

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Transport and City Services)

# Veterinary Practice Bill 2018

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Dictionary 2
4	Notes 3
5	Offences against Act—application of Criminal Code etc 3
6	Objects of Act 3
<b>Part 2</b>	<b>Practice of veterinary science</b>
7	Meaning of <i>restricted act of veterinary science</i> 5
8	Meaning of <i>veterinary science</i> 5

	Page
9	Meaning of <i>registered veterinary practitioner</i> 6
10	Carrying out restricted act of veterinary science without authority 6
11	Person pretending to be registered veterinary practitioner 8
12	False representation of person as veterinary practitioner or specialist 8
13	Unqualified to practise as specialist 9
14	Direction to engage in unprofessional conduct 9
15	Restriction on recovery of fees or charges if not registered 10
<b>Part 3</b>	<b>Registration of veterinary practitioners</b>
<b>Division 3.1</b>	<b>Application and decision</b>
16	Application 11
17	Withdrawal of application 12
18	Board may ask for further information 13
19	Decision on application 13
20	Refund of application fees 15
21	Conditions of registration 15
22	Amendment of registration by board on its own initiative 16
23	Amendment of registration on application 17
24	Annual renewal of registration 17
25	Renewal out of time 18
26	Term of registration 19
27	Surrender 19
<b>Division 3.2</b>	<b>Qualifications for registration</b>
28	Qualification for general or non-practising registration 20
29	Qualification for specialist registration 20
<b>Division 3.3</b>	<b>Suitability of people to be registered veterinary practitioners</b>
30	Meaning of <i>suitable person</i> 21
31	Meaning of <i>suitability information</i> 21
<b>Division 3.4</b>	<b>Registration and removal from register</b>
32	Removal of veterinary practitioner from register 23

	Page
<b>Part 4</b>	
<b>Recognition of veterinary practitioners from other jurisdictions</b>	
33 Definitions—Act	25
34 Recognition of veterinary practitioners registered in other jurisdictions	25
35 Application of Act to veterinary practitioners with deemed registration	26
36 Condition of deemed registration	26
37 Suspension and cancellation of deemed registration	27
38 ACT becomes principal residence	27
<b>Part 5</b>	
<b>Complaints and disciplinary proceedings</b>	
<b>Division 5.1</b>	
<b>Definitions and code of professional conduct</b>	
39 Meaning of <i>veterinary practitioner</i> —pt 5	28
40 Meaning of <i>professional misconduct</i>	28
41 Meaning of <i>unsatisfactory professional conduct</i>	29
42 Veterinary practitioners code of professional conduct	30
<b>Division 5.2</b>	
<b>Complaints</b>	
43 Who may complain	31
44 Consideration without complaint or appropriate complaint	32
45 False or misleading complaint	33
46 Time limit for making complaints	33
47 How complaints are made	33
48 Withdrawal of complaints	34
49 Further information about complaint etc	35
50 Notice to veterinary practitioner complained about	35
<b>Division 5.3</b>	
<b>Dealing with complaints</b>	
<b>Subdivision 5.3.1</b>	
<b>Immediate action</b>	
51 Meaning of <i>immediate action</i> —sdiv 5.3.1	36
52 Power to take immediate action	36
53 Show cause process	37
54 Notice to be given to registered veterinary practitioner about immediate action	38
55 Period of immediate action	38

	Page
<b>Subdivision 5.3.2 Investigation</b>	
56 Investigation of complaints	39
57 Investigation procedure	40
58 People to give information, provide documents or answer questions	40
59 Person failing to comply with direction	41
60 Board may dismiss certain complaints	41
61 Decision on completion of investigation	42
62 Indication that offence committed	43
63 Board's obligation to keep complainant informed	43
<b>Division 5.4 Occupational discipline</b>	
64 Grounds for occupational discipline	44
65 Application to ACAT for occupational discipline	44
66 Considerations before making occupational discipline orders— suspension or cancellation of registration	45
67 Occupational discipline orders	45
68 Interim suspension of registration	46
69 Giving registering authority in other jurisdictions information about cancelling or suspending registration	47
<b>Division 5.5 Joint consideration with commission</b>	
70 Interaction with commission	48
<b>Part 6 Registration of veterinary premises</b>	
<b>Division 6.1 Preliminary</b>	
71 Definitions—pt 6	50
72 Board may make veterinary premises standard	52
<b>Division 6.2 Application and decision</b>	
73 Application for registration of veterinary premises	52
74 Board may ask for further information	53
75 Decision on application to register veterinary premises	53
76 Conditions on registration of veterinary premises	54
77 Term of registration for veterinary premises	55
78 Refund of application fees	55
79 Annual registration fee	55

	Page
<b>Division 6.3</b>	<b>Amendment of registration</b>
80	Amendment of registration by board on its own initiative 56
81	Amendment of registration on application 56
<b>Division 6.4</b>	<b>Suspending or ending registration</b>
82	Surrender of registration 57
83	Cancellation of registration—death or winding-up of registration holder 57
84	Cancellation or suspension of registration by ACAT 58
<b>Division 6.5</b>	<b>Offences—registered veterinary premises</b>
85	Veterinary practice to be conducted at registered veterinary premises 59
86	Unauthorised restricted act of veterinary science carried out at registered veterinary premises 59
87	False representation of premises as registered veterinary premises 60
88	Superintendent of registered veterinary premises 60
89	Failure to display sign about registered veterinary premises 60
<b>Part 7</b>	<b>Veterinary practitioners board</b>
<b>Division 7.1</b>	<b>Establishment and functions of board</b>
90	Veterinary practitioners board—establishment 62
91	Board—functions 62
92	Annual general meeting of veterinary profession 63
<b>Division 7.2</b>	<b>Board members</b>
93	Board membership 64
94	Term of appointment 64
95	President and deputy president of board 65
96	Consultation about appointment to board 65
97	Disclosure of interests by board members 66
98	Conditions of board appointment generally 68
<b>Division 7.3</b>	<b>Board meetings</b>
99	Board procedures 69
100	Quorum at board meetings 69
101	Reporting on exercise of functions 69
<b>Division 7.4</b>	<b>Board misconduct</b>
102	Failure by board to exercise functions diligently 70

	Page
<b>Division 7.5                      Board administration</b>	
103            Offence—prohibition on business	71
104            Appointment of registrar	71
105            Registrar—functions	71
106            Employment of staff etc	72
107            Committees	72
108            Delegation by board	72
 <b>Part 8                                  Enforcement</b>	
<b>Division 8.1                      Inspectors</b>	
109            Inspectors	73
110            Identity cards	73
<b>Division 8.2                      Powers of inspectors</b>	
111            Meaning of <i>premises</i> —div 8.2	74
112            Powers of entry and search	74
113            Production of identity card	75
114            Consent to entry	75
115            Powers of inspectors	76
116            Direction to give name and address—inspector	77
117            Offence—fail to comply with inspector's direction to give name and address	78
118            Warrants generally	79
119            Warrants—application made other than in person	80
120            Search warrants—announcement before entry	82
121            Details of search warrant to be given to occupier etc	82
122            Occupier entitled to be present during search etc	83
 <b>Part 9                                  Register and dealing with information</b>	
<b>Division 9.1                      Register</b>	
123            Board to maintain register of veterinary practitioners and veterinary premises	84
124            Contents of register—practitioners	84
125            Contents of register—premises	85
126            Information in register to be accessible and extractable	86

---

	Page
127	Registration documents 86
128	Registrar responsible for register 87
129	Access to register 87
130	Requests for changes of details in register 88
131	When board must not charge fees etc for register corrections 88
132	Evidentiary certificate—contents of register 89
<b>Division 9.2</b>	<b>Dealing with information</b>
133	Meaning of <i>information holder</i> 89
134	Nondisclosure of complaints 89
135	Use and disclosure of protected information 90
<b>Part 10</b>	<b>Notification and review of decisions</b>
136	Meaning of <i>reviewable decision</i> —pt 10 92
137	Reviewable decision notices 92
138	Applications for review 92
<b>Part 11</b>	<b>Miscellaneous</b>
139	Information sharing 93
140	Protection of participants 94
141	Protection of informed people 94
142	Exemptions from Act 94
143	Determination of fees by board 95
144	Determination of fees by Minister 95
145	Fee waiver 96
146	Regulation-making power 96
<b>Part 12</b>	<b>Repeals and consequential amendments</b>
147	Legislation repealed 98
148	Legislation amended—sch 3 98
<b>Part 20</b>	<b>Transitional</b>
200	Definitions—pt 20 99
201	Veterinary surgeons—applications 99
202	Veterinary surgeons—registration 99

---

	Page
203 Veterinary surgeons—suspended registration	100
204 Veterinary surgeons—complaints	100
205 Veterinary surgeons board—agreements and undertakings	100
206 Members of board	101
207 Register	101
208 Grounds for occupational discipline	101
209 Occupational discipline applications before ACAT	102
210 Executive officer to be registrar	102
211 Transitional regulations	103
212 Expiry—pt 20	103
 <b>Schedule 1      Reviewable decisions</b>	 <b>104</b>
 <b>Schedule 2      Unrestricted acts of veterinary science</b>	 <b>105</b>
2.1 Unrestricted acts of veterinary science	105
 <b>Schedule 3      Consequential amendments</b>	 <b>107</b>
<b>Part 3.1      Animal Diseases Act 2005</b>	<b>107</b>
<b>Part 3.2      Animal Welfare Act 1992</b>	<b>107</b>
<b>Part 3.3      Domestic Animals Act 2000</b>	<b>109</b>
<b>Part 3.4      Domestic Animals Regulation 2001</b>	<b>110</b>
<b>Part 3.5      Environment Protection Regulation 2005</b>	<b>110</b>
<b>Part 3.6      Firearms Act 1996</b>	<b>111</b>
<b>Part 3.7      Firearms Regulation 2008</b>	<b>111</b>
<b>Part 3.8      Human Rights Commission Act 2005</b>	<b>112</b>
<b>Part 3.9      Juries Act 1967</b>	<b>115</b>
<b>Part 3.10      Legislation Act 2001</b>	<b>115</b>
<b>Part 3.11      Medicines, Poisons and Therapeutic Goods Act 2008</b>	<b>116</b>



## Contents

---

	Page
<b>Part 3.12 Medicines, Poisons and Therapeutic Goods Regulation 2008</b>	118
<b>Part 3.13 Nature Conservation Act 2014</b>	123
<b>Part 3.14 Prohibited Weapons Regulation 1997</b>	123
<b>Part 3.15 Radiation Protection Act 2006</b>	123
<b>Part 3.16 Workers Compensation Regulation 2002</b>	124
<b>Dictionary</b>	125



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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Transport and City Services)

## Veterinary Practice Bill 2018

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### A Bill for

An Act to regulate veterinary practitioners, veterinary premises, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Veterinary Practice Act 2018*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written  
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see [Legislation](#)  
11 [Act](#), s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see [Legislation Act](#), s 79).

15 **3 Dictionary**

16 The dictionary at the end of this Act is part of this Act.

17 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
18 Act, and includes references (*signpost definitions*) to other terms  
19 defined elsewhere in this Act.

20 For example, the signpost definition ‘*veterinary science*—see  
21 section 8.’ means that the term ‘veterinary science’ is defined in that  
22 section.

23 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
24 the entire Act unless the definition, or another provision of the Act,  
25 provides otherwise or the contrary intention otherwise appears (see  
26 [Legislation Act](#), s 155 and s 156 (1)).

1     **4           Notes**

2           A note included in this Act is explanatory and is not part of this Act.

3     *Note*     See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of  
4           notes.

5     **5           Offences against Act—application of Criminal Code etc**

6           Other legislation applies in relation to offences against this Act.

7     *Note 1   Criminal Code*

8           The [Criminal Code](#), ch 2 applies to all offences against this Act (see  
9           Code, pt 2.1).

10          The chapter sets out the general principles of criminal responsibility  
11          (including burdens of proof and general defences), and defines terms  
12          used for offences to which the Code applies (eg *conduct*, *intention*,  
13          *recklessness* and *strict liability*).

14     *Note 2   Penalty units*

15          The [Legislation Act](#), s 133 deals with the meaning of offence penalties  
16          that are expressed in penalty units.

17     **6           Objects of Act**

18          The object of this Act is to regulate the provision of veterinary  
19          services to ensure the following:

- 20          (a) the provision of veterinary services is focussed on the welfare  
21             and protection of animals;
- 22          (b) veterinary practitioners provide veterinary services  
23             professionally and competently;
- 24          (c) premises at which veterinary services are provided are of an  
25             acceptable standard;

**Part 1** Preliminary

Section 6

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- 1 (d) veterinary services provided in the ACT comply with standards  
2 that—  
3 (i) are acceptable to the community; and  
4 (ii) meet national and international trade requirements;  
5 (e) consumers of veterinary services are well informed about the  
6 competencies required of veterinary practitioners;  
7 (f) public health is protected.

## Part 2 Practice of veterinary science

### 7 Meaning of *restricted act of veterinary science*

(1) In this Act:

*restricted act of veterinary science* means an act of veterinary science prescribed by regulation.

(2) Before an act of veterinary science is prescribed under subsection (1), the Minister must ask the board to advise the Minister whether the act should be prescribed.

(3) The board must not advise the Minister that an act of veterinary science be prescribed under subsection (1) unless the board considers the act, if carried out on an animal, is likely to—

(a) cause unacceptable harm or suffering to the animal; or

(b) adversely affect human health; or

(c) adversely affect domestic or international trade.

(4) The Minister must consider the board's advice in recommending that an act of veterinary science be prescribed under subsection (1).

(5) A regulation must not prescribe an act of veterinary science mentioned in schedule 2 (an *unrestricted act of veterinary science*) as a restricted act of veterinary science.

### 8 Meaning of *veterinary science*

In this Act:

*veterinary science* means any branch of the science or art of veterinary medicine or veterinary surgery and includes the following:

(a) examining or attending to an animal to diagnose the physiological or pathological condition of the animal;

(b) giving anaesthetic to, or performing an operation on an animal;

- 1 (c) diagnosing pregnancy in an animal;  
2 (d) carrying out an artificial breeding procedure on an animal that  
3 involves surgery;  
4 (e) de-antlering deer;  
5 (f) anything else prescribed by regulation.

6 **9 Meaning of *registered veterinary practitioner***

7 In this Act:

8 *registered veterinary practitioner* means a veterinary practitioner  
9 registered under this Act other than a veterinary practitioner whose  
10 registration is suspended.

11 **10 Carrying out restricted act of veterinary science without**  
12 **authority**

- 13 (1) A person commits an offence if—  
14 (a) the person carries out a restricted act of veterinary science on  
15 an animal; and  
16 (b) the person is not a registered veterinary practitioner with—  
17 (i) general registration; or  
18 (ii) specialist registration.

19 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
20 both.

- 21 (2) Strict liability applies to subsection (1) (b).  
22 (3) This section does not apply if—  
23 (a) the person is the owner of the animal; or  
24 (b) the person is employed by the owner of the animal and the act  
25 is incidental to the primary duties of the employment; or



- 1 (c) the person—
- 2 (i) is a student enrolled in a course of education in veterinary
- 3 surgery or veterinary science offered by an Australian,
- 4 New Zealand or other foreign institution that is accredited
- 5 by AVBC or approved by the board; and
- 6 *Note* **AVBC**—see the dictionary.
- 7 (ii) is carrying out the restricted act of veterinary science—
- 8 (A) as part of the course of education; and
- 9 (B) under the direct supervision of a registered
- 10 veterinary practitioner; or
- 11 (d) the restricted act of veterinary science is necessary because the
- 12 animal is in urgent need of veterinary treatment and a
- 13 registered veterinary practitioner holding general registration
- 14 or specialist registration is unavailable; or
- 15 (e) the person is a prescribed person or the restricted act of
- 16 veterinary science is done in a prescribed circumstance.
- 17 *Note* Other laws apply to a person who is the owner of an animal (for
- 18 example, the [Animal Welfare Act 1992](#), s 6B, s 9C and s 19).
- 19 (4) In this section:
- 20 ***prescribed circumstance*** means a circumstance prescribed by
- 21 regulation.
- 22 ***prescribed person*** means a person prescribed by regulation.

1 **11 Person pretending to be registered veterinary practitioner**

- 2 (1) A person commits an offence if—
- 3 (a) the person pretends to be a registered veterinary practitioner;
- 4 and
- 5 (b) the person is not a registered veterinary practitioner.

6 Maximum penalty: 50 penalty units, imprisonment for 6 months or

7 both.

- 8 (2) Strict liability applies to subsection (1) (b).

9 **12 False representation of person as veterinary practitioner**

10 **or specialist**

11 A person commits an offence if—

- 12 (a) the person represents that a person—
- 13 (i) is a registered veterinary practitioner; or
- 14 (ii) holds a specialist registration; and
- 15 (b) the representation is false.

16 Maximum penalty: 50 penalty units, imprisonment for 6 months or

17 both.

18 **Examples—par (a) (i)**

19 using the following title or description in relation to the person:

- 20 • animal doctor
- 21 • vet
- 22 • veterinary
- 23 • veterinary practice
- 24 • veterinary practitioner
- 25 • veterinary surgeon

**Example—par (a) (ii)**

using the title or description of ‘specialist’ in relation to the person

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**13 Unqualified to practise as specialist**

(1) A person commits an offence if—

(a) the person carries out a restricted act of veterinary science that requires specialist registration; and

(b) the person does not hold the required specialist registration.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) Strict liability applies to subsection (1) (b).

