

A BILL RESPECTING VETERINARY SURGEONS

NOTE

This Bill enacts a new Act to be known as "*The Veterinary Surgeons Act*" which repeals and replaces *The Veterinary Act*, being chapter 299 of the Revised Statutes of Alberta, 1942.

The Veterinary Association of Alberta as heretofore constituted is continued under the name of the Alberta Veterinary Medical Association, with certain powers and objects dealing with the health of livestock and related matters, including the standard of veterinarians.

A council of management is provided for. The council will be the executive of the association, and will consist of five to seven members elected from the membership of the association. The president of the council will appoint standing committees from the association members. The council will be the disciplinary body of the association as well as the assessing body.

The secretary-treasurer of the council will be the registrar of the association and will keep a register of members. The qualifications for membership are set out in section 12. Members may be suspended for unethical conduct after an inquiry, but have a right of appeal to the Supreme Court from a suspension.

The General Faculty Council of the University of Alberta will conduct the examination of candidates for admission to practise veterinary surgery in Alberta; it may also approve of veterinary training schools which meet its standards.

It is an offence to practise veterinary surgery in Alberta if not registered as a member of the association, or to use the title "Veterinary Surgeon", "Veterinarian" or abbreviations thereof.

The onus of proof is on the person practising veterinary surgery to show that he is registered and entitled to practise under this Act.

Every veterinarian is required to make a return to the Minister of Agriculture of any contagious or infectious diseases treated by him, and to report immediately when any epidemic breaks out to his knowledge.

This Bill comes into force on the 1st day of July, 1953.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 71 of 1953

An Act respecting Veterinary Surgeons

(Assented to _____, 1953)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Veterinary Surgeons Act*". Short title

2. In this Act, unless the context otherwise requires,
- (a) "association" means the Alberta Veterinary Medical Association as constituted by this Act; Interpretation
"association"
 - (b) "certificate of registration" means a certificate showing the holder to be registered as a member of the association and entitled to practise as a veterinary surgeon or veterinarian; "certificate of registration"
 - (c) "council" means the council of management of the association; "council"
 - (d) "General Faculty Council" means the General Faculty Council of the University of Alberta; "General Faculty Council"
 - (e) "Minister" means that member of the Executive Council for the time being charged by the Lieutenant Governor in Council with the administration of this Act; "Minister"
 - (f) "registrar" means the registrar of the association. "registrar"

3. (1) The Veterinary Association of Alberta, as heretofore constituted, under *The Veterinary Act*, being chapter 299 of the Revised Statutes of Alberta, 1942, a body politic and corporate having perpetual succession and a common seal, is continued under the name of the "Alberta Veterinary Medical Association". Alberta Veterinary Medical Association

- (2) The association may
- (a) acquire, hold, mortgage, lease, sell or otherwise charge or dispose of real estate and personal property for the purposes of the association; Powers of association
 - (b) borrow money for its purposes and secure the repayment thereof by mortgage on its real and personal property, and
 - (c) sue and be sued.

(3) The association may invest such portion of its funds as is not required for its immediate purposes in any securities specified in section 3 of *The Trustee Act*. Investment of funds

