

South Australia

Veterinary Services Bill 2022

A BILL FOR

An Act to protect 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, and for other purposes.

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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 2022*.

5 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

(1) In this Act—

appropriate register means—

- 10 (a) the general register; or
 (b) the specialist register,
 as the case may require;

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

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;

deemed registration means registration under section 46;

equipment includes appliances, instruments, dressings and substances used for the purposes of veterinary services;

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

general register—see Part 4 Division 1;

health professional means—

- (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;

inspector means a person authorised by the Board to exercise the powers of an inspector under this Act;

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

jurisdiction means—

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

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 4 Division 2;

proceedings before the Board includes—

- (a) an application for registration or reinstatement of registration on the general register or specialist register; and
- (b) an application for registration or reinstatement of registration on the veterinary premises register;

provide, in relation to veterinary services, means provide services personally, and includes offer to provide;

record means—

- (a) a documentary record; or
- (b) a record made by an electronic, electromagnetic, photographic or optical process; or
- (c) any other kind of record;

registered premises means premises registered under Part 5;

repealed Act means the *Veterinary Surgeons Act 1985* or the *Veterinary Practice Act 2003*;

responsible person, in relation to premises, means a person who carries on, or proposes to carry on, a business providing veterinary services at the premises;

specialist means a person registered on the specialist register;

specialist register—see Part 4 Division 1;

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
- (c) a contravention of or failure to comply with—
 - (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
- (d) conduct that constitutes an offence punishable by imprisonment for 1 year or more under some other Act or law;

veterinarian means—

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

veterinary premises register—see section 53;

veterinary premises standard—see section 54;

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, and an injury to, an animal; and
- (b) the medical treatment of animals; and

- (c) the administration of an anaesthetic to an animal; and
- (d) the castration or spaying of an animal; and
- (e) the performance of an invasive or surgical procedure on an animal; and
- (f) any other act or activity of a kind prescribed by the regulations to be a veterinary service,

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

- (2) 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.

- (3) 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.

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—Establishment of Board

5—Establishment of Board

- (1) The Veterinary Services Regulatory Board of South Australia is established.
- (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 a natural person 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.

Division 2—Membership

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 registered under Part 4 Division 2; and

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Part 2—Veterinary Services Regulatory Board of South Australia

Division 2—Membership

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- (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) 1 must have skills, knowledge and experience that the Minister considers appropriate to enable the member to effectively carry out the functions of the Board.
- (2) In recommending veterinarians registered under Part 4 Division 2 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;
 - (c) government agencies responsible for protecting animal health (whether State or Commonwealth);
 - (d) urban companion animal practice;
 - (e) rural mixed or production animal practice;
 - (f) another area that the Minister considers appropriate to enable the member to effectively carry out the functions of the Board.
- (3) The members of the Board referred to in subsection (1)(b)—
- (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.
- (4) The Minister must appoint a member of the Board who is a veterinarian registered under Part 4 Division 2 with management or governance skills, knowledge and experience as the presiding member, unless the Minister considers that it is appropriate to appoint another member of the Board as the presiding member.
- (5) At least 1 of the members of the Board must be a woman and at least 1 must be a man.
- (6) 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.
- (7) 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

- (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 terms that exceed 9 years in total.

- (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
 - (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 any proceedings under Part 7 Division 4 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.

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 provide the Board reasonable time to comply with the direction.
- (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.
- (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.
- (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;
 - (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;
 - (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

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Division 2—Membership

- (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;
- (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;
- (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 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—Governance training

- (1) Subject to subsection (2), a member of the Board must, within 6 months after being appointed, commence a course of training related to corporate governance that has been approved by the Minister.
- (2) The Minister may, by notice in writing, exempt a member of the Executive Board from the requirement under subsection (1) on any ground the Minister thinks fit.

11—Vacancies or defects in appointment of members

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.

12—Remuneration

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

13—Publication of appointments

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).

Division 3—General functions and powers

14—Objects

5 The Board must exercise its functions under this Act with the object of protecting 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—Functions

- (1) The functions of the Board include—
- 10 (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
 - 15 (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
 - (f) to prepare or endorse a standard relating to minimum requirements for registered premises; and
 - 20 (g) to provide advice to the Minister as may be appropriate or requested by the Minister; and
 - (h) 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
 - 25 (i) 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
 - (j) to carry out other functions assigned to the Board by or under this Act, or by the Minister.
 - 30 (2) The Board must ensure that applications for registration under this Act are determined in a timely and efficient manner.
 - (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.
 - 35 (4) If the Board prepares or endorses a code of conduct, professional standard, veterinary premises standard or guidelines under subsection (1), the Board must—
 - (a) consult on the proposed code, standard or guidelines in accordance with a scheme determined by the Minister; and
 - 40 (b) cause a copy of the code, standard or guidelines to be published in the Gazette and on a website determined by the Board; and

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Part 2—Veterinary Services Regulatory Board of South Australia

Division 3—General functions and powers

(c) review and, if necessary, update the code, standard or guidelines at least once every 5 years; and

(d) advise all veterinarians of a new or updated code, standard or guidelines within a reasonable period after it is prepared, endorsed or updated (as the case requires),

(although proof of compliance with this subsection is not necessary for the purposes of any proceedings that involve an alleged contravention of or failure to comply with a code of conduct or professional standard).

(5) The Board may vary, substitute or revoke a code of conduct, professional standard, veterinary premises standard or guidelines prepared by the Board for the purposes of this Act.

