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K Woodward  
Chief Parliamentary Counsel  
Dated 23 July 2025



TASMANIA

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## **VETERINARY SURGEONS ACT 1987**

**No. 104 of 1987**

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## **VETERINARY SURGEONS ACT 1987**

**No. 104 of 1987**

**An Act to provide for the registration of veterinary surgeons, the regulation of the practice of veterinary surgery, and incidental matters, and to repeal the *Veterinary Act 1918***

**[Royal Assent 23 December 1987]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **PART I – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the *Veterinary Surgeons Act 1987*.

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**2. Commencement**

- (1) This section and section 1 shall commence on the day on which this Act receives the Royal Assent.
- (2) Except as provided in subsection (1), this Act shall commence on a day to be fixed by proclamation.

**3. Interpretation**

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

*Agency* and *Head of Agency* have the meanings assigned to those terms by the *State Service Act 2000*;

*animal* means –

- (a) a live vertebrate animal, other than a human being; or
- (b) a prescribed organism;

*approved* means approved by the Board;

*Board* means the Veterinary Board of Tasmania constituted under section 4;

*chairman* means the Chairman of the Board;

*Commission* means the Australian Securities and Investment Commission established under the *Australian Securities and*

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*Investment Commission Act 1989* of the Commonwealth;

***corresponding law*** means a law, of another State or a Territory, that provides for the registration or other authorisation of a person to provide veterinary services;

***functions*** includes duties;

***inspector*** means a person empowered by the Board under section 10(1);

***list*** means the list of veterinary services entities required to be kept under section 29;

***member*** means a member of the Board;

***partnership*** has the same meaning as in the *Partnership Act 1891*, except that it does not include an incorporated limited partnership within the meaning of that Act;

***records*** includes –

- (a) books, accounts, minutes, registers, deeds, writings and documents; and
- (b) X-ray images, photographs and other methods of recording and displaying images; and
- (c) any other sources of information compiled, recorded, or stored, in written form or on micro-film, or

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by electronic process, or in any other manner or by any other means;

***register*** means the register kept under section 14;

***registered veterinary specialist*** means a person who –

- (a) is registered as a veterinary specialist under Part IV; or
- (b) is not permanently resident in this State and, subject to subsection (2B), is registered under a corresponding law as a veterinary specialist;

***registered veterinary surgeon*** means a person who –

- (a) is registered as a veterinary surgeon under Part IV; or
- (b) is not permanently resident in this State and, subject to subsection (2B), is registered under a corresponding law as a veterinary surgeon;

***Registrar*** means the person appointed and holding office under section 7 as the Registrar of the Board;

***registration*** means registration under this Act;



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***relevant fee***, in relation to any matter, means the fee that is approved in relation to the matter;

***repealed Act*** means the *Veterinary Act 1918*;

***the regulations*** means regulations made and in force under this Act;

***veterinary establishment*** means any establishment, vehicle, or place in which veterinary services are carried out;

***veterinary services*** means services that form part of the practice of veterinary surgery, and includes, but is not limited to including, the following services:

- (a) the examination of, or attendance on, any animal for the purposes of diagnosing the physiological or pathological condition of the animal, including testing or imaging for diagnostic purposes;
- (b) giving advice based on a diagnosis referred to in paragraph (a), including prescribing treatment, drugs, medications or medical appliances;
- (c) performing medical or physical treatment of animals;
- (d) performing surgical procedures on animals;

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- (e) administering an anaesthetic to any animal;
- (f) conducting pregnancy testing of any animal;
- (g) carrying out, by manual operation or use of instrumental appliances, any procedure on an animal for artificial breeding purposes –

but does not include any prescribed services;

***veterinary services company*** means a body corporate, one of the objects of which is the provision of veterinary services, and includes an incorporated limited partnership, within the meaning of the *Partnership Act 1891*, that carries on a business, all or part of which consists of the provision of veterinary services;

***veterinary services entity*** means –

- (a) a veterinary services company; or
- (b) a veterinary services partnership;

***veterinary services partnership*** means a partnership that carries on a business, all or part of which consists of the provision of veterinary services;

***veterinary student*** means a person who has commenced a course of veterinary

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studies at an approved institution on a full time basis;

***veterinary surgery*** means the art and science of veterinary surgery and medicine.

- (2) Unless the contrary intention appears –
- (a) a reference in this Act to a person being registered under Part IV includes a reference to a person provisionally so registered, and a reference to registration under Part IV has a corresponding meaning; and
  - (b) a reference in this Act to practising veterinary surgery includes the running, operating, or administering by a veterinary surgeon of a veterinary establishment.
- (2A) A reference in this Act to a person being registered as a veterinary surgeon or veterinary specialist under a corresponding law is to be taken to include a reference to the person being registered or otherwise authorised under such a law to provide veterinary services, or specialist veterinary services, respectively, for which registration or authorisation under that law is required, and a reference to registration under a corresponding law has a corresponding meaning.
- (2B) Despite subsection (2A), a person is not, for the purposes of this Act, to be taken to be registered or authorised as a veterinary surgeon or veterinary specialist under a corresponding law

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if the registration, or other authorisation, of the person under that law –

- (a) is specified under that law to be temporary;
  - (b) is honorary only, including registration or authorisation under a corresponding law that is granted or maintained by a person who has generally retired from practice; or
  - (c) is of a type of registration or authorisation that is prescribed in the regulations for the purposes of this subsection.
- (3) Nothing in this Act shall be construed as permitting any person to contravene any provisions of any law or enactment relating to cruelty to animals, animal welfare or control or use of chemicals, poisons or pharmaceuticals.

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**PART II – THE VETERINARY BOARD OF TASMANIA**

**4. Constitution of Veterinary Board of Tasmania**

- (1) The Veterinary Board constituted under the repealed Act is abolished and there is constituted by this Act a Board to be known as the Veterinary Board of Tasmania.
- (2) The Board –
  - (a) is a body corporate, with perpetual succession;
  - (b) shall have a seal;
  - (c) may sue and be sued in its corporate name;
  - (d) may do and be subject to all other things that corporations may do and be subject to and that are necessary for or incidental to the purpose for which it was constituted; and
  - (e) has the functions imposed, and the powers conferred, on it by or under this or any other Act.
- (3) All courts, judges, and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and, unless the contrary is established, shall presume that it was duly affixed.

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(4) The Board shall consist of 5 persons appointed by the Minister by instrument in writing of whom –

(a) one shall be an officer of the Department who is registered as a veterinary surgeon under Part IV and who is nominated by the Secretary of the Department;

(b) 4 are to be appointed from a panel of 7 persons nominated by a selection committee appointed by the Minister.

(c) . . . . .

(4A) The selection committee referred to in subsection (4)(b) is to be made up of –

(a) a representative from the Australian Veterinary Association (Tasmanian Division) or another organisation representing the veterinary profession; and

(b) a representative of the government; and

(c) a representative of consumers of veterinary services; and

(d) such other persons as the Minister considers appropriate.

(4B) Of the 4 persons referred to in subsection (4)(b) –

(a) 3 must –

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- (i) be registered as veterinary surgeons under Part IV; and
    - (ii) have their primary place of business in Tasmania; and
  - (b) one must be a consumer of veterinary services.
- (5) For the purposes of subsection (4)(a), the Secretary of the Department may, if he is a registered veterinary surgeon, nominate himself.
- (6) If the selection committee referred to in paragraph (b) of subsection (4) fails to make a nomination as required by that paragraph within 30 days after it is requested by the Minister to do so, the Minister may appoint 3 registered veterinary surgeons as members of the Board.
- (7) If the association referred to in paragraph (a) of subsection (4A) changes its name to another name or ceases to exist under the name referred to in that paragraph, the Governor may, by order, amend that paragraph by substituting for the name of that association –
- (a) that other name; or
  - (b) the name of some other association or organization that he is satisfied represents substantially the same interests as those represented by that association.
- (8) Schedule 1 has effect with respect to the membership of the Board.

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- (9) Schedule 2 has effect with respect to the meetings of the Board.

**5. Functions and powers of the Board**

- (1) In addition to the functions conferred or imposed on it by any other provision of this Act, the Board has the following functions:
- (a) to maintain and review standards for registration of veterinary surgeons, veterinary specialists, and veterinary services companies;
  - (b) to ensure that registered veterinary surgeons and registered veterinary specialists provide veterinary services in a competent manner;
  - (c - d) . . . . .
  - (e) to arrange, where it thinks necessary and in such manner as it thinks appropriate, for the examination of persons seeking to become registered;
  - (f) to arrange, where it thinks necessary, for the inspection of veterinary establishments;
  - (g) to hear and determine any inquiry under Part VI.
- (2) The Board may do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions under this Act.



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- (3) The generality of subsection (2) shall not be taken to be limited by any other provisions of this Act conferring a power on the Board.

**5A. Board to approve qualifications and courses**

- (1) In this section –

*qualification* means a degree, diploma, certificate of completion of a course of study or training, or any other qualification.

- (2) The Board may approve qualifications for persons seeking to become registered under Part IV.
- (3) The Board may only approve under subsection (2) a qualification if the qualification may be awarded to a person on the successful completion of a course of study, or training, that is provided by a university or institution and relates to veterinary surgery.
- (4) Without limiting the power of the Board under subsection (2), the Board may approve a qualification under that subsection if the course of study or the training, successful completion of which will result in the award of the qualification, is provided by a university or institution that is accredited by the Australasian Veterinary Boards Council to provide the course of study or the training.
- (5) A decision of the Board to approve, or not to approve, a qualification under subsection (2) –

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- (a) is not subject to prohibition, mandamus, certiorari, injunction, declaration or any order of a court having similar effect; and
- (b) is not otherwise to be challenged, appealed against, quashed or called into question on any account.

**5B. Board to declare veterinary service standards**

- (1) The Board, by notice, may declare veterinary service standards.
- (2) Veterinary service standards may –
  - (a) specify the standards of service that are to be provided by a registered veterinary surgeon or registered veterinary specialist in carrying on the practice of veterinary science; and
  - (b) specify the rules of conduct that are to be observed by a registered veterinary surgeon or registered veterinary specialist in carrying on the practice of veterinary science.