- Member-ship (4) The membership of the association shall consist of those persons who hold a certificate of registration as veterinary surgeons.
- Objects of association 4. The objects of the association shall be
- (a) to encourage, promote and safeguard the health of livestock generally,
 - (b) to promote, encourage and develop veterinary science in the Province and, within the provisions of this Act, to regulate the ethical practice thereof,
 - (c) to arrange for and conduct courses of instruction, studies and lectures in connection therewith,
 - (d) to co-operate with associations, societies and organizations having, in whole or in part, objectives similar to those of this association.
 - (e) to co-operate with boards of health, conforming with rules and regulations for the protection of the public against infectious and contagious diseases communicable from animal to man.
- By-laws of association 5. (1) The association may pass by-laws not inconsistent with any Act or law in force in the Province providing for
- (a) the government and discipline of its members,
 - (b) the management of its property,
 - (c) the maintenance of the association by levying contributions or otherwise,
 - (d) the payment of annual membership fees by members of the association,
 - (e) the payment of a fee not exceeding fifty dollars by each applicant for registration, and
 - (f) all such other matters as may be deemed necessary or convenient for the working or management of the association or the study and advancement of veterinary science.
- Fees limited (2) The total of the levies and contributions and membership fees under clauses (c), (d) and (e) of subsection (1) shall not exceed in any year the sum of one hundred and twenty-five dollars for each member.
- Effective date of by-laws (3) By-laws or amendments thereto made from time to time shall not come into force until they have been approved by the association and the Lieutenant Governor in Council and published in *The Alberta Gazette*.
- Council of management 6. (1) There shall be a council of management of the association consisting of not less than five and not more than seven members.
- Term of office (2) The members of the council shall be elected by the association for a term of three years and in such manner as the by-law may provide.
- Resignation (3) A member elected to the council may at any time resign by letter directed to the registrar and in the event of any such resignation or any vacancy occasioned by death

or otherwise, the remaining members of the council or a majority of such remaining members shall elect some fit and proper person from among the members of the association to fill the vacancy.

(4) Three members of the council shall constitute a quorum.

7. (1) The council at its first meeting shall elect from its own body Officers

- (a) a president,
- (b) a vice-president,
- (c) such other officers as are necessary for the working of this Act.

(2) The council shall appoint a secretary-treasurer who shall be bonded and who may or may not be a member of the council or association, at such salary or other remuneration and for such term of office as it may decide. Secretary-treasurer

(3) The secretary-treasurer shall be the registrar of the association. Registrar

8. The association may elect an honorary president and honorary officers and such persons, together with the immediate past president of the council, shall *ex officio* be members of the council. Ex officio members

9. (1) Within thirty days following the annual meeting the president, subject to approval by the council, shall appoint from among members of the association, the following standing committees: Standing committees

- (a) grievance,
- (b) by-laws and rules,
- (c) legislation,
- (d) finance,
- (e) publicity,
- (f) convention.

(2) The council, subject to the by-laws, shall have control and management of the real and personal property of the association but no sale or mortgage of real or personal property of the association shall be made by the council without the concurrence of a majority of the members of the association expressed by resolution. Control and management of real and personal property

(3) The council, in addition to such other powers as may be conferred upon it by the association, may discipline the members of the association and may suspend or expel any member for misconduct or for failure to comply with any by-law of the association imposing suspension or expulsion as a penalty for the breach thereof. Discipline of members

(4) No person shall be suspended or expelled under the provisions of clause (c) of section 14 or otherwise for failure to comply with any by-law, except a by-law which imposes suspension or expulsion as a penalty for the breach thereof, that has been approved by the Lieutenant Governor in Council. Suspension or expulsion

- Suspension of certificate of registration (5) Notwithstanding the provisions of this section or of clause (c) of section 14, the council may suspend the certificate of registration of any member who is in default of payment of his annual fee, including levies and contributions, for a period of one year and shall reinstate a certificate so suspended at any time upon payment of the fees in arrears at the date of suspension and a further sum of five dollars.
- Special expenditures (6) Subject to approval of a general meeting, assessment up to a maximum of one hundred dollars per member may be made by the council against the membership to meet special expenditures or activities of the association.
- Fiscal year **10.** The fiscal year of the association shall be the calendar year.
- Meetings **11.** (1) The members of the association shall hold a general meeting once in each year, and such special general meetings as the council may deem advisable.
- Annual general meeting (2) The annual general meeting shall be held on the second Wednesday in the month of April in each year or at such other time as may be fixed by the council.
- Notice of annual general meeting and special general meeting (3) Notice of the time of the annual general meeting shall be given in such manner as may be prescribed by by-law, and upon a requisition in writing signed by five members of the association entitled to vote requesting the council to convene a special general meeting, such meeting shall accordingly be convened within such reasonable time as the council thinks fit, and notice thereof shall be given in a manner to be fixed by by-law.
- Qualification to vote (4) The persons qualified to vote or to be elected at an election shall be the members of the association who are not
 - (a) under suspension, or
 - (b) associate members, or
 - (c) in arrears in respect of any fees payable under this Act.
- Method of balloting (5) At all elections the method of balloting shall be the method determined by by-law.
- Quorum (6) At any general meeting of the association twenty per cent attendance of the active membership shall constitute a quorum.
- Registration **12.** (1) The Registrar shall register as a member every candidate qualifying under section 18 who
 - (a) produces satisfactory evidence that he is twenty-one years of age, of good moral character and reputation, that his name is not erased from the register of a veterinary association, and