16—Directions by Minister

(1) The Minister may give direction, in writing, to the Board, but may not give a direction that relates to—

(a) a particular person; or

(b) a particular application or investigation; or

(c) the performance by the Board of its function of determining qualifications for registration on the general register or the specialist register.

(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.

17—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.

(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 presiding member of a committee.

(4) The procedures to be observed in relation to the conduct of the business of a committee will be—

(a) as determined by the Board; or

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

18—Delegations

(1) Subject to this section, the Board may delegate any of its functions or powers under this Act other than—

(a) this power of delegation; and

(b) the power of the Board to hear and determine proceedings regarding medical fitness under Part 7 Division 4.

- (2) The Board must not delegate the following functions without the approval of the Minister:
- (a) the function of the Board to lay complaints before the Tribunal in accordance with section 89(1);
 - 5 (b) the function of the Board to conduct preliminary examinations of complaints in accordance with section 76(1).
- (3) A delegation under this section—
- (a) may be made—
 - 10 (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
 - (c) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - 15 (d) is revocable at will and does not derogate from the power of the Board to act in a matter.
- (4) A delegation under this section must be provided to members of the Board and the Minister within 7 days after it is made.

Division 4—Procedures

19—Procedures

- (1) Subject to this Act, 6 members constitute a quorum of the Board.
- (2) One of the members constituting a quorum must be a person who is not a veterinarian.
- (3) A meeting of the Board (other than for the purposes of hearing and determining proceedings regarding medical fitness under Part 7 Division 4) will be chaired by the presiding member or, in their absence, by the deputy presiding member, and, in the absence of both the presiding member and the deputy presiding member, the members present at a meeting of the Board must choose 1 of their number to preside at the meeting.
- 25 (4) A decision carried by a majority of the votes cast by members of the Board at a meeting is a decision of the Board.
- 30 (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 7 Division 4, the member presiding at the meeting may exercise a casting vote if the votes are equal.
- 35 (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

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Part 2—Veterinary Services Regulatory Board of South Australia

Division 4—Procedures

- (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 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 determination of proceedings regarding medical fitness under Part 7 Division 4 by the Board as constituted for the purposes of proceedings under that Division.
- (9) The Board must have accurate minutes kept of its meetings and provide a copy of the minutes, and any written resolutions, to members and, if requested, the Minister.
- (10) Subject to this Act, the Board may determine its own procedures.

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.
- (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.

21—Powers in relation to witnesses etc

- (1) For the purposes of proceedings before the Board regarding medical fitness under Part 7 Division 4, the Board may—
 - (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
 - (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 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
- 5 (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 or the Executive Officer may, without referring the matter to the Board, issue a
- 10 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
- 15 (b) having been served with a summons to produce a written statement of the 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
- 20 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.
- 25 (4) A person who appears as a witness before the Board has the same protection as a witness in proceedings before the Supreme Court.

22—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
- 30 reinstatement of registration as a veterinarian to—
- (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,
- 35 (including an examination or report that will require the person to undergo some form of medically invasive procedure).
- (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.

23—Principles governing proceedings

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
- (b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

24—Representation at proceedings

A party to proceedings before the Board is entitled to be represented at the hearing of those proceedings.

25—Costs

- (1) The Board may award such costs against a party to proceedings as the Board considers just and reasonable.
- (2) A party who is dissatisfied with the amount of the costs fixed by the Board may request a Master of the Supreme Court to tax the costs and, after taxing the costs, the Master may confirm or vary the amount of the costs fixed by the Board.
- (3) Subject to this section, costs awarded by the Board under this section may be recovered as a debt.

Division 5—Accounts, audits and reports**26—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.
- (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.

27—Reporting on exercise of functions

- (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.
- (3) The Board must provide a report under this section within the time the Minister reasonably requires.

28—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.
- (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 18 in the relevant financial year or which is in operation at the end of the relevant financial year; and
 - (c) include details of action taken by the Board in response to a direction under section 16; and
 - (d) 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.

Division 6—Executive Officer and staff

29—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.
- (3) The Executive Officer is, at the end of a term of appointment, eligible for reappointment.

30—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 carry out other functions assigned to the Executive Officer by or under this Act, or by the Minister or the Board.

31—Delegations

- (1) The Executive Officer may delegate any of their functions or powers under this Act—
 - (a) to a specified person or body; or
 - (b) to a person occupying or acting in a specified office or position.
- (2) A delegation under this section—
 - (a) must be in writing; and
 - (b) may be made subject to conditions and limitations specified in the instrument of delegation; and
 - (c) is revocable at will and does not derogate from the power of the Executive Officer to act in a matter.

32—Staff

- (1) There will be such staff of the Board as the Board thinks necessary for the proper performance of its functions.

Veterinary Services Bill 2022

Part 2—Veterinary Services Regulatory Board of South Australia

Division 6—Executive Officer and staff

- (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.
- (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.

Part 3—Registers**33—Registers**

- (1) The Executive Officer must keep 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 or a particular specialty under this Act or any other Act or law or former Act or law;
 - (d) a register of persons whose deemed registration under this Act has been affected by a decision of the Board or who have been disqualified by the Board from deemed registration under this Act;
 - (e) a veterinary premises register;
 - (f) 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.