**6. Annual Report**

- (1) Within 3 months after the end of each financial year, the Board shall submit to the Minister a report of its operations during that financial year.
- (2) The Minister shall cause a copy of any report submitted to him under subsection (1) to be laid on the table of each House of Parliament within

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the first 14 sitting days after it is received by him.

**7. Registrar and other staff**

- (1) The Board may –
  - (a) appoint a Registrar of the Board and such other persons as it considers necessary for the purposes of this Act; or
  - (b) with the approval of the Head of a State Service Agency, appoint a State Service officer or State Service employee employed in that Agency to be Registrar of the Board, and that officer or employee may hold office as Registrar of the Board in conjunction with State Service employment; or
  - (c) make arrangements with the Head of a State Service Agency for such State Service officers and State Service employees employed in that Agency as may be considered necessary to be made available, and such officers and employees may, in conjunction with State Service employment, serve the Board in any capacity.
- (2) The Board shall pay to the Public Account such sum as may be determined by the Treasurer for the service of a State Service officer or State Service employee appointed under subsection (1)(b) or made available under subsection (1)(c), and the Treasurer may reimburse that sum to the

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Agency in which the officer or employee is employed.

- (3) Where the Board appoints any person under subsection (1)(a) it shall pay, out of funds at its disposal, that person such remunerations and allowances as it determines.

**8. Protection for members of the Board, &c.**

Where the Board, a member of the Board, the Registrar, an inspector or any person for the time being appointed under section 7 does, or omits to do, any act or thing in good faith in the administration or execution, or purported administration or execution of this Act, or in the exercise or performance or purported exercise or performance of any of its or his powers, functions, or duties under this Act, it or he shall not be personally subjected to any action, liability, claim, or demand in respect of that act or omission.

**9. Administration**

All fees paid or recovered under this Act are to be applied by the Board in and towards defraying the expenses incurred in the administration of this Act.

**10. Powers of inspectors**

- (1) For the purposes of this section, the Board may empower a person to act as an inspector in order

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to exercise the powers conferred by subsection (2).

- (2) Subject to subsection (5), for the purpose of –
- (a) ascertaining whether a person is contravening or has contravened section 11 or 12;
  - (b) ascertaining whether a person who is, or was in the previous 3 years, a registered veterinary surgeon or a person exempted under section 13 has, in this State, failed to comply with, or contravened, or is failing to comply with or is contravening –
    - (i) any provision of this Act;
    - (ii) any condition, limitation, or restriction, imposed by the Board or by virtue of section 11A(1), section 18A or section 46(2)(d), subject to which the person may practise, or continue to practise, veterinary surgery; or
    - (iii) any veterinary service standard declared under section 5B;
  - (c) ascertaining whether a person who is, or was in the previous 3 years, a registered veterinary surgeon or a person exempted under section 13 is no longer a fit and proper person to practise veterinary surgery in this State; or

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- (d) investigating a complaint made under section 42 or 43 –

an inspector may, at any reasonable time –

- (e) enter and remain in any premises or vehicles, which he has reasonable grounds to believe are used by that person for the purposes of, or in connection with, the practice of veterinary surgery or the performance of any act of veterinary surgery;
- (f) inspect those premises or vehicles, and any records on or in those premises or vehicles;
- (g) open and inspect containers or packages which he has reasonable grounds to believe are used by that person for the purpose of, or in connection with, the practice of veterinary surgery or the performance of any act of veterinary surgery;
- (h) make the inquiries of a person on or in those premises or vehicles that the inspector considers to be necessary for the purposes of this Act;
- (i) require a person on those premises to, without delay or within a period specified by the inspector –
- (i) produce to the inspector a document, held at the premises or at other premises, that may relate

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- to the provision of veterinary services by a person who is or was on the premises or who is or was engaged to provide services at or from the premises;
- (ii) produce to the inspector a certificate of registration issued to the person under section 21;
  - (iii) assist the inspector to access any document, kept in an electronic form, that is a record kept in accordance with section 34 or that may relate to the provision of veterinary services by a person who is or was engaged to provide services at or from the premises;
  - (iv) if the person is reasonably able to do so, produce a copy of a document referred to in this paragraph and provide it to the inspector; or
  - (v) permit the inspector to make a copy of a document referred to in this paragraph; and
- (j) require a person to provide reasonable assistance to the inspector in the exercise of the inspector's powers under this Act.
- (3) A person who obstructs, hinders, threatens, or assaults an inspector in the exercise of his powers under subsection (2) is guilty of an

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offence and is liable on summary conviction to a penalty not exceeding 50 penalty units.

- (4) The Board shall issue to an inspector a certificate of his authority to exercise the powers conferred by subsection (2).
- (5) An inspector is not empowered to exercise any powers conferred by subsection (2) unless he has previously produced a certificate issued under subsection (4).



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**PART III – RESTRICTIONS ON ENGAGING IN THE  
PRACTICE OF VETERINARY SURGERY**

**11. Practice by unregistered persons**

- (1) A person shall not engage in the practice of veterinary surgery or render a veterinary service unless that person is a registered veterinary surgeon.
- (2) Subsection (1) does not apply to –
  - (a) a person who administers anaesthetic under the instruction of a registered veterinary surgeon who is in the presence of the person while the person administers the anaesthetic;
  - (b) a person who provides a veterinary service in an emergency, where a registered veterinary surgeon is not reasonably or readily available;
  - (c) a veterinary student who is acting under the instruction of a registered veterinary surgeon who is in the presence of the student while the student is so acting; or
  - (d) any other prescribed case.
- (3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 50 penalty units.

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**11A. Interstate registered practitioners**

- (1) A condition, limitation or restriction imposed on the registration of a person as a veterinary surgeon or a veterinary specialist under a corresponding law applies to the practice in this State of veterinary surgery by the person and the rendering of veterinary services in this State by the person.
- (2) If the registration of a person as a veterinary surgeon or a veterinary specialist under a corresponding law is suspended under that law or another corresponding law, the person is not, for the period of the suspension, to be taken to be a registered veterinary surgeon or a registered veterinary specialist, respectively, for the purposes of section 11(1) and section 12.

**12. Prohibition of certain descriptions**

- (1) A person who is not a registered veterinary surgeon or veterinary specialist shall not –
  - (a) use the description of a veterinary surgeon or veterinary specialist; or
  - (b) do anything, or cause or permit anything to be done, that is likely to cause another person reasonably to believe that he is a veterinary surgeon or veterinary specialist.
- (2) A person who contravenes this section is guilty of an offence and is liable on summary

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conviction to a penalty not exceeding 10 penalty units.

**13. Exemptions from operation of section 11**

- (1) An individual person may apply to the Board to be exempted from the operation of section 11(1) in relation to a specific veterinary service.
- (2) An application under subsection (1) shall –
  - (a) be in writing;
  - (b) state the specific veterinary service in respect of which exemption is required; and
  - (c) be accompanied by the relevant fee.
- (3) On receipt of an application for exemption under this section, the Board may –
  - (a) require the applicant to furnish further information;
  - (b) grant the exemption for such period as it may determine;
  - (c) grant the exemption subject to such terms and conditions as it thinks fit; or
  - (d) refuse to grant the exemption.
- (4) Where a person is aggrieved –
  - (a) by the refusal of the Board to grant an exemption;

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- (b) by any terms or conditions imposed under subsection (3)(c); or
    - (c) by the period of the exemption –
- that person may appeal in writing to the Minister.
- (5) On receipt of an appeal made under subsection (4)(a), the Minister may –
    - (a) confirm the refusal to grant an exemption; or
    - (b) order the Board to grant the exemption, subject to such terms and conditions as the Minister may determine.
  - (6) On receipt of an appeal made under subsection (4)(b), the Minister may –
    - (a) confirm any or all of the terms or conditions imposed by the Board;
    - (b) vary any or all of such terms or conditions; or
    - (c) revoke any or all of such terms or conditions.
  - (7) On receipt of an appeal made under subsection (4)(c), the Minister may –
    - (a) confirm the period of exemption determined by the Board; or
    - (b) vary the period of such an exemption.

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- (8) Where a person is granted an exemption under this section –
- (a) that person is subject to the provisions of Part VI as if he were a registered veterinary surgeon; and
  - (b) a reference in that Part to the suspension or cancellation of registration shall be read as a reference to a suspension or cancellation of that exemption.

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Part IV – Registration of Veterinary Surgeons and Veterinary Specialists

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**PART IV – REGISTRATION OF VETERINARY  
SURGEONS AND VETERINARY SPECIALISTS**

**14. Veterinary register**

- (1) The Board shall keep a register, to be called the Veterinary Register of Tasmania.
- (2) The register shall consist of the following parts:
  - (a) Part I – Veterinary Surgeons;
  - (b) Part II – Veterinary Specialists.
- (3) Subject to section 19(4), on payment of the relevant fee the Board shall register a person by entering in the register in the appropriate part the prescribed details.
- (4) Where it appears to the Board that –
  - (a) an entry in the register is incorrect;
  - (b) an entry that ought to have been made in the register has not been made; or
  - (c) an entry that ought not to have been made in the register has been made –the Board shall take the necessary steps to rectify the register.
- (5) A registered veterinary surgeon or a registered veterinary specialist may apply to the Board to amend an entry in the register relating to him.
- (6) The Board may, if it considers it appropriate, cause a copy of the register, so far as it relates to

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persons who are, at that time, persons registered under this Part, to be published in the *Gazette*.

- (7) The register shall be made available at all reasonable times for inspection by any person at the office of the Board.

**15. Entitlement to registration as veterinary surgeon**

- (1) Subject to this section, a person is entitled to be registered under this Part as a veterinary surgeon if –
- (a) he has attained the age of 18 years;
  - (b) he is qualified to be registered as a veterinary surgeon; and
  - (c) he satisfies the Board of his identity and that he is a fit and proper person to practise as a veterinary surgeon in this State.
- (2) For the purposes of subsection (1)(b), a person is qualified to be registered under this Part as a veterinary surgeon if –
- (a) he has obtained a qualification approved by the Board under section 5A and, if required by the Board to do so, has passed such examinations as the Board may determine; or
  - (b) he is registered as a veterinary surgeon under a corresponding law.

