

Legislative Council—No 104A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 26 September 2023

South Australia

Veterinary Services Bill 2023

A BILL FOR

An Act to support animal health, safety and welfare and the public interest by providing for the registration of veterinarians and premises at which veterinary services are provided, to regulate the provision of veterinary services for the purposes of maintaining high standards of competence and conduct by veterinarians, to recognise the registration of veterinarians in certain jurisdictions, to make related amendments to various Acts, to repeal the *Veterinary Practice Act 2003* and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application of Act

Part 2—Veterinary Services Regulatory Board of South Australia

Division 1—Veterinary Services Regulatory Board of South Australia

- 5 Continuation of Board
- 6 Composition of Board
- 7 Terms and conditions of membership
- 8 Direction if Board fails to carry out functions
- 9 Removal of all members of Board
- 10 Vacancies or defects in appointment of members
- 11 Remuneration
- 12 Governance training
- 13 Publication of appointments
- 14 Functions
- 15 Reporting on exercise of functions
- 16 Committees
- 17 Delegations
- 18 Procedures
- 19 Staff and resources
- 20 Application of Public Sector (Honesty and Accountability) Act
- 21 Power to require medical examination or report
- 22 Accounts and audit
- 23 Annual report

Division 2—Executive Officer

- 24 Executive Officer
- 25 Functions
- 26 Delegations

Part 3—Registration of veterinarians

Division 1—Registers

- 27 Registers

Division 2—Primary registration

- 28 Registration on general or specialist register
- 29 Veterinarian to inform Board of changes to certain information
- 30 Removal from register
- 31 Reinstatement on register
- 32 Fees and returns

Division 3—Deemed registration

- 33 Recognition of veterinarians registered in other jurisdictions

34	Contravention of conditions of deemed registration
35	Veterinarian with deemed registration to inform Board of contact details etc
Division 4—Registration in participating jurisdictions	
36	Registration to be subject to conditions
37	Suspension or cancellation of registration or disqualification
Division 5—Suspension or variation of registration in urgent circumstances	
38	Suspension or variation of registration where veterinarian charged with certain offences or unacceptable risk to animals
Part 4—Registration of premises at which veterinary services provided	
39	Registers
40	Veterinary premises standard
41	Responsible person in respect of registered premises
42	Registration by Board of premises as registered premises
43	Suspension or cancellation of registration
44	Removal from register
45	Reinstatement on register
46	Fees
47	Contravention of conditions of registration
48	Requirement to inform Board of changes
Part 5—Veterinary practice	
Division 1—Veterinary practice	
49	Veterinary services to be provided by veterinarians
50	Veterinary services must be provided at registered premises
51	Offence to carry on certain businesses other than at registered premises
52	Veterinarian to hold certain insurance
Division 2—Improperly influencing veterinarians etc	
53	Application of Division
54	Undue influence
55	Improper directions etc to veterinarian
Division 3—Other offences relating to veterinary practices etc	
56	Offence to give, offer or accept benefit for recommendation or prescription
57	Illegal holding out as veterinarian or specialist
58	Illegal holding out concerning limitations or conditions
59	Illegal holding out concerning registered premises
60	Use of certain titles or descriptions prohibited
Part 6—Medical fitness to provide veterinary services	
61	Medical fitness to provide veterinary services
62	Duty to report medical unfitness of veterinarian
63	Medical fitness of veterinarian
64	Proceedings before Board under Part

Part 7—Complaints, investigations and proceedings

Division 1—Preliminary

- 65 Interpretation
- 66 Proper cause for disciplinary action

Division 2—Complaints

- 67 Board to establish processes for complaints
- 68 Making complaint about veterinarian etc
- 69 Assessment of complaints
- 70 Dismissal of certain complaints
- 71 Decision to take no further action

Division 3—Certain complaints may be resolved by Board

- 72 Application etc of Division
- 73 Complaints that may be dealt with under Division
- 74 Dealing with matters by way of Board resolution
- 75 Duty of Executive Officer with respect to conflict of interest
- 76 Monitoring of Board resolutions

Division 4—Investigations

- 77 Investigation of complaints

Division 5—Disciplinary action before Tribunal

- 78 Hearing by Tribunal as to matters constituting grounds for disciplinary action
- 79 Constitution of Tribunal
- 80 Punishment of conduct that constitutes offence
- 81 No internal review by Tribunal of decision under Division etc

Part 8—Inspectors

- 82 Guidelines
- 83 Inspectors
- 84 Functions of inspectors
- 85 Powers of inspectors
- 86 Offence to hinder etc inspector

Part 9—Review of certain decisions by Tribunal

- 87 Review of certain decisions by Tribunal
- 88 Variation or revocation of conditions imposed by Tribunal

Part 10—Miscellaneous

- 89 Exemptions
- 90 Contact details to be provided to Chief Executive
- 91 False or misleading statement
- 92 Procurement of registration by fraud
- 93 Self-incrimination and legal professional privilege
- 94 Confidentiality
- 95 Victimisation
- 96 Arrangements between Board and interstate registration authorities
- 97 Notification of disciplinary action to interstate registration authorities
- 98 Evidentiary provision

99 Regulations and fee notices

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

- 1 Amendment of section 3—Interpretation
- 2 Amendment of section 11—Supply of prescribed substances prepared by veterinary surgeon
- 3 Amendment of section 14—Treatment of trade species animals in unauthorised manner
- 4 Amendment of section 16—Responsibilities of veterinary surgeon in relation to withholding periods

Part 2—Amendment of *Animal Welfare Act 1985*

- 5 Amendment of section 3—Interpretation
- 6 Amendment of section 14A—Possession of certain items prohibited
- 7 Amendment of section 23—Establishment of animal ethics committees by licensee
- 8 Amendment of section 34B—Power of veterinary surgeons to destroy animals

Part 3—Amendment of *Controlled Substances Act 1984*

- 9 Amendment of section 4—Interpretation
- 10 Amendment of section 13—Manufacture and packing
- 11 Amendment of section 15—Sale or supply to end user
- 12 Amendment of section 17B—Storage and sale of certain precursors
- 13 Amendment of section 17C—Regulation of sale of certain precursors
- 14 Amendment of section 18—Regulation of prescription drugs
- 15 Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances
- 16 Amendment of section 31—Application of Part
- 17 Amendment of section 52—Power to search, seize etc
- 18 Amendment of section 58—Publication of information
- 19 Amendment of section 60—Minister may require certain information to be given

Part 4—Amendment of *Dog and Cat Management Act 1995*

- 20 Amendment of section 4—Interpretation
- 21 Amendment of section 45A—Miscellaneous duties relating to dogs
- 22 Amendment of section 62—Destruction or disposal of seized dog
- 23 Amendment of section 63—Power to destroy cats
- 24 Amendment of section 64—Power to seize and detain cats
- 25 Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

Part 5—Amendment of *Health Care Act 2008*

- 26 Amendment of section 31—General powers of incorporated hospital

Part 6—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

- 27 Amendment of section 26—Interpretation

Part 7—Amendment of *Livestock Act 1997*

- 28 Amendment of section 3—Interpretation—general

- 29 Amendment of section 19—Requirement for registration to perform artificial breeding procedure
- 30 Amendment of section 27—Requirement to report notifiable conditions
- 31 Amendment of section 49—Claims for compensation from Fund
- 32 Amendment of section 68—General powers of inspectors

Part 8—Repeal of *Veterinary Practice Act 2003*

- 33 Repeal of Act

Part 9—Transitional provisions

- 34 Continuation of Board membership
 - 35 Chair of Board
 - 36 Deputy of member
 - 37 Total consecutive terms of office
 - 38 Governance training
 - 39 Codes, standards and guidelines
 - 40 References to Veterinary Surgeons Board of South Australia etc
 - 41 Delegations
 - 42 Executive Officer
 - 43 Continuation of registers
 - 44 Continuation of registration
 - 45 Applications
 - 46 Exemptions
 - 47 Registration of premises
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Veterinary Services Act 2023*.

5 2—Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Section 27(6) of the *Legislation Interpretation Act 2021* does not apply to this Act.

3—Interpretation

- (1) In this Act—

10 **Board** means the Veterinary Services Regulatory Board of South Australia (see Part 2);

Chief Executive means the Chief Executive of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act;

15 **corresponding law** means a law of another jurisdiction recognised by the regulations as a corresponding law under this Act;

corresponding specialty, in relation to a specialty, means—

- (a) a specialty under a corresponding law of the same name as the specialty; or
- (b) a specialty under a corresponding law declared by the Board, by notice in the Gazette, to correspond to the specialty;

5 **deemed registration** means registration under Part 3 Division 3;

Executive Officer means the person holding or acting in the office of Executive Officer of the Board;

general register—see section 27;

health professional means—

- 10 (a) a person who is registered in this State as a medical practitioner; or
- (b) a person who is registered in this State as a psychologist; or
- (c) any other person who belongs to a profession, or who has an occupation, declared by the Board, by notice in the Gazette, to be a profession or occupation within the ambit of this definition;

15 **inspector** means a person authorised by the Board to perform the functions of an inspector under this Act;

interstate registration authority means a person or body having the function of the registration of persons providing veterinary services under a corresponding law;

jurisdiction means—

- 20 (a) a State; or
- (b) a Territory; or
- (c) an overseas jurisdiction brought within the ambit of this definition by the regulations;

25 **legal practitioner** means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia;

participating jurisdiction means this State or a jurisdiction in which a corresponding law is in force;

primary registration means registration under Part 3 Division 2;

registered premises means premises registered under Part 4;

30 **repealed Act** means the *Veterinary Surgeons Act 1985* or the *Veterinary Practice Act 2003*;

responsible person in respect of registered premises—see section 41;

specialist means a person registered on the specialist register;

specialist register—see section 27;

35 **specialty** means a branch of veterinary practice declared by the Board, by notice in the Gazette, to be a specialty;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

unprofessional conduct includes—

- (a) improper or unethical conduct in relation to professional practice; and
- (b) incompetence or negligence in relation to the provision of veterinary services; and
- 5 (c) a contravention of—
 - (i) a provision of this Act; or
 - (ii) a code of conduct or professional standards prepared or endorsed by the Board under this Act; and
- 10 (d) conduct that constitutes an offence punishable by imprisonment for 1 year or more under this or any other Act or law; and
- (e) conduct that constitutes an offence prescribed by the regulations;

veterinarian means—

- (a) a person with primary registration; or
- 15 (b) a person with deemed registration who provides veterinary services or engages in other conduct as a veterinarian in this State;

veterinary premises register—see section 39;

veterinary premises standard means the veterinary premises standard prepared or endorsed under section 40, as in force from time to time;

veterinary service means a service which forms part of the practice of veterinary surgery or veterinary medicine and includes—

- (a) the diagnosis of a disease or physiological condition in, or an injury to, an animal; and
- (b) the medical treatment of an animal; and
- (c) the administration of an anaesthetic to an animal; and
- 25 (d) the performance of an invasive or surgical procedure on an animal; and
- (e) the castration or spaying of an animal; and
- (f) the performance of a dental procedure on an animal; and
- (g) any other act or activity of a kind prescribed by the regulations to be a veterinary service,

30 but does not include anything excluded from the ambit of this definition by the regulations.

- (2) A reference in this Act to premises will be taken to include a reference to a mobile hospital or clinic (whether a vehicle, demountable building or otherwise) in which it is intended that veterinary services will be provided (including the performance of
- 35 invasive or surgical procedures on animals).
- (3) A reference in this Act to *unprofessional conduct* extends to—
 - (a) unprofessional conduct committed before the commencement of this Act; and
 - (b) unprofessional conduct committed within or outside South Australia or the Commonwealth.

- (4) For the purposes of this Act, a reference to *disqualification* from registration under a corresponding law is a reference to any form of prohibition from general or specialist registration or registration in a corresponding specialty under the corresponding law.
- (5) For the purposes of this Act, a reference to being registered on the specialist register will, in the case of a veterinarian registered in more than 1 specialty, be taken to be a reference to the registration of each such specialty.

4—Application of Act

This Act is in addition to, and does not derogate from, any other Act or law.

Part 2—Veterinary Services Regulatory Board of South Australia

Division 1—Veterinary Services Regulatory Board of South Australia

5—Continuation of Board

- (1) The Veterinary Surgeons Board of South Australia continues in existence as the Veterinary Services Regulatory Board of South Australia.
- (2) The Board—
- (a) is a body corporate; and
 - (b) has perpetual succession and a common seal; and
 - (c) is capable of suing and being sued in its corporate name; and
 - (d) has all the powers of an individual that are capable of being exercised by a body corporate.
- (3) If a document appears to bear the common seal of the Board, it will be presumed, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to the document.
- (4) The Board is subject to the direction and control of the Minister, however the Minister must not give a direction that relates to—
- (a) a particular person; or
 - (b) a particular application, complaint, investigation or proceeding; or
 - (c) the performance by the Board of its function of determining qualifications for registration on the general register or the specialist register.

6—Composition of Board

- (1) The Board consists of 9 members appointed by the Governor on the recommendation of the Minister of whom—
- (a) 6 must be veterinarians with primary registration; and
 - (b) 3 must be persons who are not veterinarians of whom—
 - (i) 1 must be a legal practitioner; and
 - (ii) 1 must have skills, knowledge and experience in accounting, business or finance; and

(iii) I must have skills, knowledge and experience that the Minister considers appropriate to enable the member to effectively carry out the functions of the Board.