**14 Direction to engage in unprofessional conduct**

(1) A person commits an offence if—

(a) the person employs a registered veterinary practitioner; and

(b) the person directs the veterinary practitioner to engage in conduct that, if engaged in, would be unsatisfactory professional conduct or professional misconduct.

Maximum penalty: 50 penalty units.

(2) For subsection (1), a direction by an agent or employee of the employer is taken to be a direction of the employer unless the employer proves that the employer—

(a) did not have knowledge of the direction; and

(b) exercised appropriate diligence to prevent the direction.

- 1     **15**         **Restriction on recovery of fees or charges if not**  
2                   **registered**
- 3             (1) This section applies if a person carries out a restricted act of  
4               veterinary science and the person is not—
- 5               (a) a registered veterinary practitioner holding—
- 6                     (i) general registration; or
- 7                     (ii) specialist registration; or
- 8               (b) the registration holder of registered veterinary premises.
- 9             (2) The person is not entitled to recover any fee or charge for doing the  
10               restricted act of veterinary science.

**Part 3**                      **Registration of veterinary practitioners**

**Division 3.1**              **Application and decision**

*Note about application of the [Mutual Recognition Act 1992](#) (Cwlth) and the [Trans-Tasman Mutual Recognition Act 1997](#) (Cwlth) (the **Commonwealth Acts**)*

The Commonwealth Acts allow people registered in certain occupations in a State, the ACT, Northern Territory or New Zealand (a **local jurisdiction**) to carry on the occupations in another local jurisdiction and provide another way of applying for registration in the ACT or another local jurisdiction. Because of the [Self-Government Act](#), s 28, the requirements for registration under this Act cannot validly require anything of people being registered in accordance with the Commonwealth Acts that would be inconsistent with those Acts. Accordingly, provisions of this part, such as the requirements for applications, do not apply to the registration of people in accordance with the Commonwealth Acts. Also, the Commonwealth Acts set out when conditions may be placed on people registered in accordance with those Acts. For more information, see the Commonwealth Acts.

**16**                      **Application**

- (1) An individual may apply to the board—
- (a) for general registration as a veterinary practitioner; or
  - (b) for specialist registration as a veterinary practitioner; or
  - (c) if the person does not intend to carry out a restricted act of veterinary science—for registration as a non-practising veterinary practitioner.

*Note*      It is an offence for a person registered as a non-practising veterinary practitioner to carry out a restricted act of veterinary science (see s 10).

- (2) An application must—
- (a) be in writing; and
  - (b) state the name and address of the applicant; and

- 1 (c) state the class of registration applied for; and
- 2 (d) include complete details about the individual's qualifications  
3 for registration; and
- 4 (e) include complete details of suitability information about the  
5 individual; and
- 6 (f) for registration other than registration as a non-practising  
7 veterinary practitioner—include complete details of insurance  
8 held by the applicant required by regulation; and
- 9 (g) for a specialist registration—
- 10 (i) state the branch of veterinary science the specialisation  
11 relates to; and
- 12 (ii) include the individual's qualifications for registration; and
- 13 (iii) state any relevant experience held by the applicant; and
- 14 (h) anything else prescribed by regulation.

15 *Note 1* For qualifications to hold a registration—see div 3.2.

16 *Note 2* For suitability requirements to hold a registration—see div 3.3.

17 *Note 3* It is an offence to make a false or misleading statement, give false or  
18 misleading information or produce a false or misleading document (see  
19 [Criminal Code](#), pt 3.4).

20 *Note 4* A fee may be determined under s 143 for this provision.

## 21 **17 Withdrawal of application**

- 22 (1) An applicant may withdraw an application at any time before the  
23 board decides the application.
- 24 (2) If the applicant withdraws the application under subsection (1), the  
25 board must refund the application fee (less any processing fee) to  
26 the applicant.

1     **18           Board may ask for further information**

2           (1) The board may, before deciding an application for registration, ask  
3           the applicant, in writing—

4               (a) for additional information in relation to the application; or

5               (b) to appear personally before the board to give information about  
6           the person's application.

7           *Note*     The board may delegate its power to take information under par (b) (see  
8           s 108).

9           (2) Subsection (1) (b) does not apply if the application for registration is  
10          made under the *Mutual Recognition Act 1992* (Cwlth).

11          (3) If the board asks an applicant to give information (whether in person  
12          or otherwise) to the board, the board may refuse to further consider  
13          the application for registration if the applicant does not give the  
14          information.

15     **19           Decision on application**

16           (1) On application by a person under section 16, the board must—

17               (a) register the person; or

18               (b) refuse to register the person.

19           (2) The board is taken to have refused to register the person if the board  
20          fails to decide the application within 40 days after the day the  
21          board—

22               (a) received the application; or

23               (b) received the information requested under section 18.

- 1           (3) The board must only register the person if—
- 2               (a) the board is satisfied—
- 3                   (i) if the person is applying for registration other than as a
- 4                       non-practising veterinary practitioner—the person is
- 5                       covered by the insurance required by regulation; and
- 6                   (ii) the person is qualified to hold the registration of the kind
- 7                       applied for; and
- 8               (b) the person is a suitable person to be registered as a veterinary
- 9                   practitioner; and
- 10              (c) the person satisfies any other prescribed requirement for
- 11                   registration as a veterinary practitioner.
- 12                   *Note 1*   A person may apply for general registration, specialist registration
- 13                       or registration as a non-practising veterinary practitioner—see
- 14                       s 16.
- 15                   *Note 2*   For qualifications to hold a registration—see div 3.2.
- 16                   *Note 3*   For suitability requirements to hold a registration—see div 3.3.
- 17              (4) The board may refuse to register the person if the person's
- 18                   registration as a veterinary practitioner has been suspended or
- 19                   cancelled in another jurisdiction, whether before or after the person
- 20                   applies for registration in the ACT.
- 21              (5) The board must, within 7 days after the day it decides the
- 22                   application—
- 23                   (a) tell the person its decision; and
- 24                   (b) if it registers the person—enter the registration details for the
- 25                       person in the register and give the person a registration
- 26                       document.
- 27              (6) In this section:
- 28                   ***registration details***, for a person—see section 124 (2).



**20 Refund of application fees**

If the board refuses an application for registration under section 19, the board must refund the application fee (less any processing fee) to the applicant.

**21 Conditions of registration**

(1) A veterinary practitioner's registration is subject to the following conditions:

(a) the practitioner undertakes continuing professional development;

(b) any other condition the board may impose at any time.

**Example—par (b)**

restriction on prescription of a therapeutic drug

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(2) The board may impose a condition under subsection (1) (b) only if satisfied that the condition is justified having regard to the following:

(a) the provisions of any law of an Australian jurisdiction affecting veterinary practitioners or the practice of veterinary science;

(b) the safety or health of people;

(c) the health or welfare of animals or a kind of animal;

(d) damage to the reputation of Australia in relation to animal exports, animal welfare, animal produce or sporting events;

(e) any condition imposed on the veterinary practitioner's authority to practise veterinary science in a State or another jurisdiction prescribed by regulation;

(f) any impairment suffered by the veterinary practitioner.

- 1 (3) Without limiting subsection (2), a condition imposed on registration  
2 may require the registered veterinary practitioner to do either or  
3 both of the following within a stated time:
- 4 (a) undertake and successfully complete an additional academic or  
5 practical training course;
- 6 (b) demonstrate to the satisfaction of the board—
- 7 (i) a knowledge of the law and ethics relating to the practice  
8 of veterinary science generally; and
- 9 (ii) in particular, a knowledge of the law and ethics  
10 concerning the supply, dispensing, storage and use of  
11 poisons and therapeutic substances that are relevant to the  
12 practice of veterinary science.

13 **22 Amendment of registration by board on its own initiative**

- 14 (1) The board may, at any time and on its own initiative, amend a  
15 registration (including by imposing a condition on, or amending an  
16 existing condition of, the registration).
- 17 (2) However, the board may amend the registration only if—
- 18 (a) the board has given the registered veterinary practitioner  
19 written notice of the proposed amendment; and
- 20 (b) the notice states that written comments on the proposal may be  
21 given to the board before the end of a stated period of at least  
22 14 days after the day the notice is given to the registered  
23 veterinary practitioner; and
- 24 (c) the board has considered any comments received by the board  
25 before the end of the stated period.
- 26 (3) Subsection (2) does not apply if the person holding the registration  
27 applied for, or agreed in writing to, the amendment.

**23 Amendment of registration on application**

- (1) A registered veterinary practitioner may apply to the board to amend the practitioner's registration (including by removing or amending a condition of the registration).

*Note* A fee may be determined under s 143 for this provision.

- (2) The board may, in writing, require the applicant to give the board additional information or documents that the board reasonably needs to decide the application.

- (3) If the applicant does not comply with a requirement under subsection (2), the board may refuse to consider the application.

- (4) In deciding whether to amend the registration, the board may consider anything the board may consider under section 19 in relation to an application for registration.

- (5) On application by a registered veterinary practitioner to amend the practitioner's registration, the board must—

- (a) amend the registration in the way applied for; or
- (b) refuse to amend the registration.

**24 Annual renewal of registration**

- (1) A registered veterinary practitioner may apply to the board for renewal of the applicant's registration as a veterinary practitioner at any time within 8 weeks before the day the registration ends.

*Note 1* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

*Note 2* A fee may be determined under s 143 for this provision.

- (2) An application must—
- (a) be in writing; and

- 1 (b) include complete details of suitability information about the  
2 practitioner; and
- 3 (c) include a statement about the continuing professional  
4 development undertaken by the practitioner.
- 5 (3) The board must—
- 6 (a) renew the registration if satisfied the person—
- 7 (i) is a suitable person; and
- 8 (ii) has completed the requirements for continuing  
9 professional development; or
- 10 (b) refuse to renew the registration.
- 11 *Note* For suitability requirements to hold a registration—see div 3.3.
- 12 (4) The board must, within 7 days after the day it decides the  
13 application—
- 14 (a) tell the person its decision; and
- 15 (b) if it registers the person—give the person a registration  
16 document.

17 **25 Renewal out of time**

- 18 (1) This section applies if—
- 19 (a) a person was a registered veterinary practitioner; and
- 20 (b) the person's registration as a veterinary practitioner (the  
21 ***previous registration***) was not renewed under section 24; and
- 22 (c) not more than 3 months has passed since the previous  
23 registration ended.
- 24 (2) The person may apply to the board to renew the person's previous  
25 registration by giving the board an application (an ***out of time***  
26 ***application***) that includes the same matters as an application under  
27 section 24 (2).

- 1           (3) The board must deal with the out of time application in the same  
2           manner as an application made under section 24.

3       **26           Term of registration**

4           A person's registration as a veterinary practitioner—

5           (a) in the case of registration under section 19—

6               (i) commences—

7                   (A) on the day the board issues the registration  
8                   document; or

9                   (B) on the date stated in the registration document; and

10           (ii) continues in force for the period of up to 12 months stated  
11           in the registration document unless the registration is  
12           suspended or cancelled before the end of that period; and

13           (b) in the case of registration under section 24 or section 25—

14               (i) commences on the day after the day the registration that it  
15               renews ended; and

16               (ii) continues in force for a period of 12 months unless the  
17               registration is suspended or cancelled before the end of  
18               that period.

19       **27           Surrender**

20           (1) A registered veterinary practitioner may surrender the practitioner's  
21           registration by giving written notice (a *surrender notice*) of the  
22           surrender to the board.

23           (2) The surrender notice must be accompanied by—

24               (a) the registration document; or

25               (b) if the registration document has been lost, stolen or  
26               destroyed—a statement verifying that the registration  
27               document has been lost, stolen or destroyed.

- (3) The registered veterinary practitioner's registration is taken to be cancelled if the registration is surrendered under this section.

## **Division 3.2 Qualifications for registration**

### **28 Qualification for general or non-practising registration**

A person is qualified to hold a general registration or non-practising registration as a veterinary practitioner if the person—

- (a) is a graduate of a course of education in veterinary surgery or veterinary science offered by an Australian, New Zealand or other foreign institution that is accredited by AVBC or approved by the board; or
- (b) has—
  - (i) completed a course of education in veterinary surgery or veterinary science outside Australia and New Zealand; and
  - (ii) passed an examination held by AVBC.

*Note* The annual review of qualifications mentioned in this section is a function of the board (see s 91 (1) (h)).

### **29 Qualification for specialist registration**

For this Act, a person is qualified to hold a specialist registration as a veterinary practitioner if the person—

- (a) holds or is eligible to hold general registration as a veterinary practitioner; and
- (b) has, to the board's satisfaction, the necessary qualifications and experience to hold the specialist registration.

**Division 3.3                      Suitability of people to be registered  
veterinary practitioners**

**30                      Meaning of *suitable person***

(1) In this Act:

*suitable person*, to be a registered veterinary practitioner, means a person who the board is satisfied is a suitable person to be registered as a veterinary practitioner.

(2) In deciding whether a person is a suitable person to be a registered veterinary practitioner, the board must consider the suitability information about the person.

**31                      Meaning of *suitability information***

(1) In this Act:

*suitability information*, about a person, means information about the following:

- (a) any conviction of, or finding of guilt against, the person for an offence against 1 or more of the following:
  - (i) this Act;
  - (ii) a law of another jurisdiction corresponding, or substantially corresponding, to this Act;
  - (iii) the *Crimes Act 1900*;
  - (iv) the *Criminal Code*;
  - (v) the *Crimes Act 1914* (Cwlth);
  - (vi) the *Criminal Code Act 1995* (Cwlth);
  - (vii) an animal welfare law;
  - (viii) a consumer law;

(ix) a law of the ACT with a maximum penalty of imprisonment for 1 year or more;

(x) a law elsewhere that, if the offence were committed in the ACT, would have a maximum penalty of imprisonment for 1 year or more;

*Note* A reference to an Act (including a Commonwealth Act) includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

(b) any impairment suffered by the person that would prevent the person from doing a restricted act of veterinary science;

(c) any finding of professional misconduct or unsatisfactory professional conduct;

(d) any refusal of an application by the person for registration (however described) in relation to the practice of veterinary science;

(e) whether the person is, or during the previous 5 years was—

(i) bankrupt or personally insolvent; or

(ii) involved in the management of a corporation when the corporation was insolvent.

*Note* **Bankrupt or personally insolvent**—see the [Legislation Act](#), dict, pt 1.

(2) In this section:

***animal welfare law*** means any of the following:

(a) the [Animal Welfare Act 1992](#);

(b) the [Domestic Animals Act 2000](#);

(c) the [Export Control Act 1982](#) (Cwlth);

(d) the [Medicines, Poisons and Therapeutic Goods Act 2008](#);

(e) the [Stock Act 2005](#);



- 1 (f) a law of another jurisdiction corresponding, or substantially  
2 corresponding, to an Act mentioned in paragraph (a), (b), (d)  
3 or (e).

4 ***consumer law*** means any of the following:

- 5 (a) the *Australian Consumer Law (ACT)* or a corresponding law of  
6 a State;  
7 (b) the *Competition and Consumer Act 2010* (Cwlth);  
8 (c) the *Fair Trading (Australian Consumer Law) Act 1992*.

9 ***insolvent***—a corporation is taken to be ***insolvent*** if the  
10 corporation—

- 11 (a) is being wound up; or  
12 (b) has had a receiver or other controller appointed; or  
13 (c) has entered into a deed of company arrangement with its  
14 creditors; or  
15 (d) is otherwise under external administration under the  
16 *Corporations Act*, chapter 5.

17 **Division 3.4 Registration and removal from**  
18 **register**

19 *Note* Part 9 sets out requirements for the board in keeping a register under  
20 this Act.

21 **32 Removal of veterinary practitioner from register**

- 22 (1) The board must remove a veterinary practitioner from the register  
23 if—  
24 (a) the veterinary practitioner has died; or  
25 (b) the veterinary practitioner has requested the board to remove  
26 the practitioner's name from the register; or

- 1 (c) the veterinary practitioner has failed to renew the practitioner's  
2 registration under section 24; or
- 3 (d) the ACAT has ordered that the veterinary practitioner's  
4 registration be cancelled.
- 5 (2) The board may remove a veterinary practitioner from the register  
6 if—
- 7 (a) the veterinary practitioner does not hold the qualification  
8 required for the registration the veterinary practitioner holds; or
- 9 (b) the veterinary practitioner has failed to meet the continuous  
10 professional development requirements prescribed by  
11 regulation; or
- 12 (c) the principal place of residence of the veterinary practitioner is  
13 not the ACT; or
- 14 (d) the veterinary practitioner's authority to practise veterinary  
15 science has been suspended or cancelled in another  
16 jurisdiction; or
- 17 (e) the veterinary practitioner has failed to pay a fee or fine under  
18 this Act.
- 19 (3) The board must not remove a veterinary practitioner from the  
20 register under subsection (2) unless the board has—
- 21 (a) given written notice to the veterinary practitioner of the  
22 board's intention to remove the record; and
- 23 (b) given the veterinary practitioner at least 28 days after the day  
24 the notice was given under paragraph (a) to make written  
25 submissions in relation to the proposed removal; and
- 26 (c) taken into consideration any submission made under  
27 paragraph (b).

## Part 4 Recognition of veterinary practitioners from other jurisdictions

### 33 Definitions—Act

In this Act:

*another jurisdiction* means a State or jurisdiction prescribed by regulation.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

*deemed registration*—see section 34 (1).

### 34 Recognition of veterinary practitioners registered in other jurisdictions

(1) A person who practises as a veterinary practitioner in the ACT is taken to be registered as a veterinary practitioner under this Act (*deemed registration*) if—

- (a) the person's principal place of residence is in another jurisdiction; and
- (b) the person is registered as a veterinary practitioner in the other jurisdiction; and
- (c) the person is not registered as a veterinary practitioner in the ACT.