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- (3) For the purposes of this section, the Board may regard a person as not being a fit and proper person to practise as a veterinary surgeon in this State if it is satisfied that –
- (a) an application by that person for registration, or for a licence to practise, as a veterinary surgeon has, in accordance with a corresponding law, been refused;
  - (b) the registration of that person under a corresponding law is suspended or has been cancelled or otherwise terminated in accordance with that law;
  - (c) the person has been convicted in this State or elsewhere of –
    - (i) any crime, or offence that if it had been committed in this State would have been a crime;
    - (ii) an offence under a law prohibiting or regulating the possession, sale, use, supply, or other dealing in, any poison, drug, or similar substance; or
    - (iii) an offence under this Act, or a corresponding law, which, in the opinion of the Board, indicates the person is not a fit and proper person to practise as a veterinary surgeon; or



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- (d) the person has become unable to perform competently the duties of a veterinary surgeon.

**16. Entitlement to registration as veterinary specialist**

- (1) Subject to this section, a person is entitled to be registered as a veterinary specialist under this Part if –
  - (a) the person is registered under this Part as a veterinary surgeon; and
  - (b) the person satisfies the Board that he or she possesses adequate qualifications and experience with respect to the approved speciality to which the registration is to relate.
- (2) For the purposes of determining whether a person possesses adequate qualifications and experience with respect to an approved speciality, the Board may, amongst other matters, take into account –
  - (a) the opinion of the Australasian Veterinary Board Council as to whether particular qualifications and experience are adequate; and
  - (b) whether the person is registered as a veterinary specialist under a corresponding law.

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17. . . . .

**18. Application for registration**

(1) A person may apply to the Board to be registered under this Part.

(1A - 1B) . . . . .

(2) An application under subsection (1) shall –

- (a) be in writing;
- (b) contain the prescribed particulars; and
- (c) be accompanied by the prescribed documents and the relevant fee.

(3) On receipt of an application under this section, the Board –

- (a) where it is satisfied that the applicant is entitled to registration under this Part, shall register that applicant; or
- (b) where it is not so satisfied –
  - (i) may require the applicant to provide further information within such period as the Board may specify; or
  - (ii) may refuse to register that applicant.

(3A) Registration may be subject to such terms and conditions as the Board considers appropriate.

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- (4) On receipt of further information provided by an applicant pursuant to subsection (3)(b)(i), the Board may register or refuse to register that applicant.
  - (5) Where further information required from an applicant under paragraph (b)(i) of subsection (3) is not provided within the period referred to in that paragraph, the Board may refuse to register that applicant.
  - (6) Where, pursuant to subsections (3)(b)(ii), (4), and (5), the Board refuses to register an applicant, it shall –
    - (a) by notice in writing served on the applicant, notify the refusal and specify the reasons for that refusal; and
    - (b) refund to the applicant the amount of the fee paid under subsection (2)(c).
  - (7) . . . . .

**18A. Conditions of registration**

- (1) If the Board registers under section 18 a person –
  - (a) who is or was registered as a veterinary surgeon or a veterinary specialist under a corresponding law; and
  - (b) whose registration under that law has been, before the person is registered by the Board –

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- (i) suspended under that law for a period specified under that law; or
- (ii) cancelled, and the re-registration of that person prohibited under that law before the end of a period specified under that law in respect of the cancellation –

the Board must register the person subject to the condition that the person must not, until the period has expired, practise veterinary surgery or render veterinary services.

- (2) If the Board registers under section 18 a person –
  - (a) who is registered as a veterinary surgeon or a veterinary specialist under a corresponding law; and
  - (b) whose registration under that law is, immediately before the registration of the person under this Part, subject to a condition, limitation, or restriction, imposed under a corresponding law –

the registration of the person under this Part is, for the period for which the condition, limitation or restriction applies under the corresponding law, subject to that condition, limitation or restriction.

- (3) If the Board registers under section 18 a person to whom a prohibition under section 46(2)(ba) applies for a period, the Board must register the person subject to the condition that the person

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must not, until the period has expired, practise veterinary surgery or render veterinary services.

- (4) If the Board registers under section 18 a person to whom a condition, limitation or restriction under section 46(2)(d) applies for a period, the registration of the person under this Part is, for that period, subject to that condition, limitation or restriction.
- (5) The Board must give notice to a person registered under section 18 of any conditions, limitations or restrictions imposed by the Board on the registration of the person.

**19. Provisional registration**

- (1) The Board may provisionally register a person as a veterinary surgeon –
  - (a) if it is satisfied that the person has completed a course referred to in section 5A(3) and such examinations as the Board may determine but has not yet been admitted to a qualification approved under section 5A or been granted a certificate of completion of such courses or examinations;
  - (b) if it is satisfied that if the person had been so admitted or had been granted such a certificate he would be entitled to be registered as a veterinary surgeon; and
  - (c) upon the payment of the relevant fee.

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- (2) Where the Board has provisionally registered a person under subsection (1), that provisional registration continues in operation until –
- (a) 6 months after the next meeting of the university or institution at which a qualification approved under section 5A may be awarded to the person; or
  - (b) that person becomes registered as a veterinary surgeon under this Part–
- whichever occurs first.
- (3) Notwithstanding subsection (2), the Board may, at any time and without affecting the subsequent right of a person to apply for registration as a veterinary surgeon, cancel the provisional registration of that person.
- (4) Where a person who is provisionally registered under this section becomes registered as a veterinary surgeon under this Part, the amount of the fee paid by him in respect of provisional registration shall be deducted from the relevant fee to be paid by him in respect of full registration for the first year of that full registration.
- (5) The provisional registration of an applicant referred to in subsection (1) may be made subject to such conditions, limitations, and restrictions as the Board determines when considering the application and specifies in the provisional registration of the applicant.

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- (6) Subject to such conditions, limitations, and restrictions as may be imposed under subsection (5), provisional registration under this section has the same effect as if it were registration under section 18 and the provisions of this Act apply accordingly.
- (7) A person who is provisionally registered under this section and performs any act or does any thing in carrying on the practice of veterinary surgery in contravention of a condition, limitation, or restriction to which his provisional registration is subject is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units.
- (8) The Board must give notice to a person who is provisionally registered under this section of any conditions, limitations or restrictions imposed by the Board on the provisional registration of the person.

**20. Temporary registration under section 18 or 19**

- (1) If the Board is not immediately able to consider under section 18 or 19 an application, members of the Board, or one member of the Board together with the Registrar, may register the applicant under section 18 or 19 temporarily until the application can be considered by the Board.
- (2) An applicant may only be registered temporarily under section 18 or 19 in accordance with subsection (1) if –

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- (a) the persons registering the applicant are reasonably satisfied that the Board would have registered the applicant under section 18 or 19, as the case may be, if the application for registration had been considered by the Board at the time of the temporary registration; and
- (b) the relevant fee has been paid.

**21. Certificate of registration**

- (1) On the registration of a person under section 18, the Registrar must issue to that person a certificate to the effect that the person is registered under this Part as a veterinary surgeon or veterinary specialist.
- (2) On the registration of a person under section 19, the Registrar must issue to that person a certificate to the effect that the person is provisionally registered under this Part as a veterinary surgeon.
- (3) Despite subsections (1) and (2) –
  - (a) on the registration of a person under section 18 in accordance with section 20, the Registrar must issue to that person a certificate to the effect that the person is registered under this Part temporarily as a veterinary surgeon or veterinary specialist; or
  - (b) on the registration of a person under section 19 in accordance with section 20,



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the Registrar must issue to that person a certificate to the effect that the person is temporarily provisionally registered under this Part as a veterinary surgeon.

**21A. Initial registration fee**

On becoming registered under section 18, a person is to pay –

- (a) the full relevant fee, if he or she is registered on or after 1 July and on or before 30 September; or
- (b) three quarters of the relevant fee, if he or she is registered on or after 1 October and on or before 31 December; or
- (c) one half of the relevant fee, if he or she is registered on or after 1 January and on or before 31 March; or
- (d) one quarter of the relevant fee, if he or she is registered on or after 1 April and on or before 30 June.

**22. Annual registration fee**

- (1) A person registered under this Part before 1 July in a year must, before that date, pay to the Board the relevant fee for the financial year commencing on that date.
- (1A) If a person does not pay the relevant fee before 1 July, the Board may require payment of an additional late fee.

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- (2) Where a person referred to in subsection (1) fails to pay the relevant fee as required by that subsection, the Board shall serve on that person a notice specifying a day on or before which that fee, and any additional late fee, is to be paid.
- (3) Where a person on whom a notice is served in accordance with subsection (2) fails to pay the relevant fee, and any additional late fee, on or before the day specified in the notice, the Board may cancel his or her registration under this Part.
- (4) A person who was, immediately before the commencement of section 9 of the *Veterinary Surgeons Amendment Act 2015*, registered as a veterinary surgeon is to pay one half of the relevant fee for registration for the period from 1 January to 30 June 2016, inclusive.

**23. Cancellation of registration**

- (1) Where –
  - (a) the Board becomes aware that a registered veterinary surgeon, or registered veterinary specialist, who is registered under this Part has died; or
  - (b) a registered veterinary surgeon or a registered veterinary specialist requests that his registration under this Part be cancelled –

the Board shall cancel the registration of that person.

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- (2) A request referred to in subsection (1)(b) shall be in writing and shall be accompanied by the certificate of registration issued under section 21.
- (3) Where the Board cancels the registration of a person pursuant to subsection (1), it shall remove the entry in the register in respect of that registration.

**23A. Effect of suspension or cancellation of registration under corresponding law**

- (1) If the registration as a veterinary surgeon, or veterinary specialist, under a corresponding law of a person who is registered under this Part is suspended under that law or another corresponding law, the registration of the surgeon or specialist under this Part is suspended for the same period and on the same terms as the terms of the first-mentioned suspension.
- (2) If the registration as a veterinary surgeon, or veterinary specialist, under a corresponding law of a person who is registered under this Part is cancelled under that law or another corresponding law for any reason –
  - (a) the registration under this Part of the surgeon or specialist is cancelled; and
  - (b) the registration under this Part of the person is prohibited on the same terms as the terms of the first-mentioned cancellation.