34—Provisions of general application to registers

- (1) The Executive Officer is responsible to the Board for the form and maintenance of the registers.
- (2) The Executive Officer must correct an entry in a register that is not, or has ceased to be, correct.
- (3) Subject to subsection (4), a copy of the registers must be published on a website determined by the Board.
- (4) 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 in accordance with subsection (3) if satisfied that the information consists of information the disclosure of which would be inappropriate for any reason.
- (5) A certificate stating that a 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 and purporting to be signed by the Executive Officer will, in the absence of proof to the contrary, be accepted in legal proceedings (including proceedings before the Tribunal) as proof of the registration, or of the fact that the person was not so registered, on the date or during the period stated in the certificate.

- (6) A certificate stating that premises were, or were not, registered on the veterinary premises register under this Act at a particular date or during a particular period and purporting to be signed by the Executive Officer will, in the absence of proof to the contrary, be accepted in legal proceedings (including proceedings before the Tribunal) as proof of the registration, or of the fact that the premises were not so registered, on the date or during the period stated in the certificate.

Part 4—Registration of veterinarians

Division 1—Registers

35—General and specialist registers

- (1) A person cannot be on the specialist register unless the person is also on the general register.
- (2) The general and specialist registers must include, in relation to each person with primary registration under this Act—
- (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—
 - (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 under this Act); and
 - (f) any information prescribed by the regulations,
- and may include other information as the Board thinks fit.

36—Register of persons removed from general or specialist register

The register of persons who have been removed under this Act or any other Act or law or former Act or law from the general register or specialist register or a particular specialty—

- (a) must not include any person who is dead; and
- (b) must include, in relation to each person on the register, a statement of—
 - (i) the register or specialty from which the person was removed; and
 - (ii) the general reason for removal of the person; and
 - (iii) the date of removal; and

- (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 or specialty from which the person was removed.

37—Register of decisions relating to deemed registration

The register of persons whose deemed registration under this Act 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
 - (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
 - (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.

38—Requirement to inform Board of changes

A veterinarian with primary registration under this Act 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.

Maximum penalty: \$250.

Division 2—Primary registration

39—Registration of natural persons on general or specialist register

- (1) Subject to this Act, a natural person is eligible for registration on the general register, and a person registered on the general register is eligible for registration on the specialist register in a particular specialty, if the person, on application to the Board, satisfies the Board that—
 - (a) they—
 - (i) have qualifications recognised by the Board for the purposes of registration on the register or in the specialty to which the application relates; and

- (ii) have met the requirements determined by the Board to be necessary for the purposes of registration on that register or in that specialty; and
 - (iii) are medically fit to provide veterinary services as a veterinarian; and
 - 5 (iv) are a fit and proper person to be registered on that register or in that specialty; and
 - (b) they are, unless exempted by the Board, insured in accordance with section 69; and
 - (c) they have, or propose to have, their principal place of residence in this State.
- 10 (2) For the purposes of subsection (1)(a)(i), a person will be taken to have the qualifications recognised by the Board for the purposes of registration on the register or in the specialty to which the application relates if that person is recognised by the educational institution at or through which they are obtaining the qualifications as
- 15 having completed the academic requirements for those qualifications, but who has not yet had the relevant academic award conferred upon them.
- (3) 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
 - 20 (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 in that specialty; or
 - 25 (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,
- the Board may register the person on that register or in that specialty in pursuance of this subsection (*limited registration*)—
- (e) in order to enable the person—
 - 30 (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
 - 35 (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.

- (4) In registering a person under subsection (3), the Board may impose 1 or more of the following conditions on the registration:
- (a) a condition restricting the places or times at which the person may provide veterinary services as a veterinarian;
 - 5 (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;
 - (d) a condition limiting the period during which the registration will have effect;
 - 10 (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.
- (5) 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*).
- (6) Provisional registration remains in force until the Board determines the application.
- (7) The registration by the Board under this Act of a person who was provisionally registered has effect from the commencement of the provisional registration.
- 20 (8) A person who—
- (a) is registered but is not practising; and
 - (b) is intending to transition to practising,
- must comply with any requirements of the Board relating to that transition.
- (9) The Board must publish the requirements referred to in subsection (8) on a website
- 25 determined by the Board.

40—Application for registration

- (1) An application for registration under this Division must—
- (a) be made to the Board in the manner and form approved by the Board; and
 - (b) be accompanied by the prescribed fee.
- 30 (2) An applicant for registration under this Division 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.
- 35 (3) 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.

- (4) The Board may refuse to determine an application for registration under this Division until any complaint made against the applicant under a corresponding law has been finally determined.

41—Removal from register or specialty

- 5 (1) The Executive Officer must, on application by a veterinarian with registration under this Division, remove the person from the appropriate register or specialty to which the application relates.
- (2) The Executive Officer must remove from the appropriate register or specialty a person—
- 10 (a) who dies; or
- (b) who ceases to hold a qualification required for registration on that register or in that specialty; or
- (c) who ceases for any other reason to be entitled to be registered on that register or in that specialty; or
- 15 (d) whose registration on that register or in that specialty has been suspended or cancelled under this Act (including under section 50).
- (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
- 20 to the relevant person.
- (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.
- (6) If the Board is of the opinion that a person with registration under this Division should
- 25 instead have registration under a corresponding law because the person's principal place of residence is in another participating jurisdiction, the Board may direct the Executive Officer to remove the person from the appropriate register.
- (7) However, before the Board gives a direction under subsection (6), the person must be
- 30 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.

42—Reinstatement on register or in specialty

- (1) A person who has been removed from a register or specialty under this Act—
- (a) on their application; or
- 35 (b) on account of failure to pay the prescribed fee or to furnish the return required under section 43; or
- (c) on account of the person ceasing to hold a qualification required for registration on that register or in that specialty or otherwise ceasing to be entitled to be registered on that register or in that specialty; or
- 40 (d) on account of failure to pay a fine imposed on the person by the Tribunal under this Act,

may apply to the Board at any time for reinstatement on that register or in that specialty.