5 (2) In recommending veterinarians with primary registration for appointment as members of the Board, the Minister should, as far as reasonably practicable, endeavour to ensure those veterinarians collectively have skills, knowledge and experience in the following areas:

(a) management or governance;

(b) teaching of veterinary science;

10 (c) government agencies responsible for biosecurity (whether State or Commonwealth);

(d) urban companion animal practice;

(e) rural mixed or production animal practice;

15 (f) any other area that the Minister considers appropriate to enable the member to effectively carry out the functions of the Board.

(3) Before recommending veterinarians with primary registration for appointment as members of the Board, the Minister may consult with a prescribed peak body representing the veterinary profession in the State.

(4) The members of the Board referred to in subsection (1)(b)—

20 (a) must not be, or have been, registered as a veterinarian; and

(b) must not work in an area relating to, or have a material interest in, veterinary services.

25 (5) The Minister must appoint a member of the Board who is a veterinarian with primary registration with management or governance skills, knowledge and experience as the Chair of the Board, unless the Minister considers that it is appropriate to appoint another member of the Board as the Chair of the Board.

(6) At least 2 of the members of the Board must be women and at least 2 must be men.

(7) The Governor may appoint a person to be a deputy of a member and a person so appointed may act as a member of the Board in the absence of the member.

30 (8) The requirements of qualification, skills, knowledge, experience and recommendation made by this section in relation to the appointment of a member extend to the appointment of a deputy of that member.

7—Terms and conditions of membership

35 (1) A member of the Board will be appointed by the Governor on conditions, and for a term (not exceeding 3 years), determined by the Governor and specified in the instrument of appointment.

(2) A member of the Board is, at the end of a term of appointment, eligible for reappointment but cannot hold office for consecutive terms that exceed 9 years in total.

40 (3) The Governor may, at any time, remove a member of the Board from office for any reason the Governor thinks fit.

- (4) The office of a member of the Board becomes vacant if the member—
- (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - 5 (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Board; or
 - (e) is removed from office under subsection (3) or section 9.
- (5) If a member of the Board is a member constituting the Board for the purposes of proceedings regarding medical fitness under Part 6 and the member's term of office expires before those proceedings are completed, the member may, for the purpose of continuing and completing those proceedings, continue to act as a member of the Board.
- 10

8—Direction if Board fails to carry out functions

- (1) If the Minister is of the opinion that the Board has failed to carry out its functions satisfactorily, the Minister may direct the Board to carry out the function or functions the Minister considers it has failed to carry out and must provide the Board reasonable time to comply with the direction.
- 15
- (2) The Minister must, within 3 sitting days after giving a direction, cause a copy of the direction to be laid before each House of Parliament.

9—Removal of all members of Board

- (1) If the Minister is of the opinion that the Board has failed to comply with a direction under section 8, the Minister may recommend that the Governor remove all members of the Board from office.
- 20
- (2) If the Minister has made a recommendation under subsection (1), the Governor may, by notice in the Gazette, remove all members of the Board from office.
- 25
- (3) Despite any other provision of this Act, if all members of the Board are removed from office under subsection (2) the following provisions apply:
- (a) the Governor may, on the recommendation of the Minister, by notice in the Gazette, appoint an Administrator, on terms and conditions determined by the Governor, to carry out the functions of the Board until members of the Board are appointed in accordance with section 6;
 - 30 (b) the Administrator is entitled to remuneration, allowances and expenses determined by the Governor;
 - (c) the Governor may remove a person from the office of Administrator for any reason the Governor thinks fit;
 - 35 (d) the office of Administrator becomes vacant if the Administrator—
 - (i) dies; or
 - (ii) completes a term of office; or
 - (iii) resigns by written notice to the Minister; or
 - 40 (iv) is removed from office under paragraph (c);

- (e) the Governor may appoint a person to act as the Administrator—
- (i) during a vacancy in the office of Administrator; or
 - (ii) when the Administrator is absent from, or unable to discharge, official duties;
- 5 (f) the Administrator has all the functions and powers of the Board;
- (g) the Administrator will be taken to be the Board for the purposes of carrying out a function assigned to the Board, or exercising a power conferred on the Board, by or under this Act;
- 10 (h) the *Public Sector (Honesty and Accountability) Act 1995* applies to the Administrator as if the Administrator were a senior official and the Minister administering this Act were the relevant Minister;
- (i) in any legal proceedings, an apparently genuine document purporting to bear the common seal of the Board and the signature of the Administrator attesting the affixation of the seal will be presumed, in the absence of proof to the
- 15 contrary, to have been duly executed by the Board;
- (j) the Administrator may continue proceedings that are before the Board at the time all members of the Board are removed from office under subsection (2).

10—Vacancies or defects in appointment of members

20 An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

11—Remuneration

A member of the Board is entitled to remuneration, allowances and expenses determined by the Governor.

12—Governance training

25 A member of the Board must, in accordance with any requirements set out in the regulations, complete training related to corporate governance.

13—Publication of appointments

30 The Board must, on a website determined by the Board, publish and maintain a list of the current members of the Board which includes the following information in respect of each member:

- (a) name;
- (b) initial date of appointment;
- (c) current term of appointment;
- (d) skills, knowledge and experience (as required by section 6).

14—Functions

- (1) The functions of the Board include—
- (a) to determine applications for registration for the purposes of this Act; and

- (b) to recognise courses of education or training that provide qualifications for registration on the general register or the specialist register; and
- (c) to determine the requirements necessary for registration on the general register or the specialist register; and
- 5 (d) to determine the specialties in which a person may be registered on the specialist register; and
- (e) to prepare or endorse codes of conduct, professional standards and guidelines for the purposes of this Act; and
- 10 (f) to prepare or endorse standards relating to minimum requirements for registered premises; and
- (g) to receive and deal with complaints made about the conduct of veterinarians; and
- (h) to provide advice to the Minister as may be appropriate or requested by the Minister; and
- 15 (i) to provide information and advice to veterinarians and the public about relevant legislation, codes of conduct, professional standards and other standards and guidelines prepared or endorsed by the Board; and
- 20 (j) to confer and collaborate with other veterinary regulatory authorities to ensure effective national exchange of information and promote uniformity and consistency in the regulation of veterinarians within Australia; and
- (k) to carry out other functions assigned to the Board by or under this Act or by the Minister.
- (2) The Board must ensure that applications for registration under this Act are determined in a timely and efficient manner.
- 25 (3) In recognising a course of education or training, the Board may act on the recommendation of the Australasian Veterinary Boards Council Incorporated relating to the course.
- (4) If the Board prepares or endorses a code of conduct, professional standard, veterinary premises standard or guidelines under subsection (1), or varies, substitutes or revokes
- 30 such a code, standard or guidelines, the Board must—
- (a) consult on the proposed code, standard or guidelines, or variation, substitution or revocation (as the case requires), with veterinarians, a prescribed peak body representing the veterinary profession in the State or relevant stakeholders in accordance with a scheme determined by Board and approved
- 35 by the Minister (which, in the case of varying or revoking a code, standard or guidelines, may provide that no consultation is required); and
- (b) cause an up-to-date copy of the code, standard or guidelines to be published in the Gazette and on a website determined by the Board; and
- (c) advise veterinarians of the new or updated code, standard or guidelines within
- 40 30 days after it is prepared, endorsed, varied or substituted (as the case requires).

- 5
- (5) The Board must review and, if necessary, update a code of conduct, professional standard, veterinary premises standard or guidelines under subsection (1) at least once every 5 years.
- (6) Proof of compliance with subsections (4) and (5) is not necessary for the purposes of any proceedings that involve an alleged contravention of a code of conduct or professional standard.
- (7) The Board must provide to the Minister (in a manner and form specified by the Minister) such information, records or other documents relating to any aspect of the functions or operations of the Board as the Minister may from time to time require.
- 10 (8) The Board must exercise its functions under this Act with the object of supporting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards both of competence and conduct in the provision of veterinary services in this State.

15—Reporting on exercise of functions

- 15 (1) The Minister may, in writing, request a written report from the Board about the exercise of the Board's functions.
- (2) The request may be for a report into the Board's functions generally or in relation to a specified matter.
- 20 (3) The Board must provide a report under this section within the time the Minister reasonably requires.

16—Committees

- (1) The Board may establish committees—
- (a) to advise the Board on any matter; or
 - (b) to carry out functions on behalf of the Board.
- 25 (2) The membership of a committee will be determined by the Board and may, but need not, consist of, or include, members of the Board.
- (3) The Board will determine who will be the chair of a committee.
- (4) The procedures to be observed in relation to the conduct of the business of a committee will be—
- 30 (a) as determined by the Board; or
- (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.
- (5) A member of a committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister.

17—Delegations

- 35 (1) The Board may delegate any of its functions under this Act other than a prescribed function.
- (2) A delegation under this section—
- (a) may be made—

-
- (i) to a member of the Board, the Executive Officer or a member of staff of the Board; or
- (ii) to a committee established by the Board; and
- (b) must be in writing; and
- 5 (c) may be made subject to conditions and limitations specified in the instrument of delegation; and
- (d) is revocable at will and does not derogate from the power of the Board to act in a matter.
- (3) A delegation under this section must be provided to members of the Board and the
10 Minister within 7 days after it is made.

18—Procedures

- (1) Subject to this Act, a quorum of the Board consists of one half of the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) One of the members constituting a quorum must be a person who is not a veterinarian.
- 15 (3) A meeting of the Board (other than for the purposes of hearing and determining proceedings regarding medical fitness under Part 6) will be chaired by the Chair of the Board or, in their absence, the members present at a meeting of the Board must choose 1 of their number to chair the meeting.
- (4) A decision carried by a majority of the votes cast by members of the Board at a
20 meeting is a decision of the Board.
- (5) Each member present at a meeting of the Board has 1 vote on any question arising for decision and, except in hearing and determining proceedings regarding medical fitness under Part 6, the member presiding at the meeting may exercise a casting vote if the votes are equal.
- 25 (6) A video or telephone conference between the members of the Board will, for the purposes of this section, be taken to be a meeting of the Board at which the participating members are present if—
- (a) notice of the conference is given to all members in the manner determined by the Board for the purpose; and
- 30 (b) each participating member is capable of communicating with every other participating member during the conference.
- (7) A proposed resolution of the Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if—
- (a) notice of the proposed resolution is given to all members of the Board in
35 accordance with procedures determined by the Board; and
- (b) a majority of the members express concurrence in the proposed resolution in writing setting out the terms of the resolution.
- (8) However, subsections (6) and (7) do not apply in relation to the hearing and
40 determination of proceedings regarding medical fitness under Part 6 by the Board as constituted for the purposes of proceedings under that Part.

- (9) The Board must have accurate minutes kept of its meetings and provide a copy of the minutes, and any written resolutions, to members.
- (10) Subject to this Act, the Board may determine its own procedures.

19—Staff and resources

- 5 (1) There will be such staff of the Board as the Board thinks necessary for the proper performance of its functions.
- (2) A member of the staff of the Board is not, as such, a member of the Public Service, but the Board may employ a person who is on leave from employment in the Public Service or with an instrumentality or agency of the Crown.
- 10 (3) The Board may, with the approval of the Minister administering an administrative unit of the Public Service, make use of the services, facilities or officers of that unit.

20—Application of Public Sector (Honesty and Accountability) Act

- (1) The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a committee of the Board as if the committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.
- 15 (2) A member of the Board or a committee of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with veterinarians generally, or a substantial section of veterinarians.
- 20

21—Power to require medical examination or report

- (1) The Board may, for any purpose associated with the administration or operation of this Act, require a veterinarian or a person who is applying for registration or reinstatement of registration as a veterinarian to—
- 25 (a) submit to an examination by a health professional, or by a health professional of a class, specified by the Board; or
- (b) provide a medical report from a health professional, or from a health professional of a class, specified by the Board,
- (including an examination or report that will require the person to undergo some form of medically invasive procedure).
- 30 (2) If a veterinarian fails to comply with a requirement made under subsection (1), the Board may suspend the person's registration until further order of the Board.

22—Accounts and audit

- (1) The Board must keep proper accounting records in relation to its financial affairs, and must have annual statements of account prepared in respect of each financial year.
- 35 (2) The accounts must be audited at least once in every year by an auditor approved by the Auditor-General and appointed by the Board.
- (3) The Auditor-General may, at any time, audit the accounts of the Board.

23—Annual report

- (1) The Board must, on or before 30 September in each year, deliver to the Minister a report on the administration of this Act and the work of the Board during the financial year ending on the preceding 30 June.
- 5 (2) The report must—
- (a) incorporate the audited accounts of the Board for the relevant financial year; and
 - (b) include details of each delegation made under section 17 in the relevant financial year or which is in operation at the end of the relevant financial year; and
 - 10 (c) include details of any Ministerial direction under this Act and any action taken by the Board in response to such a direction; and
 - (d) include the following information in respect of complaints received about the conduct of veterinarians under this Act:
 - 15 (i) the number of complaints received by the Board in the relevant financial year;
 - (ii) the number of complaints received by the Board in a previous financial year that were ongoing in the relevant financial year;
 - 20 (iii) the number of complaints finalised (including by dismissal, decision to take no further action, Board resolution and order of the Tribunal) in the relevant financial year;
 - (iv) the average time taken for complaints referred to in subparagraph (iii) to be finalised;
 - 25 (v) the number of complaints dealt with in the relevant financial year that were ongoing for more than 6 months, 12 months or 18 months; and
 - (e) include any other information required by or under this Act.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

30 Division 2—Executive Officer

24—Executive Officer

- (1) There will be an Executive Officer of the Board.
- (2) The Executive Officer will be appointed by the Board on conditions, and for a term, determined by the Board.
- 35 (3) The Executive Officer is, at the end of a term of appointment, eligible for reappointment.