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**24. Death of registered veterinary surgeon, &c.**

Where a person registered as a veterinary surgeon or veterinary specialist dies, the personal representative of that person may, by virtue of the appointment as a personal representative, continue the practice of veterinary surgery or the rendering of veterinary services at that veterinary establishment under the name of that person where that practice is carried on by a registered veterinary surgeon or a registered veterinary specialist who specializes in the same speciality as the deceased person for a period until –

- (a) the expiration of 2 years after the date of the death of that person;
- (b) the appointment as a personal representative is terminated; or
- (c) the distribution of the estate of the deceased is completed –

whichever occurs first.

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**PART V – ENTITIES PROVIDING VETERINARY SERVICES**

*Division 1 – List of veterinary services entities*

25. . . . .

**26. Notification of intention to provide veterinary services**

(1) A company or partnership that, or a sole practitioner who, intends to provide veterinary services must give the Board written notification of that intention.

Penalty: Fine not exceeding 10 penalty units.

(1A) A notification is to be in accordance with the approved form.

(2) If the Board is not satisfied as to the particulars provided under this section, the Board may serve on the company, sole practitioner or partnership an instrument in writing requiring it to provide the Board, within such period as is specified in the instrument or such further period as the Board may allow, with a statement in writing by the sole practitioner or a person who is concerned in the management of the company, or is a partner in the partnership, containing such further particulars in relation to the notification as the Board specifies.

(3) Where the Board serves an instrument under subsection (2), the Board may refuse to include the company, sole practitioner or partnership on

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the list until the company, sole practitioner or partnership has provided a statement of further particulars and, where any such statement is provided, the Board may refuse to include the company, sole practitioner or partnership on the list until it is satisfied as to the particulars contained in the statement.

27 - 28. . . . .

**29. List of veterinary services entities**

- (1) The Board shall keep a list of veterinary service entities in respect of which it has received notification in accordance with section 26.
- (2) The list shall be in the form prescribed in the regulations or in such other form as the Board determines.
- (3) Where the Board receives notification in accordance with section 26, the Board shall cause to be entered in the list –
  - (a) the name of the veterinary services entity to which the notification relates; and
  - (b) particulars of the following matters:
    - (i) the registered office of the company within Tasmania or, in the case of a partnership, the office of the partnership at which notices may be served on the partnership;

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- 
- (ii) the place or places where the company or partnership proposes to carry on business;
  - (iii) the names and addresses of the members and officers of the company or the partners in the partnership;
  - (iv) such other matters (if any) as the Board considers appropriate or as may be prescribed in the regulations for the purposes of this subsection.
- (4) . . . . .
- (5) The Board may from time to time cause to be made in the list such alterations as it considers to be necessary.
- (6) The Board may, if it considers it appropriate, cause a copy of the list at that time to be published in the *Gazette*.
- (7) The list shall be made available at all reasonable times for inspection by any person at the office of the Board.
- (7A) The Board is to take the steps the Board thinks fit to ensure that authorities responsible under corresponding laws for the registration or other authorisation of persons to provide veterinary services may inspect the list.
- (8) A veterinary services entity that is not on the list must not provide veterinary services.

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Penalty: Fine not exceeding 20 penalty units.

**30. Evidentiary provision**

Where the list is published in the *Gazette*, a copy of the *Gazette* purporting to contain a copy of the list is admissible in evidence in any legal proceedings and, in the absence of any evidence to the contrary, is proof of the matters contained in the list.

**31. Removal from list**

- (1) If a veterinary services entity that is on the list intends to cease providing veterinary services, it must notify the Board as soon as practicable after forming the intention.

Penalty: Fine not exceeding 10 penalty units.

- (2) On receipt of notification under subsection (1), the Board is to remove the veterinary services entity from the list.

32. . . . .

*Division 2 – Miscellaneous*

**33. Restrictions on provision of veterinary services by veterinary services entities**

- (1) A veterinary services company shall not provide a veterinary service for a person or cause or permit a veterinary service to be so provided



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unless the provision of that service is performed on its behalf by a registered veterinary surgeon.

(2) A veterinary services company which contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 50 penalty units.

(3) If a person –

(a) who is not a registered veterinary surgeon; and

(b) who is acting in the ordinary course of the business of a veterinary services partnership –

provides a veterinary service for a person, each partner in the partnership who is a partner who caused or permitted the service to be provided by the person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 50 penalty units.

(4) It is a defence to a charge under subsection (3) against a partner if it is proved that the person who provided the veterinary service provided the service without the knowledge or consent of the partner.

**34. Records to be kept**

(1) A veterinary services entity, registered veterinary surgeon or registered veterinary specialist, or a person who was formerly a

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registered veterinary surgeon or registered veterinary specialist, must –

- (a) keep in a form and manner approved by the Board a record of –
  - (i) the name and address of each person for whom he, she or it has provided a veterinary service;
  - (ii) the nature of the service provided for that person;
  - (iii) the date on which that service is provided;
  - (iv) the identity of each registered veterinary surgeon or registered veterinary specialist who performed that service; and
  - (v) such other matters (if any) as the Board considers appropriate or as may be prescribed in the regulations for the purposes of this subsection; and
- (b) preserve such a record for 5 years.

Penalty: Fine not exceeding 20 penalty units.

(2 - 3) . . . . .

- (4) This section does not apply so as to require the preservation of records –
  - (a) in respect of which the Board has notified a veterinary services entity,

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registered veterinary surgeon or registered veterinary specialist that preservation is not required; or

- (b) of a veterinary services company which has gone into liquidation and which has been finally dissolved or a veterinary services partnership that has been dissolved.

**35. Board may require information from records kept under section 34**

- (1) In this section –

*relevant entity* means a veterinary services entity, registered veterinary surgeon or registered veterinary specialist;

*relevant person*, in relation to –

- (a) a veterinary services company on which a notice is served under subsection (2)(a), means a person who is concerned in the management of the company;
- (b) a veterinary services partnership on which a notice is served under subsection (2)(b), means a partner in the partnership; or
- (c) a person on whom a notice is served under subsection (2)(c), means that person.

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- (2) The Board may serve a notice for the purposes of this section on –
- (a) a veterinary services company;
  - (b) a veterinary services partnership; or
  - (c) a registered veterinary surgeon, a registered veterinary specialist or a person who was formerly a registered veterinary surgeon or registered veterinary specialist.
- (3) A notice that is served on a relevant entity under subsection (2) may require a relevant person to provide to the Board a statement in writing by the relevant person containing the relevant information specified in the notice.
- (4) For the purposes of subsections (3) and (5), the relevant information specified in a notice is the particulars, for the period specified in the notice, of the information in the records that have been kept under section 34.
- (5) A notice that is served on a relevant entity under subsection (2) is to specify the period in which the relevant information is to be provided.
- (6) A relevant person who is required by a notice under subsection (2) to provide a statement in writing must not fail to –
- (a) provide the Board with a statement as required by the notice; or

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- (b) provide the Board with the statement within the period specified in the notice or, if a further period is allowed by the Board, within that further period.

Penalty: Fine not exceeding 20 penalty units.

- (7) A relevant person must not, in a statement provided in accordance with a notice served under subsection (2), make a representation which is false or misleading in a material particular.

Penalty: Fine not exceeding 10 penalty units.

- (8) It is a defence to a charge under subsection (7) if it is proved that, at the time when the representation was made, the defendant believed on reasonable grounds that the representation was neither false nor misleading.

36. . . . .

**37. Production of case histories, &c.**

- (1) Notwithstanding anything in any enactment, the Commission or a member of the staff of the Commission is not entitled to require a veterinary service entity, registered veterinary surgeon or registered veterinary specialist to produce for the purposes of the inspection by it, him or her, to inspect, or take possession of–

- (a) the case history or similar veterinary record of a patient for whom the entity, surgeon or specialist has provided a

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veterinary service (not being a record to which paragraph (b) applies); or

(b) any records kept by the entity, surgeon or specialist under section 34 –

unless the Supreme Court has made an order authorizing the Commission or that member to do so.

(2) The Supreme Court may, on the application of the Commission, make an order authorizing the Commission or a member of the staff of the Commission to do all or any of the acts mentioned in subsection (1).

(3) On the making of an order under subsection (2), the Supreme Court may make such orders, including an order relating to the payment of costs, as it thinks fit.

(4) . . . . .

38. . . . .

**39. Liability of registered veterinary surgeons for veterinary services performed on behalf of veterinary services entities**

(1) Notwithstanding any law to the contrary, where a registered veterinary surgeon performs a veterinary service on behalf of a veterinary services entity for a person, that veterinary surgeon is personally liable to that person in respect of the performance of that veterinary service or any matter or thing arising out of the

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performance of that veterinary service, whether the contract for the carrying out of that veterinary service was entered into between that veterinary surgeon and that person or not.

- (2) Where more than one registered veterinary surgeon performs a veterinary service on behalf of a veterinary services entity for a person, those veterinary surgeons are jointly and severally personally liable to that person as provided in subsection (1).
- (3) Where one or more registered veterinary surgeons are, pursuant to subsection (1) or (2), personally liable to a person in respect of the performance of a veterinary service on behalf of a veterinary services entity or any matter or thing arising out of the performance of such a veterinary service, nothing in either of those subsections prevents that person from bringing an action in respect of the performance of that veterinary service or that matter or thing against the veterinary services entity in addition to, or instead of, bringing the action against one or more of those veterinary surgeons.

**40. Offences by veterinary services entities**

- (1) Where an offence against this Act is committed by a veterinary services company, every person concerned in the management of the company shall be deemed also to have committed the offence and may be convicted of the offence, unless he proves that the act or omission

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constituting the offence took place without his knowledge or consent.

- (2) A person referred to in subsection (1) may be convicted of an offence under that subsection whether or not the veterinary services company is charged with or convicted of the offence.
- (3) Where an offence against this Act is committed by a person (in this section referred to as “**the principal offender**”) who is a partner in a veterinary services partnership, every other partner in the partnership is deemed also to have committed the offence and may be convicted of the offence, unless the other partner proves that the act or omission constituting the offence took place without the other partner’s knowledge or consent.
- (4) A partner referred to in subsection (3) may be convicted of an offence under that subsection whether or not the principal offender who committed the offence referred to in that subsection is charged with or convicted of the offence.