- (2) A person whose registration or registration in a specialty under this Division has been suspended may apply to the Board for reinstatement on the register or in the specialty (but not, in the case of an order for suspension for a specified period made in disciplinary proceedings under Part 7, until after the expiry of that period).
- (3) A person who has been disqualified from registration or registration in a specialty under this Division may, subject to the terms of the order for disqualification, apply to the Board for reinstatement on the register or in the specialty.
- (4) 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.
- (5) 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.
- (6) The Board may require an applicant for reinstatement—
 - (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.
- (7) Subject to this section, the Board must reinstate on the appropriate register or in a specialty an applicant under this section if satisfied that the applicant is eligible for registration on that register or in that specialty.
- (8) The Board may refuse to reinstate the applicant on the appropriate register or in a specialty until all complaints (if any) laid against the applicant under this Act have been finally disposed of.

43—Fees and returns

- (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 fee under this section (if any), 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—
 - (a) pay to the Board the prescribed fee (if any); 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 a person who fails to pay the prescribed fee under this section (if any) or furnish the required return by the due date from the appropriate registers on which the person is registered.

44—Conditions of registration

- (1) The Board may, by notice in writing, impose conditions on a person's registration under this Division.
- (2) The Board may, at any time, on its own initiative or on application by a person with registration under this Division, vary or revoke a condition imposed by the Board on the person's registration under this Act.

45—Contravention of conditions of registration

A person who contravenes, or fails to comply with, a condition imposed by the Board under this Act on the person's registration under this Division is guilty of an offence.

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

Division 3—Deemed registration

46—Recognition of veterinarians registered in other jurisdictions

- (1) Subject to this Act, a natural person 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 under this Act); and
 - (d) the person does not hold primary registration under this Act.
- (2) 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.
- (3) A natural person 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 under this Act).

47—Contravention of conditions of deemed registration

A person who contravenes, or fails to comply with, a condition of the person's deemed registration under this Act is guilty of an offence.

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

48—Requirement to inform Board of contact details

- (1) A person with deemed registration under this Act 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.

Maximum penalty: \$250.

Division 4—Relationship between registration in participating jurisdictions

49—Conditions of registration

- (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.

- (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
- (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 under this Act, impose conditions on the registration if it thinks it appropriate in the circumstances.

- (4) The Board may, at any time, on its own initiative by written notice to a person with deemed registration under this Act or on application by a person with deemed registration under this Act, 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.

50—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.

- (2) If, under a corresponding law of another participating jurisdiction, 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.

- (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.
- 5 (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—
- 10 (i) in the case of a person with primary registration under this Act—the person is taken to be reinstated on the relevant register or in the relevant specialty;
- (ii) in the case of a person with deemed registration under this Act—Division 3 applies to the registration as if the person's
- 15 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 under this Act—the person is taken to be reinstated on the relevant register or in the
- 20 relevant specialty;
- (ii) in the case of a person with deemed registration under this Act—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—
- 25 (i) in the case of a person who had primary registration under this Act—the person is taken not to be disqualified;
- (ii) in the case of a person who had deemed registration under this Act—Division 3 applies to the registration as if the person's
- 30 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 fee (being the fee prescribed for the purposes of section 43(2)) and furnish the Board with a return as if the person had primary
- 35 registration under this Act 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**51—Suspension of registration or imposition of conditions in urgent circumstances**

(1) If the Board is of the opinion that—

- (a) there are reasonable grounds to believe that a veterinarian has engaged or is engaging in conduct that constitutes grounds for disciplinary action under Part 7 Division 5; and
- (b) it is likely that the veterinarian will continue to engage in that conduct; and
- (c) there is a danger that an animal or animals, or a person or persons, may suffer significant harm, or significant loss or damage, as a result of the conduct unless action is taken urgently,

the Board may, by notice to the veterinarian—

- (d) suspend the registration for a specified period (not exceeding 6 months) or until the fulfilment of stipulated conditions; or
- (e) impose conditions on the registration.

(2) If the Board, on its own initiative or on application by the veterinarian, is satisfied that the facts and circumstances that gave rise to the imposition of conditions on registration under this section have so altered that the imposition of the conditions is no longer necessary, the Board must, by further notice specifying the date of termination, terminate the imposition of the conditions.

(3) If, during the suspension of registration under this section, the Board is satisfied that the facts and circumstances that gave rise to the suspension have so altered that the suspension should be terminated, the Board must, by further notice specifying the date of termination, terminate the suspension without delay and restore the registration to the person (either in the form in which it existed prior to the suspension or subject to new conditions).

(4) This section applies in relation to conduct occurring before or after the commencement of this section.

Division 6—Authority conferred by primary or deemed registration**52—Authority conferred by primary or deemed registration**

Subject to any restrictions, limitations or conditions imposed under this Act—

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

Part 5—Registration of premises

53—Veterinary premises register

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; 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) any information prescribed by the regulations,

and may include other information as the Board thinks fit.

54—Requirements for registered premises

- (1) The Board must prepare or endorse a standard relating to minimum requirements for registered premises (a *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.

55—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 person applying for registration satisfies the Board that—
 - (a) the premises—
 - (i) meet the minimum requirements 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) any other requirements determined by the Board to be necessary for registration are met in relation to the premises.
- (2) Subject to this Act, registration of premises on the veterinary premises register remains in force for a period of 3 years and may be renewed for successive 3 year periods.