#### Example

Selina lives in NSW but commutes to the ACT to work as a vet in a veterinary practice. Selina is registered as a veterinary practitioner in NSW but not in the ACT. Selina is deemed to be a registered veterinary practitioner under this Act.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- 1           (2) If the person has specialist registration in a branch of veterinary  
2           science (however described) in the jurisdiction in which the person  
3           is registered, the person's deemed registration is taken to be a  
4           specialist registration in that branch.

5       **35           Application of Act to veterinary practitioners with deemed**  
6       **registration**

- 7           (1) A person who has deemed registration is taken to be a registered  
8           veterinary practitioner for this Act and any other territory law.
- 9           (2) However, part 3 (Registration of veterinary practitioners) does not  
10          apply to a person who has deemed registration.
- 11          (3) A reference in this Act to the suspension or cancellation of a  
12          veterinary practitioner's registration is, for a person who has  
13          deemed registration, taken to be a reference to the suspension or  
14          cancellation of the person's deemed registration.

15       **36           Condition of deemed registration**

- 16          (1) If a person's registration as a veterinary practitioner in another  
17          jurisdiction is subject to a condition, the person's deemed  
18          registration is subject to the same condition.
- 19          (2) The board may—
- 20               (a) on application by the person, waive or vary a condition of the  
21               person's deemed registration if it considers it appropriate in the  
22               circumstances; or
- 23               (b) on its own initiative, by written notice given to the person, vary  
24               or impose a condition on the person's deemed registration.
- 25          (3) The board may vary or impose a condition on the person's deemed  
26          registration under subsection (2) (b) only if it considers it necessary  
27          to ensure that the authority conferred by the person's deemed  
28          registration is substantially the same as the authority conferred by  
29          the person's registration in the other jurisdiction.

1     **37           Suspension and cancellation of deemed registration**

2           If a person's registration as a veterinary practitioner in another  
3           jurisdiction (including deemed registration, however described) is  
4           suspended or cancelled, the board may suspend or cancel the  
5           person's deemed registration in the ACT without further  
6           investigation or hearing, on the ground on which the registration in  
7           the other jurisdiction was suspended or cancelled.

8     **38           ACT becomes principal residence**

- 9           (1) A veterinary practitioner must, within 3 months after the ACT  
10          becomes the practitioner's principal place of residence, apply for  
11          registration as a veterinary practitioner under this Act.
- 12          (2) If the veterinary practitioner has deemed registration under this Act,  
13          the veterinary practitioner's deemed registration continues until the  
14          board—
- 15              (a) decides the veterinary practitioner's application; and  
16              (b) notifies the veterinary practitioner of its decision.

- 1 **Part 5** **Complaints and disciplinary**  
2 **proceedings**
- 3 **Division 5.1** **Definitions and code of professional**  
4 **conduct**
- 5 **39** **Meaning of *veterinary practitioner*—pt 5**  
6 In this part:  
7 *veterinary practitioner* means—  
8 (a) a registered veterinary practitioner; or  
9 (b) a person who was, but is no longer, a registered veterinary  
10 practitioner; or  
11 (c) a person whose registration as a veterinary practitioner is  
12 suspended.
- 13 **40** **Meaning of *professional misconduct***  
14 For this Act, *professional misconduct* means—  
15 (a) unsatisfactory professional conduct, or a pattern of  
16 unsatisfactory professional conduct, of a sufficiently serious  
17 nature to justify the suspension or cancellation of a veterinary  
18 practitioner's registration; or  
19 (b) any other conduct prescribed by regulation.

- 1     **41           Meaning of *unsatisfactory professional conduct***
- 2           For this Act, *unsatisfactory professional conduct*, in relation to a
- 3           veterinary practitioner means any of the following:
- 4           (a) engaging in conduct in the veterinary practitioner's
- 5                 professional capacity that, if repeated or continued, is likely to
- 6                 do any of the following:
- 7                         (i) cause unnecessary suffering to an animal;
- 8                         (ii) cause the inappropriate death of an animal;
- 9                         (iii) adversely affect the safety or health of any person;
- 10                        (iv) damage the international reputation of Australia in
- 11                                 relation to animal exports, animal welfare, animal
- 12                                 produce or sporting events;
- 13           (b) contravening a condition of the veterinary practitioner's
- 14                 registration;
- 15           (c) failing to comply with the veterinary practitioners code of
- 16                 professional conduct;
- 17                 *Note*     The veterinary practitioners code of professional conduct is
- 18                                 established under section 42.
- 19           (d) providing information relating to the veterinary practitioner's
- 20                 qualifications for registration knowing the information to be
- 21                 false or misleading in a material particular;
- 22           (e) failing to supervise a person adequately in doing an act if
- 23                 supervision by a veterinary practitioner is required by law and
- 24                 the veterinary practitioner agreed to provide that supervision;
- 25           (f) failing to comply with this Act;

- 1 (g) engaging in conduct that demonstrates the veterinary  
2 practitioner—  
3 (i) is incompetent to practise veterinary science; or  
4 (ii) lacks adequate knowledge, skill, judgement or care to  
5 practise veterinary science; or  
6 (iii) is not fit to practise veterinary science because the  
7 veterinary practitioner suffers from an impairment;  
8 (h) engaging in improper or unethical conduct in the course of  
9 practising veterinary science;  
10 (i) engaging in any other prescribed conduct.

11 **42 Veterinary practitioners code of professional conduct**

- 12 (1) The board must establish a code of conduct for veterinary  
13 practitioners (a ***veterinary practitioners code of professional***  
14 ***conduct***) setting out the standards of conduct for veterinary  
15 practitioners carrying on the practice of veterinary science.  
16 (2) A veterinary practitioners code of professional conduct may apply,  
17 adopt or incorporate an instrument as in force from time to time.  
18 (3) A veterinary practitioners code of conduct may include  
19 requirements for continuing professional development of registered  
20 veterinary practitioners.  
21 (4) A veterinary practitioners code of professional conduct is a  
22 notifiable instrument.  
23 *Note* A notifiable instrument must be notified under the [Legislation Act](#).  
24 (5) The [Legislation Act](#), section 47 (6) does not apply to an instrument  
25 applied, adopted or incorporated under subsection (2).



**Division 5.2                      Complaints**

**43                      Who may complain**

(1) Any person may make a complaint about a veterinary practitioner on any 1 or more of the following grounds:

- (a) the veterinary practitioner has, or may have, engaged in unsatisfactory professional conduct;
- (b) the veterinary practitioner has, or may have, engaged in professional misconduct;
- (c) the veterinary practitioner has, or may have, an impairment that means the veterinary practitioner is not fit to practise a restricted act of veterinary science;
- (d) the veterinary practitioner has, or may have, contravened this Act;
- (e) the veterinary practitioner has, or may have, contravened a condition of the veterinary practitioner's registration or an undertaking given by the veterinary practitioner to the board;
- (f) the veterinary practitioner's registration was, or may have been, improperly obtained because the veterinary practitioner or someone else gave the board information or a document that was false or misleading in a material particular;

- (g) if the veterinary practitioner is the superintendent of registered veterinary premises—the veterinary practitioner has failed to maintain the premises in compliance with a veterinary premises standard.

**Examples—people who may make complaint**

- a member of the public
- a member of the veterinary profession

*Note 1* A person may also make a complaint to the commission (see [Human Rights Commission Act 2005](#), s 39).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) If a person makes a complaint under subsection (1)—

- (a) making the complaint is not a breach of—

- (i) confidence; or
- (ii) professional etiquette; or
- (iii) professional ethics; or
- (iv) a rule of professional conduct; and

- (b) no civil or criminal liability is incurred only because of the making of the complaint.

- (3) Subsection (2) (b) does not apply to a complaint that the person knows is false or misleading.

**44 Consideration without complaint or appropriate complaint**

- (1) The board may, on its own initiative, consider in relation to a veterinary practitioner—

- (a) an act or service by the practitioner that appears to the board to be an act or service about which a person could make, but has not made, a complaint under this Act; or

1 (b) any other matter related to the registration of the veterinary  
2 practitioner.

3 (2) A board-initiated consideration must, as far as practicable, be  
4 conducted as if it were a consideration of a complaint.

5 **45 False or misleading complaint**

6 A person must not make a complaint that is materially false or  
7 misleading.

8 Maximum penalty: 30 penalty units.

9 **46 Time limit for making complaints**

10 (1) A person may make a complaint about the conduct of a veterinary  
11 practitioner whenever the conduct is alleged to have happened.

12 (2) However, the board is not required to investigate a complaint if the  
13 complaint is made more than 3 years after the conduct is alleged to  
14 have happened, unless the board decides it is just and fair to  
15 investigate the complaint having regard to the delay and the reasons  
16 for the delay.

17 **47 How complaints are made**

18 (1) A complaint made under this Act must—

19 (a) be given to the board; and

20 (b) be in writing; and

21 (c) include the person's name and contact details.

- 1 (2) A person is entitled to reasonable assistance from the registrar to put  
2 the complaint in writing.

3 **Examples—when assistance would be reasonable**

- 4 1 the person cannot put the complaint in writing  
5 2 the person has difficulty putting the complaint in writing

6 *Note 1* A person may also make a complaint to the commission (see [Human](#)  
7 [Rights Commission Act 2005](#), s 39).

8 *Note 2* An example is part of the Act, is not exhaustive and may extend, but  
9 does not limit, the meaning of the provision in which it appears (see  
10 [Legislation Act](#), s 126 and s 132).

- 11 (3) However, a complaint may—

- 12 (a) be made orally if the board is satisfied on reasonable grounds  
13 that exceptional circumstances justify action without a written  
14 complaint; and

15 **Example—exceptional circumstances**

16 Waiting until the complaint is put in writing would make action in response  
17 to the complaint impossible or impractical.

- 18 (b) need not include the complainant's name and contact details if  
19 the board is satisfied on reasonable grounds that exceptional  
20 circumstances justify action without the complainant's name  
21 and address.

22 **48 Withdrawal of complaints**

- 23 (1) A complainant may at any time withdraw the complaint by written  
24 notice to the board.
- 25 (2) If the complainant withdraws the complaint the board may continue  
26 to consider the complaint as a board-initiated consideration under  
27 section 44.

**49 Further information about complaint etc**

(1) The board may require the complainant to give the board—

(a) further information about the complaint; or

(b) a statement verifying all or part of the complaint.

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

(2) When making a requirement under this section, the board must set a reasonable period of time within which the requirement is to be satisfied, and may extend that period, whether before, on or after its expiry.

(3) If the person fails to give a statement verifying all or part of the complaint—

(a) the failure does not affect the making of the complaint; but

(b) the board need not take any further action on the complaint.

**50 Notice to veterinary practitioner complained about**

(1) On receiving a complaint under section 43, the board must, in writing, tell the registered veterinary practitioner—

(a) that a complaint has been made about the veterinary practitioner; and

(b) that the complaint is to be considered by the board; and

(c) what the complaint is about; and

(d) unless section 134 (Nondisclosure of complaints) prevents the disclosure—the name of the person making the complaint; and

- 1 (e) that the veterinary practitioner may make written  
2 representations in relation to the complaint within a stated  
3 period after receiving notice of the complaint.

4 *Note* Section 134 prevents the disclosure of information if there is reason to  
5 believe the disclosure would put someone's health or safety at risk,  
6 cause someone to receive a lowered standard of service or prejudice the  
7 management of the report or its consideration.

- 8 (2) The period mentioned in subsection (1) (e) must not be less than  
9 7 days.

## 10 **Division 5.3 Dealing with complaints**

### 11 **Subdivision 5.3.1 Immediate action**

#### 12 **51 Meaning of *immediate action*—sdiv 5.3.1**

13 In this subdivision—

14 *immediate action*, in relation to a registered veterinary practitioner  
15 means—

- 16 (a) the suspension of, or imposition of a condition on, the  
17 veterinary practitioner's registration; or  
18 (b) accepting an undertaking from the veterinary practitioner; or  
19 (c) accepting the surrender of the veterinary practitioner's  
20 registration.

#### 21 **52 Power to take immediate action**

- 22 (1) The board may take immediate action in relation to a registered  
23 veterinary practitioner if—

- 24 (a) the board reasonably believes that—

- 25 (i) because of the practitioner's conduct, performance or  
26 health, the practitioner poses a serious risk to people or  
27 animals; and

- 1 (ii) it is necessary to take immediate action to protect public  
2 health or safety or the safety of animals; or
- 3 (b) the practitioner's registration was improperly obtained because  
4 the practitioner or someone else gave the board information or  
5 a document that was false or misleading in a material  
6 particular; or
- 7 (c) the practitioner's registration has been cancelled or suspended  
8 under the law of another jurisdiction.
- 9 (2) However, the board may take immediate action that consists of  
10 suspending, or imposing a condition on, the veterinary practitioner's  
11 registration only if the board has complied with section 53.

12 **53 Show cause process**

- 13 (1) If the board is proposing to suspend, or impose a condition on, a  
14 registered veterinary practitioner's registration under section 52, the  
15 board must—
- 16 (a) give the practitioner notice of the proposed suspension or  
17 condition; and
- 18 (b) invite the practitioner to make a submission to the board,  
19 within the time stated in the notice about the proposed  
20 suspension or condition.
- 21 (2) A notice given to a registered veterinary practitioner under  
22 subsection (1), and any submissions made by the veterinary  
23 practitioner in accordance with the notice, may be written or oral.
- 24 (3) The board must have regard to any submissions made by the  
25 registered veterinary practitioner in accordance with this section in  
26 deciding whether to suspend or impose conditions on the veterinary  
27 practitioner's registration.

**54 Notice to be given to registered veterinary practitioner about immediate action**

(1) Immediately after deciding to take immediate action in relation to a registered veterinary practitioner, the board must—

- (a) give written notice of the board's decision to the practitioner; and
- (b) take the further action under this part the board considers appropriate, including, for example, investigating the practitioner or requiring the practitioner to undergo a health or performance assessment.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(2) The notice must state—

- (a) the immediate action the board has decided to take; and
- (b) the reasons for the decision to take the immediate action; and
- (c) the further action the board proposes to take under this part in relation to the registered veterinary practitioner; and
- (d) that the practitioner may appeal against the decision to take the immediate action if the action is to suspend, or impose a condition on, the practitioner's registration; and
- (e) how an application for appeal may be made and the period within which the application must be made.

**55 Period of immediate action**

(1) A decision by the board to take immediate action in relation to a registered veterinary practitioner takes effect on—

- (a) the day the notice is given to the veterinary practitioner; or
- (b) if a later day is stated in the notice—the later day.



- 1           (2) The decision continues to have effect until the earlier of the  
2           following:
- 3           (a) the decision is set aside on appeal;
- 4           (b) if the immediate action taken is the suspension of, or  
5           imposition of a condition on, the registered veterinary  
6           practitioner's registration—the suspension is revoked, or the  
7           condition is removed, by the board;
- 8           (c) if the immediate action taken is the acceptance of an  
9           undertaking—the board and the registered veterinary  
10          practitioner agree to end the undertaking.

11       **Subdivision 5.3.2     Investigation**

12       **56           Investigation of complaints**

- 13           (1) The board must conduct an investigation into a complaint in  
14           consultation with the commission.
- 15           (2) The board may deal with 1 or more complaints about a veterinary  
16           practitioner in an investigation.
- 17           (3) If, during an investigation, it appears to the board that there is a  
18           matter in relation to which another complaint could have been made  
19           against the veterinary practitioner concerned, the board may deal  
20           with the matter in its investigation as if a complaint had been made  
21           about the matter.
- 22           (4) For subsection (3), the board may deal with the matter—
- 23           (a) whether the complaint could have been made instead of or in  
24           addition to any complaint that was made; and
- 25           (b) whether or not the complaint could have been made by the  
26           same complainant.

- 1 (5) If an additional complaint is identified under subsection (3), the  
2 board must give notice of the complaint to the veterinary  
3 practitioner complained about under section 50.

4 **57 Investigation procedure**

- 5 (1) An investigation into a complaint must be conducted with as little  
6 formality and technicality as a proper consideration of the matter  
7 permits.
- 8 (2) An investigation need not involve a hearing (whether public or  
9 private).
- 10 (3) If the board appoints a committee to undertake the investigation, the  
11 committee must have at least 3 members including—
- 12 (a) 1 member representing the commission; and  
13 (b) 1 member representing the board.
- 14 (4) An investigation must be conducted in accordance with any  
15 applicable code of practice.
- 16 (5) For the purposes of an investigation, the board—
- 17 (a) is not bound by the rules of evidence; but  
18 (b) must observe the rules of natural justice.
- 19 (6) A person appearing for the purposes of an investigation may be  
20 represented by any other person, subject to any applicable code of  
21 practice.

22 **58 People to give information, provide documents or answer**  
23 **questions**

- 24 For an investigation into a complaint, the board may—
- 25 (a) require a person to appear and give evidence; or  
26 (b) require a person to answer any relevant question; or

- (c) take evidence on oath or by affirmation; or
- (d) require a person to take an oath or to make an affirmation; or
- (e) take statements and receive affidavits; or
- (f) require the production of any relevant document, including clinical records.

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

## **59 Person failing to comply with direction**

A person commits an offence if—

- (a) the person is required to do something under section 58; and
- (b) the person fails, without reasonable excuse, to comply with the direction.

Maximum penalty: 20 penalty units.