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**PART VI – DISCIPLINARY PROCEEDINGS**

**41. Interpretation of Part VI**

(1) In this Part –

*defendant* means a person upon whom a notice is served under section 44;

*inquiry* means an inquiry under this Part;

*locum tenens* means a registered veterinary surgeon appointed by another registered veterinary surgeon to work with or on behalf of the last-mentioned person.

(2) Without limiting the generality of the meaning of the expression “misconduct in a professional respect” in this Part, a registered veterinary surgeon or registered veterinary specialist is guilty of misconduct in a professional respect if –

(a) he contravenes or fails to comply with any provision of the regulations;

(ab) he contravenes or fails to comply with any provision of a veterinary service standard declared under section 5B;

(b) where a condition, limitation, or restriction is imposed on him by virtue of section 11A(1), section 18(3A) or section 18A(2) or under section 46(2)(d), he contravenes or fails to comply, in this State, with that condition, limitation, or restriction;

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- (c) except where he is acting as a duly appointed *locum tenens*, or as an employee of another registered veterinary surgeon or of a personal representative pursuant to section 24, he practises in this State veterinary surgery under a name other than –
  - (i) his own name;
  - (ii) a business name consisting of his name and the name of any other person in association with whom he so practises, without any addition; or
  - (iii) a name, registered under the *Business Names Act 1962*, that the person is entitled to use under that Act and of which the Board has been notified in writing by the person;
- (d) he permits in this State the use of his name in connection with the practice of veterinary surgery at premises at which he or his duly appointed *locum tenens* is not in regular attendance during the hours that those premises are open for that practice;
- (e) he causes or permits any person to contravene or fail to comply with a provision of Part III in this State;
- (f) in this State he uses or advertises in any way a qualification or title relating to his

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- competence to practise veterinary surgery that is not shown in the entry relating to him in the register or in a register of veterinary surgeons, or registered veterinary specialists, kept under a corresponding law;
- (g) in this State he carries out, or causes or permits his duly appointed *locum tenens* to carry out, any veterinary services at premises, or with equipment, instruments, materials, or drugs, which are unhygienic or otherwise unsuitable for the purpose of carrying out any such services; or
- (h) he is convicted in this State, in another State or a Territory of the Commonwealth or a place outside the Commonwealth, of –
- (i) an offence as a veterinary surgeon; or
  - (ii) an offence under any law relating to cruelty to animals, animal welfare or control or use of chemicals, poisons or pharmaceuticals.
- (3) The regulations may prescribe conduct other than that referred to in subsection (2) as misconduct in a professional respect.
- (4) A relevant complaint by a person, or investigation by the Board, on a ground specified in section 46(1)(e), (f), (g) or (h), that relates to

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treatment provided, or a failure to provide treatment, by a person may only be made within 3 years after –

- (a) the treatment ceased to be provided by the person; or
  - (b) the failure by the person occurred.
- (5) A reference in subsection (4) to a relevant complaint by a person, or investigation by the Board, is a reference to –
- (a) a complaint by a person under section 42(1) or section 43; or
  - (b) an investigation by the Board referred to in section 44(1) –

on a ground, specified in section 46(1)(e), (f), (g) or (h), that relates to treatment provided, or a failure to provide treatment, by a registered veterinary surgeon, a registered veterinary specialist, or a formerly registered veterinary surgeon or formerly registered veterinary specialist.

**42. Complaints against registered persons**

- (1) A complaint may be made to the Board by any person against a registered veterinary surgeon or registered veterinary specialist on any ground specified in section 46(1).
- (2) A complaint under subsection (1) shall –
  - (a) be in writing;

- (b) contain particulars with respect to the matter complained of; and
- (c) identify the person against whom the complaint is made and the person making the complaint.

**43. Complaints against persons formerly registered under this Act**

- (1) A complaint may be made to the Board by any person that a person who was formerly a registered veterinary surgeon or registered veterinary specialist had, during the period of 3 years immediately before the making of the complaint, as a person so registered been guilty in this State of misconduct in a professional respect.
- (2) A complaint made under subsection (1) shall be made in the same manner as that provided for a complaint under section 42.

**44. Inquiries relating to complaints**

- (1) The Board must, if it is of the opinion that as a result of a complaint under section 42 or 43 or as a result of its own investigation –
  - (a) a person who is a registered veterinary surgeon or registered veterinary specialist; or
  - (b) a person who was formerly a registered veterinary surgeon or registered veterinary specialist –

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should be required to show cause why he or she should not be dealt with under this Part, serve on the person a notice in accordance with subsection (2).

- (2) A notice served under subsection (1) shall –
  - (a) notify the defendant that the Board will hold an inquiry in accordance with section 45 into a matter in respect of which he is required to show cause why the matter should not be dealt with under this Part;
  - (b) give particulars of the matter; and
  - (c) subject to subsection (3), specify the time and place for the holding of the inquiry.
- (3) The time specified under subsection (2)(c) shall not, without the consent of the defendant, be less than 14 days after the date on which the relevant notice is served.
- (4) At the time and place specified in a notice served under this section, or such later time and at such place as may be fixed by the Board and notified by notice in writing served on the defendant, the Board shall hold an inquiry into the matter in respect of which the defendant is required to show cause.
- (5) An inquiry may be held in the absence of the defendant if the Board is satisfied that the defendant was served in accordance with this section with a notice of the time and place of the inquiry.

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- (6) Where the Board is satisfied that a complaint made under section 42 or 43 is frivolous or vexatious, it shall dismiss the complaint forthwith.

**45. Procedure at inquiries**

- (1) The Board may, by notice in writing served on any person, summon that person to give evidence at any inquiry held under this Part or to produce documents or records in his possession or under his control at the inquiry.
- (2) Any person who, without reasonable excuse, fails to comply with a summons served on him under subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.
- (3) For the purposes of hearing and determining an inquiry before it, the Board may take evidence on oath or affirmation and, for those purposes, the chairman of the Board may administer an oath or affirmation.
- (4) Any person who, without reasonable excuse, refuses to answer any questions put to him by the Board in the course of an inquiry held under this Part is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.
- (5) The Board may join any person as a party to proceedings in an inquiry held by the Board.

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- (6) A party to proceedings in an inquiry held by the Board is, at that inquiry, entitled to tender evidence to the Board and to examine any other person who tenders evidence in that inquiry.
- (7) A party to proceedings in an inquiry held by the Board is entitled to be represented by an Australian legal practitioner or by any other advocate or agent.
- (8) A party to proceedings in an inquiry before the Board is entitled to summon, at his own expense, any witness provided that the summoning of such a witness shall not, in the opinion of the Board, cause an unreasonable delay in those proceedings.
- (9) In an inquiry held by the Board –
  - (a) the procedure of the Board is, subject to this Part, within the discretion of the Board;
  - (b) the Board shall observe the rules of natural justice;
  - (c) the proceedings shall be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matter before the Board permits;
  - (d) the Board may admit any relevant evidence notwithstanding that the evidence would not be admissible in a court of law;



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- (e) the Board may inform itself on any matter as it thinks fit.
- (10) The Board may appoint an Australian legal practitioner to assist it in any proceedings in an inquiry under this Part.
- (11) The Board may adjourn its proceedings from time to time or from place to place and may determine an inquiry notwithstanding that a party to the proceedings has failed to appear before the Board at the time and place fixed for the hearing.
- (12) A decision of a majority of the members of the Board shall be a decision of the Board.
- (13) The Board may make such order as to costs as it thinks necessary.
- (14) The Board shall give its decision in respect of an inquiry in such manner as it may determine.
- (15) The Registrar shall cause a copy of the Board's decision in respect of an inquiry to be served on each of the parties to the proceedings within 7 days of its determination of the inquiry.

**45A. Publication of results of inquiry**

The Board, after making a decision in relation to an inquiry, may publish the details in relation to the inquiry that the Board thinks fit.

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**46. Determination of Board**

- (1) Where, after holding an inquiry, the Board finds that a registered veterinary surgeon or registered veterinary specialist –
  - (a) is no longer entitled to be so registered on the ground that –
    - (i) when he applied for registration he made a false or misleading statement; or
    - (ii) he no longer has, or is no longer entitled to have, the diploma, certificate, or other academic qualification by virtue of which he is registered;
  - (b) has been convicted in this State of a crime or an offence which is punishable by imprisonment for a term of not less than 6 months or has been convicted elsewhere than in the State of an offence which, if committed in this State, would be a crime or an offence so punishable;
  - (c) has been convicted of an offence under the *Poisons Act 1971* or the *Misuse of Drugs Act 2001*;
  - (d) is guilty of habitual drunkenness or of addiction to a drug which, in the opinion of the Board, adversely affects his ability to practise;

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- (e) is unable to perform competently the duties of a veterinary surgeon or, if the person is registered as a veterinary specialist, of such a veterinary specialist;
  - (f) is incapable of practising veterinary surgery or rendering certain veterinary services;
  - (g) is guilty of misconduct in a professional respect in this State; or
  - (h) has had a finding against him made by a disciplinary authority exercising jurisdiction in accordance with a law of another State or a Territory of the Commonwealth, or of a place outside the Commonwealth, being a law relating to the practice of veterinary surgery to the effect that he is guilty of misconduct in relation to the practice by him of veterinary surgery in that other State, or that Territory or place, and that misconduct would, if committed in this State, have justified the Board in making an order in respect of him under this section –

the Board shall make such determination or determinations specified in subsection (2) as it considers appropriate in the circumstances, but, if the Board does not so find, it shall dismiss the complaint.

- (2) For the purposes of subsection (1), the following determinations are specified:

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- (a) a determination suspending the registration of a person registered under Part IV for a period not exceeding 12 months;
  - (b) a determination cancelling the registration of that person;
  - (ba) a determination prohibiting the person from engaging in this State in the practice of veterinary surgery, or rendering a veterinary service, for a period specified in the determination;
  - (c) a determination imposing a fine not exceeding 50 penalty units;
  - (d) a determination imposing on that person a condition, limitation, or restriction subject to which he may continue to practise veterinary surgery.
- (3) Notwithstanding the provisions of subsection (1), where the Board finds that a registered veterinary surgeon or registered veterinary specialist is guilty of misconduct in a professional respect but the Board is not satisfied that he is, by reason of that misconduct, unfit to continue to practise veterinary surgery, the Board may caution or reprimand him.
- (4) The Board shall notify its decision under this section in writing to the defendant and, where the Board makes a determination under subsection (1), it shall include in that notification a statement of its reasons for the determination.