- (b) is a Canadian citizen or, if not, who has filed a declaration of intention under *The Canadian Citizenship Act*, and
- (c) produces
 - (i) a certificate from the Registrar of the University of Alberta certifying that the applicant is entitled to registration under subsection (5) of section 18, or
 - (ii) a certificate of graduation from the Ontario Veterinary College of Guelph, Ontario, or
 - (iii) a certificate of qualification from the General Faculty Council under subsection (6) of section 18, and
- (d) solemnly declares his willingness to uphold the honour and dignity of the profession, and
- (e) undertakes to practise the profession of veterinary medicine in a professional and becoming manner and in accordance with the provisions of this Act and the by-laws of the association, and
- (f) pays the prescribed fees.

(2) Certificates issued by the Registrar shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and when requested to do so the registrar shall provide the Minister with a roll of all members. Certificates of registration

13. (1) A person admitted to membership by filing a declaration of intention under *The Canadian Citizenship Act*, within a period of six years after registration shall produce to the registrar a certificate of citizenship granted him under that Act and upon his failure to do so his name shall be erased from the register. Production of certificate of citizenship

(2) Upon subsequently producing a certificate of citizenship the person referred to in subsection (1) may have his name restored to the register.

14. The council after an inquiry may order the erasure of the name of any member from the register or may suspend any member from practice who Suspension

- (a) has been convicted of an indictable offence, or
- (b) has violated any of the provisions of this Act or of the by-laws or rules of professional ethics of the association, or
- (c) has been guilty of malpractice or unbecoming, improper, unprofessional or criminal conduct in the practice of his profession.

15. (1) At least two weeks' notice of the meeting of the council for taking the evidence or otherwise ascertaining the facts shall be served on the member whose conduct is the subject of inquiry. Inquiry

(2) The notice shall contain a statement of the matter which is to form the subject of the inquiry. Notice of inquiry

(3) If the person whose conduct is the subject of inquiry, though duly notified, does not attend, the council may proceed in his absence.

Appeal

(4) Any person whose name has been erased from the register or who has been suspended from practice may appeal from such order to a judge of the Supreme Court of Alberta at any time within six months from the date of the service of the order of the council upon him.

Notice of appeal

(5) Notice of any such appeal shall be filed in the office of the Supreme Court of Alberta within the required time and a copy thereof served upon the registrar.

(6) The registrar, after the service of notice of appeal and upon request, shall furnish the appellant a copy of all documents which are required to be considered by the judge.

Conduct of inquiry

16. (1) The judge shall consider

- (a) the proceedings before the council and the evidence taken,
- (b) the report of the council, and
- (c) the order of the council certified by the president or by the registrar.

Additional evidence

(2) The judge, in his discretion, may receive further evidence either by oral examination or by affidavit.

Hearing of appeal

(3) The judge on the hearing of the appeal may

- (a) confirm the order of the council,
- (b) restore the name of the person on the register,
- (c) cancel, reduce or lengthen the suspension of such member from practice,
- (d) make such other order as to him may seem just,
- (e) award costs in his discretion.

Costs

Right of action

17. No action shall lie against the association, council or its members or the registrar for any proceedings taken or any judgments given or in force under the provisions of this Act.

Conduct of examinations

18. (1) The council shall enter into an agreement with the General Faculty Council for the conduct of examinations.

(2) The examination of candidates for admission to practise veterinary surgery in the Province shall be under the control of the University of Alberta.