25—Functions

The functions of the Executive Officer include—

- (a) to establish and maintain the registers contemplated by this Act; and

- (b) to manage the staff of the Board; and
- (c) to give effect to the policies and decisions of the Board; and
- (d) to receive referrals from the Board of certain complaints made about the conduct of veterinarians and to deal with them in accordance with Part 7 Division 3; and
- (e) to carry out other functions assigned to the Executive Officer by or under this Act or by the Minister or the Board.

26—Delegations

- (1) The Executive Officer may delegate any of their functions under this Act other than a prescribed function.
- (2) A delegation under this section—
 - (a) may be made—
 - (i) to a specified person or body; or
 - (ii) to a person occupying or acting in a specified office or position; and
 - (b) must be in writing; and
 - (c) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - (d) is revocable at will and does not derogate from the power of the Executive Officer to act in a matter.
- (3) A delegation under this section must be provided to members of the Board within 7 days after it is made.

Part 3—Registration of veterinarians

Division 1—Registers

27—Registers

- (1) The Executive Officer must keep and maintain the following registers:
 - (a) a general register;
 - (b) a specialist register;
 - (c) a register of persons who have been removed from the general register or specialist register under this Act or a repealed Act;
 - (d) a register of persons whose deemed registration has been affected by a decision of the Board or who have been disqualified by the Board from deemed registration.
- (2) The general and specialist registers must include, in relation to each person entered on the register—
 - (a) the person's full name and business address; and
 - (b) the qualifications for registration held by the person; and

- (c) in the case of a person registered on the specialist register, the specialty in which the person is registered; and
- (d) particulars of any limitation or condition of the person's registration; and
- (e) particulars of any decision of the Board—
 - 5 (i) waiving or modifying restrictions, limitations or conditions imposed on the person's registration under a corresponding law; or
 - (ii) waiving any suspension, cancellation or disqualification imposed on the person's registration or the person under a corresponding law, (being a registration that is deemed registration); and
- 10 (f) any other information required by the regulations, and may include other information as the Board thinks fit.
- (3) The register of persons who have been removed from the general register or specialist register under this Act or a repealed Act—
 - (a) must not include any person who is dead; and
 - 15 (b) must include, in relation to each person on the register, a statement of—
 - (i) the register from which the person was removed; and
 - (ii) the general reason for removal of the person; and
 - (iii) the date of removal; and
 - 20 (iv) in the case of removal consequent on suspension or disqualification—the duration of the suspension or disqualification; and
 - (c) must have deleted from it all information relating to any person who has been reinstated on each register from which the person was removed.
- 25 (4) The register of persons whose deemed registration has been affected by a decision of the Board or who have been disqualified by the Board from deemed registration under this Act—
 - (a) must include, in relation to each person on the register—
 - (i) the person's full name and business address; and
 - (ii) the registration or specialty affected by the decision; and
 - 30 (iii) the date of the decision; and
 - (iv) the reasons for and the terms of the decision, including—
 - (A) any conditions imposed by the Board; and
 - (B) any waiver or modification by the Board of restrictions, limitations and conditions imposed under a corresponding law; and
 - 35 (C) any suspension, cancellation or disqualification imposed by the Board; and
 - (D) any waiver by the Board of a suspension, cancellation or disqualification under a corresponding law; and

(b) must have deleted from it all information relating to a person if the Board's decision has ceased to be operative.

(5) The Executive Officer is responsible to the Board for the form and maintenance of the registers.

5 (6) The Executive Officer must correct an entry in a register that is not, or has ceased to be, correct.

(7) The registers may be kept in conjunction with any other register kept under this Act, or a register kept under a corresponding law.

10 (8) Subject to subsection (9), a copy of the registers must be published on a website determined by the Board.

(9) The Executive Officer may, on application, on their own initiative or at the direction of the Board, exempt information from inclusion in the copy of the register published on a website if satisfied that the information consists of information the disclosure of which would be inappropriate for any reason.

15 **Division 2—Primary registration**

28—Registration on general or specialist register

(1) The Board may, on an application made in accordance with this Act, grant primary registration to the applicant if the Board is satisfied that the applicant is eligible for such registration.

20 (2) Subject to this Act—

(a) general registration under this Act authorises the person to provide veterinary services; and

25 (b) specialist registration under this Act authorises the person to provide veterinary services in the specialty in which they are registered or taken to be registered.

(3) A person cannot be on the specialist register unless the person is also on the general register.

30 (4) Subject to this Act, an individual is eligible for registration on the general register, and an individual registered on the general register is eligible for registration on the specialist register in a particular specialty, if they satisfy the Board that—

(a) they—

(i) have qualifications recognised by the Board for the purposes of registration on the register to which the application relates; and

35 (ii) have met the requirements determined by the Board to be necessary for the purposes of registration on that register; and

(iii) are medically fit to provide veterinary services as a veterinarian; and

(iv) are a fit and proper person to be registered on that register; and

(b) they are, unless exempted by the Board, insured in accordance with this Act; and

40 (c) they have, or propose to have, their principal place of residence in this State.

- 5 (5) For the purposes of subsection (4)(a)(i), a person will be taken to have the qualifications recognised by the Board for the purposes of registration on a register to which the application relates if that person is recognised by the educational institution at or through which they are obtaining the qualifications as having completed the academic requirements for those qualifications, but who has not yet had the relevant academic award conferred upon them.
- (6) An application for registration must—
- (a) be made to the Board in the manner and form approved by the Board; and
 - (b) be accompanied by the prescribed fee.
- 10 (7) An applicant for registration must, if the Board so requires—
- (a) provide the Board with specified information to enable the Board to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application.
- 15 (8) The Board may require an applicant for registration—
- (a) to submit a medical report or other evidence acceptable to the Board as to the applicant's medical fitness to provide veterinary services as a veterinarian; or
 - (b) to obtain additional qualifications or experience specified by the Board before the Board determines the application.
- 20 (9) The Board may, by notice in writing, impose conditions on a person's registration.
- (10) The Board may, at any time, on its own initiative by written notice to a person with primary registration or on application by a person with primary registration, vary or revoke a condition imposed by the Board on a person's registration.
- 25 (11) If a person who applies for registration, or reinstatement of registration, on a particular register or in a particular specialty—
- (a) does not, in the opinion of the Board, have the necessary qualifications or experience required for registration on that register or in that specialty; or
 - (b) is not, in the opinion of the Board, medically fit to provide veterinary services as a veterinarian; or
 - (c) is not, in the opinion of the Board, a fit and proper person to be registered on that register; or
 - (d) does not, and does not propose to, have their principal place of residence in a participating jurisdiction but is visiting, or proposes to visit, this State,
- 35 the Board may register the person on that register or in that specialty under this subsection (*limited registration*)—
- (e) in order to enable the person—
 - (i) to do whatever is necessary to become eligible for full registration under this Act; or
 - (ii) to teach or to undertake research or study in this State; or
 - (iii) to provide veterinary services or engage in other conduct as a veterinarian while visiting this State; or
- 40

- 5 (f) if paragraph (a) applies but the person, in the opinion of the Board, has appropriate qualifications or experience in a particular area of veterinary practice obtained in an overseas jurisdiction—in order to enable the person to provide veterinary services or engage in other conduct as a veterinarian in that area of veterinary practice while residing in or visiting this State; or
- (g) if, in its opinion, it would otherwise be in the public interest to do so.
- (12) In registering a person under subsection (11), the Board may impose 1 or more of the following conditions on the registration:
- 10 (a) a condition restricting the places or times at which the person may provide veterinary services as a veterinarian;
- (b) a condition limiting the kind of veterinary services that the person may provide as a veterinarian;
- (c) a condition limiting the kind of animal in relation to which the person may provide veterinary services as a veterinarian;
- 15 (d) a condition limiting the period during which the registration will have effect;
- (e) a condition requiring that the person be supervised in the provision of veterinary services as a veterinarian by a particular person or by a person of a particular class;
- (f) such other conditions as the Board thinks fit.
- 20 (13) If it appears likely to the Executive Officer that the Board will grant an application for registration, the Executive Officer may provisionally register the applicant (***provisional registration***).
- (14) Provisional registration remains in force until the Board determines the application.
- (15) The registration by the Board under this Act of a person who was provisionally registered has effect from the commencement of the provisional registration.
- 25 (16) In the case of a veterinarian who—
- (a) is registered but is not practising; and
- (b) is intending to transition to practising,
- it will be taken to be a condition of their registration that they must comply with any reasonable requirements of the Board relating to that transition.
- 30 (17) The Board must publish the requirements referred to in subsection (16) on a website determined by the Board.
- (18) The Board may refuse to determine an application for registration until any complaint made against the applicant under a corresponding law has been finally determined.
- 35 (19) A person who contravenes a condition imposed by the Board under this Act on the person's registration is guilty of an offence.
- Maximum penalty: \$20 000 or imprisonment for 6 months.

29—Veterinarian to inform Board of changes to certain information

A veterinarian with primary registration must, within 3 months after changing their name, telephone number, email address or personal or business address, inform the Board in writing of the change.

5 Maximum penalty: \$250.

30—Removal from register

- (1) The Executive Officer must, on application by a person, remove the person from the register or registers specified in the application.
- (2) The Executive Officer must remove from a register a person—
 - 10 (a) who dies; or
 - (b) who ceases to hold a qualification required for registration on that register; or
 - (c) who ceases for any other reason to be entitled to be registered on that register; or
 - 15 (d) whose registration on that register has been suspended or cancelled under this Act.
- (3) If a person who is on the specialist register is removed from the general register, the person must also be removed from the specialist register.
- (4) The Executive Officer may act under subsection (2) or (3) without giving prior notice to the relevant person.
- 20 (5) Without limiting subsection (2), the Executive Officer must suspend the registration of a person if the Tribunal has determined that the registration should be suspended pending the outcome of any disciplinary proceedings under Part 7 Division 5.
- (6) If the Board is of the opinion that a person with registration under this Division should instead have registration under a corresponding law because the person's principal
25 place of residence is in another participating jurisdiction, the Board may direct the Executive Officer to remove the person from a register.
- (7) However, before the Board gives a direction under subsection (6), the person must be given at least 28 days notice in writing of the proposed removal and the Board must consider any submissions made in response to the notice.

30 31—Reinstatement on register

- (1) A person who has been removed from a register under this Act—
 - (a) on their application; or
 - (b) on account of failure to pay the prescribed practice fee or to furnish the return required under section 32; or
 - 35 (c) on account of the person ceasing to hold a qualification required for registration on that register or otherwise ceasing to be entitled to be registered on that register; or
 - (d) on account of failure to pay a fine imposed on the person by the Tribunal under this Act,
 - 40 may apply to the Board at any time for reinstatement on the appropriate register.

- (2) A person whose registration under this Division has been suspended may apply to the Board for reinstatement on the register.
- (3) However, subsection (2) does not apply—
- 5 (a) in the case of an order for suspension for a specified period made in disciplinary proceedings under Part 7 Division 5—until after the expiry of that period; or
- (b) in relation to a person whose registration is suspended under section 38.
- (4) A person who has been disqualified from primary registration may, subject to the terms of the order for disqualification, apply to the Board for reinstatement on the appropriate register.
- 10 (5) An application for reinstatement must—
- (a) be made to the Board in the manner and form approved by the Board; and
- (b) be accompanied by the prescribed fee.
- (6) An applicant for reinstatement must, if the Board so requires—
- 15 (a) provide the Board with specified information to enable the Board to determine the application; and
- (b) verify, by statutory declaration, information furnished for the purposes of the application.
- (7) The Board may require an applicant for reinstatement—
- 20 (a) to submit a medical report or other evidence acceptable to the Board as to the applicant's medical fitness to provide veterinary services as a veterinarian; or
- (b) to obtain additional qualifications or experience specified by the Board before the Board determines the application.
- (8) Subject to this section, the Board must reinstate an applicant on the appropriate register if satisfied that the applicant is eligible for registration on that register.
- 25 (9) However, the Board may refuse to reinstate the applicant on a register until all complaints (if any) made or lodged in respect of the applicant under this Act have been finally disposed of.

32—Fees and returns

- 30 (1) Subject to this Act, a person will not be granted registration under this Division, nor will registration under this Division be reinstated, until the prescribed fee for registration or reinstatement (as relevant), and the prescribed practice fee, have been paid.
- (2) A person with registration under this Division must, in each year before the date fixed for that purpose by the Board—
- 35 (a) pay to the Board the prescribed practice fee; and

(b) furnish the Board with a return, in a form approved by the Board, containing all information specified in the return relating to the provision of veterinary services, or the undertaking of any course of continuing professional development, by the person (in or outside this State) during the preceding year or to any other matter relevant to the person's registration under this Act or a corresponding law.

(3) The Board may, without further notice, remove from a register a person who fails to pay the prescribed practice fee, or furnish a return, required under this section by the due date.

Division 3—Deemed registration

33—Recognition of veterinarians registered in other jurisdictions

(1) Subject to this Act, an individual will, in relation to providing veterinary services or engaging in other conduct as a veterinarian in this State, be taken to be registered under this Act (referred to in this Act as *deemed registration*) if—

- (a) the person's principal place of residence is another jurisdiction; and
- (b) the other jurisdiction is a participating jurisdiction; and
- (c) the person is registered under the corresponding law of that other jurisdiction (being registration that corresponds to primary registration); and
- (d) the person does not hold primary registration.

(2) Subject to this Act, deemed registration authorises the person to provide veterinary services or veterinary services in the specialty in which they are taken to be registered (as the case requires).

