

2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Territory and Municipal Services)

## Veterinary Surgeons Bill 2015

### Contents

---

	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	2
2 Commencement	2
3 Dictionary	2
4 Notes	3
5 Offences against Act—application of Criminal Code etc	3
<b>Part 2</b>	
<b>Objects and important concepts</b>	
6 Objects of Act	4
7 Meaning of <i>veterinary surgeon</i>	4
8 Meaning of <i>veterinary service</i>	4

---

J2013-706

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

	Page
9	5
10	5
11	5
<b>Part 3</b>	<b>Registration of veterinary surgeons</b>
<b>Division 3.1</b>	<b>Veterinary surgeons—registration</b>
12	7
13	7
14	8
15	8
16	9
17	10
<b>Division 3.2</b>	<b>Veterinary surgeons—special registrations</b>
18	10
19	11
20	11
21	12
22	12
<b>Division 3.3</b>	<b>Veterinary surgeons—performance review</b>
23	13
24	13
<b>Division 3.4</b>	<b>Veterinary surgeons—practising certificates</b>
25	14
26	14
27	15
<b>Division 3.5</b>	<b>Veterinary surgeons—end of registration and renewal</b>
28	16
29	16
30	17
31	17
32	18
<b>Division 3.6</b>	<b>Veterinary surgeons—register</b>
33	18

	Page
34	Contents of register 19
35	Information in register to be accessible and extractable 19
36	Executive officer responsible for register 20
37	Access to register 20
38	Requests for changes of details in register 21
39	When board must not charge fees etc for register corrections 21
<b>Part 4</b>	<b>Offences</b>
40	Meaning of <i>registered</i> —pt 4 22
41	Person not registered 22
42	Person pretending to be registered 22
43	False representation of person as veterinary surgeon 23
44	Conditions on practice 23
45	Direction to engage in unprofessional conduct 23
46	Change of registered details 24
47	No insurance 24
<b>Part 5</b>	<b>Complaints</b>
<b>Division 5.1</b>	<b>Objects</b>
48	Objects of pt 5 25
<b>Division 5.2</b>	<b>Complaints</b>
49	Meaning of <i>registered</i> veterinary surgeon—div 5.2 25
50	Who may complain? 26
51	Who may be given a complaint? 27
52	False or misleading complaint 27
53	How must complaint be made? 27
54	Help in making complaint 28
55	Further information about complaint etc 28
56	Notice to veterinary surgeon complained about 29
<b>Division 5.3</b>	<b>Complaints—Human Rights Commission</b>
57	Interaction with Human Rights Commission 30

	Page
<b>Part 6</b>	<b>Occupational discipline</b>
58	Meaning of <i>veterinary surgeon</i> —pt 6 31
59	Grounds for occupational discipline 31
60	Applications to ACAT for occupational discipline 31
61	Considerations before making occupational discipline orders— suspensions of cancellation of registration 32
62	Occupational discipline orders 32
63	Emergency orders 33
64	Referral to panel by ACAT 33
<b>Part 7</b>	<b>Joint consideration with commission</b>
65	Application—pt 7 35
66	Consultation with commission etc 35
67	Indication that offence committed 37
<b>Part 8</b>	<b>Personal assessment panel</b>
<b>Division 8.1</b>	<b>Establishment and purpose</b>
68	Personal assessment panel—establishment 38
69	Referral of application by ACAT 38
70	Personal assessment panel—functions 39
71	Personal assessment panel—members 40
<b>Division 8.2</b>	<b>Assessments by personal assessment panels</b>
72	Natural justice 40
73	Assessment by personal assessment panel 40
74	Powers of personal assessment panel on inquiry 41
75	Lawyer assisting personal assessment panel 41
76	Legal representation before personal assessment panel 42
77	Personal assessment panel—decisions 42
78	Action of personal assessment panel after inquiry 42
79	Inappropriate referral to personal assessment panel 43
80	Referral to board 43

	Page
<b>Division 8.3</b>	
<b>Action by board after inquiry by personal assessment panel</b>	
81	44
82	45
83	45
84	45
85	46
86	46
<b>Part 9</b>	
<b>Professional standards panel</b>	
<b>Division 9.1</b>	
<b>Establishment of professional standards panel</b>	
87	48
88	48
89	49
90	49
<b>Division 9.2</b>	
<b>Inquiries by professional standards panel</b>	
91	50
92	50
93	51
<b>Division 9.3</b>	
<b>Procedural requirements for inquiry hearings</b>	
94	51
95	52
96	52
97	53
98	53
99	53
100	53
101	54
102	54
103	54
104	56

---

	Page	
<b>Part 10</b>	<b>Veterinary surgeons board</b>	
<b>Division 10.1</b>	<b>Establishment and functions of board</b>	
105	Veterinary surgeons board—establishment	58
106	Board—functions	58
<b>Division 10.2</b>	<b>Board membership</b>	
107	Membership of board	60
108	Appointment of board president	60
109	Board deputy president	61
110	Appointment of board members	61
111	Consultation about appointment to board	62
112	Disclosure of interests by board members	63
113	Ending of appointment to board	65
114	Conditions of board appointment generally	66
115	Reporting on exercise of functions	67
116	Failure by board to exercise functions diligently	67
117	Discharging board	68
118	Effect of discharge—interim board	69
<b>Division 10.3</b>	<b>Board administration</b>	
119	Banking and investment of money of board	70
120	Offence—prohibition on business	70
121	Borrowing powers	70
122	Appointment of executive officer	71
123	Executive officer—functions	71
124	Employment of staff	72
125	Delegation by board	72
<b>Part 11</b>	<b>Notification and review of decisions</b>	
126	Meaning of <i>reviewable decision</i> —pt 11	73
127	Reviewable decision notices	73
128	Applications for review	73
<b>Part 12</b>	<b>Protection and information</b>	
129	Meaning of <i>informed person</i> —pt 12	74

---

---

	Page	
130	Protection of participants and people reporting	74
131	Protection of informed people	74
132	Nondisclosure of complaints	75
133	Use and disclosure of protected information	75
<b>Part 13</b>	<b>Miscellaneous</b>	
134	Exemptions from Act	78
135	Costs of supervising protective action	78
136	Determination of fees by board	79
137	Determination of fees by Minister	79
138	Approved forms	79
139	Regulation-making power	80
<b>Part 14</b>	<b>Repeals and consequential amendments</b>	
140	Legislation repealed	81
141	Legislation amended—schs 2 and 3	81
<b>Part 20</b>	<b>Transitional</b>	
200	Definitions—pt 20	82
201	Members of board	82
202	Veterinary surgeons—registration	82
203	Suspended registration	83
204	Register	83
205	Inquiry under repealed Act	83
206	Executive officer	84
207	Transitional regulations	84
208	Expiry—pt 20	84
<b>Schedule 1</b>	<b>Reviewable decisions</b>	85
<b>Schedule 2</b>	<b>Consequential amendments</b>	86
<b>Part 2.1</b>	<b>Children and Young People Act 2008</b>	86

---

## Contents

---

	Page
<b>Part 2.2</b>	<b>Crimes Act 1900</b> 90
<b>Part 2.3</b>	<b>Firearms Regulation 2008</b> 91
<b>Part 2.4</b>	<b>Health Act 1993</b> 91
<b>Part 2.5</b>	<b>Health Professionals (Special Events Exemptions) Act 2000</b> 92
<b>Part 2.6</b>	<b>Health Records (Privacy and Access) Act 1997</b> 92
<b>Part 2.7</b>	<b>Human Rights Commission Act 2005</b> 93
<b>Part 2.8</b>	<b>Legislation Act 2001</b> 99
<b>Part 2.9</b>	<b>Medicines, Poisons and Therapeutic Goods Act 2008</b> 99
<b>Part 2.10</b>	<b>Medicines, Poisons and Therapeutic Goods Regulation 2008</b> 101
<b>Part 2.11</b>	<b>Radiation Protection Act 2006</b> 105
<b>Part 2.12</b>	<b>Trans-Tasman Mutual Recognition Act 1997</b> 105
<b>Part 2.13</b>	<b>Working with Vulnerable People (Background Checking) Act 2011</b> 106
<b>Schedule 3</b>	<b>Human Rights Commission Act 2005— Technical amendments consequential on operation of Health Practitioner Regulation National Law (ACT)</b> 107
<b>Dictionary</b>	112



2015

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Territory and Municipal Services)

## **Veterinary Surgeons Bill 2015**

---

### **A Bill for**

An Act to regulate veterinary surgeons, and for other purposes

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Veterinary Surgeons Act 2015*.

