

2018

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

VETERINARY PRACTICE REGULATION ACT 2018

SL2018-28

EXPLANATORY STATEMENT

Presented by

Chris Steel MLA

Minister for City Services

VETERINARY PRACTICE REGULATION 2018

Introduction

This explanatory statement relates to the *Veterinary Practice Regulation 2018* (the Regulation).

It has been prepared to assist the reader of the Regulation and help inform debate on it. It does not form part of the Regulation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the Regulation. It is not, and is not intended to be, a comprehensive description of the Regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview of the Regulation

The *Veterinary Practice Act 2018* (the Act) was notified on 30 August 2018, and will commence on 21 December 2018. The purpose of the Regulation is to contribute to the aims of the Act by providing the operating provisions that give effect to that Act.

The Act has been based on the *NSW Veterinary Practitioners Act 2003* and the *NSW Veterinary Practitioners Regulation 2013* (NSW Regulations).

The object of the Act is to regulate the provision of veterinary services by veterinary practitioners. The Act provides the necessary powers for the Board to register veterinary practitioners and veterinary premises. In so doing, the Board has the regulatory role of investigating and imposing disciplinary measures where practitioners breach their standards of practice or where premises do not meet the veterinary premises standards as prescribed.

The Regulation has been modelled on the NSW Regulations, with the majority of the clauses relating to the administrative functions of the Veterinary Practitioners Board (the Board) established under the Act. The Regulations contain at Schedule 1 the restricted acts of veterinary science. The restricted acts of veterinary science are the same as the NSW restricted acts of veterinary science to ensure harmonization between NSW and ACT veterinary legislation.

The Regulation replaces the *Veterinary Surgeons Regulation 2015*.

Consultation on the Regulation was carried out with the veterinary profession, public and stakeholders of the Board from 25 October 2018 to 30 November 2018.

Human Rights Considerations

During the development of this Regulation regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004*. Other than for clause 6, no potential impacts to human rights have been identified. Potential impacts to right to privacy are discussed at clause 6.

OUTLINE OF PROVISIONS OF THE REGULATION

Part 1 Preliminary

Clause 1 Name of regulation

This clause provides that the name of the Regulation is the *Veterinary Practice Regulation 2018*.

Clause 2 Commencement

This clause provides for the commencement of the Regulation. The Regulation will commence on the commencement of the *Veterinary Practice Act 2018*, section 147.

Clause 3 Dictionary

Definitions for the Regulation can be found in the Dictionary at the end of the Regulation. The Dictionary is part of the Regulation.

Clause 4 Notes

This clause explains that notes in the Regulation are not part of the Regulation and are provided to explain and provide examples about how a provision is intended to operate.

Part 2 Restricted acts of veterinary science

Clause 5 Restricted act of veterinary science

This clause establishes that an act of veterinary science mentioned in schedule 1 of the Regulation is a restricted act of veterinary science.

A restricted act of veterinary science is to only be carried out by a registered veterinary practitioner, other than a non-practicing veterinary practitioner.

Part 3 Registration information

Clause 6 Definitions

This clause provides the definitions for *letter of professional standing* (LOPs). LOPs are for veterinary practitioners who have previously held, or currently

hold, registration in another State. A LOPs is a written statement from a relevant authority about the history of a veterinary practitioner's registration in that authority's jurisdiction. It provides the Board with information on:

- the length of time a person has been registered as a veterinary practitioner by the relevant authority;
- the person's registration number; and
- any conditions (whether current or not current) imposed on the person's registration.

The purpose of a LOPs is to reduce the amount of information persons, who have held, or currently hold veterinary registration, are required to provide the Board for an application for registration as a veterinary practitioner. The information does not impact a person's right to privacy, as the information being provided in a LOPs is contained in the public register of veterinary practitioners, unless deemed unsuitable, such as for conditions relating to mental health, etc..

Clause 7 Application information—Act, s 16 (2) (h)

This clause requires persons applying for registration in the ACT, who have held, or currently hold registration in another State to include as part of their application a LOPs relating to that person.

Clause 8 Sharing registration information—Act, s 139 (1) (b)

In this clause, information included in a letter of professional standing prepared or received by the Board is prescribed information for the Act, section 139 (1) (b).

Part 4 Annual general meeting of veterinary profession

Clause 9 Calling annual general meeting

This clause requires the Board to call an annual meeting 4 months after the end of a financial year.

Clause 10 Notice of annual general meeting

This clause requires the Board to give each registered veterinary practitioner, other than a veterinary practitioner who has deemed registration under the Act, part 4 (Recognition of veterinary practitioners from other jurisdictions), specific information about the annual general meeting as prescribed in the clause.

This clause also requires the Board provide notice of the annual general meeting via the Board's website or any other way the Board considers appropriate, 4 weeks before the day the annual general meeting is to be held.

Clause 11 Information to be provided in relation to annual general meeting

This clause prescribes the information the Board must give a person attending an annual general meeting.

Clause 12 Presiding member

This clause provides that the president of the Board is to preside at an annual general meeting. It further provides that if the president is absent from the meeting, Board members can elect a person to preside at the meeting.

Clause 13 Comments to be taken

This clause provides that the person presiding at the annual general meeting is to take comments from registered veterinary practitioners present at the meeting relating to the agenda, including:

- (a) any proposed increase in fees payable by veterinary practitioners under the Act; and
- (b) any proposed increase in remuneration payable to members of the board.

Clause 14 Annual general meeting may coincide with board meeting

This clause provides that the annual general meeting may be held in conjunction with another meeting of the Board, such as a regular Board meeting.

Schedule 1 Restricted acts of veterinary science

This schedule contains a list of restricted acts of veterinary science.