch of veterinary science, under the style or title of a veterinary surgeon, veterinarian, or veterinary practitioner, or under any name, title, or description implying that he holds any degree or diploma in veterinary science or is specially qualified by experience or otherwise to practise veterinary science or any branch of veterinary science.

“(2) Subject to the payment of the prescribed fee, the secretary to the Board, on application made to him for that purpose by any such person, shall issue to him a certificate accordingly; and any such certificate shall be in force from

the thirty-first day of March next after the issue thereof until the thirty-first day of March following, or, if the person applying for the same so requires, from the issue thereof until the thirty-first day of March next following:

“Provided that, if at any time during the currency of the certificate the holder thereof ceases to be registered under this Act, the certificate shall thereupon be deemed to be cancelled.

“(3) Without limiting in any way the authority conferred on the Governor-General by section 34 of this Act to make regulations, it is hereby expressly declared that the Governor-General, acting under the authority of the said section, may by Order in Council make regulations prescribing the fees payable for certificates under this section.

“(4) Any person who is entitled to receive a certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the secretary to the Board for the same and paid the fee prescribed in respect of the certificate.

“(5) All fees received by the Board under this section shall be paid into a bank account to be established by the Board and to be called the Veterinary Surgeons Special Fund.

“(6) The funds in the Veterinary Surgeons Special Fund shall be applied by the Board as follows:

“(a) In payment of remuneration and travelling allowances and expenses to its members, and of all other costs and expenses incurred by the Board, in connection with any inquiry held by the Board under section 24A of this Act (as inserted by section 13 of the Veterinary Surgeons Amendment Act 1964):

“(b) In making from time to time to the Council such contribution as the Board thinks fit towards the costs incurred by the Council in connection with any investigation made by the Council under section 24 of this Act (as substituted by section 12 of the Veterinary Surgeons Amendment Act 1964) or any inquiry held by the Board under section 24A of this Act (as inserted by section 13 of the Veterinary Surgeons Amendment Act 1964).

“(7) The Board may from time to time, as it thinks fit, invest any money in the Veterinary Surgeons Special Fund not for the time being required for any of the purposes mentioned in subsection (6) of this section in any manner authorised by the Trustee Act 1956 for the investment of trust funds.”

**21. Penalty for wrongfully using title of veterinary surgeon**—The principal Act is hereby further amended by repealing section 33, and substituting the following section:

“33. (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding ten pounds for each day during which the offence continues who, not being registered as a veterinary surgeon, practises veterinary science, or any branch of veterinary science, under the name, title, or description of veterinary surgeon, veterinarian, or veterinary practitioner, or under any name, title, or description implying that he holds any degree or diploma in veterinary science or is specially qualified by experience or otherwise to practise veterinary science or any branch of veterinary science.

“(2) Subject to the provisions of subsection (3) of this section, every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds who, not being registered as a veterinary surgeon,—

“(a) Takes, uses, or adopts the name, title, or description of veterinary surgeon, veterinarian, or veterinary practitioner, unless he establishes that the manner and circumstances of his so doing were such as to raise no reasonable inference that he was describing himself or otherwise holding himself out as having any such qualification; or

“(b) Uses or causes to be used in connection with his business, trade, calling, or profession any words, title, or initials whatsoever in such a manner or in such circumstances as to imply that he is a registered veterinary surgeon or that he holds any degree or diploma in veterinary science or that he is specially qualified by experience or otherwise to practise or advise on veterinary science or any branch thereof.

“(3) Notwithstanding anything to the contrary in this section, it shall be lawful for any person who, immediately before the commencement of this Act, was entitled to use the title or description of veterinary practitioner, to continue to use that title or description.”

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This Act is administered in the Department of Agriculture.

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