(3) For the purposes of subsection (1), a person's principal place of residence includes any jurisdiction which was, in the last 3 months, the person's principal place of residence.

(4) An individual with registration under a corresponding law of a kind recognised by the regulations as corresponding to registration on the specialist register under this Act will be taken to be registered on the specialist register under this Act in each specialty that is a corresponding specialty and in which the person has registration under the corresponding law (insofar as registration under the corresponding law corresponds to primary registration).

34—Contravention of conditions of deemed registration

A person who contravenes a condition of the person's deemed registration is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 6 months.

35—Veterinarian with deemed registration to inform Board of contact details etc

(1) A person with deemed registration must provide their name, telephone number, email address and personal and business address to the Board within 1 month of providing veterinary services or engaging in other conduct as a veterinarian in this State.

Maximum penalty: \$250.

- (2) A person who has provided the Board with information in accordance with subsection (1) must, within 3 months after changing their name, telephone number, email address or personal or business address, inform the Board in writing of the change.

5 Maximum penalty: \$250.

Division 4—Registration in participating jurisdictions

36—Registration to be subject to conditions

- (1) If, under a corresponding law, a person's registration is or is made subject to a restriction, limitation or condition, the person's registration under this Act is subject to a condition to the same effect.

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- (2) The Board may—

(a) on application by the person, waive or modify any such restriction, limitation or condition if it thinks it appropriate in the circumstances; or

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(b) on its own initiative by written notice to the person, modify any such restriction, limitation or condition if it thinks it necessary to do so for the application of the restriction, limitation or condition in this State.

- (3) The Board may, on its own initiative by written notice to a person with deemed registration, impose conditions on the registration if it thinks it appropriate in the circumstances.

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- (4) The Board may, at any time, on its own initiative by written notice to a person with deemed registration or on application by a person with deemed registration, vary or revoke a condition imposed by the Board on the person's registration.

- (5) The Board may stipulate that a waiver or modification is only to apply on the fulfilment of specified conditions.

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37—Suspension or cancellation of registration or disqualification

- (1) If, under a corresponding law, a person's general or specialist registration or registration in a particular specialty is suspended or cancelled, the registration of the person under this Act is suspended or cancelled on the same terms as apply under the corresponding law.

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- (2) If, under a corresponding law, a person is disqualified from general registration, specialist registration or registration in a corresponding specialty, the person is disqualified from registration under this Act on the same terms as apply to the disqualification under the corresponding law.

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- (3) The Board may, on application by a person whose registration has been suspended or cancelled under a corresponding law or who has, under a corresponding law, been disqualified from registration, waive the suspension, cancellation or disqualification if it thinks it appropriate in the circumstances.

- (4) The Board may stipulate that a waiver is only to apply on the fulfilment of specified conditions.

- (5) The effect of a waiver is as follows:
- (a) if suspension of registration under a corresponding law is waived by the Board—
 - (i) in the case of a person with primary registration—the person is taken to be reinstated on the relevant register; or
 - (ii) in the case of a person with deemed registration—Division 3 applies to the registration as if the person's registration under the corresponding law had not been suspended;
 - (b) if cancellation of registration under a corresponding law is waived by the Board—
 - (i) in the case of a person with primary registration—the person is taken to be reinstated on the relevant register; or
 - (ii) in the case of a person with deemed registration—Division 3 applies to the registration as if the person's registration under the corresponding law had not been cancelled;
 - (c) if disqualification from registration under a corresponding law is waived by the Board—
 - (i) in the case of a person who had primary registration—the person is taken not to be disqualified; or
 - (ii) in the case of a person who had deemed registration—Division 3 applies to the registration as if the person's registration under the corresponding law had been reinstated and the person were not disqualified.
- (6) If, as a consequence of a waiver under this section, a person has deemed registration under this Act but does not have registration under a corresponding law, the person must pay to the Board the prescribed practice fee (being the fee prescribed for the purposes of section 32(2)) and furnish the Board with a return as if the person had primary registration and, if the person fails to do so by the due date, the Board may, by written notice to the person, suspend the person's deemed registration under this Act until the fee is paid or the return furnished (as the case requires).

Division 5—Suspension or variation of registration in urgent circumstances

38—Suspension or variation of registration where veterinarian charged with certain offences or unacceptable risk to animals

- (1) The Board may, by notice in writing served personally on a veterinarian—
- (a) suspend the registration of the veterinarian; or
 - (b) vary the conditions of the veterinarian's registration (including by imposing conditions),
- if—
- (c) the Board becomes aware that the veterinarian has been charged with a prescribed offence; or

Veterinary Services Bill 2023

Part 3—Registration of veterinarians

Division 5—Suspension or variation of registration in urgent circumstances

- (d) the Board reasonably suspects that the veterinarian poses an unacceptable risk to animals.
- (2) However, the Board cannot take action under this section in relation to a matter that may be dealt with under Part 7 Division 3.
- 5 (3) The Board must, not later than 60 days after a notice is served on a veterinarian under subsection (1) and at least once in each further 60 day period, review the suspension or variation (as the case requires) and may, on completion of the review—
- (a) confirm the suspension or variation; or
- (b) cancel the suspension or variation.
- 10 (4) If the Board refuses or fails to conduct a review within the period required under subsection (3), the suspension or variation (as the case requires) will, by force of this subsection, be taken to be cancelled at the end of that period.
- (5) If the Board is satisfied that the action taken under subsection (1) is no longer necessary or appropriate, the Board must cancel the suspension or variation imposed under that subsection.
- 15 (6) Subject to this section, a suspension or variation under this section has effect until—
- (a) if an investigation is commenced under section 77 in respect of the matter to which the suspension or variation relates—
- 20 (i) if the Board determines that there is proper cause for disciplinary action against the veterinarian in relation to the matter—the matter is dealt with under Part 7 Division 5; or
- (ii) if the Board determines that there is no proper cause for disciplinary action against the veterinarian in relation to the matter—that determination; or
- 25 (b) 120 days after the day on which the last charge of a prescribed offence to which the suspension or variation relates has been withdrawn or finally determined by a court; or
- (c) it is cancelled under subsection (3), (4) or (8),
- whichever occurs first.
- 30 (7) This section applies—
- (a) in relation to conduct occurring before or after the commencement of this section; or
- (b) whether the veterinarian was charged with the relevant prescribed offence before or after the commencement of this section.
- 35 (8) The Board may, on application, or by written notice at any time (including on a review by the Board under subsection (3)), cancel a suspension, or vary or cancel a condition varied or imposed on the registration of a veterinarian, under this section.
- (9) For the purposes of this section, the Board—
- 40 (a) is not (except in a review under subsection (3)) required to provide procedural fairness; and

- (b) is not bound by the rules of evidence and may inform themselves on any matter as they think fit; and
- (c) may, subject to this Act, determine its own procedures.

Part 4—Registration of premises at which veterinary services provided

39—Registers

- (1) The Executive Officer must keep the following registers:
 - (a) a veterinary premises register;
 - (b) a register of premises that have been removed from the veterinary premises register under this Act.
- (2) The registers may be kept in conjunction with 1 or more registers kept under corresponding laws.
- (3) The veterinary premises register must include, in relation to each premises—
 - (a) the name of the business carried on, or proposed to be carried on, at the premises; and
 - (b) the address of the premises (if relevant); and
 - (c) particulars of any limitation or condition of the premises' registration; and
 - (d) the nature of the veterinary services to be provided at the premises; and
 - (e) the name of the responsible person in respect of the premises; and
 - (f) any other information prescribed by the regulations,and may include any other information the Board thinks fit.
- (4) Subject to subsection (5), a copy of the registers must be published on a website determined by the Board.
- (5) The Executive Officer may, on application, on their own initiative or at the direction of the Board, exempt information from inclusion in the copy of the register published on a website if satisfied that the information consists of information the disclosure of which would be inappropriate for any reason.

40—Veterinary premises standard

- (1) The Board must prepare or endorse standards relating to minimum requirements for registered premises (the *veterinary premises standard*).
- (2) A requirement in the veterinary premises standard may relate to registered premises generally, to a class of registered premises or to registered premises at which a particular veterinary service or class of veterinary services is provided.
- (3) Without limiting the matters that may be included in the veterinary premises standard, the standard must contain requirements relating to mobile hospitals and clinics.

41—Responsible person in respect of registered premises

- (1) There is to be a *responsible person* in respect of each registered premises.

- (2) The responsible person in respect of registered premises is—
- (a) in the case of premises owned or occupied by an individual—that person; or
 - (b) in the case of premises owned or occupied by an entity—the individual from time to time nominated by the entity in accordance with any requirements set out in the regulations as the responsible person in respect of the premises.

42—Registration by Board of premises as registered premises

- (1) Subject to this Act, premises are eligible for registration by the Board on the veterinary premises register if the Board is satisfied that—
- (a) the premises—
 - (i) meet the minimum requirements for premises of the relevant kind in the veterinary premises standard; or
 - (ii) meet the requirements of a scheme approved by the Board; and
 - (b) the premises will be used for the provision of veterinary services in accordance with this Act; and
 - (c) there is a responsible person in respect of the premises; and
 - (d) any other requirements determined by the Board to be necessary for registration are met in relation to the premises.
- (2) An application for registration under this Part must—
- (a) be made to the Board in the manner and form approved by the Board; and
 - (b) be accompanied by the prescribed fee.
- (3) An applicant for registration under this Part must, if the Board so requires—
- (a) provide the Board with specified information to enable the Board to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application; and
 - (c) facilitate inspection of the relevant premises.
- (4) Subject to this Act, registration of premises on the veterinary premises register remains in force for a period specified by the Board (not exceeding 3 years).
- (5) The Board may, by notice in writing, impose conditions on premises' registration under this Part.
- (6) The Board may, at any time, on its own initiative by written notice to a responsible person in respect of registered premises or on application by a responsible person in respect of registered premises, vary or revoke a condition imposed by the Board on the registration.

43—Suspension or cancellation of registration

If the Board is satisfied that—

- (a) registered premises do not meet the minimum requirements in the veterinary premises standard or the requirements of a scheme approved by the Board (as appropriate); or

- (b) conditions imposed on the registration of the registered premises have been contravened; or
 - (c) there is no responsible person in respect of the registered premises; or
 - (d) a requirement determined by the Board to be necessary for registration of premises under this Part has not been met in relation to the premises,
- 5 the Board may, by notice in writing—
- (e) suspend the registration of the premises until stipulated conditions are complied with or until further order of the Board; or
 - (f) cancel the registration of the premises.

10 **44—Removal from register**

- (1) The Executive Officer must, on application by the responsible person in respect of registered premises, remove the premises from the veterinary premises register.
- (2) The Executive Officer must remove premises the registration of which has been cancelled under this Act from the veterinary premises register.
- (3) The Executive Officer may act under subsection (2) without giving prior notice to the responsible person in respect of the premises.

15 **45—Reinstatement on register**

- (1) A person may apply to the Board at any time for reinstatement of the premises on the register.
- (2) An application for reinstatement must—
 - (a) be made to the Board in the manner and form approved by the Board; and
 - (b) be accompanied by the prescribed fee.
- (3) An applicant for reinstatement must, if the Board so requires—
 - (a) provide the Board with specified information to enable the Board to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application; and
 - (c) facilitate inspection of the premises.
- (4) Subject to this section, the Board must reinstate on the veterinary premises register premises for which an application has been made under this section if satisfied that the premises are eligible for registration on the register.

25 **46—Fees**

30 Subject to this Act, premises will not be granted registration under this Part, nor will registration under this Part be reinstated, until the prescribed fee for registration or reinstatement (as relevant) has been paid.

47—Contravention of conditions of registration

If a condition of the registration of registered premises is contravened, the responsible person in respect of the premises is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 6 months.

48—Requirement to inform Board of changes

The responsible person in respect of registered premises must, within 3 months of any change occurring in the information required to be included in the veterinary premises register, inform the Board in writing of the change.

Maximum penalty: \$250.

Part 5—Veterinary practice

Division 1—Veterinary practice

49—Veterinary services to be provided by veterinarians

- (1) A person must not provide veterinary services for money or other consideration unless, at the time the service is provided, the person is a veterinarian.

Maximum penalty: \$20 000 or imprisonment for 6 months.

- (2) Subsection (1) does not apply in relation to—

- (a) veterinary services provided by an employee of the owner of the animal in the course of that employment; or
- (b) the provision of veterinary services, or veterinary services of a class, in prescribed circumstances.

50—Veterinary services must be provided at registered premises

- (1) A veterinarian must not provide veterinary services at premises other than registered premises.

Maximum penalty: \$20 000 or imprisonment for 6 months.

- (2) However, subsection (1) does not apply in the following circumstances:

- (a) if it is not reasonably practicable to provide the veterinary services at registered premises;
- (b) if the veterinary services are provided at premises by telephone or other means of electronic communication without the relevant animal being present at the premises;
- (c) if the veterinary services are provided at premises owned or occupied by the owner, or person in control, of the relevant animal with the permission of that person;
- (d) if the veterinary services are provided in an emergency, or if it is impractical or dangerous to move the relevant animal;
- (e) if the veterinary services are provided in the course of teaching any science or research or experimentation pursuant to a licence under Part 4 of the *Animal Welfare Act 1985*;

- (f) any other circumstances prescribed by the regulations.
- (3) In proceedings for an offence under subsection (1), it is a defence for the defendant to prove that they did not know, and could not reasonably be expected to have known, that the premises were not registered premises.