56—Application for registration

- (1) An application for registration or renewal of 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.

- (2) An applicant for registration or renewal of 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.

57—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) any other requirements determined by the Board to be necessary for registration of premises under this Part are not met in relation to registered premises,

the Board may, by order—

- (c) suspend the registration of the premises until stipulated conditions are complied with or until further order of the Board; or
- (d) cancel the registration of the premises.

58—Removal from register

- (1) The Executive Officer must, on application by a responsible person in relation to registered premises, remove the premises from the veterinary premises register.
- (2) The Executive Officer must remove premises that has had its registration 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 relation to the premises.

59—Reinstatement on register

- (1) A responsible person in relation to premises that have been removed from the veterinary premises register 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.

60—Fees

- 5 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.

61—Conditions of registration

- 10 (1) The Board may, by notice in writing, impose conditions on premises' registration under this Part.
- (2) The Board may, at any time, on its own initiative or on application by a responsible person in relation to premises registered under this Part, vary or revoke a condition imposed by the Board on the registration under this Act.

62—Contravention of conditions of registration

- 15 A responsible person in relation to premises who contravenes, or fails to comply with, a condition imposed by the Board under this Act on the premises' registration under this Part is guilty of an offence.

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

63—Requirement to inform Board of changes

- 20 A responsible person in relation to premises must, within 3 months of any change occurring in the particulars required to be included in the veterinary premises register, inform the Board in writing of the change.

Maximum penalty: \$250.

Part 6—Offences relating to veterinary practice

25 **64—Prohibition on provision of veterinary services for fee or reward by persons who are not veterinarians**

- (1) A person must not provide veterinary services for fee or reward unless, at the time the service is provided, the person is a veterinarian.
- Maximum penalty: \$20 000 or imprisonment for 6 months.
- 30 (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) veterinary services provided by a person who is not a veterinarian in prescribed circumstances; or
 - 35 (c) veterinary services provided pursuant to an exemption under section 95.

65—Illegal holding out as veterinarian or specialist

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

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

- (2) A person must not hold out another as a veterinarian, specialist or particular class of specialist unless the other person has, respectively, general registration, specialist registration, or registration in the relevant specialty, under this Act.

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

66—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.

67—Illegal holding out concerning registered premises

A person must not hold out that veterinary services of a specified kind are provided at particular registered premises unless those services are lawfully provided at those premises.

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

68—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.

- (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).

Maximum penalty: \$20 000.

- (3) In this section—

prescribed word means—

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

(i) vet; or

(ii) veterinarian; or

- (iii) veterinary practitioner; or
 - (iv) veterinary surgeon; or
 - (b) in relation to registration in a particular specialty under this Act—
 - (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,
- but does not include a word or expression excluded from the ambit of this definition by the regulations (whether generally or in specified circumstances).

69—Veterinarian to be indemnified against loss

- (1) A veterinarian must not, unless exempted by the Board, provide veterinary services for fee or reward unless insured in a manner and to an extent approved by the Board against civil liabilities that might be incurred by themselves in the course of providing veterinary services.

Maximum penalty: \$10 000.

- (2) In approving insurance in respect of a veterinarian under subsection (1), the Board must have regard to the type of veterinary services the veterinarian provides and whether the insurance is adequate and appropriate to those services.
- (3) The Board may, subject to such conditions as it thinks fit, exempt a person, or a class of persons, from the requirements of this section and may, whenever it thinks fit, revoke an exemption or revoke or vary the conditions under which an exemption operates.

70—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—

- (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, or recommending that a veterinary product manufactured, sold or supplied by the person be used in relation to an animal being treated by the veterinarian.

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—

- (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, or recommending that a veterinary product manufactured, sold or supplied by the person 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 property that has a monetary value;

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;

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

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

veterinary product means—

(a) a veterinary pharmaceutical product; or

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

prescribed veterinary service means—

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

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

71—Veterinary services must be provided at registered premises

(1) A veterinarian who provides veterinary services at premises other than registered premises is guilty of an offence.

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

(2) Subsection (1) does not apply in the following circumstances:

(a) if it is not 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 with the permission of the owner, or person in control, of the relevant animal;

(d) if the veterinary services are provided in an emergency or if it is impractical or dangerous to move the relevant animal;

(e) in circumstances prescribed by the regulations.

(3) In this section—

relevant animal means the animal in relation to which veterinary services are being provided.

72—Undue influence

A person must not unduly influence, or attempt to unduly influence, a veterinarian in relation to the provision of veterinary services.

Maximum penalty: \$20 000.

Part 7—Complaints, investigations and proceedings

Division 1—Preliminary

73—Interpretation

5 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.

Division 2—Complaints

74—Making of complaints

- 10 (1) A person may make a complaint to the Board about a veterinarian.
- (2) A complaint under subsection (1) must—
- (a) be in writing; and
 - (b) identify the veterinarian who is the subject of the complaint; and
 - (c) identify the complainant; and
 - (d) set out the matters to which the complaint relates; and

15 (e) include any other material required by the Board.
- (3) The Board may, on its own initiative, treat as a complaint any matters concerning the conduct of a veterinarian.

75—Processes for dealing with complaints

- 20 (1) The Board must establish administrative processes for handling complaints received against veterinarians.
- (2) The administrative processes must be designed—
- (a) to ensure that complaints are handled in a timely and efficient manner; and
 - (b) to keep both the complainant and the veterinarian properly informed about the steps taken by the Board in response to the complaint; and

25 (c) to keep both the complainant and the veterinarian properly informed about the outcome of the processes.
- (3) The administrative processes may include processes under which the veterinarian voluntarily enters into an undertaking.
- 30 (4) The Board must publish the processes referred to in subsection (3) (including expected time frames for handling complaints) on a website determined by the Board.

76—Preliminary examination of complaints

- (1) Subject to subsection (2), the Board must conduct a preliminary examination of each complaint received to determine whether—
- (a) the complaint should be investigated under this Act; or

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Part 7—Complaints, investigations and proceedings

Division 2—Complaints

- (b) there are grounds for exercising a power under this Act to dismiss the complaint.
- (2) If, before conducting a preliminary examination of a complaint, the Board determines that the complaint must be dismissed under section 77(1) or (2), the Board may dismiss the complaint without conducting a preliminary examination.

77—Dismissal of complaint

- (1) The Board must dismiss a complaint if it is of the opinion that—
- (a) the complaint—
- (i) has been made for an improper purpose; or
- (ii) is otherwise frivolous, vexatious, or not in good faith; or
- (b) the subject matter of the complaint is trivial.
- (2) Subject to subsection (3), the Board must dismiss a complaint if the conduct or circumstances that give rise to the complaint occurred more than 7 years prior to the complaint being made.
- (3) Subsection (2) does not apply if the Board considers that it is in the interests of justice to deal with such a complaint.
- (4) The Board may dismiss a complaint if the conduct or circumstances that give rise to the complaint occurred more than 3 years, but less than 7 years, prior to the complaint being made.
- (5) The Board may dismiss a complaint if it is of the opinion that the complaint has not been made in accordance with this Act.
- (6) The Board may determine to dismiss a complaint without taking any further action if satisfied that further consideration of the complaint would, in all the circumstances, be unjustified.

78—Notification of dismissal

- (1) If the Board dismisses a complaint under section 77(1), (2), (4) or (5), the Board is not required to give any notification in relation to the complaint to the veterinarian who is the subject of the complaint but must give any complainant written notification stating—
- (a) that the complaint has been dismissed; and
- (b) the grounds on which that decision was made.
- (2) If the Board exercises its power to dismiss a complaint under section 77(6), it must give any complainant and the veterinarian who is the subject of the complaint written notification stating—
- (a) that the Board has exercised that power; and
- (b) the grounds on which it is satisfied that further consideration of the complaint would, in all the circumstances, be unjustified.

79—Action after preliminary examination

Without limiting any other action that may be taken by the Board, the Board must, on completion of a preliminary examination under section 76—

- (a) cause an investigation into the complaint under Division 3 to be undertaken;
or
- (b) if the Board is satisfied that an investigation under Division 3 is unnecessary—
 - (i) lay the complaint before the Tribunal under section 89; or
 - (ii) take other action in accordance with the administrative processes for handling complaints established by the Board,

unless the Board has exercised a power under this Act to dismiss the complaint.

Division 3—Investigations**80—Guidelines**

- (1) The Minister must, on a website determined by the Minister, publish guidelines about the conduct of investigations under this Act.
- (2) The Minister may vary, substitute or revoke the guidelines published under subsection (1).

81—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.

82—Powers of inspectors

- (1) If there are reasonable grounds for suspecting—
 - (a) that there is proper cause for disciplinary action against a person (see Division 5); or
 - (b) that a veterinarian is medically unfit to provide veterinary services; or

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Division 3—Investigations

(c) that any other person is guilty of an offence against this Act,
an inspector may investigate the matter.

(2) Without limiting subsection (1), an inspector may investigate whether—

- 5 (a) premises meet the minimum requirements in the veterinary premises standard or the requirements of a scheme approved by the Board (as appropriate); and
- (b) any other requirements determined by the Board to be necessary for registration of premises under Part 5 are met in relation to premises.

(3) For the purposes of an investigation, an inspector may—

- 10 (a) at any reasonable time, enter and inspect registered premises, premises at which veterinary services are, or are suspected to be, provided or premises on which the inspector reasonably suspects an offence against this Act has been or is being committed; or
- 15 (b) at any reasonable time, give directions with respect to the 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; or
- 20 (c) with the authority of a warrant issued by a magistrate or in circumstances in which the inspector reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on any premises referred to in paragraph (a); or
- 25 (d) while on premises entered under paragraph (a) or (c), seize and retain anything found on the premises that the inspector reasonably believes may afford evidence relevant to the matters under investigation; or
- 30 (e) require any person who has possession of records or documents relevant to the matters under investigation to produce those records or documents for inspection, including written records that reproduce in a readily understandable form information kept by computer or other process; or
- (f) inspect any records or documents produced to the inspector and retain them for such reasonable period as the inspector thinks fit, and make copies of the records or documents; or
- 35 (g) 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; or
- (h) take photographs, films or video or audio recordings; or
- (i) 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.

40 (4) An inspector must not exercise the power conferred by subsection (3)(a) in relation to any residential premises except with the permission of the occupier of the premises or on the authority of a warrant issued by a magistrate.

 (5) A magistrate must not issue a warrant under this section unless satisfied, by information given on oath, that the warrant is reasonably required in the circumstances.

- (6) The responsible person in relation to premises or, if there is no such person, 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.

83—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
- (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
- (e) falsely represents, by words or conduct, that they are an inspector,

is guilty of an offence.

Maximum penalty: \$10 000.

84—Offences by inspectors

An inspector who, in the course of exercising powers under this Act—

- (a) addresses offensive language to another person; or
- (b) without lawful authority, hinders or obstructs or uses or threatens to use force in relation to another person,

is guilty of an offence.

Maximum penalty: \$10 000.

Division 4—Medical fitness

85—Medical fitness to provide veterinary services

A person or body must, in making a determination under this Act as to a person's medical fitness to provide veterinary services, have regard to the question of whether the person is able to provide veterinary services personally to an animal without endangering the animal's health, safety or welfare.

86—Obligation to report medical unfitness of veterinarian

(1) If—

- (a) a health professional who has treated, or is treating, a patient who is a veterinarian; or
- (b) a responsible person in relation to premises at which a veterinarian provides veterinary services,

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Division 4—Medical fitness

is of the opinion that the veterinarian is or may be medically unfit to provide veterinary services, the person must submit a written report to the Board setting out their reasons for that opinion and any other information required by the regulations.

Maximum penalty: \$10 000.

- (2) The Board must cause a report made under this section to be investigated.

87—Medical fitness of veterinarian

- (1) If—

- (a) on the application of—

(i) the Executive Officer; or

(ii) the Minister; or

- (b) after an investigation under section 86 has been conducted,

the Board is satisfied, after due inquiry, that a veterinarian is medically unfit to provide veterinary services and that it is desirable in the public interest that an order be made under this section, the Board may, by order—

- (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

- (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.

- (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.

Division 5—Disciplinary action**88—Cause for disciplinary action**

There is proper cause for disciplinary action against a veterinarian if—

- (a) the person's primary registration under this Act was improperly obtained; or

- (b) a waiver or modification under this Act relating to the person or person's registration was improperly obtained; or

- (c) the person is for any reason no longer a fit and proper person to have primary or deemed registration or registration in a particular specialty under this Act; or

- (d) the person is guilty of unprofessional conduct.

89—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 laid before the Tribunal by—
- 5 (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 person to whom the complaint relates, by order do 1 or more of the following:
- 10 (a) reprimand the person;
- (b) impose a fine not exceeding \$10 000 on the person;
- (c) if the person is a veterinarian—impose conditions on the person's registration under this Act restricting the person's right to provide veterinary services or revoke or vary a waiver or modification that applies in respect of the person's registration under this Act;
- 15 (d) if the person has general registration under this Act but not specialist registration—
- (i) suspend the person's general registration under this Act for a period not exceeding 1 year;
- 20 (ii) cancel the person's general registration under this Act;
- (e) if the person has specialist registration under this Act—
- (i) suspend the person's specialist registration or registration in a particular specialty, or the person's general and specialist registration, under this Act for a period not exceeding 1 year;
- 25 (ii) cancel the person's specialist registration or registration in a particular specialty, or the person's general and specialist registration, under this Act;
- (f) disqualify the person from general registration, specialist registration or registration in a particular specialty, or both general and specialist registration, under this Act.
- 30 (3) The Tribunal may—
- (a) stipulate that a disqualification or prohibition under subsection (2) is to apply—
- (i) permanently; or
- 35 (ii) for a specified period; or
- (iii) until the fulfilment of specified conditions; or
- (iv) until further order;
- (b) stipulate that an order relating to a person is to have effect at a specified future time and impose conditions as to the conduct of the person or the person's business until that time.
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Division 5—Disciplinary action

- (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 the person's registration under this Act.
- (5) An application under subsection (4) may not be made—
- 5 (i) within 1 month of the imposition of the condition to which the application relates by the Tribunal; or
- (ii) within 12 months of any previous application under subsection (4) by the party to vary or revoke a condition,
- unless leave is granted by the Tribunal.
- 10 (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—
- (a) a person has been found guilty of an offence; and
- (b) the circumstances of the offence form, in whole or in part, the subject matter
- 15 of the complaint,
- the person is not liable to a fine under this section in respect of conduct giving rise to the offence.
- (8) If a person fails to pay a fine imposed under this section, the Board may—
- (a) in the case of a person with primary registration under this Act—without further notice, remove the person from the registers on which the person is
- 20 registered; or
- (b) in the case of a person with deemed registration under this Act—by written notice to the person, disqualify the person from registration under this Act until the fine is paid.
- 25 (9) The Tribunal may order that the registration of a person be suspended pending the outcome of disciplinary proceedings against the person under this Part.
- (10) However—
- (a) the Tribunal may only act under subsection (9) if it thinks that it is necessary to do so because there is a serious risk that the health and safety of the public
- 30 or the health and welfare of animals will be endangered; and
- (b) if the Tribunal acts under subsection (9), it must immediately notify the person of the suspension and the reasons for the suspension.

90—Publication of prohibition orders

- 35 (1) Subject to any order of the Tribunal to the contrary, the Executive Officer must publish a record of prohibition orders made by the Tribunal under section 89(2) on a website determined by the Board.
- (2) 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 order published on a website in accordance with subsection (1) if satisfied that the information consists of
- 40 information the disclosure of which would be inappropriate for any reason.