Qualifications

(3) The General Faculty Council shall examine the qualifications of every applicant for registration.

(4) Every applicant for registration who is not entitled to registration under subsection (7) shall present his qualifications to the General Faculty Council for inspection.

(5) An applicant who satisfies the General Faculty Council that his qualifications at the time they were acquired were at least the equivalent of those required for registra-

tion in the Province at that time, and produces a certificate from the Registrar of the University of Alberta so certifying, shall be deemed to have satisfactory qualifications and be entitled to registration.

(6) Before issuing a certificate of qualification the General Faculty Council may require any applicant for registration who does not qualify under subsections (5) and (7) to take such examinations as it may fix by rule or regulation or to pursue further studies.

Certificate of qualification

(7) Notwithstanding subsection (3), an applicant who holds a certificate from the Ontario Veterinary College, Guelph, Ontario, shall be deemed to be qualified and entitled to registration.

19. The General Faculty Council may

Powers of General Faculty Council

- (a) approve of certain veterinary schools or colleges as places of instruction,
- (b) prescribe the conditions under which any veterinary school or college may be approved,
- (c) determine the fee for examination payable by an applicant for registration.

20. (1) A person not duly registered under the provisions of this Act who holds himself out to be a registered veterinary surgeon or veterinarian is guilty of an offence.

Offence

(2) A registered practitioner under this Act is entitled to demand from a person by whom he is consulted or employed, and to recover as a debt in a court of competent jurisdiction, reasonable charges for professional services and the costs of medicine or other medical appliances supplied by him in his professional capacity.

Charges for professional services

21. A person not registered under this Act

Prohibitions

- (a) shall not append to his name "Veterinary Surgeon" or "Veterinarian" or any abbreviation thereof, or
- (b) shall not in any way practise or pretend to practise as a veterinary surgeon or veterinarian.

22. In any prosecution under this Act the onus shall be upon the defendant or the party charged with an offence against this Act to prove that he is entitled to practise as a veterinary surgeon and to assume the title thereof, and the production of a certificate purporting to be signed and issued by the registrar and under the seal of the association and purporting to be issued pursuant to the provisions of this Act shall be *prima facie* evidence that he is so entitled.

Onus of proof

23. (1) The council of the association, with the concurrence of a majority of the members duly expressed at any general meeting, may establish, carry on and manage a veterinary school for the instruction of pupils by competent and approved technical teachers in the science and practice

Veterinary school

of the veterinary art, and may arrange for the examination of such pupils in anatomy, physiology, materia medica, therapeutics, chemistry and as to the breeding of domesticated animals and such other subjects as the council may think proper.

(2) The council may prescribe preliminary and other examinations and may appoint and pay examiners, all of which shall be regulated by such rules and by-laws as the council may enact and candidates and pupils shall pay such fees as the council may impose.

Exemption **24.** Nothing contained in this Act shall be held to prohibit any person from undertaking the castration, spaying or dehorning of any animal or from recovering fees therefor.

**Annual re-
turn** **25.** Every veterinary surgeon shall make a return to the Minister of Agriculture during the month of December in each year of all contagious diseases of animals treated by him during the year and when any epidemic breaks out to the knowledge of any veterinary surgeon he shall report the same at once to the Minister of Agriculture.

Penalties **26.** (1) A person contravening any of the provisions of this Act is guilty of an offence and liable on summary conviction,

(a) for the first offence, to a penalty of not less than twenty and not more than one hundred dollars and costs or in default of payment to imprisonment for a term not exceeding two months,

(b) for the second or subsequent offence, to a penalty of not less than fifty and not more than two hundred dollars and costs or in default of payment to imprisonment for a term not exceeding four months.

**Limitation
of action** (2) A prosecution for an offence under this Act shall be commenced within six months after the date upon which the offence was committed.

Repeal **27.** *The Veterinary Act*, being chapter 299 of the Revised Statutes of Alberta, 1942, is hereby repealed.

**Coming into
force** **28.** This Act comes into force on the first day of July, 1953.

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act respecting Veterinary
Surgeons

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART