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- (5) The suspension or cancellation of the registration of a person under this section, or the imposition of a prohibition under subsection (2)(ba), shall not take effect –
- (a) until the expiration of the period of 28 days after notice of the determination of the Board has been served on that person; or
  - (b) where the person applies for a review under section 53 before the expiration of the period referred to in paragraph (a), until the review is dealt with or the application is withdrawn.
- (6) While the registration of a person is suspended under this section, he shall, for the purposes of section 11 and section 12 and Part IV, be deemed not to be registered.
- (6A) While a person is prohibited from engaging in this State in the practice of veterinary surgery, or rendering a veterinary service, for a period specified in a determination under subsection (2)(ba), the person is, for that period, for the purposes of section 11 and section 12, to be taken to not be a registered veterinary surgeon or registered veterinary specialist.
- (7) Where the Board cancels the registration of a person under this section, the Board shall remove the entry in the register relating to that person in respect of that registration.
- (8) Where the Board cancels the registration of a person under this section or imposes a

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prohibition on a person under subsection (2)(ba), it may fix a time before which that person is not eligible to make application to be registered and, where any such time is fixed, the Board is not obliged to consider any such application before that time.

(9) Where, as a result of a complaint made under section 43, the Board could have made a determination referred to in subsection (2)(b) if the person against whom the complaint was made had, at the time of the hearing, been registered, it may, notwithstanding that that person's registration has been cancelled, fix a time before which that person is not eligible to make an application to be registered again and, where any such time is fixed, the Board is not obliged to consider any application for registration made by that person before that time.

(10) Where a person –

(a) fails to comply with a determination made under subsection (2)(c); or

(b) fails to comply with, or contravenes, a determination made under subsection (2)(d) –

the Board may suspend or cancel the registration of that person under Part IV, or impose a prohibition on the person under subsection (2)(ba), without holding a further inquiry.

**47. Surrender of certificates**

- (1) A person whose registration under Part IV is suspended or cancelled as a result of a determination made under section 46 shall, within 28 days after that suspension or cancellation takes effect, surrender any certificate of registration issued to him under section 21 by delivering that certificate to the Board.
- (2) A person who, without reasonable excuse, fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 2 penalty units.

**48. Informal proceedings**

- (1) Where the Board is of the opinion that as a result of a complaint made under section 42(1) or 43(1) or as a result of its own investigation a registered veterinary surgeon or registered veterinary specialist or a person who was formerly a registered veterinary surgeon or registered veterinary specialist is required to show cause as to why he or she should not be dealt with under the provisions of this Part, but that the matter which gave rise to the complaint or investigation may not be sufficiently serious to warrant the holding of an inquiry, it may serve on that person a notice in writing requiring him or her to appear before it at a specified date, time, and place for the purpose of enabling him or her to give an explanation of the matter.

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- (2) The date specified in a notice referred to in subsection (1) shall not be less than 14 days after the date on which the relevant notice is served.
- (3) After hearing an explanation of a matter to which a notice served under subsection (1) relates, the Board –
  - (a) if it is satisfied that he or she is guilty of the conduct to which the matter relates and that the matter referred to in subsection (1) is not sufficiently serious to warrant the holding of an inquiry, may caution him or her; or
  - (b) if it is not satisfied that he or she is guilty of such conduct, may dismiss the complaint.
- (4) Where, in the course of hearing an explanation of a matter to which a notice served under subsection (1) applies, it becomes apparent to the Board that the matter is sufficiently serious to warrant the holding of an inquiry it may discontinue the hearing and proceed to hold an inquiry.
- (5) Where a person fails to comply with a notice served on him or her in accordance with subsection (1), the Board may proceed to hold an inquiry.



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**49. Disciplinary powers of Board in respect of listed veterinary services entities**

- (1) Where the Board makes a determination under section 46 in relation to a registered veterinary surgeon who is a member or officer of a veterinary services company or a partner in a veterinary services partnership, the Board may –
- (a) order the company or partnership to pay a fine of such amount, not exceeding 50 penalty units, as it thinks proper or order it to pay such a fine and require it to give to the Board an undertaking under this section; or
  - (b) order that the company or partnership give to the Board an undertaking under this section.
  - (c) . . . . .
- (2) An undertaking given to the Board under this section is an undertaking –
- (a) to comply, during such period as the Board specifies, with such conditions as it may specify; and
  - (b) that a person concerned in the management of the relevant veterinary services company or a partner in the relevant veterinary services partnership will, at any time within that period, appear before the Board when required by it to do so.

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- (3) A condition referred to in subsection (2) may, without limiting the generality of that subsection, be a condition that the Board considers necessary or desirable to impose, in the public interest, on the relevant veterinary services company or relevant veterinary services partnership.
- (4) Where the Board is satisfied that a veterinary services company or a partner in a veterinary services partnership has failed to comply with an undertaking given by it under this section, the Board may –
- (a) exercise in relation to that company or partnership any of the powers under this section which it could have exercised if it had not required the company or partnership to enter into the undertaking; or
  - (b) require the terms of the undertaking to be varied.
- (5) Where the Board requires a veterinary services company or a veterinary services partnership to enter into an undertaking under this section, or requires the terms of such an undertaking to be varied, and, within such time as the Board may allow, that undertaking is not given or so varied, the Board may exercise, in relation to the company or partnership, any of the powers under this section it could have exercised if it had not required the undertaking to be entered into or varied.

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- (6) Where the Board exercises any of its powers under this section in respect of a veterinary services company or veterinary services partnership, the Board may, by action in a court of competent jurisdiction, recover from the company or partnership, as a debt due to the Board, any legal and other costs and any out-of-pocket expenses incurred by it in the exercise of the power.

**50. Procedure on exercising disciplinary powers under section 49**

- (1) Where the Board proceeds to determine whether it should exercise any of the powers conferred on it by section 49 in respect of a veterinary services company or a veterinary services partnership, the following provisions apply:
- (a) the Board must, by notice served on the company or partnership, require the company or partnership to appear before the Board;
  - (b) that notice shall state that the Board intends so to proceed and specify the matter in relation to which it so intends to proceed;
  - (c) the company or partnership may appear before the Board by a member or an officer of the company or partnership authorised for that purpose by the company or by a partner in the partnership.

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- (2) A notice under subsection (1)(a) requiring a veterinary services company or veterinary services partnership to appear before the Board shall be served at least 14 days before the day on which the company or partnership is required by the notice so to appear.
  
- (3) If –
  - (a) when served with a notice under subsection (1)(a), a veterinary services company or veterinary services partnership fails to appear in accordance with the notice by a person to whom subsection (1)(c) applies; or
  
  - (b) having so appeared, the person appearing on behalf of the company or partnership absents himself from the hearing of the matter to which the notice relates –

the Board may proceed as if the person appearing on behalf of the company or partnership were present.
  
- (4) For the purposes of any proceedings under this section, the Board shall have and may exercise all the powers referred to in section 45 as if the proceedings were an inquiry under section 44.
  
- (5) Where the Board makes an order under section 49(1), the Board shall cause a copy of that order to be served on the company or partnership.

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**PART VII – REVIEWS AND APPEALS**

**53. Reviews**

- (1) A person aggrieved by –
- (a) the refusal of the Board to register that person under section 18 or 19;
  - (b - c) . . . . .
  - (d) the neglect or delay of the Board to give a decision in respect of an application under section 18 within 60 days after the date of receipt by the Board –
    - (i) of such an application;
    - (ii) of any further information required to be provided under section 18(3)(b);
    - (iii) . . . . .
  - (e) the cancellation of an entry in the register pursuant to section 22;
  - (f) by a determination of the Board under section 46 –

may apply to the Tasmanian Civil and Administrative Tribunal for a review of the decision of the Board.

- (1A) The Board is to make such entries in the register or list as may be necessary to give effect to a

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decision of the Tasmanian Civil and Administrative Tribunal.

- (2) A veterinary services company or a partner in a veterinary services partnership aggrieved by an order of the Board under section 49 may, within the prescribed period, appeal to the Supreme Court.

**54. Hearing and determination of appeal under section 53**

- (1) The provisions of section 45 apply to the hearing of an appeal under section 53 as if it were an inquiry under Part VI.
- (2) . . . . .
- (3) On the hearing of an appeal under section 53(2), the Supreme Court, unless it dismisses the appeal, may, by order, quash or vary the decision to which the appeal relates or make such decision in the case as the Board could have made.
- (4) The Board is to make such entries in the register or list as may be necessary to give effect to a decision of the Supreme Court under subsection (3).

**PART VIII – MISCELLANEOUS**

**54A. National coordination of registration and registration information**

(1) In this section –

*registering authority* means the person or persons responsible for ensuring the registration or other authorisation of persons as veterinary surgeons or veterinary specialists under a corresponding law.

(2) The Board must notify each registering authority as soon as practicable after –

- (a) registering a person under Part IV;
- (b) imposing a condition on the registration of a person;
- (c) cancelling or suspending the registration of a person;
- (d) giving a caution under section 48(3)(a);
- (e) making a determination under section 46;  
or
- (f) taking action under section 49.

**55. Evidentiary certificates**

(1) A document purporting to be a certificate signed by the Registrar and stating that a person specified in that certificate –

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- (a) was or was not, on a day or during a period specified in that certificate, a registered veterinary surgeon or registered veterinary specialist; or
- (b) was, on a day or during a period specified in that certificate, a person whose registration as a veterinary surgeon or veterinary specialist was suspended or cancelled under this Act or a corresponding law –

is admissible in evidence in any legal proceedings (including proceedings under Part VI) and is evidence of the matters specified in the certificate.

(2) A document –

- (a) purporting to be a certificate signed by the Registrar; and
- (b) stating that a person specified in that certificate was, on a day or during a period specified in that certificate, a person who was prohibited, by a determination made under section 46(1) in accordance with section 46(2)(ba), from engaging in this State in the practice of veterinary surgery, or rendering a veterinary service, for a period specified in the certificate –

is admissible in evidence in any legal proceedings (including proceedings under Part VI) and is evidence of the matters specified in the certificate.



