

**AUSTRALIAN CAPITAL TERRITORY
VETERINARY SURGEONS ACT 1965
DETERMINATION NO. 92 OF 1996**

EXPLANATORY STATEMENT

The *Veterinary Surgeons Act 1965* (the Act) provides for the registration of persons engaged in veterinary surgery and for other related purposes. In October 1994 the Act was amended by the passing of the *Veterinary Surgeons (Amendment) Act 1994* (Amendment Act) by the Legislative Assembly. The new provisions of the Act came into effect on 6 October 1994.

The passing of the Amendment Act resulted in, among other things, the repeal of some sections and insertion of new sections; and the renumbering of provisions.

The Act also empowers the Minister, by notice published in the Gazette, to determine fees for the purposes of the Act. This power was previously provided by section 42B of the Act. As a result of the renumbering provisions in the Amendment Act this power is now provided by section 58 of the Act.

This instrument revokes all existing fees and determinations under the *Veterinary Surgeons Act 1965* which relate to:

1. Subsection 12(3), fee for application for registration;
2. Paragraph 17(1)(b), annual fee;
3. Paragraph 17(5)(b), entitlement to re registration subject to payment of fee;
4. Subsection 17B(1), provisional registration;
5. Subsection 17C(2), temporary registration;
6. Subsection 17D(2), special registration;
7. Subsection 19(3), fee for alteration of particulars in the register;
8. Section 27B, fee for a duplicate certificate;
9. Subsection 42(1), inspect an entry in the register;
10. Subsection 42(2), obtain a certified copy of an entry in the register; and

sets fees for equivalent provisions or new provisions under the principal Act. These determinations reflect the move towards full cost recovery for services provided by the Board or to ensure consistency with fees for similar provisions in other health registration legislation which appear at this time to be at cost recovery level.

The explanatory statements which follow relate to the numbering in the foregoing paragraph.

1. Section 12 of the principal Act which included subsection 12(3), providing for the determined fee to be paid, together with an application for registration, was repealed by the amendments.

The determined fee for registration was \$113.00. This determination was published in the Australian Capital Territory Gazette No. S174, Monday 30 August 1993, Determination No. 116 of 1993.

The repealed provision is replaced by new section 19 which provides for lodgement of applications for registration other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 19(2)(b) of the Act provides for a determined fee to be lodged with such an application.

The fee for this purpose is set at \$116. The fee has been indexed in accordance with Consumer Price Index (CPI) increases.

2. Paragraph 17(1)(b) of the Act requiring a registered veterinary surgeon to notify the Board of his/her professional address or addresses in the Territory and pay the determined annual fee was repealed by the amendments and is replaced by subsection 36(1) in the amended Act.

The existing annual fee is \$77.00. This determination was published in the Australian Capital Territory Gazette No. S174, Monday 30 August 1993, Determination No. 116 of 1993. The fee for this purpose is set at \$100.00. This fee reflects the move towards full cost recovery for services provided by the Board and covers administrative costs associated with sending renewal notices to registered veterinary surgeons, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc.

3. The entitlement for a veterinary surgeon to re-registration where registration was cancelled for failure to pay the annual fee was provided by subsection 17(5) of the Act and was subject to the payment of the determined fee under paragraph 17(5)(b).

The repeal of section 17 by the Amendment Act has necessitated for a similar provision to be included in the principal Act and this is provided by subsection 39(1).

The determined fee for this provision published in the Commonwealth Gazette No. S226, Friday 15 June 1984 is \$20.00. The fee is now set at \$100.00 which is consistent with both the annual renewal registration fee and the fee for registration under mutual recognition provisions.

4. Subsection 17B(1) provided for the granting of provisional registration for a period not exceeding three months to a person who lodged an application for full registration until such time as the Board was able to consider the person's application for registration. This section has been repealed by the Amendment Act. The determined fee for provisional registration is \$5.00. This fee was published in the Commonwealth of Australia Gazette No. S226, Friday 15 June 1984.

This provision is now provided by section 13 of the amended Act and provides for the granting of interim registration to a person who is entitled to full registration, but where it is not practical to wait until the Board can consider the application. Subsection 13(2) provides for interim registration to be granted subject to the payment of a determined fee. This fee is set at \$20.00 to make it consistent with fees for similar provisions in other health professions registration Acts.

5. Section 17C providing for 'temporary' registration under the principal Act was also repealed by the Amendment Act and now is provided by section 12, 'registration at the discretion of the Board'. The provision for payment under section 12 of a determined fee is provided by paragraph 19(2)(b). The determined fees for 'temporary' registration under paragraph 17C(1) and renewal of 'temporary' registration under subsection 17C(2) were set at \$20.00 as published in the Commonwealth of Australia Gazette No. S226, Friday

15 June 1984. The new provisions under section 12 enable the Board to register a person on a temporary basis for the purposes of enabling the person to undertake training or gain experience in practising veterinary surgery, or if the Board is satisfied that it is in the public interest to do so.

The fee is increased to \$100.00. The fee is equivalent to the fee payable for registration under mutual recognition provisions and the annual practising fee. The administrative costs associated with granting temporary registration in the past have been equal to if not more costly than the granting of full registration. Therefore it is appropriate that the fee be set at similar level.

6. Section 17D of the principal Act provided for the Board to grant special registration to a veterinary surgeon for certain purposes. The determined fees for 'special' registration under subsection 17D(2) and for renewal of 'special' registration under subsection 17D(3) were set at \$50.00 as notified in the Commonwealth of Australia Gazette No. S226, Friday 15 June 1984.

