

1970

c 480 Veterinarians Act

Ontario

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CHAPTER 480

The Veterinarians Act**1.—(1) In this Act,**Interpre-
tation

- (a) “animal” means a living being, other than a human being;
- (b) “Association” means the Ontario Veterinary Association;
- (c) “council” means the council of the Association;
- (d) “member” means a member of the Association;
- (e) “Minister” means the Minister of Agriculture and Food;
- (f) “registered” means registered as a member under this Act and “registration” has a corresponding meaning;
- (g) “registrar” means the registrar of the Association;
- (h) “veterinary science” means the application of medicine or surgery to any animal, and includes diagnosing, prescribing, treating, manipulating and operating for the prevention, alleviation or correction of any disease, injury, pain, deficiency, deformity, defect, lesion, disorder or physical condition of or in any animal, with or without the use of instruments, appliances, medicine, drugs, anaesthetics, or antibiotic or biologic preparations, and also includes the giving of advice in respect of anything mentioned in this clause with a view to obtaining a fee or other remuneration. R.S.O. 1960, c. 416, s. 1 (1), *amended*.

(2) Nothing in this Act applies to or affects,Where Act
does not
apply

- (a) the furnishing of first aid or temporary assistance to an animal in an emergency;
- (b) the treatment of an animal by its owner, by a member of his household or by a person regularly employed by him in agricultural or domestic work;
- (c) the treatment of an animal by an employee of a member under the supervision of the member;
- (d) caaponizing and the taking of poultry blood samples;
- (e) the study, prevention and treatment of fish diseases;
- (f) any act done under *The Artificial Insemination of Cattle Act*; or

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(g) the castration of calves, pigs and lambs. R.S.O. 1960, c. 416, s. 1 (2), *amended*.

Association continued

2. The Ontario Veterinary Association is continued as a corporation and every person registered is a member. R.S.O. 1960, c. 416, s. 2.

Power to acquire property

3. The Association may purchase, acquire or take by gift, devise, bequest or donation any real or personal property for the purposes of the Association and mortgage or lease the same, and may sell or otherwise dispose of any real or personal property not required for the purposes of the Association. R.S.O. 1960, c. 416, s. 3.

Council, composition

4.—(1) The council shall consist of not fewer than nine elected members, each of whom shall be a member of the Association.

elections

(2) The manner of electing the members of the council, the notification of the electors of the time and place of holding the election, the number of electoral districts and the boundaries thereof, the number of members to be elected by each district, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, the tenure of office of members and other necessary details shall be as determined by the by-laws.

quorum

(3) At any meeting of the council a majority of the members of the council constitutes a quorum. R.S.O. 1960, c. 416, s. 4.

Officers of council

5. The council shall at its first meeting in each year elect a president, a first vice-president and a second vice-president from among its members, who shall hold office until their successors are elected. R.S.O. 1960, c. 416, s. 5.

Fees and expenses

6. The members of the council, the president, the first vice-president and the second vice-president shall be paid such fees and travelling allowances as the by-laws fix. R.S.O. 1960, c. 416, s. 6.

Officers of Association

7. The council may appoint and fix the remuneration of a registrar, a treasurer and a secretary, none of whom shall be a member of the council, and any or all of such offices may be held by one person. R.S.O. 1960, c. 416, s. 7.

By-laws

8.—(1) The council may pass by-laws,

- (a) respecting the admission and registration of members;
- (b) fixing the examination fee, the annual registration fee and the penalty for default in payment of the latter;
- (c) respecting the register of members;

- (d) prescribing the notice, the time, the place and the order of business of meetings of the members and of the council;
- (e) providing for the government and discipline of the members;
- (f) prescribing a code of professional ethics;
- (g) defining "unprofessional conduct", "gross negligence" and "incompetence", and designating criminal offences for the purposes of section 13;
- (h) respecting the election of the members of the council and its officers;
- (i) providing for the establishment and operation of committees;
- (j) respecting the board of examiners and the examinations;
- (k) prescribing the duties of the registrar, the treasurer and the secretary;
- (l) fixing the fees and travelling allowances of the members of the council and its officers;
- (m) establishing the governing scholarships, bursaries and prizes;
- (n) instituting and providing means for increasing the knowledge and skill of the members and for maintaining a high standard of professional ethics;
- (o) providing for and prescribing the terms and conditions of honorary membership and life membership in the Association;
- (p) respecting the management of the property of the Association;
- (q) providing for the investment of any money not immediately required in securities in which trust moneys may be invested by law;
- (r) for all such purposes as may be considered necessary or convenient for the management of the Association and the conduct of its affairs.

(2) As between members, the ruling of the council on the construction and interpretation of the by-laws is final.

Interpretation of by-laws

(3) No by-law has any force or effect until it has been approved by a general meeting of the members, of which meeting notice shall be given by mail to all members at least thirty days before it is held. R.S.O. 1960, c. 416, s. 8.

Approval of by-laws

9.—(1) The council shall appoint annually a board of examiners.

Board of examiners

Examina-
tions

(2) Examinations of applicants for registration shall be held at least once a year at such place or places as the council may direct.

