

Veterinary Surgeons Act 1966

Chapter 98.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 98.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Being an Act to provide for the registration and provisional registration of veterinary surgeons, and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“the Board” means the Veterinary Surgeons Board of Papua New Guinea established by Section 2;

“Certificate of Provisional Registration” means a Certificate of Provisional Registration issued under Section 14(3);

“Certificate of Registration” means a Certificate of Registration issued under Section 14(3);

“the Register” means the Register of Veterinary Surgeons kept under Section 13;

“registered veterinary surgeon” means a person registered as a veterinary surgeon under Section 14;

“the Registrar” means the Registrar of Veterinary Surgeons appointed under Section 12;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

(2) For the purposes of this Act, none of the following acts done or performed by a person other than—

(a) a registered veterinary surgeon; or

(b) a person provisionally registered under this Act who is practising under the supervision of a registered veterinary surgeon,

shall be deemed to be the practice of veterinary surgery:—

(c) the spaying of cattle;

(d) the castrating, dehorning or inoculation of animals;

(e) the tailing of lambs;

(f) the performing of the mules operation;

(g) the medicinal treatment of animals for external or internal parasites;

(h) the performing of any other prescribed operation, treatment or practice.

PART II. – ADMINISTRATION.

2. ESTABLISHMENT OF THE BOARD.

A Veterinary Surgeons Board of Papua New Guinea is hereby established.

3. CONSTITUTION OF THE BOARD.

(1) The Board shall consist of–

- (a) the Chief of Division of Animal Industry of the Department; and
- (b) two other members appointed by the Minister by notice in the National Gazette.

(2) Where a vacancy occurs on the Board, the Minister shall appoint a person to fill the vacancy.

4. DEPUTIES.

(1) The Minister may appoint a person to be a deputy of a member of the Board.

(2) A person appointed as a deputy is, in the event of the absence from a meeting of the member of whom he is the deputy, entitled to attend the meeting and, when so attending, shall be deemed to be a member of the Board.

(3) An act done by a deputy of a member of the Board as such shall not be questioned, in any proceedings, on the ground that the occasion for the exercise of his powers or functions did not arise or had ceased.

5. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The Chief of Division of Animal Industry of the Department is the Chairman of the Board.

(2) The Minister may appoint a member of the Board other than the Chief of Division of Animal Industry to be the Deputy Chairman of the Board.

6. TENURE OF OFFICE.

(1) A member of the Board other than the Chief of Division of Animal Industry holds office for a term of three years and is eligible for re-appointment.

(2) Where the office of a member of the Board becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy holds office for the unexpired portion of the term of office of the member.

7. QUALIFICATIONS.

A person shall not be appointed as a member, or a deputy of a member, of the Board unless he is qualified to be registered under this Act.

8. DISQUALIFICATION.

A person who–

- (a) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors; or
- (b) has been convicted of an offence and sentenced to imprisonment, and has not received a free pardon or undergone the sentence; or
- (c) is a person of unsound mind as that expression is used in the Public Health Act 1973, or is an insane person or a person of unsound mind within the meaning of a law relating to insanity or unsoundness of mind in force in a State or Territory of Australia; or
- (d) being registered under this Act as a registered veterinary surgeon, ceases to be so registered,

is not capable of being or continuing to be a member, or a deputy of a member, of the Board.

9. VACATION OF OFFICE.

The office of a member of the Board becomes vacant if—

- (a) the Minister, by written notice, certifies that in his opinion the member is incapable for any reason of performing his duties as a member; or
- (b) he resigns his office in writing addressed to the Minister; or
- (c) he dies; or
- (d) he is absent, without leave of the Board, from three consecutive meetings of the Board; or
- (e) he is disqualified under Section 8.

10. MEETINGS OF THE BOARD.

(1) Subject to Subsection (2), a meeting of the Board shall be convened by the Chairman of the Board by written notice to the other members, and shall be held at the time and place specified in the notice.

(2) The Minister may, by written notice to each member, direct that a meeting of the Board be held at the time and place specified in the notice.

11. PROCEDURE AT MEETINGS.

(1) At a meeting of the Board—

- (a) two members are a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, shall preside; and
- (c) all questions shall be decided by a majority of the votes of the members present but no decision shall be taken on any matter unless at least two members vote in favour of the decision; and
- (d) the person presiding has a deliberative vote but no casting vote.

(2) The Board shall cause minutes of its meetings to be kept.

(3) Subject to this Act, the procedure of the Board is as determined by the Board.

12. THE REGISTRAR.

The Minister shall appoint an officer of the Department to be the Registrar of Veterinary Surgeons for the purposes of this Act.

13. THE REGISTER.

The Registrar shall–

- (a) keep a register, to be called the Register of Veterinary Surgeons of Papua New Guinea; and
- (b) in the month of January of each year, publish in the National Gazette a copy of the Register as it stood at 31 December of the preceding year.

PART III. – REGISTRATION AND QUALIFICATIONS.

14. MANNER OF REGISTRATION.

(1) Where the Board has authorized the registration or provisional registration of a person, the Registrar shall effect the registration or provisional registration, as the case may be, by entering in the Register, in respect of that person–

- (a) his name; and
- (b) his professional address or addresses (if any) in the country or, if he has no such professional address, his place of residence (whether in the country or elsewhere); and
- (c) particulars of his qualifications and experience; and
- (d) the registration or provisional registration number allotted to him; and
- (e) the date of his registration or provisional registration; and
- (f) such other particulars (if any) as are prescribed.

(2) An entry in the Register shall be signed by the Registrar.

(3) Where a person is registered or provisionally registered under this Act, the Registrar shall, on payment of the prescribed fee, cause to be issued to him a Certificate of Registration or Provisional Registration, as the case may be, under the hand of the Chairman or Deputy Chairman and the seal of the Board.

15. GENERAL QUALIFICATIONS FOR REGISTRATION.

Subject to Section 17(2), the Board shall authorize the registration of a person as a veterinary surgeon if the Board is satisfied that the person–

- (a) has attained the age of 21 years; and
- (b) is of good fame and character; and
- (c) is the holder of a degree, diploma or licence of competency in veterinary science, veterinary surgery or veterinary medicine of–
 - (i) a university of a State or Territory of Australia or of the Royal College of Veterinary Surgeons of Great Britain; or
 - (ii) a prescribed university, college, school or other institution whose course of instruction with respect to the degree, diploma or licence of competency in veterinary science, veterinary surgery or veterinary medicine–
 - (A) extends over a period of not less than four years; and
 - (B) is in the opinion of the Board not lower in standard than the standard required for the award of the degree of Bachelor of Veterinary Science of the University of Sydney.

16. REGISTRATION OR PROVISIONAL REGISTRATION IN INDIVIDUAL CASES.

(1) The Board may, in its discretion, authorize the registration or provisional registration of a person as a veterinary surgeon if it is satisfied that he—

- (a) has attained the age of 21 years; and
- (b) is of good fame and character; and
- (c) is the holder of a degree, diploma or licence of competency in veterinary science, veterinary surgery or veterinary medicine; and
- (d) is, by virtue of post-graduate qualifications or particular experience, suitable to be registered as a veterinary surgeon in the country.

(2) Before deciding on an application for registration or provisional registration in accordance with Subsection (1), the Board may require the applicant to undergo an examination approved by the Board for the purposes of this subsection.

(3) The period of provisional registration is such period, not being less than one year nor more than five years, determined by the Board in each case.

(4) A period of provisional registration shall not be extended so that it will exceed five years in all.

(5) At the end of the period of provisional registration, the Board may, subject to Subsections (4) and (6)—

- (a) authorize the registration of the person provisionally registered; or
- (b) extend the period of provisional registration,

and may for that purpose require him to undergo an examination approved by the Board for the purposes of this subsection.

(6) Notwithstanding anything in this Act, the Board may cancel the provisional registration of a person who, in an examination under Subsection (5), fails to satisfy the Board as to his competency.

(7) A person who—

- (a) is provisionally registered under this Act; and
- (b) practises as a veterinary surgeon in the country in his own right or in partnership with another registered veterinary surgeon, or otherwise than under the supervision of a registered veterinary surgeon,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

17. APPLICATION FOR REGISTRATION.

(1) A person desiring to be registered or provisionally registered under this Act shall make written application to the Board accompanied by—

- (a) the prescribed fee; and
- (b) proof of the qualifications and experience on which he relies; and
- (c) a statutory declaration stating—
 - (i) that he has attained the age of 21 years; and
 - (ii) whether or not he has made a previous application to be registered or provisionally registered as a veterinary surgeon under this Act or under the law of any other country or of a State or Territory of Australia, and if any such application was refused the reason for the refusal; and
 - (iii) whether he is, or was at any time, registered or provisionally registered as a veterinary surgeon under this Act or under the law of any other country or of a State or Territory of Australia, and if he was so registered and his registration was cancelled or suspended the reasons for the cancellation or suspension.

(2) The Board may require an applicant for registration or provisional registration to attend personally before it, and if the applicant fails to attend as required may refuse the application.

18. REFUSAL BY THE BOARD TO REGISTER.

If the Board refuses to authorize the registration of a person, it shall, if the person so requests, state in writing the reason for the refusal.

19. EVIDENCE OF REGISTRATION.

(1) A Certificate of Registration or Certificate of Provisional Registration is evidence that the person specified in the Certificate—

- (a) was registered or provisionally registered, as the case may be, under this Act on the date specified in the Certificate; and
- (b) has continued to be so registered or provisionally registered.

(2) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a Certificate of Registration or Provisional Registration, and of the fact that the person by whom the Certificate purports to have been signed was, at the time when the Certificate was signed, the Chairman or Deputy Chairman of the Board, as the case may be.

20. FRAUDULENT REGISTRATION.

A person who, in connection with an application for registration or provisional registration under this Act, makes a false or misleading statement, or produces a false certificate, testimonial or other document, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

21. NOTIFICATION OF CHANGE OF ADDRESS.

A person who—

- (a) is registered or provisionally registered under this Act; and
- (b) changes his professional address in the country, or establishes a professional address or an additional professional address in the country,

must, within 28 days after the change or establishment, notify the Registrar in writing.

Penalty: A fine not exceeding K100.00.

22. ALTERATION OF REGISTER.

(1) The Board–

(a) shall cause to be removed from the Register the names of all veterinary surgeons who have died; and

(b) may cause such alterations to be made to the particulars recorded in the Register as are necessary.

(2) The Board may cause the name of a veterinary surgeon to be removed from the Register–

(a) at his request; or

(b) if he fails, without reasonable excuse (proof of which is on him), to pay any fees due under this Act within six months after a notice of demand is served on him–

(i) personally or by post; or

(ii) by leaving it, at the address entered in relation to him in the Register under Section 14(1)(b), with some person apparently over the age of 18 years and apparently living or employed on the premises.

(3) The Board may, by notice to a veterinary surgeon, posted or otherwise delivered to him at–

(a) his professional address or one of his professional addresses recorded in the Register; or

(b) his last-known place of residence,

inquire whether his professional address or addresses in the country, or his place of residence, is or are still as shown in the Register.

(4) If an answer to a notice under Subsection (3) is not returned within six months after the date of the posting or other delivery of the notice, the Board may cause the name of the person concerned to be removed from the Register.

(5) A name removed from the Register under this section may be restored by authority of the Board.

23. CANCELLATION OR SUSPENSION OF REGISTRATION.

(1) Subject to Section 24, the Board may order the cancellation, or the suspension for such period as it thinks proper, of the registration or provisional registration under this Act of a person–

(a) whose registration or provisional registration has been obtained by fraud or misrepresentation; or

(b) who is convicted, whether in the country or elsewhere, of an offence that in the opinion of the Board makes him unfit to practise as a veterinary surgeon; or

(c) who, owing to his mental condition, is incapable of managing himself or his affairs and requires oversight, care or control for his own good or in the public interest; or

(d) who is found by the Board to have been guilty of–

(i) using intoxicating liquor or drugs to excess; or

(ii) disgraceful or improper conduct, in his professional capacity or otherwise; or

(iii) any other prescribed misconduct; or

(e) whose degree, diploma, licence of competency or other qualification has been withdrawn or cancelled by the university, college, school or other institution by which it was conferred for a reason, or on grounds, that would entitle the Board to cancel or suspend his registration or provisional registration.

(2) If the Board orders the cancellation or suspension under this section of the registration or provisional registration of a person, the Board shall, if required by him, state in writing the reason for the order.

24. INQUIRY BEFORE CANCELLATION OR SUSPENSION.

(1) Before ordering the cancellation or suspension under Section 23 of the registration or provisional registration of a person, the Board shall hold an inquiry.

(2) At the inquiry, the person concerned may be represented by a lawyer or an agent, who may examine witnesses and address the Board on his behalf.

(3) In conducting the inquiry, the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks proper.

(4) The Attorney-General may appoint a lawyer to assist the Board.

(5) Pending the outcome of the inquiry, the Board may suspend the registration or provisional registration of the person concerned.

(6) For the purposes of this Act, during the period of any temporary suspension imposed under Subsection (5) the person suspended shall be deemed not to be registered or provisionally registered, as the case may be, under this Act.

25. SURRENDER OF CERTIFICATE, ETC.

(1) Where the registration or provisional registration of a person under this Act is cancelled or suspended, the Board may, by written notice posted or otherwise delivered to him at—

(a) his professional address, or one of his professional addresses, as last recorded in the Register; or

(b) his last-known place of residence,

require him to deliver to the Board, within 14 days after receipt of the notice, his Certificate of Registration or Provisional Registration.

(2) A person who, without lawful excuse (proof of which is on him), refuses or fails to comply with a requirement in a notice under Subsection (1) is guilty of an offence.

Default penalty: A fine not exceeding K10.00.

26. APPEALS.

(1) Where the Board—

- (a) refuses an application for registration under this Act; or
- (b) orders the cancellation or suspension under Section 23 of the registration or provisional registration of a person,

the person may appeal to the National Court against the decision of the Board.

(2) An appeal, under Subsection (1), shall be in the nature of a rehearing, but the Court may have regard to any material that was before the Board.

(3) The Board is the respondent on the appeal.

(4) On an appeal under this section, the Court may—

(a) quash the order of the Board and order—

- (i) that the person concerned be registered; or
- (ii) that the registration or provisional registration, as the case requires, of the person concerned be restored; or
- (iii) in the case of a suspension, that the suspension be removed; or

(b) substitute for the order of the Board any other order that the Board could have made under Section 23; or

(c) dismiss the appeal.

27. APPLICATION FOR RE-REGISTRATION.

(1) Where the registration or provisional registration of a person has been cancelled under Section 23 or 26, he may apply for re-registration on the ground that, by reason of a specified change in circumstances that has occurred since the date of the cancellation, it is just that his registration or provisional registration, as the case may be, should be restored.

(2) On an application under this section, the Board may, in its discretion, order that the registration or provisional registration, as the case may be, of the applicant be restored.

PART IV. – MISCELLANEOUS.

28. FEES.

The Board may demand and collect in advance such fees as are prescribed.

29. UNREGISTERED PERSONS PRACTISING VETERINARY SURGERY.

Subject to this Act, a person other than—

- (a) a registered veterinary surgeon; or
- (b) a person provisionally registered under this Act practising under the supervision of a registered veterinary surgeon,

who practises veterinary surgery for gain is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

30. FIRMS OR COMPANIES PRACTISING VETERINARY SURGERY.

A firm or company must not practise veterinary surgery unless–

(a) all of its employees who are engaged in veterinary surgery are–

- (i) registered veterinary surgeons; or
- (ii) persons provisionally registered under this Act who are practising under the supervision of a registered veterinary surgeon; and

(b) in the case of a firm, all of the members of the firm who are engaged in veterinary surgery are registered veterinary surgeons.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

31. ADMINISTRATION OF ESTATE OF DECEASED VETERINARY SURGEON.

On the death of a person who was at the time of his death practising as a registered veterinary surgeon, the executor, administrator or trustee of his estate may employ a registered veterinary surgeon to conduct the practice for a period of three months after the date of the death or for such longer period as the Board permits.

32. UNLAWFUL USE OF TITLE “VETERINARY SURGEON”.

(1) In this section, unless the contrary intention appears, “person” includes a firm or company.

(2) Subject to this section, a person who is prohibited by this Act from practising veterinary surgery and who–

(a) takes or uses, alone or in combination with any other words or letters, the title “veterinary surgeon” or a name, title, addition or description (including initials or letters placed after his name) indicating or implying that he is–

- (i) registered under this Act; or
- (ii) a person qualified to practise veterinary surgery; or

(b) holds himself out, by advertisement or otherwise, as being–

- (i) qualified or authorized to practise veterinary surgery; or
- (ii) a person who practises veterinary surgery,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K10.00.

(3) It is not an offence against this section for a person who is entitled to an academic degree, honour or other academic qualification to associate with his name the description of the degree, honour or qualification, or an accepted abbreviation of the degree, honour or qualification.

33. SUMMONING OF WITNESSES.

(1) The Chairman or Deputy Chairman of the Board may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons, and then and there to give evidence and produce any books, documents or writings in his custody or control that he is required by the summons to produce.

(2) A summons under Subsection (1) shall be served—

(a) personally; or

(b) by sending it by prepaid registered letter addressed to the person at his place of abode or business last-known to the Chairman or Deputy Chairman; or

(c) by leaving it, at the place of abode or business of the person last-known to the Registrar, with some person apparently an inmate of that place and apparently not less than 16 years of age.

34. EXAMINATION ON OATH.

A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

35. FAILURE TO ATTEND OR PRODUCE DOCUMENTS.

(1) A person served with a summons to attend the Board who fails, without reasonable excuse (proof of which is on him)—

(a) to attend the Board; or

(b) to produce the books, documents or writings that he is required by the summons to produce,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) It is a defence to a prosecution for failing without reasonable excuse to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the proceedings of the Board.

36. REFUSAL TO BE SWORN OR GIVE EVIDENCE.

(1) Subject to this section, a person appearing as a witness before the Board who refuses to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Board is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) A statement or disclosure made by a witness to the Board is not, except in proceedings for the offence of perjury, admissible in evidence against him in any legal proceedings.

(3) This section does not make a person compellable to answer a question that might tend to criminate him.

37. PROTECTION OF WITNESSES.

A witness before the Board has the same protection as a witness in proceedings before the National Court.

38. FEES AND ALLOWANCES TO WITNESSES.

(1) A witness summoned to attend before the Board is entitled to receive fees in accordance with the scale of fees payable in respect of attendance before the National Court or, in special circumstances, such fees as are fixed by the Board.

(2) The fees referred to in Subsection (1)–

- (a) are payable by any person at whose request the summons was issued; and
- (b) if the summons was issued otherwise than at the request of a person—are payable by the State.

39. INSPECTION OF BOOKS, ETC.

The Board may–

- (a) inspect any books, documents or writings before it; and
- (b) retain them for such reasonable period as it thinks proper; and
- (c) make copies of such portions of them as are relevant to any matter before the Board.

40. POWER OF SEARCH.

(1) For the purposes of this Act, a person authorized in writing by the Chairman or Deputy Chairman of the Board may enter, at all reasonable times, any premises in which–

- (a) a registered veterinary surgeon or a person provisionally registered under this Act is carrying on business; or
- (b) it is reasonably suspected that veterinary surgery is practised,

and may examine any books, papers, records, apparatus, drugs, animals or articles stored, used or kept in connection with any such business or practice.

(2) A person who–

- (a) molests, obstructs or endeavours to intimidate a person authorized under Subsection (1) in the performance of his duty under this Act; or
- (b) refuses to permit a person so authorized to examine books, papers, records, apparatus, drugs or articles, or refuses to produce them for examination,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

41. OFFENCES BY CORPORATIONS, ETC.

Where a person guilty of an offence against this Act is–

- (a) a corporation; or
- (b) a person who purported to act for or on behalf of a corporation or a firm,

any director, manager, secretary, officer or member of the corporation or the firm, as the case may be, who was knowingly a party to the offence is also guilty of the offence.

42. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for and in relation to—

- (a) the fees (if any) in respect of any application, registration, provisional registration, certificate, enrolment or other act or thing provided for or required under this Act or the regulations; and
- (b) the employment in private veterinary practice of persons other than registered veterinary surgeons; and
- (c) the manner in which, and the extent to which, a registered veterinary surgeon is authorized to advertise; and
- (d) the imposition of penalties of fines not exceeding K40.00 for offences against the regulations.

Office of Legislative Counsel, PNG