**VETERINARY SURGEONS ACT AMENDMENT BILL 1952**

**Legislative Assembly, 13 November 1952, pages 1336-8**

Second reading

**The Hon. Sir GEORGE JENKINS (Minister of Agriculture**—I move—

That this Bill be now read a second time. For some time there has been much discussion at Agricultural Council meetings and elsewhere about permitting foreign veterinary surgeons to practise in the various States. Considerable concern has been expressed by various State Ministers of Agriculture at the difficulty in securing adequate veterinary services in the country. The main purpose of' this Bill is to make amendments to the Veterinary Surgeons Act dealing with the constitution of the Veterinary Surgeons Board and the grounds upon which registration under the Act may be granted to persons who possess foreign qualifications as veterinary surgeons. As this legislation has not been before Parliament since 1938 it may be desirable to summarize what is done by the Act. It provides for the constitution of a board which is, among other things, given the duty of hearing and determining applications for registration under the Act which provides for the registration of several classes of persons. In the first place, a qualified person may be registered as a veterinary surgeon. Subsection (1) of section 17 deals with persons holding proper academic qualifications. This subsection provides that, subject to a person being 21 years of age and of good fame and character, he is to be entitled to registration as a veterinary surgeon if he holds a degree or diploma in veterinary surgery of the Royal College of Veterinary Surgeons or of any university in Australia or New Zealand. The subsection also provides for the registration of persons who hold degrees of other universities if the board is satisfied that the course for that degree is not lower in standard than the degree course at the University of Sydney, and that the applicant is legally qualified to practise as a veterinary surgeon in the country of the university at which he took his degree. Subsection (2) of section 17 provides for the registration as veterinary surgeons of persons who, although lacking academic qualifications, had practised during the seven years immediately preceding the commencement of the 1935 Act. Application for registration under this subsection had to be made within six months of the commencement of the Act. Thus, the position is that for a person now to become registered as a veterinary surgeon he must comply with section 17 (1) and possess the academic qualifications referred to in that subsection.

The second class of registered persons are veterinary practitioners and the law relating to them is contained in section 18. A person who practised for five years or was a qualified stock inspector, and who applied within six months after the commencement of the Act, was entitled to registration as a veterinary practitioner. It will be seen that no further registrations can be effected under this section. In 1938 an amending Act was passed which provides for the issue by the board of permits to persons whom the board is satisfied are competent to treat animals for diseases and injury. Every such permit authorizes the permit holder for reward to treat animals for disease or injury but a permit is limited to the part of the State specified in the permit. A permit holder is, of course, not expected to hold academic qualifications and the purpose of this enactment is to give some authority to treat animals to these people in localities when the services of a qualified veterinary surgeon are not available should be noted that the penal sections the Act do not prohibit an unregistered person from treating animals, but section 29 and following sections make it an offence for unregistered person to hold himself out being registered or to hold himself out as a Veterinary surgeon or veterinary practitioner, the case may be.

At present the following numbers of persons are registered under the Act and are entitled to practise. There are 33 veterinary surgeons registered under section 17 (1), that is, who held proper academic qualifications. Two personss are registered under section 17 (2), whilst 18 persons are registered under section 18. In addition, there are another 22 persons who have been registered but have not paid their annual licence fee and are not practising, there are 14 persons to whom permits have been issued under section 28a in respect of the current year.

The Act is administered by the Veterinary Surgeons Board which has the duty of determining applications for registration, and in an appropriate case, of hearing proceedings or the cancellation or suspension of registration. The constitution of the board is provided for by the amending Act of 1938. This Act provides that there are to be four members of the board. The chairman is ex-officio the Chief Veterinary Officer, and the other three members are nominated by the Minister. One is to be a person 'registered under section 17 (1), that is, a 'veterinary surgeon holding academic qualifications, one is to be a person registered other than under section 17 (1), and one is to be a person who is familiar with stock husbandry. Thus, of the four members, only the chairman and one other member needs to possess the academic qualifications necessary for the profession, the conduct of which is, in effect, controlled by the board. Whilst it may be that these provisions for the constitution of the board were appropriate in 1938, the Govern­ment is of opinion that the board should now be reconstituted and that the time has arrived when at least a majority of the board should be properly qualified members of the profession. Clauses 2 to 6 and 10 therefore provide for a number of changes in this regard.