Application
for regis-
tration

(3) An application for registration shall be made to the registrar and referred by him to the council which may direct that registration be granted forthwith or that the applicant take an examination before the board of examiners or such members of the board as may be deputed by the council to conduct such examination, but in no case shall a graduate in veterinary science of the Ontario Veterinary College who applies for registration within one year after graduation be required to take a written examination.

Notice of
result

(4) As soon as possible after the close of each examination, the members of the board who have conducted the examination shall make and file with the registrar a certificate stating the result of such examination, whereupon the registrar shall notify each candidate of the result of his examination and of the council's decision upon his application. R.S.O. 1960, c. 416, s. 9.

Eligibility
for regis-
tration

10. No person is eligible for registration unless the council is satisfied that he is,

- (a) a graduate in veterinary science of the Ontario Veterinary College or the University of Toronto;
- (b) a graduate in veterinary science of a veterinary college or university recognized by resolution of the council; or
- (c) entitled to practise under section 11 of *The Veterinarians Act*, being Chapter 416 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. R.S.O. 1960, c. 416, s. 10, *amended*.

Practise
prohibited
without
registration
Certificates
and register

11.—(1) No person shall practise veterinary science unless he is registered.

(2) Certificates of registration shall be issued annually by the registrar and he shall keep a register of the names of those to whom certificates are issued. R.S.O. 1960, c. 416, s. 12.

Annual fee

12.—(1) Every member of the Association shall annually on or before the 1st day of December pay to the treasurer such registration fee as the by-laws prescribe for the year next ensuing, and no certificate for that year shall be issued until the fee has been paid. 1968-69, c. 137, s. 1.

Default in
payment

(2) Where a member does not pay the prescribed fee on or before the 1st day of February of the year for which it is payable, his registration may, after inquiry, be suspended by the council, but any registration so suspended may be reinstated upon payment of the fee and such penalty, not exceeding \$25, as the by-laws prescribe.

(3) As soon as a registration is suspended under subsection 2, the person affected ceases to be registered and the registrar shall make a note thereof in the register. R.S.O. 1960, c. 416, s. 13 (2-3). Effect of suspension

13.—(1) The council may in its discretion suspend or cancel the registration of any member whom is has found to be guilty of unprofessional conduct, gross negligence or incompetence or who has been convicted by a court of competent jurisdiction of a criminal offence designated in the by-laws, or the council may reprimand or censure any such member. Suspension and cancellation of certificates

(2) The council shall not take any such action until after a complaint under oath has been filed with the registrar and a copy thereof forwarded to the member accused, nor without having previously summoned the member to appear before the council, nor without having heard evidence under oath in support of the complaint, nor without affording the member an opportunity of submitting evidence on his behalf. Procedure

(3) The council has for the purposes of this section all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers
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(4) The evidence given at a hearing under this section shall be taken down by a duly sworn shorthand reporter. Evidence to be taken down

(5) Any person whose registration has been suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from the order, and the practice and procedure upon the appeal shall be the same as upon an appeal from the judgment of a Supreme Court judge presiding at a trial, and the court may confirm, vary, vacate or set aside the order and may make an order for payment of the costs of the appeal. Appeal

(6) An order of the council suspending or cancelling the registration of a member does not affect the member's right to practise until the time within which an appeal may be taken has expired and, where an appeal is taken, the suspension or cancellation has been upheld by the Court of Appeal. When order effective

(7) As soon as the order for the suspension of a registration becomes effective, the person affected ceases to be registered and the registrar shall make a note thereof in the register. Effect of suspension

(8) As soon as the order for the cancellation of a member's certificate becomes effective, the person affected ceases to be registered and the registrar shall strike the name of the person from the register. Effect of cancellation

(9) The council may restore the registration of any person whose certificate has been suspended or cancelled under this Restoration

section upon such terms and conditions as it considers proper. R.S.O. 1960, c. 416, s. 14.

Evidence of registration

14.—(1) In every case where registration is in issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is *prima facie* evidence that such person is the registrar, without any proof of his signature or of his being in fact the registrar.

Idem

(2) The absence of the name of any person from such copy is *prima facie* evidence that such person is not registered. R.S.O. 1960, c. 416, s. 15.

Courses in veterinary science

15. No person shall conduct any course in veterinary science without the written authorization of the Minister, and an authorization shall not be issued until he is satisfied that the requirements of admission and courses of study and instruction are at least equal in standard to those of the Ontario Veterinary College. R.S.O. 1960, c. 416, s. 16.

Use of titles restricted

16. No person, other than a graduate in veterinary science of a college or university that is recognized by resolution of the council, shall use the title "Veterinary", "Veterinarian", "Veterinary Surgeon" or append to his name any such title or any abbreviation thereof. R.S.O. 1960, c. 416, s. 17.

Limitations of actions

17. No action shall be brought against a member for negligence or malpractice by reason of professional services requested of or rendered by him unless the action is commenced within six months after the matter complained of terminated. R.S.O. 1960, c. 416, s. 18.

Witness fees

18. Any member is entitled to professional witness fees in attending any court of law in such cases as relate to veterinary science or the health or condition of any animal. R.S.O. 1960, c. 416, s. 19.

Offences

19.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, for the first offence, to a fine of not less than \$100 and not more than \$200 or, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Disposition of fines

(2) Any fine recovered for an offence under this Act is payable to the Association. R.S.O. 1960, c. 416, s. 20.