4 **2 Commencement**

5 (1) This Act (other than schedule 3) commences on a day fixed by the  
6 Minister by written notice.

7 *Note 1* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be  
10 fixed, for the commencement of different provisions (see [Legislation](#)  
11 [Act](#), s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the  
13 notification day, it automatically commences on the first day after that  
14 period (see [Legislation Act](#), s 79).

15 (2) Schedule 3 commences immediately after the commencement of  
16 this Act, schedule 2, part 2.7.

17 **3 Dictionary**

18 The dictionary at the end of this Act is part of this Act.

19 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
20 Act, and includes references (*signpost definitions*) to other terms  
21 defined elsewhere in this Act.

22 For example, the signpost definition '*informed person*, for part 12  
23 (Protection and information)—see section 129.' means that the term  
24 'informed person' is defined in that section for part 12.

25 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
26 the entire Act unless the definition, or another provision of the Act,  
27 provides otherwise or the contrary intention otherwise appears (see  
28 [Legislation Act](#), s 155 and s 156 (1)).

1   **4**       **Notes**

2           A note included in this Act is explanatory and is not part of this Act.

3       *Note*    See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of  
4           notes.

5   **5**       **Offences against Act—application of Criminal Code etc**

6           Other legislation applies in relation to offences against this Act.

7       *Note 1*   *Criminal Code*

8           The [Criminal Code](#), ch 2 applies to all offences against this Act (see  
9           Code, pt 2.1).

10          The chapter sets out the general principles of criminal responsibility  
11          (including burdens of proof and general defences), and defines terms  
12          used for offences to which the Code applies (eg *conduct*, *intention*,  
13          *recklessness* and *strict liability*).

14       *Note 2*   *Penalty units*

15          The [Legislation Act](#), s 133 deals with the meaning of offence penalties  
16          that are expressed in penalty units.

1 **Part 2** **Objects and important concepts**

2 **6** **Objects of Act**

3 The object of this Act is to regulate the provision of veterinary  
4 services by veterinary surgeons to ensure the following:

- 5 (a) the provision of veterinary services is focussed on the welfare  
6 and protection of animals;
- 7 (b) veterinary surgeons provide veterinary services professionally  
8 and competently;
- 9 (c) occupational discipline mechanisms for a veterinary surgeon  
10 found to have acted unprofessionally or incompetently.

11 **7** **Meaning of *veterinary surgeon***

12 In this Act:

13 *veterinary surgeon*—

- 14 (a) means a person unconditionally registered as a veterinary  
15 surgeon under this Act; and
- 16 (b) for an activity, includes a person conditionally registered as a  
17 veterinary surgeon under this Act to the extent that the person  
18 is allowed to do the activity under the person's conditional  
19 registration.

20 **8** **Meaning of *veterinary service***

21 In this Act:

22 *veterinary service*—

- 23 (a) means a service provided to an animal in the control or the  
24 possession of a person (the *service user*) for any of the  
25 following purposes:

- 1 (i) assessing, recording, maintaining or improving the  
2 physical health, comfort or wellbeing of the animal  
3 owned or in control of the service user;
- 4 (ii) diagnosing or treating an illness, disability, disorder or  
5 condition of the animal owned or in the control of the  
6 service user; and
- 7 (b) includes a service provided by a veterinary surgeon in the  
8 surgeon's capacity as a veterinary surgeon.

9 **9 Meaning of *regulated veterinary service***

10 In this Act:

11 *regulated veterinary service* means a veterinary service ordinarily  
12 provided by a veterinary surgeon in the veterinary surgeon  
13 profession.

14 **10 Meaning of *registered veterinary surgeon***

15 In this Act:

16 *registered*, in relation to a veterinary surgeon, means registered  
17 under this Act.

18 **11 Meaning of *required standard of practice***

- 19 (1) For this Act, the *required standard of practice*, for a veterinary  
20 surgeon, is the exercise of professional judgment, knowledge, skill  
21 and conduct at a level that maintains public protection and safety.

22 **Example**

23 A veterinary surgeon who falsifies research data would not be exercising  
24 professional conduct at a level that maintains public protection and safety.

25 *Note* An example is part of the Act, is not exhaustive and may extend, but  
26 does not limit, the meaning of the provision in which it appears (see  
27 [Legislation Act](#), s 126 and s 132).

1 (2) A regulation may prescribe what behaviour does and does not meet  
2 the required standard of practice.

3 **Example**

4 A registered veterinary surgeon does something a regulation does not deal with  
5 but clearly demonstrates a lack of professional judgment. The veterinary surgeon  
6 contravenes the required standard of practice.

7 (3) However, if a regulation prescribes something that is inconsistent  
8 with the health code under the *Human Rights Commission Act 2005*,  
9 the regulation is ineffective to the extent of the inconsistency.

1 **Part 3** **Registration of veterinary**  
2 **surgeons**

3 **Division 3.1** **Veterinary surgeons—registration**

4 **12** **Veterinary surgeon—registration requirements**

5 A person may be registered as a veterinary surgeon if the person—

6 (a) satisfies the suitability to practise requirements; and

7 *Note* The suitability to practise requirements are prescribed by  
8 regulation, and include general competence.

9 (b) has a knowledge of written and spoken English that is adequate  
10 to allow the person to practise veterinary surgery; and

11 (c) is covered by the insurance required by regulation; and

12 (d) satisfies a requirement prescribed by regulation.

13 *Note* **Register** a person includes renew the person's registration (see dict).

14 **13** **Application for registration**

15 (1) A person may apply to the board to be registered as a veterinary  
16 surgeon.

17 (2) The application must be in writing and must contain—

18 (a) the applicant's name; and

19 (b) if the applicant has previously practised veterinary surgery—  
20 any other name used by the applicant when practising; and

21 (c) the applicant's business address, or intended business address;  
22 and

23 (d) the applicant's postal address; and

1 (e) anything else prescribed by regulation.

2 *Note 1* If a form is approved under s 138 for an application, the form must be  
3 used.

4 *Note 2* A fee may be determined under s 136 for an application.

5 **14 Decision on application for registration**

6 (1) On application by a person under section 13, the board must—

7 (a) register the person unconditionally; or

8 (b) register the person conditionally; or

9 (c) refuse to register the person.

10 *Note* For conditional registration of veterinary surgeons, see div 3.2.

11 (2) However, the board must only register an individual if the individual  
12 may be registered as a veterinary surgeon under section 12  
13 (Veterinary surgeon—registration requirements).

14 (3) Also, the board may refuse to register the individual as a veterinary  
15 surgeon if the individual's registration has been suspended or  
16 cancelled in another jurisdiction, whether before or after the person  
17 applies for registration in the ACT.

18 (4) If the board registers a person, whether unconditionally or  
19 conditionally, the board must give the person a unique registration  
20 number.

21 **15 Board may ask for further information**

22 (1) The board may, before making a decision in relation to an  
23 application for registration of a person, ask the applicant, in  
24 writing—

25 (a) for stated information in relation to something relevant to the  
26 applicant's entitlement to registration; or



- 1 (b) to appear personally before the board to give information about  
2 the person's application.
- 3 *Note* The board may delegate its power to take information under par (b) (see  
4 s 125).
- 5 (2) Subsection (1) (b) does not apply if the application for registration is  
6 made under the *Mutual Recognition Act 1992* (Cwlth).
- 7 (3) If the board asks an applicant to give information (whether in person  
8 or otherwise) to the board, the board may refuse to consider the  
9 application for registration further if the applicant does not give the  
10 information.

11 **16 Conditions on registration**

- 12 (1) A person's registration as a veterinary surgeon is subject to the  
13 condition that the veterinary surgeon must comply with this Act.
- 14 (2) A veterinary surgeon is also subject to any other condition—
- 15 (a) prescribed by regulation; or
- 16 (b) imposed by the board when the person is registered as a  
17 veterinary surgeon or when the person's registration is renewed  
18 or amended.

19 **Example—condition**

20 requirement for professional indemnity insurance

21 *Note 1* A reference to an Act includes a reference to the statutory instruments  
22 made or in force under the Act, including any regulation (see  
23 [Legislation Act](#), s 104).

24 *Note 2* An example is part of the Act, is not exhaustive and may extend, but  
25 does not limit, the meaning of the provision in which it appears (see  
26 [Legislation Act](#), s 126 and s 132).

1 **17 Term of registration**

- 2 (1) A person's registration as a veterinary surgeon comes into force on  
3 the day it is issued.
- 4 (2) Subject to section 18, a person's registration as a veterinary surgeon  
5 expires on 30 June following the day of registration.

6 **Division 3.2 Veterinary surgeons—special**  
7 **registrations**

8 **18 Short-term registration**

- 9 (1) On application by a person under section 13, the executive officer  
10 may, on behalf of the board, register the person if satisfied that—
- 11 (a) if the board were to consider the person's application, it  
12 would—
- 13 (i) register the person unconditionally; or
- 14 (ii) register the person conditionally because the person  
15 would be entitled to apply for unconditional registration if  
16 a degree or award to which the person is entitled had been  
17 conferred or granted by the institution concerned; and
- 18 (b) it is appropriate to conditionally register the person because the  
19 board will not meet to consider the application soon.
- 20 (2) Registration under this section is subject to—
- 21 (a) the condition that it ends on the earlier of—
- 22 (i) the day the board decides the application for registration;  
23 or
- 24 (ii) the day 3 months after the day the executive officer  
25 registers the person under this section; and
- 26 (b) any other condition the executive officer considers appropriate.

- 1 (3) However, if the board decides to register the person, the registration  
2 is taken to have started on the day the executive officer of the board  
3 conditionally registered the person.

4 **19 Conditional registration**

- 5 (1) The board may register a person conditionally if satisfied that—  
6 (a) the conditional registration of the person is in the public  
7 interest; and  
8 *Note* Section 20 sets out when conditional registration is in the public  
9 interest.  
10 (b) the conditional registration of the person will not endanger  
11 public safety.  
12 (2) The board may place conditions on a person's registration if  
13 satisfied on reasonable grounds that it is in the public interest to do  
14 so.

15 **20 When conditional registration is in public interest**

- 16 (1) It is in the public interest to register a person conditionally if—  
17 (a) the person would be entitled to apply for unconditional  
18 registration if the person had completed a period of supervised  
19 training (which may include internship) that the person has  
20 started; or  
21 (b) the person's registration in another jurisdiction is subject to a  
22 condition; or  
23 (c) the person is a graduate from an institution other than an  
24 institution approved by a national organisation that represents  
25 the veterinary profession, and registration would allow the  
26 person to undertake postgraduate training that the board  
27 considers suitable for the person; or

- 1 (d) the person is a candidate for an examination required under this  
2 Act and the board has approved the person to undertake a  
3 period of supervised training to help the person become  
4 unconditionally registered; or
- 5 (e) the person wishes to take up a teaching or research position; or
- 6 (f) the person is approved by the board to fill a position that is in  
7 an area of unmet need; or
- 8 (g) the person is not trained in another jurisdiction and, if  
9 registered, the person could undertake additional training  
10 before the person is examined or assessed in the ACT or  
11 another jurisdiction; or
- 12 (h) the person’s general competence or competence to practise as a  
13 veterinary surgeon is limited and conditional registration is  
14 required in the public interest.
- 15 (2) This section does not limit when it is in the public interest to register  
16 a person conditionally.

17 **21 Conditional registration not limited**

18 This Act does not limit when a veterinary surgeon may be  
19 conditionally registered or the conditions that may be imposed on  
20 registration.

21 **22 Specialist area registration**

22 A person may only practise in a specialist area if the person is  
23 registered to practise in the area.

24 **Examples—specialist area registration**

- 25 • small animal surgery  
26 • large animal surgery

27 *Note* An example is part of the Act, is not exhaustive and may extend, but  
28 does not limit, the meaning of the provision in which it appears (see  
29 [Legislation Act](#), s 126 and s 132).

1 **Division 3.3** **Veterinary surgeons—performance**  
2 **review**

3 **23** **Review of veterinary surgeon’s professional practice**

- 4 (1) The board may review a veterinary surgeon’s professional practice  
5 under this division—  
6 (a) with the veterinary surgeon’s agreement; or  
7 (b) if the veterinary surgeon has been required to take part in the  
8 review by the ACAT or a professional standards panel.  
9 (2) The person reviewing the professional practice of a veterinary  
10 surgeon on behalf of the board may—  
11 (a) ask the veterinary surgeon questions; and  
12 (b) ask the veterinary surgeon to take a test; and  
13 (c) review the veterinary surgeon’s patient records.