It is proposed that the board will, in future, consist of a chairman and four other members, all of whom are to be appointed by the Governor on the nomination of the Minister. In View of the fact that the board is called upon to decide questions relating to the qualifications of applicants for registration and, where necessary,, to investigate such as charges of unprofessional conduct against registered persons, the Government considers that it is most desirable that the chairman should have legal training. It is therefore provided that the chairman is to be a special magistrate or a practitioner of the Supreme Court. Of the four remaining members, it is provided that at least three are to be persons registered under section 17 (1), that is persons holding degrees or other academic qualifications. The fourth member may or may not be such a person but this matter will be left to the discretion of the Minister. Section 11 of the Act already provides for three members to be a quorum. It follows that this provision will be appropriate for a board of five. Section 7 now provides for a term of office for members of two years. It is considered that this term is too short and clause 4 provides for a term of four years. Of the members to be first appointed, two will be appointed for two years but thereafter members will hold office for four years with some members retiring at the end of every two years. At present, no provision is made in the Act to fix members’ fees and clause 6 therefore provides that the Governor may, from time to time, fix the fees on the recommendation of the chairman and members of the board.

Clause 10 provides that these provisions for the re-constitution of the board are to come into operation on a day to be fixed by proclamation. This will enable a new board to be appointed and a convenient day fixed upon which the new board can take over from the old board. As before mentioned, to be registered as a veterinary surgeon an applicant must either hold a degree or diploma of the Royal College of Veterinary Surgeons or an Australian or New Zealand university, or must hold the degree of a University outside the Commonwealth or New Zealand and must then satisfy the board that this degree course is equal in standard to that of the University of Sydney. There are a number of persons holding degrees of European universities who have sought or who may seek registration under this latter provision. The question whether a degree of, say, Vienna University, is equal in standard to that of Sydney is, of course, one of proof and one where proof is extremely difficult unless there can be produced a qualified person who is familiar with the courses of both universities.

In order to deal with these foreign applicants for registration clause 7 of the Bill sets out additional grounds for registration as a veterinary surgeon. It is provided that an applicant can be registered if he proves that, after a four year course, he has received a

degree from a university in a country outside the Commonwealth, that he is by law entitled to practise in that country, and that he has resided in the Commonwealth for at least 12 months. In addition, he is required to pass an examination conducted by the board in such subjects as the board thinks desirable. Power is given to the board to dispense with the examination in any case in which it deems it unnecessary. Provision is also made for the conduct of examinations by the board, including the power to appoint examiners. It is provided, however, that applications under the clause must be made within three years of the passing of the Bill so that, after this period, section 17 (1) will provide the only test for registration as a veterinary surgeon.

Clause 8 deals with a minor administrative matter. Section 28 provides that in every year a copy of the register of registered persons is to be published in the Gazette. Clause 8 provides that this published list is not to include the names of persons who have not paid their annual fees or whose registration has been cancelled or suspended In such cases the person concerned is not entitled to hold himself out as registered and, obviously, the list published in the Gazette should not include his name. Section 30a of the Act makes it an offence for a person to whom a permit to treat animals, has been issued, to hold himself out in any advertisement or nameplate, or in any written or printed matter as a veterinary surgeon or practitioner or as qualified to practise as such. Instances have occurred where oral representations of the kind referred to have been made and the Crown Solicitor has advised that the section does not extend to such conduct. Clause 9 therefore amends section 30a to include these oral representations. The Crown Solicitor has also pointed out that although a permit is issued for a specified area only, there is no prohibition on the permit holder treating animals outside the area so specified. Clause 9 therefore provides that a person holding such a permit is not to treat animals for reward in any part of the State outside the area specified in his permit. Honourable members will observe that anyone desiring to qualify under the Bill will have to pass a very stringent examination prescribed by men who are members of the veterinary profession in this State and who, in consequence, are unlikely to want to flood this State with foreign graduates. I am sure that they will take care to see that only properly qualified men are admitted.

Mr. FRANK WALSH secured the adjournment of the debate.