91—Constitution of Tribunal

- (1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be—
- (a) a panel of assessors consisting of veterinarians with skills, knowledge and experience relating to teaching of veterinary science; and
 - (b) a panel of assessors consisting of veterinarians with skills, knowledge and experience relating to government agencies responsible for protecting animal health (whether State or Commonwealth); and
 - (c) a panel of assessors consisting of veterinarians with skills, knowledge and experience relating to urban companion animal practice; and
 - (d) a panel of assessors consisting of veterinarians with skills, knowledge and experience relating to rural mixed or production animal practice; and
 - (e) a panel of assessors consisting of veterinarians registered in participating jurisdictions who do not have primary or deemed registration under this Act; and
 - (f) a panel of assessors consisting of persons who are not, and have not been, registered as veterinarians and who do not work in an area relating to, or have a material interest in, veterinary services.
- (2) In exercising its powers for the purposes of this Act, the Tribunal will, subject to subsection (3), and unless the President determines that the Tribunal is to be constituted by fewer than 4 members, be constituted by 4 members of whom—
- (a) 2 will be selected from the panel of assessors referred to in subsection (1)(a) to (e); and
 - (b) 1 will be selected from the panel of assessors referred to in subsection (1)(f).
- (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
 - (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.
- (4) In this section—

President means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

Part 8—Reviews

92—Review by Tribunal

(1) A person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the following decisions or directions of the Board:

- (a) a refusal by the Board to register, or reinstate the registration of, a person under this Act;
- (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 by the Board to suspend a person's registration under this Act;
- (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 41(6);
- (g) a decision made by the Board in proceedings regarding medical fitness under Part 7 Division 4;
- (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) any other decision prescribed by the regulations.

(2) Subject to subsection (4), an application for review must be made within 1 month of the date of the making of the relevant decision or direction.

(3) The Board must, on application by a person seeking review of a decision of the Board, state in writing the reasons for the decision.

(4) 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 reasons.

93—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.

(2) The Board is entitled to appear and be heard on an application under this section.

94—No internal review by Tribunal of decision under Part 7 Division 5

- (1) A decision of the Tribunal under Part 7 Division 5 may not 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 Part 7 Division 5.

Part 9—Miscellaneous**95—Exemptions**

- (1) The Minister may, by notice in writing, exempt a person or person of a prescribed class from a specified provision or provisions of this Act.
- (2) An exemption under this section—
- (a) may be granted or refused at the discretion of the Minister; and
 - (b) operates for a period specified in the instrument of exemption; and
 - (c) is subject to conditions specified in the instrument of exemption.
- (3) The Minister has an absolute discretion to cancel an exemption granted under this section.
- (4) A person who contravenes, or fails to comply with, a condition of an exemption under this section is guilty of an offence.
- Maximum penalty: \$20 000.

96—Exemption does not operate in favour of a person who contravenes a condition

- (1) If a person contravenes or fails to comply with a condition specified in an exemption, the approval does not, while the contravention or non-compliance continues, operate in that person's favour.
- (2) If, by virtue of subsection (1), a person is guilty of an offence against the provision of this Act from which the person was exempted by an exemption, the person may be proceeded against either for that offence or for the offence of contravening, or failing to comply with, a condition of the exemption.

97—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.
- (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

(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;

(c) to advise of vacancies on the Board and provide information about recruitment for Board positions;

(d) any other matter prescribed by the regulations.

(3) In this section—

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.

98—False or misleading statement

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.

99—Procurement of registration by fraud

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.

100—Victimisation

(1) A person commits an act of victimisation against another person (the **victim**) if they cause detriment to the victim on the ground, or substantially on the ground, that the victim—

(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.

(2) 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.

- (3) Where 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.

- (4) 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 the victim's employment or business; or
- (d) threats of reprisal.

101—Self-incrimination and legal professional privilege

- (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—
- (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,
- 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.

102—Punishment of conduct that constitutes offence

If conduct constitutes an offence and is also a ground for disciplinary action under this Act, the taking of disciplinary action under this Act 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 Act.

103—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—

- 5 (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
10 (e) to an authority or other body in connection with the establishment or administration of a national database envisaged by section 104.

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

20 Maximum penalty: \$10 000.

104—Arrangements between the 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, veterinary surgeons, veterinary practitioners or veterinary service providers (however described) and for
25 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.

105—Notification of disciplinary action to interstate registration authorities

- 30 (1) The Board must notify each interstate registration authority of—
- (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
35 confidentiality.
- (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.

106—Evidentiary provision

- (1) In proceedings for an offence against this Act or in disciplinary proceedings under Part 7, an allegation in the complaint—
- (a) that a person named in the complaint 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;
 - (b) that the registration under this Act of a person at a specified date was primary registration or deemed registration;
 - (c) that the registration under this Act of a person named in the complaint is, or was on a specified date, subject to specified conditions;
 - (d) that premises specified in the complaint are or are not, or were or were not on a specified date, registered premises under this Act;
 - (e) that a person named in the complaint is, or was on a specified date, an inspector,
- must be accepted as proved in the absence of proof to the contrary.
- (2) In 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.

107—Variation or revocation of notices

The Board may, by subsequent notice in the Gazette, vary or revoke a notice in the Gazette published by the Board under this Act.

108—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—
- (a) provide for the waiver, reduction or recovery of a fee prescribed by the Board; or
 - (b) require the keeping of records or other information by veterinarians or any other person or body prescribed by the regulations; or
 - (c) require the furnishing of receipts, returns or other information to the Board or any other person or body prescribed by the regulations; or
 - (d) 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 to time; and
 - (b) be of general or limited application; and

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- (c) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- (d) provide that a specified provision of this Act does not apply, or applies with prescribed amendments, to any person, circumstance or situation (or person, circumstance or situation of a prescribed class) specified by the regulations, subject to any condition to which the regulations are expressed to be subject; and
- (e) 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 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 kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
- (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 *Legislation (Fees) Act 2019*.