14 **24** **Initial and final review reports**

- 15 (1) The person reviewing the professional practice of a veterinary  
16 surgeon (the *reviewer*) on behalf of the board must—  
17 (a) prepare a written report (the *initial review report*) of the results  
18 of the review; and  
19 (b) give a copy of the initial review report to the veterinary  
20 surgeon; and  
21 (c) tell the veterinary surgeon, in writing, that the veterinary  
22 surgeon may make representations about the initial review  
23 report within 30 days after the day the veterinary surgeon  
24 receives the report.

- 1 (2) After considering any representation made by the veterinary surgeon  
2 within the 30 days, the reviewer must prepare a further report (the  
3 *final review report*) and give a copy to—  
4 (a) the veterinary surgeon; and  
5 (b) the board.  
6 (3) The board may, but need not, treat the final review report as a report  
7 made under section 50 (Who may complain?) by the reviewer.

8 **Division 3.4 Veterinary surgeons—practising**  
9 **certificates**

10 **25 Practising certificates**

- 11 If the board registers someone as a veterinary surgeon, the board  
12 must give the person a certificate that states—  
13 (a) the name the person is allowed to practise under; and  
14 (b) the specialist area within the profession (if any) the person is  
15 registered in; and  
16 (c) the date the registration ends (the *registration end date*); and  
17 (d) if the registration is conditional—that the person’s registration  
18 is conditional and that the conditions on registration may be  
19 obtained from the board unless the board decides otherwise  
20 under section 37 (3) (Access to register).

21 **26 Replacement practising certificates**

- 22 (1) This section applies if a person’s practising certificate is damaged,  
23 lost, stolen or destroyed.  
24 (2) On application, the board may issue a replacement practising  
25 certificate to the person if satisfied that the practising certificate has  
26 been damaged, lost, stolen or destroyed.

- 1 (3) To help the board decide whether the practising certificate has been  
2 damaged, lost, stolen or destroyed, the board may, in writing, ask  
3 the person to give the board a written statement confirming, and  
4 explaining the circumstances of, the damage, loss, theft or  
5 destruction.

6 *Note* A fee may be determined under s 136 for this provision.

7 **27 Return of practising certificates**

- 8 (1) For this section, the following are *relevant circumstances* for a  
9 veterinary surgeon:  
10 (a) the veterinary surgeon's registration is cancelled;  
11 (b) the veterinary surgeon's registration is suspended;  
12 (c) a condition has been placed on the veterinary surgeon's  
13 registration since the practising certificate was issued;  
14 (d) the details included on the veterinary surgeon's practising  
15 certificate are not, or are no longer, accurate.  
16 (2) If a relevant circumstance applies to the veterinary surgeon, the  
17 board may, in writing, mention the circumstance and ask the  
18 veterinary surgeon to give the practising certificate to the board.  
19 (3) Within 14 days after the day the veterinary surgeon receives a notice  
20 under subsection (2), the veterinary surgeon must give the  
21 veterinary surgeon's practising certificate to the board.

22 Maximum penalty: 5 penalty units.

- 23 (4) If the relevant circumstance is a circumstance mentioned in  
24 subsection (1) (c) or (d), the board must give the veterinary surgeon  
25 an accurate practising certificate.

- 1 (5) The board must return the practising certificate of a veterinary  
2 surgeon if—
- 3 (a) the certificate was given to the board because the veterinary  
4 surgeon’s registration was suspended; and
- 5 (b) the suspension has ended; and
- 6 (c) the veterinary surgeon is still registered.

7 **Division 3.5 Veterinary surgeons—end of**  
8 **registration and renewal**

9 **28 When does registration end?**

- 10 (1) A veterinary surgeon’s registration ends if—
- 11 (a) the registration has not been renewed 2 weeks after the  
12 registration end date; or
- 13 (b) the ACAT cancels the person’s registration; or
- 14 (c) the person dies.
- 15 (2) If registration ends under subsection (1) (a), the registration is taken  
16 to have ended on the registration end date.
- 17 (3) If registration ends under subsection (1) (b), the registration ends on  
18 cancellation.

19 **29 Failure to meet insurance requirement**

- 20 (1) The board may ask a veterinary surgeon to produce to the board a  
21 certificate of insurance for any insurance required to be held by the  
22 veterinary surgeon under this Act.
- 23 (2) The board may require production of the certificate of insurance  
24 within a stated period that is at least 7 days after the day the  
25 veterinary surgeon receives the request.



- 1 (3) If the veterinary surgeon does not produce the certificate within the  
2 stated period, the board may apply to the ACAT for the cancellation  
3 of the veterinary surgeon's registration.

4 **30 Renewal notice for registration**

- 5 (1) For this Act, a *renewal notice* for the registration of a registered  
6 veterinary surgeon, is a notice, addressed to the veterinary surgeon,  
7 that states that the veterinary surgeon's registration will end if it is  
8 not renewed on or before a date stated in the notice.
- 9 (2) The board must send a renewal notice to a registered veterinary  
10 surgeon not later than 4 weeks, and not earlier than 8 weeks, before  
11 the registration end date.
- 12 (3) If the board fails to send a renewal notice to a registered veterinary  
13 surgeon, or the notice is not received by the veterinary surgeon, the  
14 failure or nonreceipt does not affect—
- 15 (a) the end of the veterinary surgeon's registration; or
- 16 (b) the obligation of the veterinary surgeon to renew the  
17 registration if the veterinary surgeon intends to practise after  
18 the end of the existing registration.

19 **31 Late payment of registration**

- 20 (1) This section applies if—
- 21 (a) a veterinary surgeon's registration ends without being renewed  
22 (the *expired registration*); and
- 23 (b) the veterinary surgeon pays the registration fee for renewal of  
24 the registration within 2 weeks after the registration end date  
25 for the expired registration.
- 26 (2) The board may renew the veterinary surgeon's registration with  
27 effect from the registration end date for the expired registration.

28 *Note* A fee may be determined under s 136 for this provision.

1 **32 Retrospective registration**

- 2 (1) This section applies if—
- 3 (a) a veterinary surgeon’s registration (the *expired registration*)
- 4 ends without being renewed; and
- 5 (b) the veterinary surgeon does not pay the registration fee for
- 6 renewal of the registration within 2 weeks after the registration
- 7 end date for the expired registration.
- 8 (2) The board may renew the veterinary surgeon’s registration.
- 9 *Note* A fee may be determined under s 136 for this provision.
- 10 (3) The renewal may be made effective from the day the expired
- 11 registration ended or from a later day, as the board considers
- 12 appropriate.

13 **Division 3.6 Veterinary surgeons—register**

14 **33 Veterinary surgeon register**

- 15 (1) The board must keep a register of veterinary surgeons.
- 16 (2) The register may be kept in the form of 1 or more registers, or 1 or
- 17 more parts, as long as the register complies with this Act.
- 18 (3) The board must ensure that the information in the register is as
- 19 accurate and current as practicable.
- 20 (4) The board must on application, and may on its own initiative, make
- 21 the changes necessary to the register to give effect to subsection (3).
- 22 (5) If a court or the ACAT orders the board to make a change to the
- 23 register, the board must make the change.

1   **34**           **Contents of register**

2           (1) The register kept by the board must contain the registration details  
3           of each person registered as a veterinary surgeon.

4           (2) The register may also contain other information in relation to a  
5           registered veterinary surgeon that the board considers necessary or  
6           desirable.

7           (3) In this section:

8           *registration details*, for a person, means the following:

9           (a) the details required to be included in the person's application  
10           for registration under section 13;

11           (b) the provision under which the person was registered;

12           (c) the registration number given to the person;

13           (d) the registration date and, if the registration has been renewed,  
14           the latest renewal date;

15           (e) any condition on registration;

16           (f) if the person's registration is suspended—the date the  
17           suspension began and is to end.

18           **Examples—par (b)**

- 19           • s 14 (1) (a) for unconditional registration  
20           • s 14 (1) (b) for conditional registration

21           *Note*    An example is part of the Act, is not exhaustive and may extend, but  
22           does not limit, the meaning of the provision in which it appears (see  
23           [Legislation Act](#), s 126 and s 132).

24   **35**           **Information in register to be accessible and extractable**

25           The register kept by the board must be kept in a way that allows the  
26           information about a registered veterinary surgeon to be readily  
27           reproduced in an easily readable form.