51—Offence to carry on certain businesses other than at registered premises

- (1) A business consisting of, or including, the provision of veterinary services must not be carried on at premises that are not registered premises.
- (2) If veterinary services are provided in contravention of subsection (1), each prescribed person in respect of the business is guilty of an offence.

Maximum penalty: \$20 000.

- (3) However, this section does not apply in the following circumstances:
- (a) if the veterinary services provided at premises are only provided by telephone or other means of electronic communication without the relevant animal being present at the premises;
- (b) if the veterinary services are provided in the course of teaching any science or research or experimentation pursuant to a licence under Part 4 of the *Animal Welfare Act 1985*;
- (c) any other circumstances prescribed by the regulations.

- (4) In this section—

prescribed person, in respect of a business, means—

- (a) in the case of a business carried on by an individual—that person; or
- (b) in the case of a business carried on by a partnership or other unincorporated body—each partner or member of the unincorporated body; or
- (c) in the case of a business carried on by a body corporate—each director and officer of the body corporate.

52—Veterinarian to hold certain insurance

- (1) A veterinarian must not provide veterinary services for money or other consideration unless insured in a manner and to an extent determined by the Board against civil liability incurred in the course of providing veterinary services.

Maximum penalty: \$10 000.

- (2) The Board may exempt a veterinarian, or veterinarians of a class, from the requirements of this section.
- (3) An exemption under subsection (2) may be conditional or unconditional.

Division 2—Improperly influencing veterinarians etc

53—Application of Division

- (1) This Division applies to the following persons:
- (a) an employer of a veterinarian;
- (b) a director, officer or employee of the employer of a veterinarian;

- (c) a person for or on behalf of whom a veterinarian provides veterinary services pursuant to a contract for services or other arrangement;
- (d) a veterinarian;
- (e) any other person, or person of a class, prescribed by the regulations,

5 but does not apply to a person, or person of a class, prescribed by the regulations.

- (2) However, this Division does not apply to a person merely because the person is the owner, or has control, of an animal in relation to which a veterinarian provides veterinary services.

54—Undue influence

10 A person to whom this Division applies must not, by dishonesty or undue influence, induce or attempt to induce a veterinarian to provide, or not provide, veterinary services, or veterinary services of a specified class.

Maximum penalty: \$20 000.

55—Improper directions etc to veterinarian

15 A person to whom this Division applies must not require, induce or encourage a veterinarian to engage in conduct in the course of providing veterinary services that would constitute unprofessional conduct, or that does not reflect current standards of veterinary practice in the State.

Maximum penalty: \$20 000.

Division 3—Other offences relating to veterinary practices etc

56—Offence to give, offer or accept benefit for recommendation or prescription

- (1) A person must not give, or offer to give, a veterinarian or a prescribed relative of a veterinarian a benefit as an inducement, consideration or reward for the veterinarian—

- 25 (a) recommending that a prescribed veterinary service provided by the person be used in relation to an animal being treated by the veterinarian; or
- (b) prescribing a veterinary product manufactured, sold or supplied by the person, or recommending that such a product be used, in relation to an animal being treated by the veterinarian.

30 Maximum penalty: \$20 000.

- (2) A veterinarian or a prescribed relative of a veterinarian must not accept from any person a benefit offered or given as an inducement, consideration or reward for the veterinarian—

- 35 (a) recommending that a prescribed veterinary service provided by the person be used in relation to an animal being treated by the veterinarian; or
- (b) prescribing a veterinary product manufactured, sold or supplied by the person, or recommending that such a product be used, in relation to an animal being treated by the veterinarian.

Maximum penalty: \$20 000.

(3) In this section—

benefit means money or any other consideration;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

5 *prescribed relative*, in relation to a veterinarian, means a parent, spouse, domestic partner, child, grandchild, brother or sister of the veterinarian;

prescribed veterinary service means—

(a) veterinary treatment, veterinary pathology or veterinary pharmaceutical services; or

10 (b) any other service prescribed by the regulations to be a prescribed veterinary service for the purposes of this section;

spouse—a person is the spouse of another if they are legally married;

veterinary product means—

(a) a veterinary pharmaceutical product; or

15 (b) any other product prescribed by the regulations to be a veterinary product for the purposes of this section.

57—Illegal holding out as veterinarian or specialist

(1) A person must not hold themselves out as a veterinarian, or a specialist or particular class of specialist, or permit another person to do so, unless the person does, in fact, have general registration, specialist registration, or registration in the relevant specialty, under this Act (as the case requires).

Maximum penalty: \$20 000 or imprisonment for 6 months.

(2) A person must not hold out another as a veterinarian, or a specialist or particular class of specialist unless the other person does, in fact, have general registration, specialist registration, or registration in the relevant specialty, under this Act (as the case requires).

Maximum penalty: \$20 000 or imprisonment for 6 months.

58—Illegal holding out concerning limitations or conditions

(1) A person whose registration under this Act is limited or subject to a condition must not hold themselves out as having or being taken to have a registration that is not limited or not subject to a condition or permit another person to do so.

Maximum penalty: \$20 000 or imprisonment for 6 months.

(2) A person must not hold out another whose registration under this Act is limited or subject to a condition as having or being taken to have a registration that is not limited or not subject to a condition.

Maximum penalty: \$20 000 or imprisonment for 6 months.

59—Illegal holding out concerning registered premises

(1) A person must not hold out that particular premises are registered under this Act unless those premises are, in fact, registered under this Act.

Maximum penalty: \$20 000 or imprisonment for 6 months.

- (2) A person must not hold out that veterinary services, or veterinary services of a particular kind, are, or can be, provided at particular premises unless those services can, in fact, be lawfully provided at those premises.

Maximum penalty: \$20 000 or imprisonment for 6 months.

5 **60—Use of certain titles or descriptions prohibited**

- (1) A person who does not have general registration, specialist registration or registration in a particular specialty under this Act (as the case requires) must not use a prescribed word, or its derivatives, to describe themselves or a service that they provide.

Maximum penalty: \$20 000.

- 10 (2) A person must not, in the course of advertising or promoting a service that they provide, use a prescribed word, or its derivatives, to describe a person who is engaged in the provision of the service but who does not have general registration, specialist registration or registration in a particular specialty under this Act (as the case requires).

15 Maximum penalty: \$20 000.

- (3) In this section—

prescribed word means—

- (a) in relation to general or specialist registration under this Act—

- 20 (i) vet; or
(ii) veterinarian; or
(iii) veterinary practitioner; or
(iv) veterinary surgeon; or
(v) specialist; or

- (b) in relation to registration in a particular specialty under this Act—

- 25 (i) the words comprising the name of the specialty; or
(ii) the words comprising the name under a corresponding law of a corresponding specialty; or

- (c) any other word or expression prescribed by the regulations,

30 but does not include a word or expression excluded from the ambit of this definition by the regulations (whether generally or in specified circumstances).

Part 6—Medical fitness to provide veterinary services

61—Medical fitness to provide veterinary services

35 A person or body must, in making a determination under this Act as to a veterinarian's medical fitness to provide veterinary services, have regard to the question of whether the veterinarian is able to provide veterinary services personally to an animal without putting the animal at significant risk of serious injury or harm.

62—Duty to report medical unfitness of veterinarian

- 5 (1) If a health professional who has treated, or is treating, a patient who is a veterinarian is of the opinion that the veterinarian is or may be unable, as a result of a physical or mental illness, disability or deficiency, to provide veterinary services personally to an animal without putting the animal at significant risk of serious injury or harm, the health professional is under a duty to inform the Board, in writing, of their opinion and the reasons for that opinion.
- 10 (2) If a health professional makes a report to the Board under subsection (1), the health professional must notify the veterinarian of that fact and of the nature of the information provided.
- (3) A person incurs no civil or criminal liability in carrying out the person's duty under subsection (1).

63—Medical fitness of veterinarian

- 15 (1) If—
- (a) on the application of—
- (i) the Executive Officer; or
- (ii) the Minister; or
- (b) after an investigation of a report under section 62 has been conducted, the Board is satisfied, after due inquiry, that a veterinarian is medically unfit to provide veterinary services and that it is in the public interest to do so, the Board may, by order—
- 20 (c) suspend the person's registration under this Act until further order of the Board or for a specified period determined by the Board; or
- 25 (d) impose conditions on the person's registration under this Act restricting the person's right to provide veterinary services; or
- (e) impose conditions on the person's registration under this Act requiring the person to undergo counselling or treatment or to enter into any other undertaking.
- 30 (2) The Board's power to make an order under subsection (1) is exercisable only if the member of the Board who is a legal practitioner is sitting as a member of the Board for the purposes of hearing and determining the matter.

64—Proceedings before Board under Part

- (1) For the purposes of proceedings before the Board regarding medical fitness under this Part, the Board may—
- 35 (a) by summons signed on behalf of the Board by a member of the Board or the Executive Officer, require the attendance before the Board of any person whom the Board thinks fit to call before it; or
- (b) by summons signed on behalf of the Board by a member of the Board or the Executive Officer—

- (i) require the production of any relevant records, documents or equipment (including written records that reproduce in a readily understandable form information kept by computer or other process); and
- 5 (ii) in the case of a document or record that is not in the English language—require the production of a written statement in the English language of the contents of the document or record; or
- (c) inspect any documents, records or equipment produced before it, and retain them for such reasonable period as it thinks fit, and make copies of the
- 10 documents or records or their contents; or
- (d) require any person to make an oath or affirmation (which may be administered by the Executive Officer or any member of the Board) to answer truthfully questions put by any member of the Board or any person appearing before the Board; or
- 15 (e) require any person appearing before the Board (whether summoned to appear or not) to answer any questions put by any member of the Board or by any person appearing before the Board.
- (2) On receipt of an application for the issue of a summons under this section, a member of the Board or the Executive Officer may, without referring the matter to the Board,
- 20 issue a summons on behalf of the Board.
- (3) A person who—
- (a) fails without reasonable excuse to comply with a summons issued to attend, or to produce documents, records or equipment, before the Board; or
- (b) having been served with a summons to produce a written statement of the
- 25 contents of a document or record in the English language fails, without reasonable excuse, to comply with the summons or produces a statement that they know, or ought to know, is false or misleading in a material particular; or
- (c) misbehaves before the Board, wilfully insults the Board or 1 or more of the members in the exercise of the member's official duties, or interrupts the
- 30 proceedings of the Board; or
- (d) refuses to be sworn or to affirm, or refuses or fails to answer truthfully a relevant question when required to do so by the Board,
- is guilty of an offence.
- Maximum penalty: \$10 000 or imprisonment for 6 months.
- 35 (4) A person who appears as a witness before the Board has the same protection as a witness in proceedings before the Supreme Court.
- (5) In any proceedings before the Board under this Act, the Board—
- (a) is not bound by the rules of evidence and may inform itself on any matter as it thinks fit; and
- 40 (b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.
- (6) A party to proceedings before the Board is entitled to be represented at the hearing of those proceedings.

- (7) Subject to this Act, the Board may determine its own procedures in relation to proceedings under this Part.

Part 7—Complaints, investigations and proceedings

Division 1—Preliminary

5 **65—Interpretation**

In this Part, a reference to *veterinarian* includes a reference to a person who is not but who was, at the relevant time, a veterinarian under this Act or a veterinary surgeon or veterinary practitioner under a repealed Act.

10 **66—Proper cause for disciplinary action**

There is proper cause for disciplinary action against a veterinarian—

- 15
- (a) if the veterinarian's primary registration was improperly obtained; or
 - (b) if a waiver or modification under this Act relating to the veterinarian's registration was improperly obtained; or
 - (c) if the veterinarian is for any reason no longer a fit and proper person to have primary registration or deemed registration; or
 - (d) if the veterinarian is guilty of unprofessional conduct; or
 - (e) if the veterinarian contravenes an undertaking made by the veterinarian and accepted by the Board under section 74(6)(a); or
 - (f) if the veterinarian contravenes an order of the Board under section 74(6); or
 - 20 (g) in any other circumstances prescribed by the regulations.

Division 2—Complaints

25 **67—Board to establish processes for complaints**

- (1) The Board must establish administrative processes for receiving and dealing with complaints received about the conduct of veterinarians.
- 25 (2) The administrative processes must—
 - (a) set out how complaints may be made; and
 - (b) ensure that complaints are dealt with in a timely and efficient manner; and
 - (c) set out the time frames within which complaints are expected to be dealt with; and
 - 30 (d) contain provisions relating to notifying veterinarians and complainants of receipt of complaints, the steps taken by the Board in response to complaints and the outcome of complaints (including provisions setting out when such notifications need not be given).
- (3) The Board must publish the processes on a website determined by the Board.