## **60 Board may dismiss certain complaints**

- (1) The board may dismiss a complaint against a veterinary practitioner if satisfied that the complaint is—
  - (a) frivolous, vexatious or otherwise lacking in merit; or
  - (b) a complaint that has already been dealt with under this part; or
  - (c) trivial in nature.
- (2) The board may dismiss the complaint—
  - (a) without investigating the complaint; or
  - (b) without completing an investigation of the complaint.
- (3) The board is not required to investigate a complaint that has been dismissed under this section.

1 (4) The board must tell the veterinary practitioner and complainant  
2 about the dismissal of the complaint.

3 (5) The board, in dismissing the complaint, may also tell the veterinary  
4 practitioner details about the complaint.

5 **61 Decision on completion of investigation**

6 (1) On completion of an investigation under this division—

7 (a) if the board is satisfied that the veterinary practitioner has  
8 engaged in professional misconduct—the board must apply to  
9 the ACAT for an occupational disciplinary finding against the  
10 veterinary practitioner; or

11 (b) if the board is satisfied that the veterinary practitioner has  
12 engaged in unsatisfactory professional conduct but not  
13 professional misconduct—the board may do any of the  
14 following:

15 (i) reprimand or caution the veterinary practitioner;

16 (ii) impose a penalty on the veterinary practitioner not  
17 exceeding \$1 000;

18 (iii) impose a condition on the veterinary practitioner's  
19 registration;

20 (iv) require the veterinary practitioner to complete a course of  
21 training;

22 (v) require the veterinary practitioner to take part in a review  
23 of the practitioner's professional practice;

24 (vi) require the veterinary practitioner to report on the  
25 practitioner's practice at stated times, in the way stated  
26 and to a named person;

27 (vii) require the veterinary practitioner to seek and take advice  
28 from a stated entity about the management of the  
29 practitioner's practice;

- 1 (viii) require the supervision, monitoring or reporting about the  
2 effect of something the veterinary practitioner is required  
3 to do by the board;
- 4 (ix) refer the complaint to the commission;
- 5 (c) in any other case—the board must dismiss the complaint and  
6 tell the veterinary practitioner and the complainant about the  
7 dismissal.
- 8 (2) However, if the board takes action under section 62, the board need  
9 not comply with this section.

10 **62 Indication that offence committed**

- 11 (1) This section applies if a complaint against a veterinary practitioner  
12 indicates that the veterinary practitioner may have committed, or be  
13 committing, an offence against a territory law.
- 14 (2) The board may give the chief police officer a copy of the complaint  
15 and any other information the board has in relation to the complaint.

16 **63 Board's obligation to keep complainant informed**

- 17 (1) The board must give a complainant—
- 18 (a) a written report about the progress of the complainant's  
19 complaint (a *progress report*)—
- 20 (i) within 6 weeks after the day the complaint was received  
21 by the board; and
- 22 (ii) not later than 6 weeks after the day the board last gave the  
23 complainant a progress report; and
- 24 (b) if the board decides to dismiss the complaint without  
25 investigation under section 60 (Board may dismiss certain  
26 complaints)—written notice that the complaint has been  
27 dismissed.

- (2) However, if the latest progress report includes a statement to the effect that, for stated reasons, a further progress report will not be provided until a stated time or event, the board need not provide a progress report until that time or event.

**Example**

A complainant tells the board the complainant is going overseas for 4 months. The board may tell the complainant that the next progress report will not be given until the complainant returns from overseas and notifies the board.

*Note*     An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## Division 5.4                   Occupational discipline

### 64                   Grounds for occupational discipline

- (1) For this Act, each of the following is a *ground for occupational discipline* in relation to a veterinary practitioner:
- (a) the veterinary practitioner has, or may have, engaged in professional misconduct;
  - (b) the veterinary practitioner is not a suitable person to be a registered veterinary practitioner.
- (2) A ground for occupational discipline applies to a veterinary practitioner who is no longer registered if the ground applied to the veterinary practitioner while registered.
- (3) In this section:
- suitable person*—see section 30.

### 65                   Application to ACAT for occupational discipline

If the board believes on reasonable grounds that a ground for occupational discipline exists in relation to a veterinary practitioner, the board may apply to the ACAT for an occupational discipline order in relation to the practitioner.

**66 Considerations before making occupational discipline orders—suspension or cancellation of registration**

(1) This section applies if the ACAT is considering an application for occupational discipline to suspend or cancel a veterinary practitioner's registration.

(2) The ACAT must consider the following:

(a) whether the veterinary practitioner has contravened the veterinary practitioners code of professional conduct;

(b) whether the veterinary practitioner has put, or is putting, public safety or the safety of animals at risk.

*Note* The [ACT Civil and Administrative Tribunal Act 2008](#), s 65 sets out considerations for the ACAT when considering what other occupational discipline orders to make.

**67 Occupational discipline orders**

(1) This section applies if the ACAT may make an order for occupational discipline in relation to a veterinary practitioner.

(2) In addition to any other occupational discipline order the ACAT may make, the ACAT may make 1 or more of the following orders for occupational discipline in relation to the veterinary practitioner:

(a) require the veterinary practitioner to undergo a stated medical, psychiatric or psychological assessment, counselling or both;

(b) require the veterinary practitioner to take part in a review of the practitioner's professional practice;

(c) require the veterinary practitioner to report on the practitioner's practice at stated times, in the way stated and to a named person;

(d) require the veterinary practitioner to seek and take advice from a stated entity about the management of the practitioner's practice;

- 1 (e) require the supervision, monitoring or reporting about the  
2 effect of something the veterinary practitioner is required to do  
3 by the ACAT;
- 4 (f) if the veterinary practitioner is not registered—declare that, if  
5 the practitioner had been registered, the ACAT would have  
6 found that the practitioner had contravened the required  
7 standard of practice or did not satisfy the suitability to practise  
8 requirements.
- 9 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 66 sets out other  
10 occupational discipline orders the ACAT may make.

11 **68 Interim suspension of registration**

- 12 (1) This section applies if the board—
- 13 (a) has applied to the ACAT for occupational discipline (the  
14 *occupational discipline application*) in relation to a registered  
15 veterinary practitioner; and
- 16 (b) believes on reasonable grounds that it is in the public interest  
17 to suspend the veterinary practitioner's registration before the  
18 ACAT hears the occupational discipline application.
- 19 (2) The board may apply to the ACAT for an interim order to suspend  
20 the registration of the veterinary practitioner.
- 21 (3) The ACAT may make an order suspending the veterinary  
22 practitioner's registration if the ACAT considers the interim order  
23 appropriate to protect the public interest until the hearing of the  
24 occupational discipline application.
- 25 (4) An interim order under this section has effect as an interim order  
26 made under the *ACT Civil and Administrative Tribunal Act 2008*,  
27 section 53 (Interim orders).



**69 Giving registering authority in other jurisdictions  
information about cancelling or suspending registration**

- (1) This section applies if the ACAT suspends or cancels a veterinary practitioner's registration or disqualifies a veterinary practitioner from applying for registration.
- (2) The board must give the registering authority in each other jurisdiction the following information about the veterinary practitioner:
- (a) the name and any other identifying details of the veterinary practitioner;
  - (b) a short description of the ground for occupational discipline on which the occupational discipline order was based;
  - (c) whether the registration has been suspended or cancelled or the veterinary practitioner disqualified;
  - (d) if the registration has been suspended—the period of suspension;
  - (e) if the veterinary practitioner has been disqualified—the period of disqualification.
- (3) This section does not limit any other requirement or power, under this Act or another law in force in the ACT, to give information to a registering authority in another jurisdiction.

*Note* **Another jurisdiction**—see s 33.

**Division 5.5 Joint consideration with commission**

**70 Interaction with commission**

- (1) The board must—
- (a) give the commission a copy of all documents in its possession that relate to a complaint or occupational discipline matter; and
  - (b) consult with the commission when it is considering what to do in relation to a complaint or occupational discipline matter to which this part applies; and
  - (c) attempt to agree with the commission about the action to be taken in relation to the complaint or occupational discipline matter.
- (2) The commission must consult with the board in relation to a complaint made to the commission under the *Human Rights Commission Act 2005* relating to a veterinary practitioner.
- (3) If the board and the commission cannot agree about the action to be taken in relation to a complaint or occupational discipline matter, the most serious action chosen by the board or commission prevails.
- (4) The action that may be taken in relation to a complaint or occupational discipline matter, from most serious to least serious, is as follows:
- (a) if the veterinary practitioner is a registered veterinary practitioner—immediate action in relation to the veterinary practitioner’s registration under subdivision 5.3.1 (Immediate action);
  - (b) apply to the ACAT for an occupational discipline order;
  - (c) apply to the ACAT for an interim suspension of registration;
  - (d) refer the complaint or occupational discipline matter to the health complaints entity to be considered under the *Human Rights Commission Act 2005*;

- 1           (e) any of the actions mentioned in section 61 (1) (b) (Decision on  
2           completion of investigation);
- 3           (f) refuse to investigate the report further.
- 4       (5) Also, the board must take action under section 62 (Indication that  
5       offence committed) if, after consultation with the commission,  
6       either the board, the commission or both consider that the section  
7       applies to the complaint or occupational discipline matter.

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1           (2) In this section:

2           **major veterinary surgery** means a restricted act of veterinary  
3 science that—

4           (a) includes the carrying out of a procedure that—

5               (i) according to current standards of veterinary practice,  
6               should not be undertaken without the administration of an  
7               anaesthetic (other than a local anaesthetic); or

8               (ii) involves a spinal anaesthetic; or

9           (b) is prescribed by regulation.

10          **mobile veterinary clinic** means a vehicle, including a trailer, that—

11          (a) may be moved from 1 location to another; and

12          (b) is modified to operate as a veterinary clinic.

13          **mobile veterinary hospital** means a vehicle, including a trailer,  
14 that—

15          (a) may be moved from 1 location to another; and

16          (b) is modified to operate as a veterinary hospital.

17          **veterinary clinic** means premises where a restricted act of veterinary  
18 science, including major veterinary surgery, may be carried out.

19          **veterinary consulting room** means premises where a restricted act  
20 of veterinary science (other than major veterinary surgery or  
21 emergency care) may be carried out.

22          **veterinary hospital** means premises where—

23          (a) a restricted act of veterinary science, including major  
24 veterinary surgery and emergency care, may be carried out;  
25 and

26          (b) a higher level of diagnostic facilities than are available at a  
27 veterinary clinic are provided.

**72 Board may make veterinary premises standard**

- (1) The board may make a standard relating to requirements for veterinary premises (a *veterinary premises standard*).
- (2) A veterinary premises standard may apply, adopt or incorporate an instrument as in force from time to time.
- (3) A veterinary premises standard is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**Division 6.2 Application and decision**

**73 Application for registration of veterinary premises**

- (1) A person may apply to the board for veterinary premises to be registered.

*Note* A fee may be determined under s 143 for this provision.

- (2) The application must—

- (a) be in writing; and
- (b) state the name and address of the applicant; and
- (c) state the kind of veterinary premises to be registered; and
- (d) state the business name for the veterinary premises; and
- (e) state the address of the veterinary premises to be registered; and
- (f) state the nature of the veterinary services to be provided at the veterinary premises; and
- (g) state the name of the superintendent for the veterinary premises; and

1 (h) anything else prescribed by regulation.

2 *Note* It is an offence to make a false or misleading statement, give false or  
3 misleading information or produce a false or misleading document (see  
4 [Criminal Code](#), pt 3.4).

5 **74 Board may ask for further information**

- 6 (1) The board may, before deciding an application for registration, ask  
7 the applicant, in writing, for additional information in relation to the  
8 application.
- 9 (2) If the board asks an applicant to give information to the board, the  
10 board may refuse to consider the application for registration further  
11 if the applicant does not give the information.

12 **75 Decision on application to register veterinary premises**

- 13 (1) On application by a person for registration of veterinary premises,  
14 the board must—
- 15 (a) register the premises; or
- 16 (b) refuse to register the premises.
- 17 (2) The board is taken to have refused to register the veterinary  
18 premises if the board fails to decide the application within 40 days  
19 after the day the board—
- 20 (a) received the application; or
- 21 (b) received the information requested under section 74.
- 22 (3) In deciding whether to register the veterinary premises, the board  
23 must consider any criteria prescribed by regulation.
- 24 (4) Subsection (3) does not limit the matters that the board may  
25 consider.

(5) The board must, within 7 days after the day it decides the application—

(a) tell the person its decision; and

(b) if it registers the veterinary premises—give the person a registration document.

## **76 Conditions on registration of veterinary premises**

Registration of veterinary premises is subject to—

(a) a condition that the premises are maintained in compliance with a veterinary premises standard; and

(b) a condition that the registration holder notify the board, within 14 days of the change, of any change to the following:

(i) the holder's name or address;

(ii) if the premises are a veterinary hospital—the nature of the veterinary services provided at the hospital; and

(c) any other condition imposed by the board.

### **Examples—conditions that may be imposed on a registration**

1 that particular procedures about inspection and reporting must be complied with

2 that particular security procedures must be complied with

*Note 1* The board may amend a registration (including by imposing a condition on, or amending an existing condition of, the registration) at any time (see div 6.3).

*Note 2* ***Veterinary premises standard***—see s 72.

*Note 3* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).



1     **77           Term of registration for veterinary premises**

- 2           (1) The registration of veterinary premises comes into force on the later  
3           of—
- 4               (a) the day the registration document for the veterinary premises is  
5               issued; and
- 6               (b) the date stated in the registration document for the veterinary  
7               premises.
- 8           (2) A registration remains in force until it is cancelled.
- 9           (3) A registration is not in force if it is suspended.

10    **78           Refund of application fees**

11           If the board refuses an application for registration under section 75,  
12           the board must refund the application fee (less any processing fee)  
13           to the applicant.

14    **79           Annual registration fee**

- 15           (1) The registration holder of registered veterinary premises must pay  
16           an annual registration fee to the board for each financial year, or part  
17           of a financial year, in which the registration is in force.
- 18           *Note*     A fee may be determined under s 143 for this provision.
- 19           (2) The annual registration fee is payable in relation to registered  
20           veterinary premises even if the registration of the premises is  
21           suspended.
- 22           (3) The registration holder must pay the annual registration fee to the  
23           board before the start of the financial year to which the fee relates.
- 24           (4) The board may cancel the registration if the annual registration fee  
25           is not paid.

**Division 6.3 Amendment of registration**

**80 Amendment of registration by board on its own initiative**

- (1) The board may, at any time and on its own initiative, amend the registration of veterinary premises (including by imposing a condition on, or amending an existing condition of, the registration).
- (2) However, the board may amend the registration of veterinary premises only if—
  - (a) the board has given the registration holder of the veterinary premises written notice of the proposed amendment; and
  - (b) the notice states that written comments on the proposal may be made to the board before the end of a stated period of at least 14 days after the day the notice is given to the registration holder; and
  - (c) the board has considered any comments made before the end of the stated period.
- (3) Subsection (2) does not apply if the registration holder applied for, or agreed in writing to, the amendment.

**81 Amendment of registration on application**

- (1) The registration holder of veterinary premises may apply to the board to amend the registration (including by removing or amending a condition of the registration).

*Note* A fee may be determined under s 143 for this provision.

- (2) The board may, in writing, require the applicant to give the board additional information or documents that the board reasonably needs to decide the application.
- (3) If the applicant does not comply with a requirement under subsection (2), the board may refuse to consider the application.

- 1           (4) In deciding whether to amend the registration, the board must  
2           consider anything the board must consider under section 75 in  
3           relation to an application for registration of veterinary premises.
- 4           (5) On an application by the registration holder of veterinary premises  
5           to amend the registration of the premises, the board must—
- 6               (a) amend the registration in the way applied for; or
- 7               (b) refuse to amend the registration.

## 8           **Division 6.4                      Suspending or ending registration**

### 9           **82                      Surrender of registration**

- 10           (1) The registration holder of registered veterinary premises may  
11           surrender the registration by giving written notice of the surrender to  
12           the board.
- 13           (2) The notice must be accompanied by—
- 14               (a) the registration document; or
- 15               (b) if the registration document has been lost, stolen or  
16               destroyed—a statement verifying that the document has been  
17               lost, stolen or destroyed.
- 18           (3) The registration of veterinary premises is taken to be cancelled if the  
19           registration is surrendered under this section.

### 20           **83                      Cancellation of registration—death or winding-up of** 21           **registration holder**

- 22           (1) The board must cancel the registration of veterinary premises if—
- 23               (a) if the registration holder is an individual—the individual dies;  
24               or
- 25               (b) if the registration holder is a corporation—the corporation is  
26               wound up.

- 1 (2) For subsection (1) (a), the cancellation takes effect on the earlier  
2 of—  
3 (a) the day the board approves an application for registration of the  
4 veterinary premises by someone else; or  
5 (b) 3 months after the registration holder died.  
6 (3) For subsection (1) (b), the cancellation takes effect on the earlier  
7 of—  
8 (a) the day the board approves an application for registration of the  
9 veterinary premises by someone else; or  
10 (b) the day the corporation is deregistered.

11 **84 Cancellation or suspension of registration by ACAT**

- 12 (1) The board may apply to the ACAT for an order to suspend or cancel  
13 the registration of veterinary premises if—  
14 (a) the premises are in a condition that could cause harm or  
15 suffering to an animal or affect public safety; or  
16 (b) the registration holder is convicted of an offence under this  
17 Act; or  
18 (c) if the registration holder is a corporation—an executive officer  
19 of the corporation has committed an offence against this Act;  
20 or  
21 (d) a condition of the registration is breached.

22 *Note 1* Requirements for applications to the ACAT are set out in the *ACT Civil*  
23 *and Administrative Tribunal Act 2008*, s 10.

24 *Note 2* If a form is approved under the *ACT Civil and Administrative Tribunal*  
25 *Act 2008*, s 117 for the application, the form must be used.