Section 17D providing for 'special' registration in the principal Act was also repealed by the Amendment Act and now is provided under section 12, registration at the discretion of the Board.

As the same section relates to 'temporary' registration, the fee is set at \$100.00 which is equivalent to the fee payable for registration under mutual recognition provisions and the annual practising fee.

As with 'temporary' registration the administrative costs associated with granting special registration have in the past been equal to if not more costly than the granting of full registration. The fee has been set at a similar level to that of full registration.

7. Subsection 19(3) of the Act required for the payment of a determined fee in respect to any alterations made to particulars in the register at the request of the person. As a result of the renumbering provisions of the Amendment Act, this is now provided under subsection 30(3) of the Act.

The fee for alteration to entries in the register is \$5.00. This determination was notified in the Commonwealth of Australia Gazette No. S226, Friday 15 June, 1984. This fee is increased to \$10.00 in the interests of establishing consistent administrative fees between Boards for similar provisions. This will align the determined fee with that of subsection 28(4) of the *Medical Practitioners Act 1930* which was published in the Australian Capital Territory Gazette No. S174, 30 August 1993.

8. Section 27B of the Act provided for a duplicate certificate to be issued to a veterinary surgeon where the original has been lost or destroyed, subject to the payment of the determined fee. As a result of the renumbering provisions of the Amendment Act this is now provided under subsection 28(5).

The determined fee for this provision was set at \$10.00. This determination was published in the Commonwealth of Australia Gazette No. S226, Friday 15 June, 1984. In the interests of aligning this with those for similar provisions in other Health Registration Acts, this fee is now set at \$30.00.

9. Subsection 42(1) of the Act provided for a person, upon the payment of a determined fee, to inspect an entry in the register. The determined fee was set at \$1.00 per entry. The fee

was published in the Commonwealth of Australia Gazette No. S226, Friday 15 June, 1984. This provision is now provided under subsection 57(1) of the amended Act. The fee is increased to \$5.00 to make it consistent with the determined fee for the same provision with those of other Boards.

10. Paragraph 42(2) of the Act provided for a person upon the payment of a determined fee to obtain a certified copy of an entry in the register. The determined fee was set at \$2.00 per entry. The fee was notified in the Commonwealth of Australia Gazette No. S226, Friday 15 June, 1984. This provision is now provided under subsection 57(2) of the amended Act. The fee is increased to \$10.00 which will make it consistent with the determined fee for the same provision with those of other Boards.

11. A new category of registration has been introduced pursuant to the *Mutual Recognition Act 1992*. This new provision is mirrored by section 11 of the Act and a provision for the payment of a determined fee for applications for registration under mutual recognition provisions is provided by section 22 of the Act.

The fee for the purpose of registration under the mutual recognition provisions is set at \$100.00 which is equivalent to the determined annual fee.

12. The Amendment Act also introduced registration for specialist veterinary surgeons under defined categories.

Entitlement to registration is provided by section 10 of the amended Act. Applications for registration as a specialist veterinary surgeon must show that the applicant is currently registered as a veterinary surgeon under the amended Act, holds approved qualifications and relevant experience in the category of specialty. These requirements apply to applications other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 19(2)(b) of the amended Act provides for a determined fee to be lodged with such an application.

The requirement for the payment of an annual fee is provided under subsection 37(1) of the amended Act. All other foregoing provisions relating to the payment of fees by veterinary surgeons also apply to specialist veterinary surgeons.

A comparative chart of provisions and fees is attached for ease of reference.

Veterinary Surgeons Act 1965 (Old Act)	Old fee	Veterinary Surgeons Act 1965 (Amended Act)	New fee
Fee for application for registration subsection 12(3)	\$113.00	Fee for application for registration paragraph 19(2)(b)	\$116.00
Annual registration fee veterinary surgeons, paragraph 17(1)(b)	\$ 77.00	Annual registration fee veterinary surgeons, subsection 36(1)	\$100.00
N.A.		Annual registration fee specialist veterinary surgeons, subsection 37(1)	\$100.00
Fee for re-registration, paragraph 17(5)(b)	\$ 10.00	Re-registration fee, subsection 39(1)	\$100.00
Fee for provisional registration, subsection 17B(1)	\$ 5.00	Fee for interim registration, subsection 13(2)	\$ 20.00
Fee for temporary registration, subsection 17C(2)	\$ 20.00	Fee for registration at discretion of Board paragraph 19(2)(b)	\$100.00
Fee for special registration, subsection 17D(2)	\$ 50.00	Fee for registration at the discretion of the Board paragraph 19(2)(b)	\$100.00
Fee for alteration to the register, subsection 19(3)	\$ 5.00	Fee for alteration to the register, subsection 30(3)	\$ 10.00
Fee for issue of duplicate certificate, section 27B	\$ 10.00	Fee for issue of duplicate certificate, subsection 28(5)	\$ 30.00
Fee to inspect an entry in the register, subsection 42(1)	\$ 1.00	Fee to inspect an entry in the register, 57(1)	\$ 5.00
Fee to obtain a certified copy of an entry in the register, subsection 42(2)	\$ 2.00	Fee to obtain a certified copy of an entry in the register, subsection 57(2)	\$ 10.00
N.A.		Application fee for registration under mutual recognition provisions, section 22	\$100.00