68—Making complaint about veterinarian etc

- (1) An aggrieved person may make a complaint about the conduct of a veterinarian in accordance with the administrative processes established by the Board under section 67.
- 5 (2) The Board may initiate a complaint about the conduct of a veterinarian (and, for the purposes of this Part, such a complaint will be taken to be a complaint made in accordance with this Division).
- (3) Despite subsection (1), the Board may, in its discretion, receive a complaint about the conduct of a veterinarian in any other manner the Board thinks fit (and, for the purposes of this Part, such a complaint will be taken to be a complaint made in accordance with this Division).
- 10

69—Assessment of complaints

- (1) The Board must cause each complaint made in accordance with this Division to be assessed to determine—
- 15 (a) whether the alleged conduct to which the complaint relates would, if proven, amount to a proper cause for disciplinary action; and
- (b) whether the complaint should be dealt with by way of Board resolution under Division 3; and
- (c) whether the complaint is to be dealt with under Division 5; and
- 20 (d) whether the complaint raises some other issue that should be referred to SA Police or another agency.
- (2) Subsection (1) does not apply to a particular complaint if—
- (a) the conduct that is the subject of the complaint is being, or has previously been, dealt with under this or a repealed Act; or
- 25 (b) the matter raised in the complaint is, in the opinion of the Board, trivial, frivolous or vexatious or otherwise not made in good faith; or
- (c) the alleged conduct to which the complaint relates occurred more than 7 years prior to the making of the complaint; or
- (d) having regard to all the circumstances of the matter, further investigation of the complaint is unnecessary or unjustifiable; or
- 30 (e) the Board determines to take no further action in relation to the complaint.
- (3) In making a determination for the purposes of subsection (1)(a), the Board may have regard to any evidence of the veterinarian's conduct that the Board considers relevant.
- (4) Subject to this Act, an assessment under this section may be conducted in such manner as the Board thinks fit.
- 35

70—Dismissal of certain complaints

- (1) The Board must dismiss a complaint if—
- (a) the conduct that is the subject of the complaint is being, or has previously been, dealt with under this or a repealed Act; or

- (b) the matter raised in the complaint is, in the opinion of the Board, trivial, frivolous or vexatious or otherwise not made in good faith; or
 - (c) the alleged conduct to which the complaint relates occurred more than 7 years prior to the making of the complaint.
- 5 (2) Without limiting subsection (1), the Board may dismiss a complaint if—
 - (a) the alleged conduct to which the complaint relates occurred more than 3 years, but less than 7 years, prior to the making of the complaint; or
 - (b) the Board is of the opinion that it is not in the public interest or the interests of justice to deal with the complaint; or
 - 10 (c) having regard to all the circumstances of the matter, further investigation of the complaint is unnecessary or unjustifiable; or
 - (d) the complaint is not made in accordance with this Division.
- (3) If the Board dismisses a complaint under this section, the Board must, in accordance with the administrative processes established by the Board under section 67, notify—
 - 15 (a) if the veterinarian concerned was notified of the complaint—the veterinarian; and
 - (b) in any case—the complainant,
of the dismissal.

71—Decision to take no further action

- 20 Despite another provision of this Division, but subject to the administrative processes established by the Board under section 67, the Board may, if it thinks it appropriate in the circumstances, take no further action in relation to a complaint.

Division 3—Certain complaints may be resolved by Board

72—Application etc of Division

- 25 (1) This Division applies to a complaint, or complaints of a class, determined by the Board after consultation with the Minister to be complaints that may be dealt with under this Division.
- (2) The Board must cause notice of each determination, and each variation of a determination, to be published on a website determined by the Board.
- 30 (3) The Board must, in respect of the operation of this Division, have regard to, and seek to give effect to, the following principles:
 - (a) the purpose of a Board resolution under this Division is to avoid formal disciplinary proceedings by dealing with a complaint as a question of educating, and improving the future conduct of, the veterinarian concerned;
 - 35 (b) Board resolution of matters under this Division is to be conducted as expeditiously as possible and without undue formality.

73—Complaints that may be dealt with under Division

The Governor may, by regulation—

- (a) specify the kinds of complaints and conduct that may, or may not, be the subject of a determination under section 72; and
- 5 (b) set out procedures for dealing with matters under this Division (including, to avoid doubt, making provision for the conciliation of complaints); and
- (c) make further provisions relating to the operation of this Division.

74—Dealing with matters by way of Board resolution

- 10 (1) A matter to which this Division applies is to be dealt with by the Board causing the matter to be referred to the Executive Officer for resolution in accordance with this Division.
- (2) Despite subsection (1), the Board may determine that a matter is to be dealt with under Division 5 rather than this Division for any reason it thinks fit.
- (3) Without limiting subsection (1), the Executive Officer must ensure that—
 - 15 (a) the veterinarian concerned is informed of the complaint made against them; and
 - (b) the veterinarian is given the opportunity to admit or deny the allegations contained in the complaint in accordance with any requirements set out in the regulations; and
 - 20 (c) the veterinarian is given the opportunity to inform the Executive Officer of any information the veterinarian thinks relevant in respect of the matter; and
 - (d) the complainant is contacted and the Executive Officer—
 - 25 (i) explains to the complainant that the matter is to be resolved under this Division (including an explanation of the processes involved and possible outcomes); and
 - (ii) gives the complainant the opportunity to inform the Executive Officer of any further information the complainant thinks relevant in respect of the matter.
- 30 (4) If an allegation contained in a complaint is not admitted in accordance with the requirements set out in the regulations, the complaint is to be dealt with under Division 5 (and in that case the Executive Officer must remit the complaint to the Board to be dealt with under that Division).
- (5) If—
 - 35 (a) the Executive Officer is of the opinion that there would be a benefit in undertaking conciliation between the complainant and the veterinarian; and
 - (b) the complainant and veterinarian each agree to undertake conciliation, the Executive Officer must attempt to resolve the matter by way of conciliation.

- (6) In the course of a Board resolution under this Division, the Board may, after consultation with the Executive Officer, take action, or order the taking of action, of 1 or more of the following kinds in respect of the veterinarian:
- (a) accept an undertaking made by the veterinarian;
 - 5 (b) issue the veterinarian with a reprimand;
 - (c) provide the veterinarian with counselling;
 - (d) require the veterinarian to undertake specified remedial education or training;
 - (e) impose conditions on the veterinarian's registration under this Act restricting their right to provide veterinary services or revoke or vary a waiver or
 10 modification that applies in respect of the veterinarian's registration;
 - (f) any other action prescribed by the regulations.
- (7) However, the Board may only take action of the kind referred to in subsection (6)(e) if the Board is satisfied that—
- (a) the action is necessary or appropriate to—
 - 15 (i) provide an opportunity for the veterinarian to undertake remedial education or training; or
 - (ii) establish that the veterinarian is competent and capable of carrying out particular duties; and
 - (b) it is appropriate in all of the circumstances to take the action, having
 20 considered—
 - (i) the potential impact of the action on the veterinarian concerned; and
 - (ii) the risks to the community of not taking such action.
- (8) If the Board takes action of the kind referred to in subsection (6)(e), the Board must advise the veterinarian of the remedial education or training to be undertaken, and the competencies (if any) required to be demonstrated before the relevant action will be
 25 revoked.
- (9) The Board must revoke any action taken under subsection (6)(e) if the veterinarian successfully completes the required remedial education or training and has demonstrated to the Board that the veterinarian is competent and capable of carrying
 30 out the duties to which the action relates.
- (10) On completion of a Board resolution under this Division, the Executive Officer must inform the veterinarian concerned and the complainant of the outcome of the Board resolution.

75—Duty of Executive Officer with respect to conflict of interest

- 35 (1) If the Executive Officer has a pecuniary or other personal interest that conflicts or may conflict with the Executive Officer's duties under section 74, the Executive Officer must disclose in writing to the Board the nature of the interest and the conflict or potential conflict.
- 40 (2) The Executive Officer must comply with any written directions given by the Board to resolve a conflict between the Executive Officer's duties and a pecuniary or other personal interest.

- (3) Subsection (1) does not apply in relation to a conflict or potential conflict between the Executive Officer's duties and a pecuniary or other personal interest while the Executive Officer remains unaware of the conflict or potential conflict.

76—Monitoring of Board resolutions

- 5 The Board must cause complaints dealt with under this Division to be monitored and reviewed with a view to maintaining proper and consistent practices.

Division 4—Investigations

77—Investigation of complaints

- 10 (1) Without limiting any other action that may be taken by the Board, the Board must, in relation to each complaint that is to be dealt with under Division 5—
- (a) cause an investigation into the complaint to be undertaken; or
 - (b) if the Board is satisfied that such an investigation is unnecessary, lodge a complaint in relation to the matter with the Tribunal under section 78.
- (2) An investigation under this Act may, but need not, be undertaken by an inspector.
- 15 (3) Without limiting any other provision of this Act, the Board may, following an investigation into the complaint—
- (a) lodge a complaint in relation to the matter with the Tribunal under section 78; or
 - (b) cause the matter to be referred to the Executive Officer for resolution in accordance with Division 3 (and in that case the complaint will be taken to be a complaint that may be dealt with under that Division); or
 - (c) dismiss the complaint under section 70; or
 - (d) if the Board thinks it appropriate in the circumstances, take no further action in relation to the complaint.
- 20

Division 5—Disciplinary action before Tribunal

78—Hearing by Tribunal as to matters constituting grounds for disciplinary action

- (1) A complaint setting out matters that are alleged to constitute grounds for disciplinary action against a person may be lodged with the Tribunal by—
- 30 (a) the Board; or
 - (b) the Minister.
- (2) On the hearing of a complaint, the Tribunal may, if it is satisfied that there is proper cause for taking disciplinary action against the veterinarian to whom the complaint relates, by order do 1 or more of the following:
- 35 (a) reprimand the veterinarian;
 - (b) impose a fine not exceeding \$10 000 on the veterinarian;

- (c) if the veterinarian is registered under this Act—impose conditions on the veterinarian's registration under this Act restricting their right to provide veterinary services or revoke or vary a waiver or modification that applies in respect of the veterinarian's registration;
- 5 (d) if the veterinarian has general registration but not specialist registration—
 - (i) suspend the veterinarian's general registration for a period not exceeding 1 year; or
 - (ii) cancel the veterinarian's general registration;
- (e) if the veterinarian has specialist registration under this Act—
 - 10 (i) suspend the veterinarian's specialist registration or registration in a particular specialty, or the veterinarian's general and specialist registration, for a period not exceeding 1 year; or
 - (ii) cancel the veterinarians's specialist registration or registration in a particular specialty, or the veterinarians's general and specialist
15 registration;
- (f) disqualify the person from general registration, specialist registration or registration in a particular specialty, or both general and specialist registration.
- (3) The Tribunal may—
 - 20 (a) stipulate that a disqualification under subsection (2) is to apply—
 - (i) permanently; or
 - (ii) for a specified period; or
 - (iii) until the fulfilment of specified conditions; or
 - (iv) until further order; or
 - 25 (b) stipulate that an order relating to a veterinarian is to have effect at a specified future time and impose conditions as to the conduct of the veterinarian or the veterinarian's business until that time.
- (4) The Tribunal may, on application by a party to the proceedings, vary or revoke a condition imposed by the Tribunal under this section in relation to a veterinarian's
30 registration under this Act.
- (5) An application under subsection (4) may not be made—
 - (a) within 1 month of the imposition of the condition to which the application relates by the Tribunal; or
 - (b) within 12 months of any previous application under subsection (4) by the
35 party to vary or revoke a condition,unless leave is granted by the Tribunal.
- (6) A fine imposed by the Tribunal under subsection (2) is payable to the Board (and is recoverable by the Board as a debt).
- (7) If—
 - 40 (a) a veterinarian has been found guilty of an offence; and

- (b) the circumstances of the offence form, in whole or in part, the subject matter of the complaint,

the veterinarian is not liable to a fine under this section in respect of conduct giving rise to the offence.

- 5 (8) If a veterinarian fails to pay a fine imposed under this section, the Board may—
- (a) in the case of a veterinarian with primary registration—without further notice, remove the veterinarian from the registers on which they are registered; or
- (b) in the case of a veterinarian with deemed registration—by written notice to the veterinarian, disqualify the veterinarian from registration under this Act
- 10 until the fine is paid.
- (9) The Tribunal may order that the registration of a veterinarian be suspended pending the outcome of disciplinary proceedings against the veterinarian under this Division.
- (10) However—
- (a) the Tribunal may only act under subsection (9) if it thinks that it is necessary
- 15 to do so because there is a serious risk that the health and safety of the public or the health and welfare of animals will be endangered; and
- (b) if the Tribunal acts under subsection (9), it must immediately notify the veterinarian of the suspension and the reasons for the suspension.

79—Constitution of Tribunal

- 20 (1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—
- (a) veterinarians with primary registration or deemed registration; and
- (b) veterinarians (however described) registered under a corresponding law but
- 25 who do not provide veterinary services or engage in other conduct as a veterinarian in this State.
- (2) Subject to this Act, in exercising its powers for the purposes of this Act, the Tribunal will, unless the President of the Tribunal determines that the Tribunal is to be constituted by fewer than 3 members, be constituted of 3 members of whom 2 will be selected from the panel of assessors referred to in subsection (1).
- 30 (3) The Tribunal constituted of the presiding member sitting alone may, for the purposes of proceedings under this Act—
- (a) deal with—
- (i) preliminary, interlocutory or procedural matters; or
- (ii) questions of costs; or
- 35 (iii) questions of law; or
- (b) enter consent orders; or
- (c) perform any other function or exercise any other power of a prescribed kind, and may, for that purpose or as a consequence, make any determination or order (including a final order) that the presiding member considers appropriate.

80—Punishment of conduct that constitutes offence

If conduct constitutes an offence and also proper cause for disciplinary action, the taking of disciplinary action under this Division is not a bar to conviction and punishment for the offence, nor is conviction and punishment for the offence a bar to disciplinary action under this Division.

81—No internal review by Tribunal of decision under Division etc

- (1) A decision of the Tribunal under this Division cannot be the subject of an application for internal review under section 70 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) Section 71(2), (2a) and (3a) of the *South Australian Civil and Administrative Tribunal Act 2013* do not apply in relation to an appeal against a decision of the Tribunal under this Division.

Part 8—Inspectors

82—Guidelines

The Board must, on a website determined by the Board, publish guidelines about the conduct of investigations and inspections for the purposes of this Act.