- 26 (2) The ACAT may make an order to suspend or cancel the registration  
27 if satisfied it is in the public interest for the order to be made.

**Division 6.5                      Offences—registered veterinary premises**

**85                      Veterinary practice to be conducted at registered veterinary premises**

A veterinary practitioner commits an offence if—

- (a) the veterinary practitioner conducts a veterinary practice at premises; and
- (b) the premises are not registered veterinary premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**86                      Unauthorised restricted act of veterinary science carried out at registered veterinary premises**

(1) A person commits an offence if—

- (a) the person carries out a restricted act of veterinary science on an animal at registered veterinary premises; and
- (b) the registration of the premises does not authorise the act of veterinary science to be carried out at the premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) It is a defence to a prosecution for an offence against this section if the defendant proves that it was necessary to carry out the restricted act of veterinary science on the animal at the premises because—

- (a) the act was carried out in an emergency and there was no time to move the animal to registered veterinary premises where the act was authorised to be carried out; or
- (b) it was not practical to move the animal to registered veterinary premises where the act was authorised to be carried out because of the size of the animal or the kind of animal; or

- 1 (c) it was dangerous to the health of the animal to move it to  
2 registered veterinary premises where the act was authorised to  
3 be carried out.

4 **87 False representation of premises as registered veterinary**  
5 **premises**

6 A person commits an offence if—

- 7 (a) the person represents that premises are registered veterinary  
8 premises; and  
9 (b) the representation is false.

10 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
11 both.

12 **88 Superintendent of registered veterinary premises**

- 13 (1) The registration holder of registered veterinary premises must—  
14 (a) appoint a registered veterinary practitioner as superintendent of  
15 the premises; and  
16 (b) tell the board the name of the superintendent of the premises,  
17 before the superintendent starts duty as superintendent.  
18 (2) The registration holder commits an offence if the registration holder  
19 fails to comply with subsection (1).

20 Maximum penalty: 50 penalty units.

21 **89 Failure to display sign about registered veterinary**  
22 **premises**

- 23 (1) A person commits an offence if—  
24 (a) the person is—  
25 (i) the registration holder of registered veterinary premises;  
26 or

- 1                   (ii) the superintendent of registered veterinary premises; and
- 2                   (b) the person fails to display at the registered veterinary premises
- 3                   a sign displaying registration information about the premises.
- 4                   Maximum penalty: 20 penalty units.
- 5           (2) A person commits an offence if—
- 6                   (a) the person is—
- 7                       (i) the registration holder of registered veterinary premises;
- 8                       or
- 9                       (ii) the superintendent of registered veterinary premises; and
- 10                  (b) the registered veterinary premises are—
- 11                       (i) a mobile veterinary clinic; or
- 12                       (ii) a mobile veterinary hospital; and
- 13                  (c) the person fails to produce registration information about the
- 14                  premises to a person using, or proposing to use, the registered
- 15                  veterinary premises when requested to do so.
- 16                  Maximum penalty: 20 penalty units.
- 17           (3) An offence against this section is a strict liability offence.
- 18           (4) In this section:
- 19                  *registration information*, about registered veterinary premises,
- 20                  means—
- 21                       (a) the kind of major veterinary surgery that is authorised to be
- 22                       carried out at premises; and
- 23                       (b) proof that the premises are registered veterinary premises.

**Part 7                      Veterinary practitioners board**

**Division 7.1            Establishment and functions of board**

**90                      Veterinary practitioners board—establishment**

- (1) The ACT Veterinary Practitioners Board (the *board*) is established.
- (2) The board—
  - (a) is a body corporate; and
  - (b) must have a seal; and
  - (c) may sue and be sued, and hold property, in its corporate name.

**91                      Board—functions**

- (1) The board has the following functions:
  - (a) registering veterinary practitioners and veterinary premises;
  - (b) investigating complaints against veterinary practitioners;
  - (c) conducting, on the board's own initiative, investigations of veterinary practitioners;
  - (d) taking disciplinary action against veterinary practitioners;
  - (e) enforcing this Act, including taking proceedings for offences against this Act;
  - (f) developing codes of professional conduct for veterinary practitioners;
  - (g) setting standards for premises;
  - (h) cooperating with other jurisdictions in Australia and New Zealand to further a common and harmonious approach to the administration of legislation relating to veterinary practitioners;



- 1 (i) giving information to the veterinary profession relating to  
2 continuing education issues, developments in the field of  
3 veterinary science and disciplinary matters;
- 4 (j) giving general advice to consumers of veterinary services in  
5 relation to the ethics and standards of professional competence  
6 generally expected of veterinary practitioners;
- 7 (k) giving advice to the Minister in relation to any other matter  
8 related to the administration of this Act;
- 9 (l) ensuring the professional development of veterinary  
10 practitioners, including by determining requirements for  
11 continuing professional development of veterinary  
12 practitioners;
- 13 (m) approving educational and training courses related to  
14 professional qualifications for veterinary practitioners;
- 15 (n) liaising with, and if the board considers it appropriate,  
16 becoming a member of, professional organisations concerned  
17 with veterinary science.
- 18 (2) The board may exercise any other function given to the board under  
19 this Act or any other territory law.

20 *Note* A provision of a law that gives an entity (including a person) a function  
21 also gives the entity powers necessary and convenient to exercise the  
22 function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

## 23 **92 Annual general meeting of veterinary profession**

- 24 (1) The board must hold an annual general meeting of the veterinary  
25 profession.
- 26 (2) Every registered veterinary practitioner, other than a veterinary  
27 practitioner who has deemed registration under part 4 (Recognition  
28 of veterinary practitioners from other jurisdictions), is entitled to  
29 attend a meeting under this section.

## **Division 7.2                      Board members**

### **93                      Board membership**

- (1) The board has the following members:
- (a) president;
  - (b) 4 members who—
    - (i) are registered veterinary practitioners; and
    - (ii) have been registered for a continuous period of at least 3 years immediately before the day of appointment;
  - (c) 1 member who is not a veterinary practitioner, to represent community interests;
  - (d) 1 member who is not a veterinary practitioner.
- (2) The Minister must appoint the board members.
- Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.
- Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).
- Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).
- (3) The Minister may appoint a person as a community representative to the board only if satisfied that the person has interests, skills or qualifications that will help the board in carrying out the objects of this Act.

### **94                      Term of appointment**

A board member must not be appointed for longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

**95 President and deputy president of board**

- (1) The president must not be a person who—
  - (a) works in a veterinary practice; or
  - (b) has a material interest in a veterinary practice.
- (2) The deputy president must be a board member who is a registered veterinary practitioner and elected by the board.
- (3) The deputy president may exercise a function of the president at any time when the president cannot for any reason exercise the function.
- (4) The deputy president is elected for 1 year, but may be re-elected if still eligible to be elected.
- (5) The deputy president may resign as deputy president by written notice given to the president or, if there is no president, the board.
- (6) In this section:

*material interest*—see section 97 (4).

*Note* *Veterinary practice*—see the dictionary.

**96 Consultation about appointment to board**

- (1) Before appointing someone, other than a community representative, to the board the Minister must consult the board.
- (2) The Minister must also seek advice, and nominations, from an entity the Minister considers suitable to give advice, and make nominations, in relation to the board.

**Examples—entities suitable to give advice**

- academic institutions
- industry representatives
- professional bodies

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- 1                      (3) Subsection (1) does not apply if the board is suspended.

2                      **97                      Disclosure of interests by board members**

- 3                      (1) If a board member has a material interest in an issue being  
4                      considered, or about to be considered, by the board, the member  
5                      must disclose the nature of the interest at a board meeting as soon as  
6                      practicable after the relevant facts come to the member's  
7                      knowledge.

- 8                      (2) The disclosure must be recorded in the board's minutes and, unless  
9                      the board otherwise decides, the member must not—

10                      (a) be present when the board considers the issue; or

11                      (b) take part in a decision of the board on the issue.

12                      **Example**

13                      Albert, Boris and Chloe are members of the board. They have an interest in an  
14                      issue being considered at a board meeting and they disclose the interest as soon as  
15                      they become aware of it. Albert's and Boris's interests are minor but Chloe has a  
16                      direct financial interest in the issue.

17                      The board considers the disclosures and decides that because of the nature of the  
18                      interests—

19                      (a) Albert may be present when the board considers the issue but not take part  
20                      in the decision; and

21                      (b) Boris may be present for the consideration and take part in the decision.

22                      The board does not make a decision allowing Chloe to be present or take part in  
23                      the board's decision. Accordingly, since Chloe has a material interest she cannot  
24                      be present for the consideration of the issue or take part in the decision.

25                      *Note*                      An example is part of the Act, is not exhaustive and may extend, but  
26                      does not limit, the meaning of the provision in which it appears (see  
27                      [Legislation Act](#), s 126 and s 132).

- 28                      (3) Any other board member who also has a material interest in the  
29                      issue must not be present when the board is considering its decision  
30                      under subsection (2).

1           (4) In this section:

2           **associate**, of a person, means—

- 3           (a) the person's business partner; or  
4           (b) a close friend of the person; or  
5           (c) a family member of the person.

6           **indirect interest**—without limiting the kinds of indirect interests a  
7           person may have, a person has an **indirect interest** in an issue if any  
8           of the following has an interest in the issue:

- 9           (a) an associate of the person;  
10          (b) a corporation if the corporation has not more than  
11             100 members and the person, or an associate of the person, is a  
12             member of the corporation;  
13          (c) a subsidiary of a corporation mentioned in paragraph (b);  
14          (d) a corporation if the person, or an associate of the person, is an  
15             executive officer of the corporation;  
16          (e) the trustee of a trust if the person, or an associate of the person,  
17             is a beneficiary of the trust;  
18          (f) a member of a firm or partnership if the person, or an associate  
19             of the person, is a member of the firm or partnership;  
20          (g) someone else carrying on a business if the person, or an  
21             associate of the person, has a direct or indirect right to  
22             participate in the profits of the business.

23          **material interest**—a board member has a **material interest** in an  
24          issue if the member has a direct or indirect—

- 25          (a) financial interest in the issue; or  
26          (b) interest of any other kind if the interest could conflict with the  
27             proper exercise of the member's functions in relation to the  
28             board's consideration of the issue.

**98                      Conditions of board appointment generally**

(1) The Minister may, conditionally or unconditionally, allow the president to take leave.

(2) The president may, conditionally or unconditionally, allow a board member (other than the president) to take leave for not longer than 1 year.

*Note 1*    The deputy president is a board member and so can be given leave under s (2).

*Note 2*    The Minister may appoint a person to act in the position of someone on leave (see [Legislation Act](#), s 209).

(3) The board may decide, in writing, the allowances to be paid to board members.

(4) However, if the remuneration tribunal sets a maximum amount of allowances for board members, the board must not pay its members more than that amount.

(5) The board may pay anyone who helps the board.

**Examples**

- someone who provides an expert opinion to the ACAT in relation to a report about a veterinary practitioner
- someone who provides legal advice, or other services, to the board
- someone who serves on a panel or committee established by the board

*Note*        An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(6) The board must, if practicable, seek the Minister's approval before taking action under this Act that the board considers is likely to incur an extraordinary liability.

(7) The board may apply to the Minister for financial assistance if the board believes on reasonable grounds that it is likely to incur extraordinary expenses in relation to legal fees or damages because of the administration of this Act.

**Division 7.3                      Board meetings**

**99                      Board procedures**

- (1) The president presides at meetings of the board.
- (2) However, if the president is absent from a meeting, the deputy president presides at the meeting.
- (3) A question arising at a meeting may be decided by a majority of the votes of members present and voting.
- (4) If the votes of the board on a question are equally divided, the decision of the member presiding is the decision of the board on the question.
- (5) The board may decide its own procedure in relation to anything for which a procedure is not provided under this Act.
- (6) The board must keep minutes of its meetings.

**100                      Quorum at board meetings**

Business may be carried on at a meeting of the board only if—

- (a) at least 4 members are present; and
- (b) at least 1 of the 4 members mentioned in paragraph (a) is the president or deputy president.

**101                      Reporting on exercise of functions**

- (1) The Minister may, in writing, ask for a written report from the board about the exercise of its functions.
- (2) The request may be for a general report or a report in relation to stated criteria or a stated matter.
- (3) The board must provide a report under subsection (2) within the time the Minister reasonably requires.

**Division 7.4                      Board misconduct**

**102                      Failure by board to exercise functions diligently**

(1) If the Minister is not satisfied that the board is exercising its functions diligently, the Minister may, in writing—

(a) tell the board that the Minister is not satisfied that the board is exercising its functions diligently; and

(b) give the board reasons why the Minister is not satisfied; and

(c) give the board at least 14 days after the day the notice is given to the board to make representations to the Minister about the matter.

*Note*            The functions of the board are set out in s 91.

(2) If, after considering any representations made by the board within the time set out in the notice, the Minister is not satisfied that the board is exercising its functions diligently, the Minister may, in writing, tell the board what it must do for the Minister to be satisfied.

(3) A regulation may prescribe matters that the Minister must or may take into consideration in deciding for this section whether the board is exercising its functions diligently.

*Note*            The power of appointment includes the power to suspend or end the appointment (see [Legislation Act](#), s 208).



**Division 7.5                      Board administration**

*Note*     The board is a territory authority and as such is subject to separate financial and governance requirements under the *Financial Management Act 1996*, pt 8 and pt 9.

**103                      Offence—prohibition on business**

A member of the board must not authorise the board to carry on business except in the exercise of its functions.

Maximum penalty: 50 penalty units.

**104                      Appointment of registrar**

The board must, in writing, appoint a person as registrar for the board.

*Note 1*     For the making of appointments (including acting appointments), see the *Legislation Act*, pt 19.3.

*Note 2*     In particular, an appointment may be made by naming a person or nominating the occupant of a position (see *Legislation Act*, s 207).

**105                      Registrar—functions**

(1) The registrar—

(a) is responsible for the management of the board's affairs, subject to any direction given by the board; and

(b) must advise the board; and

(c) has any other function given to the registrar under a territory law.

(2) The registrar may delegate a function given to the registrar under a territory law to a public servant.

*Note*     For the making of delegations and the exercise of delegated functions, see the *Legislation Act*, pt 19.4.

**106            Employment of staff etc**

- (1) The board may engage the people, or buy the services, that are necessary or desirable to help it to exercise its functions.
- (2) Without limiting subsection (1), the board may engage a person on a fee or contractual basis to provide advice or other assistance.

*Note*        **Person** includes a corporation (see [Legislation Act](#), dict, pt 1).

**107            Committees**

- (1) The board may establish 1 or more committees to assist it to exercise its functions.
- (2) Not all members of the board need be members of a committee.
- (3) The board or the committee may decide—
- (a) how the committee is to exercise its functions; and
- (b) the procedure to be followed for meetings of the committee.

**108            Delegation by board**

The board may delegate a function to—

- (a) a board member; or
- (b) the registrar; or
- (c) a committee of the board; or
- (d) anyone else the board considers appropriate.

*Note*        For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

**Part 8                      Enforcement**

**Division 8.1              Inspectors**

**109              Inspectors**

The board may appoint an individual as an inspector.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

**110              Identity cards**

(1) The registrar must give an inspector an identity card stating the person's name and position.

(2) The identity card must show—

- (a) a recent photograph of the person; and
- (b) the card's date of issue and expiry; and
- (c) anything else prescribed by regulation.

(3) A person commits an offence if—

- (a) the person stops being an inspector; and
- (b) the person does not return the person's identity card to the board as soon as practicable, but not later than 7 days after the day the person stops being an inspector.

Maximum penalty: 1 penalty unit.

(4) An offence against this section is a strict liability offence.

**Division 8.2                      Powers of inspectors**

**111                      Meaning of *premises*—div 8.2**

In this division:

*premises* includes land, structure, vehicle or boat.

**112                      Powers of entry and search**

- (1) For this Act, an inspector may enter premises—
- (a) if the premises are premises that the public is entitled to use or that are open to the public (whether or not on payment of money)—at any reasonable time; or
  - (b) at any time when premises are open for business; or
  - (c) at any time when there are reasonable grounds for suspecting that veterinary science is being practised at the premises; or
  - (d) at any time with the occupier's consent; or
  - (e) in accordance with a registration condition; or
  - (f) in accordance with a search warrant; or
  - (g) if the inspector believes on reasonable grounds that the circumstances are so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary—at any time.
- (2) However, subsection (1) (a), (b) and (c) do not authorise entry into a part of premises that is being used only for residential purposes.
- (3) An inspector may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) To remove any doubt, an inspector may enter premises under subsection (1) without payment of an entry fee or other charge.

(5) In this section:

*at any reasonable time* includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money).

**113 Production of identity card**

An inspector must not remain at premises entered under this part if the inspector does not produce the inspector's identity card when asked by the occupier.

**114 Consent to entry**

(1) When seeking the consent of an occupier of premises to enter premises under section 112 (1) (d), an inspector must—

(a) produce the inspector's identity card; and

(b) tell the occupier—

(i) the purpose of the entry; and

(ii) that anything found and seized under this part may be used in evidence in a court or tribunal; and

(iii) that consent may be refused.

(2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment (an *acknowledgment of consent*)—

(a) that the occupier was told—

(i) that anything found and seized under this part may be used in evidence in court; and

(ii) that consent may be refused; and

(b) that the occupier consented to the entry; and

(c) stating the time and date when consent was given.

