

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

VETERINARY SURGEONS REGISTRATION (AMENDMENT) ORDINANCE 1984

Ordinance No. 14 of 1984

The Veterinary Surgeons Registration (Amendment) Ordinance, 1984 (the amending Ordinance) amends the Veterinary Surgeons Registration Ordinance, 1965 (the existing Ordinance) as the fourth and final stage of the review of that legislation. The first stage comprised amendments consequential upon the Health Professions Boards (Elections) Ordinance 1980, the second amendments were consequential upon the Health Professions Boards (Procedures) Ordinance, 1981 and stage 3 introduced new categories of registration for Veterinary Surgeons and a corresponding new scale of fees. The amending Ordinance makes several substantive changes to the existing law. Each of the changes are standard in ACT health professions registration legislation.

Sections 1, 2 and 3 of the amending Ordinance provides for procedural matters.

Section 4 of the amending Ordinance amends the interpretation provisions of the existing Ordinance in a number of procedural matters and adds a definition of veterinary service to include a veterinary attendance, operation or advice. The section also provides for a reference to the prescribed fee to be that as determined by section 42(b) of the Ordinance. Additionally provision has been made for a deeming provision in relation to the conduct of the practice of veterinary surgery to include the practice of veterinary surgery by a person on his own account as a member of a firm, as an employee of a person carrying out veterinary surgery or as an employee of a person other than a veterinary surgeon.

*attached
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Section 5 inserts a new section in the Ordinance excluding from the operation of the Ordinance an officer and employee in the Public Service or a member of the Defence Force carrying out the practice of a veterinary surgeon solely within the responsibilities of his appointment.

Section 6 makes drafting amendments to section 12 of the existing Ordinance.

Section 18 of the existing Ordinance is repealed by section 7 of the amending ordinance as the question of fraudulent applications are dealt with pursuant to the cancellation of registration provisions of the Ordinance.

Section 8 amends section 21 of the existing Ordinance dealing with cancellation of registration for fraud or other reasons by making some drafting amendments and providing for the Board to be entitled to suspend registration of or reprimand the registered veterinary surgeon for unprofessional conduct or cancellation or suspension in a State or in a Territory other than the ACT.

Section 9 of the amending Ordinance empowers the Board to suspend temporarily the registration of a person in respect of whom an inquiry is to be held.

Section 10 empowers the Veterinary Surgeons Board to suspend the registration or limit the scope of practice of a veterinary surgeon on the ground that his or her mental or physical condition requires this to be done in the public interest. The Board is required to reconsider any action taken under this provision -

- (i) at intervals not exceeding 12 months in any event; and
- (ii) after a period of 3 months from the last decision at the request of the person in respect of whom the order was made.

Orders made by the Board under this section are appealable to the Administrative Appeals Tribunal.

Section 11 provides consequential amendments to section 24 of the existing Ordinance.

Section 12 empowers the Chairman, in lieu of the Minister, to cause notices of the decision of the Board to be published.

Section 13 repeals section 27 of the existing Ordinance and inserts a new section entitling a person whose registration has been cancelled or suspended, to apply for re-registration or termination of the suspension on the ground that there has been a change in the circumstances that occurred since the day of the cancellation or suspension and it is just that he should be re-registered or his suspension terminated.

A new section, viz.27AA has been inserted requiring the Board to publish a list of all registered veterinary surgeons.

Section 14 of the amending Ordinance broadens the appeal provisions by entitling a person whose registration has been suspended to appeal against that decision.

Section 15 requires the Veterinary Surgeons Board, where it makes an adverse decision, to inform the person in relation to whom the decision was made, of the decision, the finding of the Board on material questions of fact and the reason for the decision. The Board additionally is required to advise the person of their appeal rights under the provisions of the Ordinance.

Section 16 amends section 30 of the existing Ordinance by prohibiting a person from practising veterinary surgery under a name other than the name under which he is registered.

Section 17 of the amending Ordinance amends section 31 by making a drafting amendment and by deleting sub-section (2) which is no longer necessary.

Section 18 repeals section 32 of the Ordinance which has been unnecessary as an offence has been created for any person undertaking a veterinary service for fee or reward unless they are registered.

Section 19 of the Ordinance amends section 33 of the existing Ordinance by deleting from the exemptions to Part V of the Ordinance the following actions:

- Mules operation or the operation of castrating spaying, dehorning or innoculating animals or tailing lambs; and
- administering an anthelmintic to or dipping or jetting an animal.

Section 20 of the amending Ordinance inserts a new section into the existing Ordinance which enables the business of a deceased veterinary surgeon to be carried on after his death for a prescribed period by an executor, administrator or trustee of his estate, provided that the practice of veterinary surgery in the business is carried on by a registered veterinary surgeon.

Section 21 inserts a new section which entitles the Minister to determine fees by notice published in the Gazette. This section is inserted following amendment to the Seat of Government (Administration) Act 1910 which empowered the Minister to determine fees provided the determination is tabled in both Houses of Parliament and Gazetted.

Section 22 amends the regulation-making power to restrict such power to matters not inconsistent with the Ordinance and deleting provision for penalties to be prescribed by regulation.

Ord No. 2/82