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**56. Service of documents**

- (1) Where under this Act a document, notice, or other instrument is required or authorized to be served on a person, that document, notice, or instrument may be served –
- (a) by delivering it to the person personally;
  - (b) by post, facsimile or email directed to the person; or
  - (c) in the case of a veterinary services company –
    - (i) by delivering it to the secretary of the company personally;
    - (ii) by leaving it at the registered office of the company or at the place or principal place of business of the company in Tasmania with a person apparently employed there, being a person who has, or apparently has, attained the age of 16 years; or
    - (iii) by post, facsimile or email directed to the secretary of the company; or
  - (d) in the case of a veterinary services partnership –
    - (i) by delivering it to a partner in the partnership;

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- (ii) by leaving it at the place, or principal place, of business of the partnership in Tasmania with a person apparently employed there, being a person who has, or apparently has, attained the age of 16 years; or
  - (iii) by post, facsimile or email directed to a partner in the partnership.
- (2) A reference in subsection (1)(c) to the registered office of a veterinary services company includes a reference to a registered office that is outside Tasmania.
- (3) The provisions of this section are in addition to the provisions of sections 109X and 601CX of the Corporations Act.

**57. Fees**

- (1) All fees payable under this Act are payable to the Board.
- (2) All fees payable under this Act may be recovered as debts due to the Board.
- (2A) The Board may waive, wholly or in part, any fee payable under this Act.
- (3) Despite any other Act, fees paid to the Board under this Act are not required to be paid into the Public Account.

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- (4) The provisions of section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to an approval by the Board of fees payable under this Act.

**58. False and misleading statements**

- (1) A person who makes a statement or representation that to his knowledge is false or misleading –
- (a) in or in relation to any application under this Act;
  - (b) in a document or statement provided in support of such an application;
  - (c) in a complaint or written submission made under Part VI;
  - (d) in any proceedings under Part VI; or
  - (e) with respect to the exercise by an inspector of the powers referred to in section 10(2) –

is guilty of an offence and is liable on summary conviction to a penalty not exceeding 50 penalty units.

- (2) It is a defence to a charge under subsection (1) if it is proved that, at the time when the statement or representation was made, the defendant believed on reasonable grounds that it was neither false nor misleading.

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**58A. Management liable for employed persons**

Where a person employed by a body corporate is charged with an offence against this Act, any person who is concerned with, or takes part in, the management of the body corporate may be charged with the same offence and, where the person employed is convicted of the offence, any person charged with the same offence under this section may be convicted of that offence unless he or she satisfies the court that the act or omission constituting the offence took place without his or her knowledge or consent.

**59. Entitlement to sue for fees**

- (1) A registered veterinary surgeon, a registered veterinary specialist or, subject to subsection (2), a person exempted under section 13 is entitled to sue in a court of competent jurisdiction for the recovery of his fees or other remuneration for veterinary services performed by him on his own account.
- (2) Subsection (1) does not apply to a person exempted under section 13 if any term or condition of that exemption prohibits him from charging any fee or remuneration for veterinary services performed by him.
- (3) A veterinary services company is entitled to sue in a court of competent jurisdiction for the recovery of its fees or other remuneration for veterinary services rendered in its name or on its behalf by a registered veterinary surgeon.

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- (4) A veterinary services partnership is entitled to sue in a court of competent jurisdiction for the recovery of its fees or other remuneration for veterinary services rendered in its name or on its behalf by a registered veterinary surgeon.

**60. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting subsection (1), regulations may be made for or with respect to –
- (a) the manner in which applications for registration may be made;
  - (b - ba) . . . . .
  - (c) the issue and use of certificates of registration; and
  - (d) the kinds of particulars to be entered, and the kinds of entries to be made, in the register or list.
- (3) Regulations under this section may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.
- (4) Regulations under this section may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to

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comply with any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding 10 penalty units and, in the case of a continuing offence, a further penalty not exceeding 1 penalty unit for each day during which the offence continues.

**61. Transitional and savings provisions**

The provisions set out in Schedule 3 have effect with respect to transitional and savings provisions.

**62. Repeal**

The *Veterinary Act 1918* is repealed.

**SCHEDULE 1 – PROVISIONS WITH RESPECT TO  
MEMBERSHIP OF THE BOARD**

Section 4(8)

1. . . . .

**2. Terms of office**

- (1) A member shall, subject to this Act, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment.
- (2) A member shall, if otherwise qualified, be eligible for re-appointment for such term, not exceeding 3 years, as is specified in the instrument of his re-appointment.

**3. Provisions relating to members**

- (1) Where, by or under any Act, provision is made requiring the holder of an office specified in that provision to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member, or from accepting and retaining any remuneration payable to a member under clause 4.
- (2) The office of member shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

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**4. Remuneration of members**

Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

**5. *State Service Act 2000* not to apply**

The provisions of the *State Service Act 2000* shall not apply to or in respect of the appointment of a member, and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

**6. Election of chairman and deputy chairman**

The members shall elect one of their number to be chairman of the Board for the term of his office as member and another of their number to be deputy chairman of the Board for the term of his office as member.

**7. Appointment of substitute to act during absence of member**

- (1) The Minister may appoint a person or a registered veterinary surgeon, as the case may require, to act in the office of a member other than the chairman while that member is absent from his office through illness or any other cause.



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- (2) A member shall be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 9 or if he is acting in the office of the chairman.
- (3) If the chairman is absent from his office through illness or any other cause, the members shall elect one of their number to be chairman during that absence.
- (4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

**8. Vacation of office**

- (1) The office of a member becomes vacant –
  - (a) if he dies during the term of that office;
  - (b) when he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
  - (c) if he is absent from 3 consecutive ordinary meetings of the Board of which reasonable notice has been given to him, either personally or in the ordinary

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course of post, unless on leave granted by the Board or, unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Board for his absence from those meetings;

- (d) . . . . .
- (e) when he is convicted in the State of an offence which is punishable by imprisonment for 6 months or upwards, or if he is convicted elsewhere than in the State of an offence which, if committed in the State, would be a crime or an offence so punishable;
- (f) when he is convicted of an offence against this Act;
- (g) when he is convicted of an offence against the *Misuse of Drugs Act 2001* or *Poisons Act 1971*;
- (h) when he ceases to be a registered veterinary surgeon;
- (i) when he resigns his office by writing under his hand addressed to the Minister and the Minister accepts the resignation;
- (j) when he is removed from office by the Minister under subclause (2).
- (k) . . . . .

- (2) The Minister may remove a member from office for misbehaviour or incompetence.

**9. Filling of casual vacancies**

On the occurrence of a vacancy in the office of a member, the Minister may appoint a person or a registered veterinary surgeon, as the case may require, to the vacant office for the balance of his predecessor's term of office.

**10. Validity of proceeding, &c.**

- (1) No act or proceeding of the Board or of any person acting pursuant to any direction of the Board is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member.
- (2) All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

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**11. Presumptions**

In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of –

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Board.

**SCHEDULE 2 – PROVISIONS WITH RESPECT TO  
MEETINGS OF THE BOARD**

Section 4(9)

**1. Ordinary meetings of the Board**

- (1) At least 2 ordinary meetings of the Board, convened by the Registrar at the request of the chairman, shall be held in each calendar year.
- (2) The Registrar shall give all members at least 14 days' notice in writing of an ordinary meeting.
- (3) A notice referred to in subclause (2) shall include an agenda of business intended to be dealt with at the meeting.

**2. Special meetings of the Board**

- (1) The Registrar shall, at the request of the chairman or of 2 members, convene a special meeting.
- (2) The Registrar shall give all members at least 48 hours' notice in writing of a special meeting.
- (3) A notice referred to in subclause (2) shall include an agenda of business intended to be dealt with at the meeting.

**3. Procedure at meetings**

- (1) Three members shall form a quorum at any duly convened meeting of the Board.

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- (2) Any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.
- (3) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

**4. Chairman**

- (1) The chairman shall preside at all meetings of the Board at which he is present.
- (2) If the chairman is not present at a meeting of the Board, the deputy chairman shall, if he is present, preside at that meeting.
- (3) If the chairman and the deputy chairman are not present at a meeting of the Board, a member elected by the members present shall preside at that meeting.
- (4) The member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

**5. Minutes**

The Board shall cause full and accurate minutes to be kept of its proceedings at meetings.

**6. General procedure**

The procedure for the calling of, and for the conduct of business at, meetings of the Board

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shall, subject to any procedure that is specified  
in this Schedule, be as determined by the Board.

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**SCHEDULE 3 – TRANSITIONAL AND SAVINGS  
PROVISIONS**

Section 61

**1. Interpretation**

In this Schedule, *former Board* means the Veterinary Board constituted under the repealed Act.

**2. Registration, &c.**

- (1) The Veterinary Register of Tasmania kept under section 14 of the repealed Act shall, on and after the commencement of this Act, be the register for the purposes of this Act.
- (2) A person who, immediately before the commencement of this Act, was registered under section 14 of the repealed Act shall, on and after that commencement, be deemed to be registered under this Act.
- (3) A person who, immediately before the commencement of this Act, was entitled to practise as a veterinary surgeon under the repealed Act shall, on and after that commencement, be deemed to be entitled to practise as a veterinary surgeon under this Act.

**3. Applications, appeals, and inquiries**

- (1) Where an application for registration has been made under the repealed Act but has not been determined by the former Board immediately



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before the commencement of this Act, the former Board shall determine that application as if this Act had not been enacted.

- (2) Where an inquiry under the repealed Act has commenced but has not concluded immediately before the commencement of this Act, that inquiry shall be continued and concluded as if this Act had not been enacted.
- (3) Where an appeal under section 19 of the repealed Act has been instituted but has not been determined immediately before the commencement of this Act, that appeal shall be continued and determined as if this Act had not been enacted.

**4. General savings provisions**

All acts, matters, and things done, or omitted to be done by, or done or suffered in relation to, the former Board immediately before the commencement of this Act, shall, on and after that commencement, have the same force and effect as if they had been done by, or suffered in relation to, the Board.

**5. Transitional and savings provisions relating to *Veterinary Surgeons Amendment Act 2011***

- (1) In this section –

*amending Act* means the *Veterinary Surgeons Amendment Act 2011*;

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***commencement day*** means the day on which all of the amendments, effected by the amending Act, to Part IV of the former Act come into force;

***former Act*** means this Act as in force before the commencement day.

- (2) Despite the amendments to the former Act effected by the amending Act, a person who was, immediately before the commencement day, temporarily registered under the former Act is to be taken, for the period for which the person would have been so registered had this Act not been amended by the amending Act, to be registered under this Act as in force from time to time after the commencement day.
- (3) Despite the amendments to the former Act effected by the amending Act, a person who was, immediately before the commencement day, provisionally registered, temporarily provisionally registered, or registered for a period under section 17 of the former Act, is to be taken, for the period for which the person would have been so registered had the former Act not been amended by the amending Act, to be registered under this Act as in force from time to time after the commencement day.
- (4) Despite the amendments to the former Act effected by the amending Act, a person who was, immediately before the commencement day, registered for a purpose under section 17 of the former Act, is to be taken to be registered for

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that purpose under this Act as in force from time to time after the commencement day until –

- (a) the purpose has been achieved; or
- (b) the expiry of 12 months after the day on which this provision comes into force –

whichever occurs first.

- (5) Despite the amendments to the former Act effected by the amending Act, a person who was, immediately after the commencement day, registered (other than temporarily or provisionally or for a period or purpose under section 17 of the former Act) is to be taken to be registered under this Act as in force from time to time after the commencement day.
- (6) Nothing in this section is to be taken to prevent the registration, temporary registration, or provisional registration, of a person under the former Act being cancelled or suspended under this Act as in force from time to time after the commencement day.
- (7) Despite the amendments to the former Act effected by the amending Act, a person who, immediately before the commencement day, had obtained qualifications that entitled him or her under the former Act to be registered as a veterinary surgeon is to be taken to be qualified to be registered as a veterinary surgeon for the purposes of this Act.
- (8) Despite the amendments to the former Act effected by the amending Act, a person who,

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immediately before the commencement day, had satisfied the Board that he or she possessed adequate qualifications and experience in respect of a speciality to be entitled under the former Act to be registered as a veterinary specialist is to be taken to be qualified to be registered as a veterinary specialist for the purposes of this Act.

- (9) For the avoidance of doubt, except as otherwise specified in a provision of this section, the amendments of the former Act made by the amending Act apply to, and in relation to, a person after those provisions come into effect.

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**NOTES**

The foregoing text of the *Veterinary Surgeons Act 1987* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Veterinary Surgeons Act 1987</i>	No. 104 of 1987	23.12.1987 (ss. 1, 2) 1.7.1988 (remainder)
<i>Administrative Arrangements (Miscellaneous Amendments) Act 1990</i>	No. 5 of 1990	1.7.1990
<i>Statute Law Revision (Penalties) Act 1994</i>	No. 67 of 1994	25.11.1994
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Mental Health (Consequential Amendments) Act 1996</i>	No. 32 of 1996	1.11.1999
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Corporations (Consequential Amendments) Act 2001</i>	No. 42 of 2001	15.7.2001
<i>Misuse of Drugs (Consequential Amendments) Act 2001</i>	No. 95 of 2001	1.6.2002
<i>Magistrates Court (Administrative Appeals Division) (Consequential Amendments) Act 2001</i>	No. 73 of 2001	1.7.2002
<i>Veterinary Surgeons Amendment Act 2002</i>	No. 14 of 2002	1.9.2002
<i>Statutory Officers (Age for Retirement) Act 2005</i>	No. 17 of 2005	10.6.2005
<i>Legal Profession (Miscellaneous and Consequential Amendments) Act 2007</i>	No. 66 of 2007	31.12.2008
<i>Veterinary Surgeons Amendment Act 2011</i>	No. 49 of 2011	12.12.2012
<i>Veterinary Surgeons Amendment Act 2015</i>	No. 43 of 2015	9.12.2015
<i>Financial Management (Consequential</i>	No. 4 of 2017	1.7.2019

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Act	Number and year	Date of commencement
<i>and Transitional Provisions) Act 2017</i>		
<i>Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025</i>	No. 7 of 2025	1.7.2025

**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 3	Amended by No. 86 of 2000, Sched. 1, No. 14 of 2002, s. 4 and No. 49 of 2011, s. 4
Section 4	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 49 of 2011, s. 5 and No. 43 of 2015, s. 4
Section 5	Amended by No. 49 of 2011, s. 6
Section 5A	Inserted by No. 49 of 2011, s. 7
Section 5B	Inserted by No. 49 of 2011, s. 7
Section 7	Amended by No. 43 of 2015, s. 5
Section 8	Amended by No. 86 of 2000, Sched. 1
Section 9	Amended by No. 43 of 2015, s. 6
Section 10	Substituted by No. 49 of 2011, s. 8
Section 11	Amended by No. 49 of 2011, s. 9
Section 11A	Amended by No. 49 of 2011, s. 10
Section 14	Inserted by No. 49 of 2011, s. 11
Section 15	Amended by No. 49 of 2011, s. 12
Section 16	Amended by No. 32 of 1996, Sched. 1 and No. 49 of 2011, s. 13
Section 17	Substituted by No. 49 of 2011, s. 14
Section 18	Repealed by No. 49 of 2011, s. 14
Section 18A	Amended by No. 14 of 2002, s. 5, No. 49 of 2011, s. 15 and No. 43 of 2015, s. 7
Section 19	Inserted by No. 49 of 2011, s. 16
Section 20	Amended by No. 49 of 2011, s. 17
Section 21	Substituted by No. 49 of 2011, s. 18
Section 21A	Substituted by No. 49 of 2011, s. 19
Section 22	Inserted by No. 14 of 2002, s. 6
Section 23	Amended by No. 43 of 2015, s. 8
Section 23A	Amended by No. 49 of 2011, s. 20 and No. 43 of 2015, s. 9
Part V	Amended by No. 49 of 2011, s. 21
Division 1 of Part V	Inserted by No. 49 of 2011, s. 22
Section 25	Heading amended by No. 49 of 2011, s. 23
Section 26	Heading amended by No. 14 of 2002, s. 7 and No. 49 of 2011, s. 24
Section 27	Repealed by No. 14 of 2002, s. 8
Section 28	Amended by No. 14 of 2002, s. 9, No. 49 of 2011, s. 25 and No. 43 of 2015, s. 10
	Repealed by No. 14 of 2002, s. 10
	Repealed by No. 14 of 2002, s. 10

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Provision affected	How affected
Section 29	Amended by No. 14 of 2002, s. 11 and No. 49 of 2011, s. 26
Section 30	Substituted by No. 14 of 2002, s. 12
Section 31	Substituted by No. 14 of 2002, s. 12 Amended by No. 49 of 2011, s. 27
Section 32	Repealed by No. 14 of 2002, s. 12
Section 33	Amended by No. 14 of 2002, s. 13 and No. 49 of 2011, s. 28
Section 34	Amended by No. 14 of 2002, s. 14 and No. 49 of 2011, s. 29
Section 35	Amended by No. 14 of 2002, s. 15 Subsection (3) substituted by No. 14 of 2002, s. 15 Amended by No. 14 of 2002, s. 15 Substituted by No. 49 of 2011, s. 30
Section 36	Repealed by No. 14 of 2002, s. 16
Section 37	Amended by No. 68 of 1994, s. 3 and Sched. 1, No. 42 of 2001, Sched. 1, No. 14 of 2002, s. 17 and No. 49 of 2011, s. 31
Section 38	Repealed by No. 14 of 2002, s. 18
Section 39	Amended by No. 49 of 2011, s. 32
Section 40	Amended by No. 49 of 2011, s. 33
Section 41	Amended by No. 49 of 2011, s. 34 and No. 43 of 2015, s. 11
Section 43	Amended by No. 49 of 2011, s. 35
Section 44	Amended by No. 49 of 2011, s. 36
Section 45	Amended by No. 66 of 2007, Sched. 1
Section 45A	Inserted by No. 49 of 2011, s. 37
Section 46	Amended by No. 67 of 1994, s. 3 and Sched. 1, No. 32 of 1996, Sched. 1, No. 73 of 2001, Sched. 1, No. 95 of 2001, Sched. 2 and No. 49 of 2011, s. 38
Section 47	Amended by No. 73 of 2001, Sched. 1 and No. 49 of 2011, s. 38
Section 48	Amended by No. 49 of 2011, s. 38 and No. 43 of 2015, s. 12
Section 49	Amended by No. 67 of 1994, s. 3 and Sched. 1, No. 14 of 2002, Sched. 1 and No. 49 of 2011, s. 41
Section 50	Amended by No. 14 of 2002, Sched. 1 and No. 49 of 2011, s. 42
Section 51	Repealed by No. 14 of 2002, s. 20
Section 52	Repealed by No. 14 of 2002, s. 20
Part VII	Heading amended by No. 73 of 2001, Sched. 1
Section 53	Amended by No. 73 of 2001, Sched. 1, No. 14 of 2002, s. 21, No. 49 of 2011, s. 43 and No. 7 of 2025, s. 260
Section 54	Amended by No. 73 of 2001, Sched. 1
Section 54A	Inserted by No. 49 of 2011, s. 43 Amended by No. 43 of 2015, s. 13
Section 55	Substituted by No. 49 of 2011, s. 43
Section 56	Amended by No. 42 of 2001, Sched. 1, No. 49 of 2011, s.

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Provision affected	How affected
Section 57	45 and No. 43 of 2015, s. 14 Substituted by No. 49 of 2011, s. 46 Amended by No. 43 of 2015, s. 15 and No. 4 of 2017, Sched. 1
Section 58A	Inserted by No. 14 of 2002, s. 23
Section 59	Amended by No. 14 of 2002, s. 24 and No. 49 of 2011, s. 46
Section 60	Amended by No. 14 of 2002, s. 25 and No. 49 of 2011, s. 48
Schedule 1	Amended by No. 32 of 1996, Sched. 1, No. 86 of 2000, Sched. 1, No. 95 of 2001, Sched. 2 and No. 17 of 2005, Sched. 1
Schedule 3	Amended by No. 49 of 2011, s. 49