- 1 (3) If the occupier signs an acknowledgment of consent, the inspector  
2 must immediately give a copy to the occupier.
- 3 (4) A court must find that the occupier did not consent to entry to the  
4 premises by the inspector under this part if—
- 5 (a) the question arises in a proceeding in the court whether the  
6 occupier consented to the entry; and
- 7 (b) an acknowledgment of consent is not produced in evidence;  
8 and
- 9 (c) it is not proved that the occupier consented to the entry.

10 **115 Powers of inspectors**

- 11 (1) An inspector who enters premises in accordance with section 112  
12 may, if the inspector believes it is reasonably necessary for this  
13 Act—
- 14 (a) examine any animal in or on the premises; or
- 15 (b) give assistance to any animal on the premises; or
- 16 (c) take measurements or conduct tests; or
- 17 (d) take samples; or
- 18 (e) inspect the premises and anything in or on the premises  
19 (including a document); or
- 20 (f) take copies of, or extracts from, any document in or on the  
21 premises; or
- 22 (g) take photographs or make films or videotapes of the premises  
23 or any animal or thing in or on the premises; or
- 24 (h) seize anything (including a document), that the inspector  
25 believes on reasonable grounds to be connected with an  
26 offence; or

- 1 (i) require any person in or on the premises to give the inspector  
2 such assistance as is reasonable to enable the inspector to  
3 exercise the inspector's powers under this section; or
- 4 (j) ask questions of any person in or on the premises where the  
5 inspector considers it reasonable to enable the inspector to  
6 exercise powers under this section.

7 (2) An inspector must not—

- 8 (a) give a document seized under subsection (1) to someone else  
9 (other than the board); or
- 10 (b) give a copy of a document inspected or seized under  
11 subsection (1) to someone else (other than the board); or
- 12 (c) communicate to someone else (other than the board) the  
13 contents of a document inspected or seized under  
14 subsection (1).

15 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
16 both.

17 (3) Subsection (2) does not apply if the document or copy is given, or  
18 the communication is made for the purposes of the investigation or  
19 prosecution of an offence.

20 (4) A person must take reasonable steps to comply with a requirement  
21 made of the person under subsection (1) (i).

22 Maximum penalty: 20 penalty units.

23 **116 Direction to give name and address—inspector**

24 (1) This section applies if an inspector believes on reasonable grounds  
25 that a person—

- 26 (a) has committed, is committing or is about to commit an offence  
27 against this Act; or

- 1 (b) may be able to assist in the investigation of an offence against  
2 this Act.

3 *Note* A reference to an Act includes a reference to the statutory instruments  
4 made or in force under the Act, including any regulation (see  
5 [Legislation Act](#), s 104).

- 6 (2) The inspector may direct the person to give the inspector,  
7 immediately, any of the following personal details:

- 8 (a) the person's full name;  
9 (b) the person's home address.

10 *Note* Power to make the direction includes power to amend or repeal the  
11 direction (see [Legislation Act](#), s 46).

- 12 (3) The person may ask the inspector to produce the inspector's identity  
13 card for inspection by the person.

- 14 (4) If the inspector believes on reasonable grounds that a personal detail  
15 given by a person in response to a direction under subsection (2) is  
16 false or misleading, the inspector may direct the person to produce  
17 evidence immediately of the correctness of the detail.

- 18 (5) If an inspector gives a direction under this section to a person, the  
19 inspector must tell the person that it is an offence if the person fails  
20 to comply with the direction.

21 **117 Offence—fail to comply with inspector's direction to give**  
22 **name and address**

- 23 (1) A person commits an offence if the person—  
24 (a) is subject to a direction under section 116 (2); and  
25 (b) fails to comply with the direction.

26 Maximum penalty: 5 penalty units.

27 *Note* It is an offence to make a false or misleading statement, give false or  
28 misleading information or produce a false or misleading document (see  
29 [Criminal Code](#), pt 3.4).



- 1 (2) An offence against this section is a strict liability offence.
- 2 (3) This section does not apply to a person if the inspector did not
- 3 produce the inspector's identity card for inspection by the person if
- 4 asked.
- 5 (4) This section does not apply to a person if the inspector did not,
- 6 before giving the direction, warn the person that failure to comply
- 7 with the direction is an offence.

8 *Note* The defendant has an evidential burden in relation to the matters

9 mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

10 **118 Warrants generally**

- 11 (1) An inspector may apply to a magistrate for a warrant to enter
- 12 premises.
- 13 (2) The application must be sworn and state the grounds on which the
- 14 warrant is sought.
- 15 (3) The magistrate may refuse to consider the application until the
- 16 inspector gives the magistrate all the information the magistrate
- 17 requires about the application in the way the magistrate requires.
- 18 (4) The magistrate may issue a warrant only if satisfied there are
- 19 reasonable grounds for suspecting—
- 20 (a) there is a particular thing or activity connected with an offence
- 21 against this Act; and
- 22 (b) the thing or activity—
- 23 (i) is, or is being engaged in, at the premises; or
- 24 (ii) may be, or may be engaged in, at the premises within the
- 25 next 7 days.

- 1 (5) The warrant must state—
- 2 (a) that an inspector may, with any necessary assistance and force,
- 3 enter the premises and exercise the inspector's powers under
- 4 this part; and
- 5 (b) the offence for which the warrant is issued; and
- 6 (c) the things that may be seized under the warrant; and
- 7 (d) the hours when the premises may be entered; and
- 8 (e) the date, within 7 days after the day of the warrant's issue, the
- 9 warrant ends.

10 **119 Warrants—application made other than in person**

- 11 (1) An inspector may apply for a warrant by phone, email, radio or
- 12 other form of communication if the inspector considers it necessary
- 13 because of—
- 14 (a) urgent circumstances; or
- 15 (b) other special circumstances.
- 16 (2) Before applying for the warrant, the inspector must prepare an
- 17 application stating the grounds on which the warrant is sought.
- 18 (3) The inspector may apply for the warrant before the application is
- 19 sworn.
- 20 (4) After issuing the warrant, the magistrate must immediately email a
- 21 copy to the inspector if it is practicable to do so.
- 22 (5) If it is not practicable to email a copy to the inspector—
- 23 (a) the magistrate must tell the inspector—
- 24 (i) the terms of the warrant; and
- 25 (ii) the date and time the warrant was issued; and

- 1 (b) the inspector must complete a form of warrant (the *warrant*  
2 *form*) and write on it—
- 3 (i) the magistrate's name; and
- 4 (ii) the date and time the magistrate issued the warrant; and
- 5 (iii) the warrant's terms.
- 6 (6) The emailed copy of the warrant, or the warrant form properly  
7 completed by the inspector, authorises the entry and the exercise of  
8 the inspector's powers under this part.
- 9 (7) The inspector must, at the first reasonable opportunity, send to the  
10 magistrate—
- 11 (a) the sworn application; and
- 12 (b) if the inspector completed a warrant form—the completed  
13 warrant form.
- 14 (8) On receiving the documents, the magistrate must attach them to the  
15 warrant.
- 16 (9) A court must find that a power exercised by the inspector was not  
17 authorised by a warrant under this section if—
- 18 (a) the question arises in a proceeding in the court whether the  
19 exercise of power was authorised by a warrant; and
- 20 (b) the warrant is not produced in evidence; and
- 21 (c) it is not proved that the exercise of power was authorised by a  
22 warrant under this section.

- 1     **120           Search warrants—announcement before entry**
- 2           (1) An inspector must, before anyone enters premises under a search
- 3           warrant—
- 4               (a) announce that the inspector is authorised to enter the premises;
- 5                     and
- 6               (b) give anyone at the premises an opportunity to allow entry to
- 7                     the premises; and
- 8               (c) if the occupier of the premises, or someone else who
- 9                     apparently represents the occupier, is present at the premises—
- 10                     show the person the inspector’s identity card.
- 11           (2) The inspector is not required to comply with subsection (1) if the
- 12           inspector believes on reasonable grounds that immediate entry to the
- 13           premises is required to ensure—
- 14               (a) the safety of anyone (including the inspector or any person
- 15                     assisting); or
- 16               (b) that the effective execution of the warrant is not frustrated.
- 17     **121           Details of search warrant to be given to occupier etc**
- 18           If the occupier of premises, or someone else who apparently
- 19           represents the occupier, is present at the premises while a search
- 20           warrant is being executed, the inspector or a person assisting must
- 21           make available to the person—
- 22               (a) a copy of the warrant; and
- 23               (b) a document setting out the rights and obligations of the person
- 24                     in relation to the search warrant.

- 1   **122       Occupier entitled to be present during search etc**
- 2       (1) If the occupier of premises, or someone else who apparently
- 3       represents the occupier, is present at the premises while a search
- 4       warrant is being executed, the person is entitled to observe the
- 5       search being conducted.
- 6       (2) However, the person is not entitled to observe the search if—
- 7           (a) to do so would impede the search; or
- 8           (b) the person is under arrest, and allowing the person to observe
- 9           the search being conducted would interfere with the objectives
- 10          of the search.
- 11       (3) This section does not prevent 2 or more areas of the premises being
- 12       searched at the same time.

**Part 9 Register and dealing with information**

**Division 9.1 Register**

**123 Board to maintain register of veterinary practitioners and veterinary premises**

- (1) The board must keep a register of—
  - (a) veterinary practitioners registered under this Act; and
  - (b) veterinary premises registered under this Act.
- (2) The register may be kept in the form of 1 or more registers, or 1 or more parts, as long as the register complies with this Act.
- (3) The board must ensure that the information in the register is as accurate and current as practicable.
- (4) The board must on application, and may on its own initiative, make the changes necessary to the register to give effect to subsection (3).
- (5) If a court or the ACAT orders the board to make a change to the register, the board must make the change.

**124 Contents of register—practitioners**

- (1) For veterinary practitioners, the register must contain—
  - (a) the registration details for each person registered as a veterinary practitioner; and
  - (b) any other information in relation to a registered veterinary practitioner that the board considers necessary or desirable.
- (2) In this section:  
*registration details*, for a person, means the following:
  - (a) the name of the person;

- 1 (b) the address of the person;
- 2 (c) the qualifications held by the person;
- 3 (d) the provision under which the person was registered;
- 4 (e) the registration number given to the person;
- 5 (f) the specialist registration held by the veterinary practitioner (if
- 6 any);
- 7 (g) the registration date;
- 8 (h) the place at which the veterinary practitioner practises (if any);
- 9 (i) any condition on registration;
- 10 (j) if the person's registration is suspended—the date the
- 11 suspension began and is to end;
- 12 (k) anything else prescribed by regulation.

13 **125 Contents of register—premises**

- 14 (1) For veterinary premises, the register must contain—
- 15 (a) the registration details for each premises; and
- 16 (b) any other information in relation to a registered veterinary
- 17 premises that the board considers necessary or desirable.
- 18 (2) In this section:
- 19 *registration details*, for premises, means the following:
- 20 (a) the name and address of the registration holder;
- 21 (b) the business name of the premises;
- 22 (c) the address of the premises;
- 23 (d) any other registration or licence that relates to the premises or
- 24 veterinary services provided at the premises;

- 1 (e) state the nature of the veterinary services to be provided at the  
2 veterinary premises;
- 3 (f) the registration number of the premises;
- 4 (g) the provision of this Act under which the premises are  
5 registered;
- 6 (h) the registration date;
- 7 (i) any condition on registration;
- 8 (j) the name of the superintendent for the premises;
- 9 (k) anything else prescribed by regulation.

10 **Example—par (d)**

11 a licence to deal with a regulated radiation source

12 *Note* An example is part of the Act, is not exhaustive and may extend,  
13 but does not limit, the meaning of the provision in which it  
14 appears (see [Legislation Act](#), s 126 and s 132).

15 **126 Information in register to be accessible and extractable**

16 The register must be kept in a way that allows the information about  
17 a registered veterinary practitioner or registered premises to be  
18 readily reproduced in an easily readable form.

19 **127 Registration documents**

- 20 (1) The board may issue a registration document to—
- 21 (a) a registered veterinary practitioner; and
- 22 (b) the registration holder of registered veterinary premises.
- 23 (2) A registration document may contain such registration details as the  
24 board considers necessary.
- 25 (3) A registration document is evidence of the matters stated in the  
26 document.



1     **128         Registrar responsible for register**

- 2             (1) The registrar must keep the register on behalf of the board.
- 3             (2) Without limiting how the registrar may keep the register, the
- 4                 registrar may do the following in relation to the register:
- 5                 (a) add the details of a newly registered veterinary practitioner;
- 6                 (b) add the details of newly registered veterinary premises;
- 7                 (c) remove the details of a veterinary practitioner who is no longer
- 8                     registered;
- 9                 (d) remove the details of veterinary premises that are no longer
- 10                     registered;
- 11                 (e) correct information in the register that is not, or is no longer,
- 12                     accurate.
- 13             (3) To remove any doubt, the removal of details from the register does
- 14                 not prevent the registrar from keeping a record of details removed.

15     **129         Access to register**

- 16             (1) The register must be open for inspection by the public at reasonable
- 17                 times.
- 18             (2) However, information that is not required to be included in the
- 19                 register under section 124 (Contents of register—practitioners) or
- 20                 section 125 (Contents of register—premises) need not be available
- 21                 to the public.
- 22             (3) Also, the board need not allow public inspection of a condition on
- 23                 the registration of a veterinary practitioner if—
- 24                 (a) the condition contains information about someone other than
- 25                     the veterinary practitioner that the board is satisfied is, or may
- 26                     be, confidential; or

1 (b) in the board's opinion, the benefit to the public of knowing the  
2 condition is outweighed by the personal or prejudicial nature of  
3 the condition.

4 (4) The board may, if asked, give someone a copy of, or extract from,  
5 the register.

6 *Note* A fee may be determined under s 143 for a request under s (4).

7 **130 Requests for changes of details in register**

8 (1) A registered veterinary practitioner or registration holder may apply  
9 to the board to change information in the register—

10 (a) in the case of a practitioner—about the practitioner; or

11 (b) in the case of the registration holder—about the registered  
12 premises.

13 (2) If the board receives an application under subsection (1), the board  
14 must consider whether the change is necessary and tell the applicant,  
15 in writing, whether the board considers the change necessary.

16 *Note* Because the board is required to keep the register current and accurate,  
17 if the board considers the change necessary the board must make the  
18 change under s 123 (4).

19 (3) The board may, before deciding an application, ask the applicant, in  
20 writing, for additional information in relation to the application.

21 **131 When board must not charge fees etc for register**  
22 **corrections**

23 The board may not charge a fee, or must refund any fee paid, on  
24 application for a change in the register if the change is necessary  
25 because of a mistake of the board.

1     **132           Evidentiary certificate—contents of register**

2           In any proceedings in a court, a certificate purporting to be signed  
3           by the president stating that, on a stated date or during a stated  
4           period, the particulars contained in the register as to stated matters  
5           were as so stated, is evidence as to the matters stated in the  
6           certificate.

7     **Division 9.2           Dealing with information**

8     **133           Meaning of *information holder***

9           In this Act:

10          *information holder* means—

- 11           (a) a person who is or has been a member of the board; or  
12           (b) anyone else who exercises or has exercised a function under  
13           this Act.

14     **134           Nondisclosure of complaints**

15           (1) This section applies in relation to a complaint made about a  
16           veterinary practitioner.

17           (2) An information holder must not disclose information to the  
18           veterinary practitioner that allows the person who made the  
19           complaint (the *complainant*) to be identified if the information  
20           holder has reason to believe that the disclosure would, directly or  
21           indirectly—

- 22           (a) put the health or safety of anyone at risk; or  
23           (b) cause anyone to receive a lower standard of service than the  
24           person would have received if the complainant had not been  
25           identified; or

- 1 (c) prejudice the management of the complaint or its consideration  
2 by the board or the commission.

3 Maximum penalty: 20 penalty units.

4 **135 Use and disclosure of protected information**

- 5 (1) An information holder commits an offence if—

- 6 (a) the information holder uses information; and  
7 (b) the information is protected information about someone else  
8 (the *protected person*); and  
9 (c) the information holder is reckless about whether the  
10 information is protected information about the protected  
11 person.

12 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
13 both.

- 14 (2) An information holder commits an offence if—

- 15 (a) the information holder does something that discloses  
16 information; and  
17 (b) the information is protected information about a protected  
18 person; and  
19 (c) the information holder is reckless about whether—  
20 (i) the information is protected information about the  
21 protected person; and  
22 (ii) doing the thing would result in the information being  
23 disclosed to someone else.

24 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
25 both.

1 (3) Subsections (1) and (2) do not apply if the information holder uses  
2 or discloses protected information about the protected person—

3 (a) under this Act or another territory law; or

4 (b) in relation to the exercise of a function, as an information  
5 holder, under this Act or another territory law; or

6 (c) in a court proceeding; or

7 (d) with the protected person's consent.

8 *Note* The defendant has an evidential burden in relation to the matters  
9 mentioned in s (3) (see [Criminal Code](#), s 58).

10 (4) An information holder need not disclose protected information to a  
11 court, or produce a document containing protected information to a  
12 court, unless it is necessary to do so for this Act or another territory  
13 law.

14 (5) In this section:

15 ***court*** includes a tribunal, authority or person having power to  
16 require the production of documents or the answering of questions.

17 ***disclose*** includes—

18 (a) communicate; or

19 (b) publish.

20 ***information*** means information, whether true or not, in any form  
21 and includes an opinion and advice.

22 ***produce*** includes allow access to.

23 ***protected information*** means information about a person that is  
24 disclosed to, or obtained by, an information holder because of the  
25 exercise of a function under this Act by the information holder or  
26 someone else.

27 ***use***, in relation to information, includes make a record of the  
28 information.

1       **Part 10**                               **Notification and review of**  
2   **decisions**

3       **136**           **Meaning of *reviewable decision*—pt 10**

4                       In this part:

5                       *reviewable decision* means a decision mentioned in schedule 1,  
6                       column 3 under a provision of this Act mentioned in column 2 in  
7                       relation to the decision.

8       **137**           **Reviewable decision notices**

9                       If a person makes a reviewable decision, the person must give a  
10                      reviewable decision notice to each entity mentioned in schedule 1,  
11                      column 4 in relation to the decision.

12                      *Note 1*   The person must also take reasonable steps to give a reviewable  
13                      decision notice to any other person whose interests are affected by the  
14                      decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

15                      *Note 2*   The requirements for reviewable decision notices are prescribed under  
16                      the [ACT Civil and Administrative Tribunal Act 2008](#), div 6.3.

17       **138**           **Applications for review**

18                      The following may apply to the ACAT for review of a reviewable  
19                      decision:

20                      (a) an entity mentioned in schedule 1, column 4 in relation to the  
21                      decision;

22                      (b) any other person whose interests are affected by the decision.

23                      *Note*     If a form is approved under the [ACT Civil and Administrative Tribunal](#)  
24                      [Act 2008](#) for the application, the form must be used.

## Part 11 Miscellaneous

### 139 Information sharing

(1) The board may disclose to a relevant authority information about—

- (a) a contravention of this Act or an animal welfare law; or
- (b) any other information prescribed by regulation.

(2) In this section:

*animal welfare law* means the following:

- (a) the *Animal Welfare Act 1992*;
- (b) the *Domestic Animals Act 2000*;
- (c) in relation to a State—a law of the State relating to animal welfare.

*Note* *State* includes the Northern Territory (see *Legislation Act*, dict, pt 1).

*corresponding law*—

- (a) means a law of a State that provides for the regulation of veterinary services; and
- (b) includes a law of a State prescribed by regulation.

*relevant authority* means—

- (a) an entity responsible for the administration of an animal welfare law in the Territory; or
- (b) an inspector or authorised officer under the *Animal Welfare Act 1992*; or
- (c) an authorised person under the *Domestic Animals Act 2000*; or
- (d) an entity of a State responsible for the administration of a corresponding law; or
- (e) any other entity prescribed by regulation.

1     **140       Protection of participants**

- 2             (1) This section applies to a person who is or has been a participant in a  
3                 proceeding about a complaint, or a review of conditions imposed on  
4                 a registered veterinary practitioner, before the board.
- 5             (2) An action or proceeding does not lie against a person to whom this  
6                 section applies in relation to an act done, or omitted to be done,  
7                 honestly in that capacity.

8     **141       Protection of informed people**

- 9             (1) An information holder is not civilly liable for conduct engaged in  
10                honestly and without recklessness—
- 11                (a) in the exercise of a function under this Act; or
- 12                (b) in the reasonable belief that the conduct was in the exercise of  
13                 a function under this Act.
- 14             (2) An information holder is, in any legal proceeding, competent but not  
15                 compellable to give evidence or produce documents in relation to  
16                 any matter in which the person was involved in the course of  
17                 exercising the person's functions.

18             *Note*     **Information holder**—see s 133.

19     **142       Exemptions from Act**

- 20             (1) The Minister may, in writing, exempt a veterinary practitioner from  
21                 a provision of this Act if satisfied that it is in the public interest to  
22                 do so.
- 23             (2) An exemption is a disallowable instrument.

24             *Note*     A disallowable instrument must be notified, and presented to the  
25                 Legislative Assembly, under the [Legislation Act](#).



1           (3) An exemption must be made in accordance with the guidelines (if  
2           any) made under subsection (4).

3           (4) The Minister may make guidelines for the giving of exemptions  
4           under subsection (1).

5           (5) A guideline is a disallowable instrument.

6           *Note*     A disallowable instrument must be notified, and presented to the  
7           Legislative Assembly, under the [Legislation Act](#).

#### 8       **143       Determination of fees by board**

9           (1) The board may, in writing, determine fees for this Act.

10          *Note*     The [Legislation Act](#) contains provisions about the making of  
11          determinations and regulations relating to fees (see [Legislation Act](#),  
12          pt 6.3).

13          (2) A determination is a disallowable instrument.

14          *Note*     A disallowable instrument must be notified, and presented to the  
15          Legislative Assembly, under the [Legislation Act](#).

16          (3) A regulation may prescribe when fees may not be charged.

#### 17       **144       Determination of fees by Minister**

18          (1) The Minister may, in writing, determine fees for this Act.

19          *Note*     The [Legislation Act](#) contains provisions about the making of  
20          determinations and regulations relating to fees (see [Legislation Act](#),  
21          pt 6.3).

22          (2) A determination is a disallowable instrument.

23          *Note*     A disallowable instrument must be notified, and presented to the  
24          Legislative Assembly, under the [Legislation Act](#).

1     **145       Fee waiver**

- 2             (1) A person required to pay a fee under this Act may apply to the board  
3               for waiver of the fee.
- 4             (2) The board may waive the fee if the board considers it appropriate.

5     **146       Regulation-making power**

- 6             (1) The Executive may make regulations for this Act.

7               *Note*     A regulation must be notified, and presented to the Legislative  
8                        Assembly, under the [Legislation Act](#).

- 9             (2) A regulation may impose conditions, including restrictions, on the  
10            practice of veterinary science to protect the public or the public  
11            interest.
- 12            (3) A regulation may prescribe offences for contraventions of a  
13            regulation and prescribe maximum penalties of not more than  
14            30 penalty units for offences against a regulation.
- 15            (4) A regulation may prescribe—
- 16               (a) what an application for registration may require and how it  
17                must be made; and
- 18               (b) when (in addition to the circumstances already prescribed  
19                under this Act) the board may apply for—
- 20                    (i) the suspension or cancellation of registration; or
- 21                    (ii) a declaration under section 67 (2) (f) (which is about a  
22                    person who is not registered); and
- 23               (c) requirements in relation to insurance to be held by a registered  
24                veterinary practitioner; and
- 25               (d) when a veterinary practitioner's registration may be renewed,  
26                including when it may be renewed retrospectively; and

- 1           (e) requirements in relation to annual general meetings under  
2           section 92 including the following:
- 3               (i) calling and giving of notice of a meeting;
- 4               (ii) information to be provided at a meeting;
- 5               (iii) procedures for conducting a meeting.
- 6       (5) Also, a regulation may apply, adopt or incorporate (with or without  
7       change) an instrument as in force at a particular time or from time to  
8       time.

- 1 **Part 12** **Repeals and consequential**  
2 **amendments**
- 3 **147 Legislation repealed**
- 4 (1) The following legislation is repealed:  
5 • *Veterinary Surgeons Act 2015* (A2015-29)  
6 • *Veterinary Surgeons Regulation 2015* (SL2015-39).
- 7 (2) All other legislative instruments under the *Veterinary Surgeons*  
8 *Act 2015* are repealed.
- 9 **148 Legislation amended—sch 3**
- 10 This Act amends the legislation mentioned in schedule 3.

## Part 20 Transitional

### 200 Definitions—pt 20

In this part:

*commencement day* means the day this Act, section 3 commences.

*repealed Act* means the [Veterinary Surgeons Act 2015](#).

### 201 Veterinary surgeons—applications

- (1) This section applies to a person who applied to be registered as a veterinary surgeon under the repealed Act and a decision was not made on the application immediately before the commencement day.
- (2) The person is taken to have applied to be a registered veterinary practitioner—
  - (a) if the person applied for registration in a specialist area under the repealed Act—under section 16 (1) (b); and
  - (b) in any other case—under section 16 (1) (a).

### 202 Veterinary surgeons—registration

- (1) This section applies if a person, immediately before the commencement day, was registered as a veterinary surgeon under the repealed Act.
- (2) The person is taken, for this Act, to have—
  - (a) if the person was registered to practise in a specialist area under the [repealed Act](#), section 22 (Specialist area registration)—special registration as a veterinary practitioner; and
  - (b) in any other case—general registration as a veterinary practitioner.

- 1 (3) A person's registration as a veterinary practitioner under  
2 subsection (2) is subject to the same conditions and restrictions as  
3 the person's registration under the repealed Act.

4 **203 Veterinary surgeons—suspended registration**

- 5 (1) This section applies if, immediately before the commencement day,  
6 a person's registration as a veterinary surgeon under the repealed  
7 Act was suspended.
- 8 (2) The person's registration as a veterinary practitioner under this Act  
9 is taken to be suspended until the time the suspension would have  
10 ended under the repealed Act.

11 **204 Veterinary surgeons—complaints**

- 12 (1) This section applies, if—  
13 (a) a complaint had been made under the repealed Act; and  
14 (b) immediately before the commencement day, the ACT  
15 Veterinary Surgeons Board under the repealed Act had not  
16 finally disposed of the complaint.
- 17 (2) The complaint is taken to be a complaint to the board under this Act.
- 18 (3) The boards' consideration of the complaint is not affected only  
19 because something required to be done in relation to the complaint  
20 under this Act was not required to be done under the repealed Act.

21 **205 Veterinary surgeons board—agreements and**  
22 **undertakings**

- 23 (1) This section applies if, immediately before the commencement day,  
24 the ACT Veterinary Surgeons Board, in exercising its functions  
25 under the repealed Act, entered an agreement or undertaking with a  
26 person.
- 27 (2) The agreement or undertaking is taken to be an agreement or  
28 undertaking entered between the board and the person for this Act.

1     **206       Members of board**

- 2             (1) This section applies to a person who was a board member of the  
3                 ACT Veterinary Surgeons Board under the repealed Act  
4                 immediately before the commencement day.
- 5             (2) The person is, on the commencement day, taken to be appointed  
6                 as—
- 7                 (a) if the person was the board president mentioned in the [repealed](#)  
8                     Act, section 108—a member mentioned in section 93 (1) (a);  
9                     and
- 10                (b) if the person was an elected member mentioned in the [repealed](#)  
11                   Act, section 107 (1) (a)—the member mentioned in  
12                   section 93 (1) (b); and
- 13                (c) if the person was the community representative mentioned in  
14                   the [repealed Act](#), section 107 (1) (b)—the member mentioned  
15                   in section 93 (1) (c).
- 16             (3) Section 95 (1) (President and deputy president of board) does not  
17                 apply to a person mentioned in subsection (2) (a) for the period of  
18                 the person's appointment under this section.
- 19             (4) The person's appointment ends at the end of the period stated in the  
20                 appointment under the repealed Act.

21     **207       Register**

22             The register of veterinary surgeons kept under the [repealed Act](#),  
23             section 33 is taken, on the commencement day, to be the register for  
24             this Act, section 123 (1) (a).

25     **208       Grounds for occupational discipline**

- 26             (1) This section applies to a veterinary surgeon who, immediately  
27                 before the commencement day, was registered as a veterinary  
28                 surgeon under the repealed Act.

- 1 (2) Each of the following is taken to be a ground for occupational  
2 discipline under section 64 (Grounds for occupational discipline), in  
3 relation to the veterinary surgeon:
- 4 (a) the veterinary surgeon contravened, before the commencement  
5 day, a standard of practice that applied to the veterinary  
6 surgeon under the repealed Act;
- 7 (b) the veterinary surgeon, before the commencement day, put  
8 public safety or the safety of animals at risk;
- 9 (c) the veterinary surgeon, before the commencement day, did not  
10 satisfy the suitability to practise requirements for a veterinary  
11 surgeon under the repealed Act.

12 **209 Occupational discipline applications before ACAT**

- 13 (1) This section applies if the board under the repealed Act had applied  
14 to the ACAT for an occupational discipline order in relation to a  
15 veterinary surgeon and a decision was not made on the application  
16 immediately before the commencement day.
- 17 (2) The application must continue being dealt with by the ACAT as if  
18 the repealed Act were still in force.
- 19 (3) If the ACAT makes an order suspending the person's registration,  
20 section 203 applies as if the suspension happened immediately  
21 before the commencement day.

22 **210 Executive officer to be registrar**

- 23 (1) The person who, immediately before the commencement day, was  
24 the executive officer of the ACT Veterinary Surgeons Board under  
25 the repealed Act is, on the commencement day, taken to be the  
26 registrar of the board on the same conditions that the person was  
27 appointed under the repealed Act.
- 28 (2) The person's appointment ends at the end of the period stated in the  
29 appointment unless it is ended earlier.



1     **211       Transitional regulations**

- 2             (1) A regulation may prescribe transitional matters necessary or  
3               convenient to be prescribed because of the enactment of this Act.
- 4             (2) A regulation may modify this part (including in relation to another  
5               territory law) to make provision in relation to anything that, in the  
6               Executive's opinion, is not, or is not adequately or appropriately,  
7               dealt with in this part.
- 8             (3) A regulation under subsection (2) has effect despite anything  
9               elsewhere in this Act or another territory law.

10    **212       Expiry—pt 20**

11             This part expires 2 years after the commencement day.

12             *Note*     Transitional provisions are kept in the Act for a limited time. A  
13               transitional provision is repealed on its expiry but continues to have  
14               effect after its repeal (see [Legislation Act](#), s 88).

## Schedule 1      Reviewable decisions

(see s 136)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	19 (1) (a)	register person	applicant for registration
2	19 (1) (b)	refuse to register person	applicant for registration
3	22	board amend registration	registered veterinary practitioner
4	23 (5) (b)	refuse to amend registration	applicant
5	52	take immediate action	veterinary practitioner subject to immediate action
6	61 (1) (b)	take disciplinary action	veterinary practitioner subject to disciplinary action
7	75 (1) (b)	refuse to register veterinary premises	applicant
8	76 (b)	impose condition on registered veterinary premises	registration holder of veterinary premises
9	80 (1)	board amend registration of premises	registration holder of veterinary premises
10	81 (5) (b)	refuse to amend registration of veterinary premises	applicant
11	130	refuse to update register	applicant

## **Schedule 2      Unrestricted acts of veterinary science**

(see s 7 (5))

### **2.1      Unrestricted acts of veterinary science**

(1) The following are unrestricted acts of veterinary science:

- (a) de-worming an animal;
- (b) performing Mules operation on sheep less than 12 months old;
- (c) de-horning of—
  - (i) cattle less than 12 months old; or
  - (ii) goats less than 1 month old;
- (d) horn tipping an animal;
- (e) castrating—
  - (i) cattle, sheep or goats less than 6 months old; or
  - (ii) pigs less than 2 months old;
- (f) tailing sheep less than 6 months old;
- (g) artificial breeding of any animal other than a horse if the procedure does not involve surgery;
- (h) determining the sex of a chicken;
- (i) administration of an anaesthetic to an animal if the administration is done under the immediate and direct supervision of a veterinary practitioner;
- (j) diagnosing pregnancy in sheep by ultrasonic techniques in a way prescribed by regulation.

**Schedule 2**            Unrestricted acts of veterinary science

Section 2.1

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- 1            (2) In this section:
- 2                ***de-horn*** means remove the horn of an animal by methods which
- 3                destroy or remove the keratin producing cells and structures at the
- 4                base of the horn, but does not include horn tipping.
- 5                ***horn tip*** means remove the insensitive part of the horn of an animal.

## **Schedule 3                      Consequential amendments**

(see s 148)

### **Part 3.1                      Animal Diseases Act 2005**

#### **[3.1]                      Section 7 (2) etc**

*omit*

veterinary surgeon

*substitute*

veterinary practitioner

*in*

- section 7 (2)
- section 9 (2), example
- section 31 (1) (b)
- section 34 (3), definition of *prohibited pig feed*, paragraph (b) (iii)
- section 34A (2) (c)
- dictionary, note 2

### **Part 3.2                      Animal Welfare Act 1992**

#### **[3.2]                      Section 91**

*omit*

veterinary surgeon's

*substitute*

veterinary practitioner's

- 1 **[3.3] Further amendments, mentions of veterinary surgeon**
- 2 *omit*
- 3 veterinary surgeon
- 4 *substitute*
- 5 veterinary practitioner
- 6 *in*
- 7 • section 9B (3), definition of *appropriate accommodation*,
- 8 paragraph (c) (i)
- 9 • section 9C (2)
- 10 • section 15B (6)
- 11 • sections 19 and 19A
- 12 • section 77 (2)
- 13 • section 81 (5)
- 14 • sections 84A to 86
- 15 • section 91
- 16 • dictionary, note 2
- 17 • dictionary, definition of *veterinary treatment*
- 18 **[3.4] Further amendments, mentions of veterinary surgeons**
- 19 *omit*
- 20 veterinary surgeons
- 21 *substitute*
- 22 veterinary practitioners
- 23 *in*
- 24 • section 19 heading
- 25 • section 19A heading
- 26 • section 20

- 1           • division 7.5 heading
- 2           • section 84A heading
- 3           • division 7.6 heading
- 4           • section 86 heading
- 5           • division 7.8 heading

## 6           **Part 3.3                                  Domestic Animals Act 2000**

### 7           **[3.5]           Section 23 (2) etc**

8                       *omit*

9                       veterinary surgeon

10                      *substitute*

11                      veterinary practitioner

12                      *in*

- 13                      • section 23 (2)
- 14                      • sections 74 (5) (c) and 74A (3)
- 15                      • section 80
- 16                      • section 115
- 17                      • dictionary, note 2

### 18           **[3.6]           Dictionary, definition of *animal welfare offence*, par (s)**

19                      *omit*

20                      veterinary surgeons

21                      *substitute*

22                      veterinary practitioners

1     **Part 3.4**                     **Domestic Animals**  
2                                     **Regulation 2001**

3     **[3.7]       Section 7 (6) (b) etc**

- 4                     *omit*  
5                     veterinary surgeon  
6                     *substitute*  
7                     veterinary practitioner  
8                     *in*  
9                     • section 7 (6) (b)  
10                    • section 8 (2) (b)  
11                    • section 12  
12                    • section 15 (1) (b)  
13                    • dictionary, note 2

14    **Part 3.5**                     **Environment Protection**  
15                                     **Regulation 2005**

16    **[3.8]       Section 55 (3) and note**

- 17                     *substitute*  
18                     (3) Subsection (2) (b) does not apply to a person if the person is a  
19                     veterinary practitioner, or another person following instructions  
20                     issued by a veterinary practitioner, acting in the course of treating an  
21                     animal under the veterinary practitioner's care.  
22                     *Note*       *Veterinary practitioner*—see the [Legislation Act](#), dictionary, pt 1.