83—Inspectors

- (1) The Board may, by instrument in writing, authorise persons to be inspectors for the purposes of this Act.
- (2) An authorisation may be made subject to conditions specified in the instrument of authorisation.
- (3) The Board may, at any time, revoke an authorisation or vary, revoke or add a condition of an authorisation.
- (4) The Board must provide each inspector with identification in a form determined by the Board that—
 - (a) contains the person's name and a photograph of the person; and
 - (b) states that the person is an inspector for the purposes of this Act.
- (5) If the powers of an inspector have been limited by conditions under this Part, the inspector's identification must contain a statement of the limitation on the inspector's powers.
- (6) An inspector must, at the request of a person in relation to whom the inspector has exercised, or intends to exercise powers, produce the inspector's identification.

84—Functions of inspectors

Without limiting any other functions that an inspector may have under this or any other Act, the functions of an inspector under this Act include—

- (a) conducting investigations for the purposes of this Act (including in relation to disciplinary proceedings and proceedings relating to the medical fitness of veterinarians); and

- (b) inspecting premises, places or vehicles to ascertain whether there has been a contravention of this Act; and
- (c) inspecting registered premises to ascertain whether the registered premises meet the minimum requirements in the veterinary premises standard.

5 **85—Powers of inspectors**

(1) An inspector may—

- (a) at any reasonable time, enter and remain in or on any premises, place or vehicle that the officer reasonably suspects is used for, or in connection with, the provision of veterinary services (and, if entry is refused, may employ such force as is reasonably necessary to gain entry); and
- (b) at any reasonable time, give directions with respect to stopping or movement of a vehicle that is, or is reasonably suspected to be, used in the course of, or for the purposes of, providing veterinary services for the purposes of inspecting the vehicle; and
- (c) inspect or search the premises, place or vehicle or any equipment or other thing on the premises, place or vehicle; and
- (d) take photographs or make video or audio recordings; and
- (e) inspect any records kept by a person whom the authorised officer reasonably suspects of providing veterinary services and, for that purpose, require the person, or an employee or agent of the person, to produce the records; and
- (f) examine, copy or take extracts from such records, or require the person, or an employee or agent of the person, to provide a copy of the records; and
- (g) remove and retain such records for so long as is reasonably necessary for the purpose of making a copy or extract of the record; and
- (h) seize and remove anything that constitutes evidence of an offence against this Act; and
- (i) require any person who is in a position to provide information relevant to the matters under investigation to answer any question put by the inspector in relation to those matters; and
- (j) if the inspector reasonably suspects that an offence against this Act has been or is being committed, require the suspected offender to state their full name and address.

(2) An inspector must not exercise the power conferred by subsection (1)(a) in relation to residential premises except—

- (a) with the consent of the occupier of the premises; or
- (b) on the authority of a warrant issued by a magistrate under this section; or
- (c) if there are reasonable grounds to suspect that the premises are used on a continuing or regular basis for, or in connection with, the provision of veterinary services.

(3) A magistrate may issue a warrant for the purposes of this section if satisfied, by information given on oath, that the warrant is reasonably required in the circumstances.

- (4) The person in charge of premises at the relevant time must give an inspector such assistance and provide such facilities as are necessary to enable the powers conferred by this section to be exercised.

Maximum penalty: \$5 000.

5 **86—Offence to hinder etc inspector**

A person who—

- (a) hinders or obstructs an inspector in the exercise of powers conferred by this Act; or
- (b) uses abusive, threatening or insulting language to an inspector; or
- 10 (c) refuses or fails to comply with a requirement of an inspector under this Act; or
- (d) when required under this Act by an inspector to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or
- 15 (e) falsely represents, by words or conduct, that they are an inspector,

is guilty of an offence.

Maximum penalty: \$10 000.

Part 9—Review of certain decisions by Tribunal

87—Review of certain decisions by Tribunal

- 20 (1) The Tribunal is, by force of this section, conferred with jurisdiction to deal with matters consisting of the review of a reviewable decision.
- (2) An application for review of a reviewable decision may be made to the Tribunal within 30 days after the applicant receives notice of the relevant decision (or such longer period as the Tribunal may allow).
- 25 (3) However, the Tribunal may only allow an extension of time under subsection (2) if satisfied that—
- (a) special circumstances exist; and
- (b) another party will not be unreasonably disadvantaged because of the delay in commencing the proceedings.
- 30 (4) The Board must, on application by a person seeking review of a decision of the Board, state in writing the reasons for the decision.
- (5) If the reasons of the Board are not given in writing at the time of making a decision and the person affected by the decision, within 1 month of the making of the decision, requires the Board to state the reasons in writing, the time for making an application for review runs from the time when the person receives the written statement of those
- 35 reasons.

(6) In this section—

reviewable decision—the following are reviewable decisions:

- (a) a refusal by the Board to register, or reinstate the registration of, a person under this Act;
- 5 (b) the imposition by the Board of conditions on a person's registration under this Act;
- (c) a refusal by the Board to vary or revoke a condition imposed by the Board on a person's registration under this Act;
- (d) a decision of the Board to suspend a person's registration under this Act;
- 10 (e) a refusal by the Board to grant a waiver or modification under this Act in relation to a person or person's registration;
- (f) a direction by the Board to remove a person from a register under section 30(6);
- (g) a decision made by the Board in proceedings regarding medical fitness under 15 Part 6;
- (h) a refusal by the Board to register, or reinstate the registration of, premises under this Act or a decision of the Board to suspend or cancel the registration of such premises;
- (i) a decision of the Board under Part 7 Division 3;
- 20 (j) any other decision prescribed by the regulations.

88—Variation or revocation of conditions imposed by Tribunal

- (1) The Tribunal may, at any time, on application by a veterinarian, vary or revoke a condition imposed by the Tribunal in relation to the person's registration under this Act.
- 25 (2) The Board is entitled to appear and be heard on an application under this section.

Part 10—Miscellaneous

89—Exemptions

- (1) The Minister may, in accordance with this section, exempt a specified person, or a specified class of persons, from the operation of a provision or provisions of this Act.
- 30 (2) An exemption under this section—
 - (a) if limited in its application to a specified person—must be by notice in writing to that person; or
 - (b) if applying to a specified class of persons—
 - 35 (i) must be by notice in the Gazette; or
 - (ii) must be by notice in writing to each person of that class.
- (3) An exemption may be conditional or unconditional.
- (4) The Minister may, by notice in writing or in the Gazette (as the case requires), vary or revoke an exemption for any reason the Minister thinks fit.

- (5) A person must not contravene a condition of an exemption.
Maximum penalty: \$20 000.
- (6) If a person contravenes a condition of an exemption, the exemption does not, while the contravention continues, operate in that person's favour.

5 **90—Contact details to be provided to Chief Executive**

- (1) The Board must, every 3 months or at the request of the Chief Executive, provide to the Chief Executive a list of the full names, telephone numbers, email addresses and business addresses of each veterinarian registered under this Act.
- 10 (2) The Chief Executive may only use the contact details of veterinarians obtained in accordance with this section in the following circumstances:
- (a) to communicate information in respect of—
- (i) a notifiable disease (within the meaning of the *Livestock Act 1997*);
or
- (ii) a bushfire; or
- 15 (iii) a public health emergency; or
- (iv) another event,
that significantly impacts, or could significantly impact, on animal welfare in the State;
- (b) to consult on, or obtain or provide advice in respect of, legislation relevant to veterinarians;
- 20 (c) to advise of vacancies on the Board and provide information about recruitment for Board positions;
- (d) any other matter prescribed by the regulations.

91—False or misleading statement

- 25 A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.
Maximum penalty: \$20 000.

92—Procurement of registration by fraud

- 30 A person who, by fraud or any other dishonest means, procures registration or reinstatement of registration under this Act (whether for themselves, for another person or for premises) is guilty of an offence.
Maximum penalty: \$20 000 or imprisonment for 6 months.

93—Self-incrimination and legal professional privilege

- 35 (1) It is not an excuse for a person to refuse or fail to answer a question or to produce a document as required under this Act on the ground that to do so might tend to incriminate the person, or make the person liable to a penalty, or on the ground of legal professional privilege.

(2) If a person objects to answering a question or to producing a document on the ground that the answer or document might tend to incriminate the person or make the person liable to a penalty, then—

- 5 (a) in the case of a person who is required to produce a document—the fact of production of the document (as distinct from the contents of the document);
or
 (b) in any other case—the information furnished in compliance with the requirement,

10 is not admissible in evidence against the person in proceedings (other than proceedings in respect of the making of a false or misleading statement or perjury) in which the person might be found guilty of an offence or liable to a penalty.

(3) If a person objects to answering a question or to producing a document on the ground of legal professional privilege, the answer or document will not be admissible in civil or criminal proceedings against the person who would, but for this section, have the benefit of the legal professional privilege.

94—Confidentiality

(1) A person engaged or formerly engaged in the administration of this Act or a repealed Act must not divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

- 20 (a) as required or authorised by or under this Act or any other Act or law; or
 (b) with the consent of the person to whom the information relates; or
 (c) in connection with the administration of this Act or a repealed Act; or
 (d) to an authority with responsibility for administering a corresponding law in connection with the administration of that law; or
25 (e) to an authority or other body in connection with the establishment or administration of a national database envisaged by section 96.

Maximum penalty: \$10 000.

(2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.

(3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—

- 30 (a) the person to whom the information was disclosed; or
 (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

35 Maximum penalty: \$10 000.

95—Victimisation

(1) A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person—

- 40 (a) has disclosed or intends to disclose information; or
 (b) has made or intends to make an allegation,

that has given rise, or could give rise, to proceedings against the person under this Act commits an act of victimisation.

(2) Causing detriment on the ground that the person—

(a) has made a false allegation; or

(b) has not acted in good faith,

does not constitute an act of victimisation.

(3) An act of victimisation under this Act may be dealt with—

(a) as a tort; or

(b) as if it were an act of victimisation under the *Equal Opportunity Act 1984*,

but, if the victim commences proceedings in a court seeking a remedy in tort, they cannot subsequently lodge a complaint under the *Equal Opportunity Act 1984* and, conversely, if the victim lodges a complaint under that Act, they cannot subsequently commence proceedings in a court seeking a remedy in tort.

(4) If a complaint alleging an act of victimisation under this Act has been lodged with the Commissioner for Equal Opportunity and the Commissioner is of the opinion that the subject matter of the complaint has already been adequately dealt with by a competent authority, the Commissioner may decline to act on the complaint or to proceed further with action on the complaint.

(5) In proceedings against a person seeking a remedy in tort for an act of victimisation committed by an employee or agent of the person, it is a defence to prove that the person exercised all reasonable diligence to ensure that the employee or agent would not commit an act of victimisation.

(6) A person who personally commits an act of victimisation under this Act is guilty of an offence.

Maximum penalty: \$10 000.

(7) Proceedings for an offence against subsection (6) may only be commenced by a police officer or a person approved by either the Commissioner of Police or the Director of Public Prosecutions.

(8) In this section—

detriment includes—

(a) injury, damage or loss; or

(b) intimidation or harassment; or

(c) discrimination, disadvantage or adverse treatment in relation to a person's employment or business; or

(d) threats of reprisal.

96—Arrangements between Board and interstate registration authorities

(1) The Board may enter into an arrangement with interstate registration authorities for the purposes of establishing a national database of veterinarians (however described) and for other purposes related to the recognition of people engaged in veterinary services, practice or treatment in other jurisdictions.

- (2) Such an arrangement may, without limitation, involve the establishment of a national database by the Australasian Veterinary Boards Council Incorporated.

97—Notification of disciplinary action to interstate registration authorities

- (1) The Board must notify each interstate registration authority of—

- 5 (a) any disciplinary action taken against a veterinarian under this Act; or
 (b) any other action of a kind prescribed by the regulations for the purposes of this subsection.

- (2) The Board is authorised to act under this section despite any law relating to confidentiality.

- 10 (3) This section does not affect any obligation or power to provide information under the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

98—Evidentiary provision

- 15 (1) In any legal proceedings (including proceedings before the Tribunal), an allegation in a complaint—

- (a) that a specified person has or does not have, or had or did not have on a specified date, general or specialist registration, or registration in a specified specialty, under this Act; or
 (b) that the registration under this Act of a specified person at a specified date was primary registration or deemed registration; or
 (c) that the registration under this Act of a specified person is, or was on a specified date, subject to specified conditions; or
 (d) that specified premises are or are not, or were or were not on a specified date, registered premises under this Act; or
25 (e) that a specified person is, or was on a specified date, an inspector,

must be accepted as proved in the absence of proof to the contrary.

- 30 (2) In any legal proceedings (including proceedings before the Tribunal), a document apparently certified by the Executive Officer and certifying that a specified person was, or was not, registered on the general register or specialist register or in a particular specialty under this Act at a particular date or during a particular period will, in the absence of proof to the contrary, be proof of the matters certified.

- 35 (3) In any legal proceedings (including proceedings before the Tribunal), a document apparently certified by the Executive Officer and certifying that specified premises were, or were not, registered premises under this Act at a particular date or during a particular period will, in the absence of proof to the contrary, be proof of the matters certified.

- 40 (4) In any legal proceedings (including proceedings before the Tribunal), a document apparently certified by the Executive Officer to be a copy of a register under this Act, or a copy of a code of conduct, professional standards or veterinary premises standard prepared or endorsed by the Board under this Act, must be accepted as such in the absence of proof to the contrary.