1 **[3.9] Dictionary, note 2**

2 *omit*

3 veterinary surgeon

4 *substitute*

5 veterinary practitioner

6 **Part 3.6 Firearms Act 1996**

7 **[3.10] Table 61, item 7, column 3**

8 *omit*

9 veterinary surgeon

10 *substitute*

11 veterinary practitioner

12 **[3.11] Dictionary, note 2**

13 *omit*

14 veterinary surgeon

15 *substitute*

16 veterinary practitioner

17 **Part 3.7 Firearms Regulation 2008**

18 **[3.12] Section 15 (2) (b)**

19 *omit*

20 veterinary surgeon

21 *substitute*

22 veterinary practitioner

1 **[3.13] Dictionary, note 2**

2 *omit*

3 veterinary surgeon

4 *substitute*

5 veterinary practitioner

6 **Part 3.8 Human Rights Commission**  
7 **Act 2005**

8 **[3.14] Section 7 (3) (c)**

9 *omit*

10 surgeon's

11 *substitute*

12 practitioner's

13 **[3.15] Section 14 (1), note**

14 *omit*

15 *Veterinary Surgeons Act 2015*

16 *substitute*

17 *Veterinary Practice Act 2018*

18 **[3.16] Section 39 (1) (b) (iv)**

19 *omit*

20 *Veterinary Surgeons Act 2015*

21 *substitute*

22 *Veterinary Practice Act 2018*

1 **[3.17] Section 93, note**

2 *substitute*

3 *Note* The *Veterinary Practice Act 2018*, pt 5 provides for joint  
4 consideration of complaints or occupational discipline matters for  
5 veterinary practitioners.

6 **[3.18] Dictionary, definition of *complaint*, paragraph (b)**

7 *substitute*

8 (b) about a veterinary practitioner—means a complaint about the  
9 veterinary practitioner that may be made, or is made, under this  
10 Act or the *Veterinary Practice Act 2018*, section 43 (Who may  
11 complain?).

12 **[3.19] Dictionary, definition of *registered*, paragraph (b)**

13 *substitute*

14 (b) for a veterinary practitioner—registered under the *Veterinary*  
15 *Practice Act 2018*.

16 **[3.20] Dictionary, new definition of *registered veterinary***  
17 ***practitioner***

18 *insert*

19 *registered veterinary practitioner*, for division 5.2 (Relationship  
20 between commission, health profession boards and veterinary  
21 practitioners board)—see section 91.

22 **[3.21] Dictionary, definition of *registered veterinary surgeon***

23 *omit*

24 **[3.22] Dictionary, definition of *related Act*, paragraph (f)**

25 *substitute*

26 (f) *Veterinary Practice Act 2018*;

- 1 **[3.23] Dictionary, definition of *relevant board*, paragraph (b)**
- 2 *substitute*
- 3 (b) for a veterinary practitioner—the veterinary practitioners
- 4 board.
- 5 **[3.24] Further amendments, mentions of *veterinary surgeon***
- 6 *omit*
- 7 veterinary surgeon
- 8 *substitute*
- 9 veterinary practitioner
- 10 *in*
- 11 • section 7
- 12 • section 42 (1), note 1
- 13 • section 48 (1), note 1
- 14 • section 48 (3), example 3
- 15 • section 91 heading
- 16 • section 91, definition of *registered veterinary surgeon*
- 17 • sections 92 to 94
- 18 • dictionary, note 2
- 19 **[3.25] Further amendments, mentions of *veterinary surgeons***
- 20 *omit*
- 21 veterinary surgeons
- 22 *substitute*
- 23 veterinary practitioners
- 24 *in*
- 25 • section 48 (3), example 3

- 1 • section 78 (1) (e)
- 2 • section 80 (1) (c) (ii)
- 3 • section 83 (1), example
- 4 • part 5 heading
- 5 • division 5.2 heading
- 6 • section 93 heading

## 7 Part 3.9 Juries Act 1967

8 **[3.26] Schedule 2, part 2.1, item 9**

9 *substitute*

9	a practising veterinary practitioner
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10 **Part 3.10** **Legislation Act 2001**

11 **[3.27] Dictionary, part 1, new definition of *veterinary practitioner***

12 *insert*

13 ***veterinary practitioner*** means a person registered as a veterinary  
14 practitioner under the *Veterinary Practice Act 2018*.

15 **[3.28]** Dictionary, part 1, definition of *veterinary surgeon*

16 *omit*

1     **Part 3.11**                             **Medicines, Poisons and**  
2   **Therapeutic Goods Act 2008**

3     **[3.29]     Section 6 (3)**

4                     ~~omit~~  
5                     veterinary surgeons  
6                     ~~substitute~~  
7                     veterinary practitioners

8     **[3.30]     Section 7 (1)**

9                     ~~omit~~  
10                    veterinary surgeon  
11                    ~~substitute~~  
12                    veterinary practitioner

13    **[3.31]     Section 66 (3) (a)**

14                    ~~omit~~  
15                    veterinary surgeons  
16                    ~~substitute~~  
17                    veterinary practitioners

18    **[3.32]     Section 138 (2) (b)**

19                    ~~substitute~~  
20                    (b) make a complaint under the *Veterinary Practice Act 2018*,  
21                    part 5 about a veterinary practitioner.

1 **[3.33] Sections 149 (2) (b) and 152 (3) (b)**

2 *substitute*

3 (b) if the relevant person is a veterinary practitioner—the  
4 veterinary practitioners board; and

5 **[3.34] Section 195 (4) (f)**

6 *omit*

7 veterinary surgeons

8 *substitute*

9 veterinary practitioners

10 **[3.35] Dictionary, note 2**

11 *omit*

- 12 • veterinary surgeon.

13 *substitute*

- 14 • veterinary practitioner.

15 **[3.36] Dictionary, new definition of *veterinary practitioners***  
16 ***board***

17 *insert*

18 ***veterinary practitioners board*** means the veterinary practitioners  
19 board established under the *Veterinary Practice Act 2018*,  
20 section 90.

21 **[3.37] Dictionary, definition of *veterinary surgeons board***

22 *omit*

**Part 3.12 Medicines, Poisons and  
Therapeutic Goods  
Regulation 2008**

**[3.38] Section 21**

*substitute*

**21 Medicines authorisations subject to Veterinary Practice  
Act 2018 restrictions**

A veterinary practitioner's authorisation under the Act to deal with a medicine is subject to any condition or other restriction to which the veterinary practitioner is subject under the *Veterinary Practice Act 2018*.

**[3.39] Section 500 (1), definition of *veterinary surgeon***

*omit*

**[3.40] Section 510, paragraph (a), note 1**

*substitute*

*Note 1* ***Dentist*** and ***doctor*** does not include an intern or trainee (see defs of these terms in dict).

**[3.41] Section 532 (1), definition of *designated person*, note 1**

*substitute*

*Note 1* ***Dentist*** and ***doctor*** does not include an intern or trainee (see defs of these terms in dict).

**[3.42] Table 540, item 12**

*substitute*

12	veterinary practitioner	the practitioner's registered veterinary premises
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- 1 **[3.43] Section 541 (1), definition of *designated person*, note 1**
- 2 *substitute*
- 3 *Note 1* ***Dentist*** and ***doctor*** does not include an intern or trainee (see defs
- 4 of these terms in dict).
- 5 **[3.44] Section 545 (1), note 2**
- 6 *substitute*
- 7 *Note 2* ***Dentist*** and ***doctor*** does not include an intern or trainee (see defs
- 8 of these terms in dict).
- 9 **[3.45] Section 551, definition of *designated prescriber***
- 10 *omit*
- 11 (other than a veterinary surgeon or trainee veterinary surgeon)
- 12 *substitute*
- 13 (other than a veterinary practitioner)
- 14 **[3.46] Section 651 (3) (a)**
- 15 *omit*
- 16 veterinary surgeons
- 17 *substitute*
- 18 veterinary practitioners

**[3.47] Schedule 1, part 1.13**

*substitute*

**Part 1.13 Veterinary practitioners and employees**

column 1 item	column 2 person authorised	column 3 authorisation
1	veterinary practitioner	to the extent necessary to practise veterinary medicine and, if employed, within the scope of employment, do any of the following: (a) issue purchase orders for medicines; (b) obtain medicines; (c) possess medicines; (d) administer medicines; (e) prescribe medicines; (f) supply— (i) pharmacy medicines if labelled with words to the effect of ‘for animal treatment only’; or (ii) pharmacist only medicines supplied in person by a veterinary practitioner if labelled with words to the effect of ‘for animal treatment only’; or (iii) medicines to custodians of animals during consultations if labelled in accordance with s 161.
<i>Note</i> <b>Custodian</b> , of an animal—see the dictionary.		

column 1 item	column 2 person authorised	column 3 authorisation
2	veterinary practitioner's employee public employee assisting veterinary practitioner who is public employee	within the scope of employment and under supervision of veterinary practitioner, do any of the following: (a) obtain medicines from veterinary practitioner authorised to possess them; (b) possess medicines mentioned in par (a); (c) administer medicines mentioned in par (a) in accordance with veterinary practitioner's prescription; (d) supply pharmacy medicines if labelled with words to the effect of 'for animal treatment only'; (e) supply pharmacist only medicines supplied in person by a veterinary practitioner if supply is for purpose of sale or delivery of medicine; (f) supply medicines supplied in person by a veterinary practitioner at the place of employment if labelled in accordance with s 161.

- 1 **[3.48] Dictionary, definition of *health profession*, paragraph (b)**
- 2 *substitute*
- 3 (b) the veterinary practitioners profession under the *Veterinary*
- 4 *Practice Act 2018*.
- 5 **[3.49] Dictionary, definition of *scientifically qualified person***
- 6 *substitute*
- 7 *scientifically qualified person* means—
- 8 (a) a dentist, doctor, pharmacist, or veterinary practitioner; or

1 (b) a person who has been awarded a doctorate for scientific  
2 studies by the person.

3 *Note* **Dentist, doctor** and **pharmacist** does not include an intern or trainee  
4 (see defs of these terms).

5 **[3.50] Dictionary, new definition of *veterinary practitioner***

6 *insert*

7 ***veterinary practitioner*** means a registered veterinary practitioner  
8 under the *Veterinary Practice Act 2018*, section 9.

9 **[3.51] Dictionary, definition of *veterinary surgeon***

10 *omit*

11 **[3.52] Further amendments, mentions of *veterinary surgeon***

12 *omit*

13 veterinary surgeon

14 *substitute*

15 veterinary practitioner

16 *in*

- 17 • section 41 (1) (l)  
18 • section 123 (e)  
19 • section 161 (1)  
20 • section 510, paragraph (a)  
21 • section 532 (1), definition of ***designated person***, paragraph (a)  
22 • section 533 (1), definition of ***excluded person***, paragraph (a)  
23 • section 541 (1), definition of ***designated person***, paragraph (a)  
24 • section 545 (1) (j)

**Part 3.13                      Nature Conservation Act 2014**

**[3.53]           Sections 132 (3) (b) and 133 (3) (b) (ii)**

*omit*

veterinary surgeon

*substitute*

veterinary practitioner

**Part 3.14                      Prohibited Weapons  
Regulation 1997**

**[3.54]           Section 12A (2) (b)**

*omit*

veterinary surgeon

*substitute*

veterinary practitioner

**[3.55]           Section 12A (3), definition of *authorised person*,  
paragraph (b) (iii)**

*substitute*

(iii) a veterinary practitioner; or

**Part 3.15                      Radiation Protection Act 2006**

**[3.56]           Section 115 (4) (c) (ii)**

*substitute*

(ii) the veterinary practitioners board; or

1 **Part 3.16** **Workers Compensation**  
2 **Regulation 2002**

3 **[3.57] Schedule 1, item 8, column 3**

4 *omit*  
5 veterinary surgeon  
6 *substitute*  
7 veterinary practitioner

8 **[3.58] Schedule 1, item 9, column 3**

9 *omit*  
10 veterinary surgeon  
11 *substitute*  
12 veterinary practitioner

# Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- appoint
- bankrupt
- chief police officer
- Corporations Act
- Criminal Code
- disallowable instrument (see s 9)
- entity
- Executive
- exercise
- financial year
- function
- Legislative Assembly
- Minister (see s 162)
- notifiable instrument (see s 10)
- occupational discipline order
- penalty unit (see s 133)
- person (see s 160)
- police officer
- reviewable decision notice
- Self-Government Act
- State
- territory law
- the Territory
- under.

- 1            ***annual registration fee*** means the annual registration fee payable  
2            under section 79.
- 3            ***another jurisdiction***—see section 33.
- 4            ***application***, for registration, includes an application for renewal of  
5            registration.
- 6            ***AVBC*** means the Australasian Veterinary Boards Council Inc (ABN  
7            49 337 540 469).
- 8            ***board*** means the ACT Veterinary Practitioners Board established  
9            under section 90.
- 10          ***business name***—see the [\*Business Names Registration\*](#)  
11          [\*Act 2011\*](#) (Cwlth).
- 12          ***commission*** means the human rights commission.
- 13          ***complainant*** means the person who made the complaint under  
14          division 5.2.
- 15          ***complaint*** means a complaint made under section 43 (Who may  
16          complain).
- 17          ***corresponding law***, of another jurisdiction, means a law of that  
18          jurisdiction that corresponds to this Act.
- 19          ***deemed registration***—see section 34.
- 20          ***deputy president*** means the person elected deputy president under  
21          section 95 (2).
- 22          ***executive officer***, of a corporation, means a person, however  
23          described and whether or not the person is a director of the  
24          corporation, who is concerned with, or takes part in, the  
25          corporation's management.



1           ***exempt entity*** means any of the following:

- 2           (a) a corporation or entity whose principal business is the supply  
3           of goods or materials used in connection with agriculture that  
4           also provides veterinary services at the same place the goods  
5           and materials are supplied;
- 6           (b) a government agency;
- 7           (c) a charitable organisation that provides veterinary services;
- 8           (d) a person prescribed by regulation.

9           ***general registration*** means registration as a veterinary practitioner  
10          permitted to carry out a restricted act of veterinary science other  
11          than an act that requires specialist registration.

12          ***ground for occupational discipline***, in relation to a veterinary  
13          practitioner—see section 64.

14          ***immediate action***, in relation to a registered veterinary practitioner,  
15          for subdivision 5.3.1 (Immediate action)—see section 51.

16          ***information*** includes documents.

17          ***information holder***—see section 133.

18          ***non-practising veterinary practitioner*** means a veterinary  
19          practitioner registered as a non-practising veterinary practitioner.

20          ***premises***, for division 8.2 (Powers of inspectors)—see section 111.

21          ***president*** means the president of the board under section 93 (1) (a).

22          ***professional misconduct***—see section 40.

23          ***qualified to hold***—

- 24           (a) a general registration as a veterinary practitioner—see  
25           section 28; and
- 26           (b) a specialist registration as a veterinary practitioner—see  
27           section 29.

- 1           **register** means the register of veterinary practitioners and veterinary  
2 premises under section 123.
- 3           **registered**, in relation to veterinary premises, for part 6 (Registration  
4 of veterinary premises)—see section 71.
- 5           **registered veterinary practitioner**—see section 9.
- 6           **registrar**, for the board, means the registrar appointed by the board  
7 under section 104.
- 8           **registration document**—see section 127.
- 9           **registration**, in relation to veterinary premises, for part 6  
10 (Registration of veterinary premises)—see section 71.
- 11          **registration holder**, of registered veterinary premises, for part 6  
12 (Registration of veterinary premises)—see section 71.
- 13          **restricted act of veterinary science**—see section 7.
- 14          **reviewable decision**, for part 10 (Notification and review of  
15 decisions)—see section 136.
- 16          **specialist registration** means registration of a veterinary practitioner  
17 that authorises the practitioner to carry out a stated restricted act of  
18 veterinary science.
- 19          **suitability information**, about a person—see section 31.
- 20          **suitable person**, to be registered as a veterinary practitioner—see  
21 section 30.
- 22          **superintendent**, of registered veterinary premises, for part 6  
23 (Registration of veterinary premises)—see section 71.
- 24          **unrestricted act of veterinary science**—see section 7 (5).
- 25          **unsatisfactory professional conduct**—see section 41.
- 26          **veterinary practice** means a business that supplies veterinary  
27 science services.

- 1           ***veterinary practitioners code of professional conduct***—see  
2           section 42.
- 3           ***veterinary practitioner***, for part 5 (Complaints and disciplinary  
4           proceedings)—see section 39.
- 5           ***veterinary premises***, for part 6 (Registration of veterinary  
6           premises)—see section 71.
- 7           ***veterinary premises standard***, for part 6 (Registration of veterinary  
8           premises)—see section 72.
- 9           ***veterinary science***—see section 8.

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## Endnotes

**1      Presentation speech**

Presentation speech made in the Legislative Assembly on 10 May 2018.

**2      Notification**

Notified under the [Legislation Act](#) on 2018.

**3      Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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