99—Regulations and fee notices

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- 5 (a) require the keeping of records or other information by veterinarians or any other person or body prescribed by the regulations; or
- (b) require the furnishing of receipts, returns or other information to the Board or any other person or body prescribed by the regulations; or
- 10 (c) prescribe penalties, not exceeding \$5 000, for breach of, or non-compliance with, a regulation.
- (3) The regulations may—
- (a) refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time
- 15 to time; and
- (b) be of general or limited application; and
- (c) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- (d) make provisions of a saving or transitional nature consequent on the
- 20 enactment or amendment of this Act or the regulations; and
- (e) exempt a person, or a class of persons, from the operation of a specified provision or provisions of this Act; and
- (f) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Board, the
- 25 Executive Officer or another prescribed person or authority.
- (4) If a code, standard or other document is referred to or incorporated in the regulations—
- (a) a copy of the code, standard or other document must be published on a website determined by the Minister; and
- 30 (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.
- (5) The Board may prescribe fees for the purposes of this Act by fee notice under the
- 35 *Legislation (Fees) Act 2019*.
- (6) A fee notice may provide for the waiver, reduction or recovery of fees.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

5 1—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *veterinary product*, (b)—delete "veterinary surgeon" wherever occurring and substitute:

veterinarian

- (2) Section 3(1), definition of *veterinary surgeon*—delete the definition and substitute:

10 *veterinarian* means a person registered as a veterinarian under the *Veterinary Services Act 2023*;

2—Amendment of section 11—Supply of prescribed substances prepared by veterinary surgeon

- (1) Section 11, heading—delete "veterinary surgeon" and substitute:

15 veterinarian

- (2) Section 11(2)—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

3—Amendment of section 14—Treatment of trade species animals in unauthorised manner

20 Section 14(2)(b) and (5)—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

4—Amendment of section 16—Responsibilities of veterinary surgeon in relation to withholding periods

25 (1) Section 16, heading—delete "veterinary surgeon" and substitute:

veterinarian

- (2) Section 16—delete "veterinary surgeon" wherever occurring and substitute in each case:

30 veterinarian

Part 2—Amendment of *Animal Welfare Act 1985*

5—Amendment of section 3—Interpretation

Section 3, definition of *veterinary surgeon*—delete the definition and substitute:

35 *veterinarian* means a person registered as a veterinarian under the *Veterinary Services Act 2023*.

6—Amendment of section 14A—Possession of certain items prohibited

Section 14A(1)(c)—delete "veterinary surgeon" and substitute:

veterinarian

7—Amendment of section 23—Establishment of animal ethics committees by licensee

Section 23(3)(a)—delete "veterinary surgeon" and substitute:

veterinarian

8—Amendment of section 34B—Power of veterinary surgeons to destroy animals

(1) Section 34B, heading—delete "veterinary surgeons" and substitute:

veterinarians

(2) Section 34B—delete "veterinary surgeon" and substitute:

veterinarian

Part 3—Amendment of *Controlled Substances Act 1984*

9—Amendment of section 4—Interpretation

Section 4(1), definition of *veterinary surgeon*—delete the definition and substitute:

veterinarian means a person registered as a veterinarian under the *Veterinary Services Act 2023*;

10—Amendment of section 13—Manufacture and packing

Section 13(1)(a)—delete "veterinary surgeon" and substitute:

veterinarian

11—Amendment of section 15—Sale or supply to end user

Section 15(1)(a)—delete "veterinary surgeon" and substitute:

veterinarian

12—Amendment of section 17B—Storage and sale of certain precursors

Section 17B(5)(b)—delete "veterinary surgeon" and substitute:

veterinarian

13—Amendment of section 17C—Regulation of sale of certain precursors

Section 17C(3)(b)—delete "veterinary surgeon" and substitute:

veterinarian

14—Amendment of section 18—Regulation of prescription drugs

- (1) Section 18(1)(b)—delete paragraph (b) and substitute:
- 5 (b) a veterinarian may prescribe a prescription drug (not being a drug of dependence) for an animal if the veterinarian is acting in the ordinary course of the veterinarian's profession;
- (2) Section 18(1b)(c)—delete paragraph (c) and substitute:
- (c) a veterinarian may sell a prescription drug (not being a drug of dependence) by retail if the veterinarian is acting in the ordinary course of the veterinarian's profession;
- 10 (3) Section 18(1c)(c)—delete paragraph (c) and substitute:
- (c) a veterinarian may supply a prescription drug (not being a drug of dependence) to a person for an animal if the veterinarian is acting in the ordinary course of the veterinarian's profession;
- (4) Section 18(1d)(b)—delete paragraph (b) and substitute:
- 15 (b) a veterinarian may administer a prescription drug (other than a drug of dependence) to an animal if the veterinarian is acting in the ordinary course of the veterinarian's profession;
- (5) Section 18(1e)(c)—delete paragraph (c) and substitute:
- 20 (c) a veterinarian may manufacture or pack a prescription drug (not being a drug of dependence) if the veterinarian is acting in the ordinary course of the veterinarian's profession;

15—Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances

Section 18A(a1)(b)—delete paragraph (b) and substitute:

- 25 (b) a veterinarian may prescribe a drug of dependence for an animal if the veterinarian is acting in the ordinary course of the veterinarian's profession.

16—Amendment of section 31—Application of Part

Section 31(1)(ae)—delete paragraph (ae) and substitute:

- 30 (ae) the manufacture, sale, supply or administration of a poison, or the sale or supply of equipment for use in connection with the consumption or administration of a poison, by a veterinarian if the veterinarian is acting in the ordinary course of the veterinarian's profession; or

17—Amendment of section 52—Power to search, seize etc

Section 52(4)(a)—delete "veterinary surgeon" and substitute:

veterinarian

18—Amendment of section 58—Publication of information

Section 58(1)(c)—delete "veterinary surgeons" and substitute:

veterinarians

19—Amendment of section 60—Minister may require certain information to be given

Section 60(2)—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

Part 4—Amendment of *Dog and Cat Management Act 1995*

20—Amendment of section 4—Interpretation

Section 4, definition of *registered veterinary surgeon*—delete the definition and substitute:

registered veterinarian means a person registered as a veterinarian under the *Veterinary Services Act 2023*;

21—Amendment of section 45A—Miscellaneous duties relating to dogs

Section 45A(3)—delete "veterinary surgeon" and substitute:

veterinarian

22—Amendment of section 62—Destruction or disposal of seized dog

Section 62(3)(b)—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

23—Amendment of section 63—Power to destroy cats

Section 63(1)(d)(iv)—delete "veterinary surgeon" and substitute:

veterinarian

24—Amendment of section 64—Power to seize and detain cats

Section 64(2)(a)—delete "veterinary surgeon" and substitute:

veterinarian

25—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

Section 64D(3), definition of *prescribed person*, (f)—delete "veterinary surgeon" and substitute:

veterinarian

Part 5—Amendment of *Health Care Act 2008*

26—Amendment of section 31—General powers of incorporated hospital

Section 31(1a)(f)(i)—delete "veterinary surgeons" and substitute:

veterinarians

Part 6—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

27—Amendment of section 26—Interpretation

- (1) Section 26(1), definition of *restricted pharmacy services*, (a)—delete "veterinary surgeon" and substitute:

veterinarian

- (2) Section 26(1), definition of *veterinary surgeon*—delete the definition and substitute:

veterinarian means a person registered as a veterinarian under the *Veterinary Services Act 2023*.

Part 7—Amendment of *Livestock Act 1997*

28—Amendment of section 3—Interpretation—general

- (1) Section 3(1), definition of *veterinary diagnostic laboratory*—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

- (2) Section 3(1), definition of *veterinary surgeon*—delete the definition and substitute:

veterinarian means a person registered as a veterinarian under the *Veterinary Services Act 2023*;

29—Amendment of section 19—Requirement for registration to perform artificial breeding procedure

Section 19(2)(a)—delete "veterinary surgeon" and substitute:

veterinarian

30—Amendment of section 27—Requirement to report notifiable conditions

Section 27(2)—delete "veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

31—Amendment of section 49—Claims for compensation from Fund

Section 49(2)(a)(i)(A)—delete "veterinary surgeon" and substitute:

veterinarian

32—Amendment of section 68—General powers of inspectors

Section 68(6)—delete subsection (6) and substitute:

- (6) An inspector (who is not a veterinarian) must not carry out any veterinary services within the meaning of the *Veterinary Services Act 2023* unless authorised by the Chief Inspector to carry out veterinary services of that kind.

Part 8—Repeal of *Veterinary Practice Act 2003*

33—Repeal of Act

The *Veterinary Practice Act 2003* is repealed.

Part 9—Transitional provisions

34—Continuation of Board membership

- (1) Subject to this Act, a member of the Board in office immediately before the commencement of this clause continues in office on the conditions, and for the remainder of the term, specified in the instrument of appointment.
- (2) Section 6(2) to (4) will be taken not to apply in relation to the continuation of members of the Board under this clause.

35—Chair of Board

Despite section 6(5), but otherwise subject to this Act, the presiding member of the Veterinary Surgeons Board of South Australia immediately before the commencement of this clause continues as the Chair of the Board for the remainder of their term of appointment.

36—Deputy of member

An appointment of a deputy of a member in force immediately before the commencement of this clause continues in accordance with its terms.

37—Total consecutive terms of office

The term of office held by a member of the Board at the time this clause commences (the *current term*), and any previous terms of office held by the member consecutive with the current term, will be taken into account in determining the total consecutive terms of office for the purposes of section 7(2).

38—Governance training

- (1) Section 12 does not apply to a member of the Board who continues in office in accordance with clause 34(1).
- (2) However, such a member must comply with any direction of the Minister in respect of training related to corporate governance.

39—Codes, standards and guidelines

- (1) Subject to this Act, a code of conduct, professional standard or guidelines prepared or endorsed by the Veterinary Surgeons Board of South Australia and in force immediately before the commencement of this clause continues as a code of conduct, professional standard or guidelines for the purposes of this Act.

(2) The Board must review and, if necessary, update the codes, standards and guidelines referred to in subclause (1)—

(a) in the case of a code, standard or guidelines prepared or endorsed by the Veterinary Surgeons Board of South Australia more than 5 years before the commencement of this clause—within 2 years after the commencement of this clause; or

(b) in the case of a code, standard or guidelines prepared or endorsed by the Veterinary Surgeons Board of South Australia less than 5 years before the commencement of this clause—within 3 years after the commencement of this clause.

40—References to Veterinary Surgeons Board of South Australia etc

(1) A reference in a contract or any other instrument to the Veterinary Surgeons Board of South Australia will be taken to be a reference to the Board.

(2) Unless the contrary intention appears, a reference in a contract or any other instrument to—

(a) a veterinary surgeon will be taken to be a reference to a veterinarian; and

(b) veterinary treatment will be taken to be a reference to veterinary services.

41—Delegations

A delegation in force under the *Veterinary Practice Act 2003* immediately before the commencement of this clause is, by force of this clause, revoked.

42—Executive Officer

(1) The person holding the office of Registrar of the Board under section 10 of the *Veterinary Practice Act 2003* immediately before the commencement of this clause continues as the Executive Officer of the Board.

(2) The appointment of the Executive Officer under subclause (1)—

(a) has effect on the conditions, and for the remainder of the term, specified in the instrument of appointment; and

(b) will, for the purposes of this Act, be taken to be an appointment under section 24.

43—Continuation of registers

The registers referred to in section 26(1) of the *Veterinary Practice Act 2003* continue in existence as the corresponding registers under section 27.

44—Continuation of registration

(1) A person whose name is on the general register or the specialist register immediately following the commencement of this clause will be taken to be registered under this Act on the relevant register.

(2) Subject to this Act, any restrictions, limitations or conditions that applied to the registration of the person under the *Veterinary Practice Act 2003* immediately before the commencement of this clause will be taken to continue to apply to the registration of the person under this Act as if they had been imposed by the Board under this Act.

45—Applications

- (1) An application under section 33(1) of the *Veterinary Practice Act 2003* but not determined before the commencement of this clause will be taken to be an application under section 28(6).
- 5 (2) An application under section 34(1) of the *Veterinary Practice Act 2003* but not determined before the commencement of this clause will be taken to be an application under section 30(1).
- (3) An application under section 35 of the *Veterinary Practice Act 2003* but not
10 determined before the commencement of this clause will be taken to be an application under section 31.
- (4) An application under section 37 of the *Veterinary Practice Act 2003* but not determined before the commencement of this clause will be taken to be an application under section 28(10).
- (5) An application under section 38B of the *Veterinary Practice Act 2003* but not
15 determined before the commencement of this clause will be taken to be an application under section 36(4).
- (6) An application under section 38D(2) of the *Veterinary Practice Act 2003* but not determined before the commencement of this clause will be taken to be an application under section 36(2).
- 20 (7) An application under section 38E(3) of the *Veterinary Practice Act 2003* but not determined before the commencement of this clause will be taken to be an application under section 37(3).

46—Exemptions

- 25 Subject to this Act, an exemption granted by the Board or the Governor under the *Veterinary Practice Act 2003* will continue in accordance with its terms and will, for the purposes of this Act, be taken to be an exemption granted by the Minister under section 89.

47—Registration of premises

- 30 (1) A facility with accreditation as a veterinary hospital under section 53 of the *Veterinary Practice Act 2003* in force immediately before the commencement of this clause will be taken to be premises registered under Part 4.
- (2) Subject to this Act, any restrictions, limitations or conditions that applied to the accreditation of the facility under the *Veterinary Practice Act 2003* immediately
35 before the commencement of this clause will be taken to continue to apply to the registration of the premises under this Act as if they had been imposed by the Board under this Act.
- (3) Subject to this Act, registration of premises under this clause will remain in force for the remainder of the period of accreditation under the *Veterinary Practice Act 2003*.