- 1     **36           Executive officer responsible for register**
- 2           (1) The executive officer must keep the register on behalf of the board.
- 3           (2) Without limiting how the executive officer may keep the register,  
4           the executive officer may do the following in relation to the register:
- 5               (a) include the details of a newly registered veterinary surgeon;
- 6               (b) remove the details of a veterinary surgeon who is no longer  
7               registered;
- 8               (c) correct information in the register that is not, or is no longer,  
9               accurate.
- 10          (3) To remove any doubt, the removal of details of a veterinary surgeon  
11          who is no longer registered does not prevent the executive officer  
12          from keeping a record of details removed.
- 13     **37           Access to register**
- 14           (1) The register kept by a board must be open for inspection by the  
15           public at reasonable times.
- 16           (2) However, information that is not required to be included in the  
17           register under section 34 (Contents of register) need not be available  
18           to the public.
- 19           (3) Also, the board need not allow public inspection of a condition on  
20           the registration of a person if—
- 21               (a) the condition contains information about someone other than  
22               the registered person that the board is satisfied is, or may be,  
23               confidential; or
- 24               (b) in the board’s opinion, the benefit to the public of knowing the  
25               condition is outweighed by the personal or prejudicial nature of  
26               the condition.

- 1 (4) The board may, if asked, give someone a copy of, or extract from,  
2 the register.

3 *Note* A fee may determined under s 136 for a request under s (4).

4 **38 Requests for changes of details in register**

- 5 (1) A person may apply to the board for a change to be made to the  
6 information in the register kept by the board.

- 7 (2) If someone applies for a change, the board must consider whether  
8 the change is necessary and tell the applicant, in writing, whether  
9 the board considers the change necessary.

10 *Note* Because the board is required to keep the register current and accurate,  
11 if the board considers the change necessary the board must make the  
12 change under s 33 (4).

13 **39 When board must not charge fees etc for register**  
14 **corrections**

15 The board may not charge a fee, or must refund any fee paid, on  
16 application for a change in the register kept by the board if the  
17 change is necessary because of a mistake of the board.

1                      **Part 4                                      Offences**

2                      **40                      Meaning of *registered*—pt 4**

3                                      For this part, a person is not *registered* if the person's registration is  
4                                      suspended.

5                      **41                      Person not registered**

6                                      (1) A person commits an offence if—

7    (a) the person either—

8    (i) practises as a veterinary surgeon; or

9    (ii) provides a regulated veterinary service; and

10    (b) the person is not a registered veterinary surgeon.

11                                      Maximum penalty: 50 penalty units, imprisonment for 6 months or  
12                                      both.

13                                      (2) Strict liability applies to subsection (1) (b).

14                      **42                      Person pretending to be registered**

15                                      (1) A person commits an offence if—

16    (a) the person intentionally pretends to be registered as a  
17    veterinary surgeon; and

18    (b) the person is not a registered veterinary surgeon.

19                                      Maximum penalty: 50 penalty units, imprisonment for 6 months or  
20                                      both.

21                                      (2) Strict liability applies to subsection (1) (b).

- 1     **43           False representation of person as veterinary surgeon**
- 2           A registered veterinary surgeon commits an offence if—
- 3           (a) the veterinary surgeon represents that someone employed or
- 4                 engaged by the veterinary surgeon is a registered veterinary
- 5                 surgeon; and
- 6           (b) the representation is false; and
- 7           (c) the representation was made in the course of practising as a
- 8                 veterinary surgeon.
- 9           Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 10           both.
- 11     **44           Conditions on practice**
- 12           (1) A registered veterinary surgeon commits an offence if the veterinary
- 13                 surgeon—
- 14                 (a) knowingly provides a regulated veterinary service; and
- 15                 (b) fails to comply with a requirement of a condition on the
- 16                 veterinary surgeon’s registration while providing the service.
- 17           Maximum penalty: 50 penalty units.
- 18           (2) In this section, a condition on the veterinary surgeon’s registration
- 19                 includes a condition on the veterinary surgeon’s registration under a
- 20                 corresponding law of another jurisdiction.
- 21     **45           Direction to engage in unprofessional conduct**
- 22           A person commits an offence if—
- 23           (a) the person—
- 24                 (i) employs a registered veterinary surgeon; or
- 25                 (ii) provides premises where the registered veterinary surgeon
- 26                 practises veterinary surgery; and

- 1 (b) the person directs the veterinary surgeon to engage in conduct  
2 that, if engaged in, would contravene a standard of practice that  
3 applies to the veterinary surgeon.

4 Maximum penalty: 50 penalty units.

5 **46 Change of registered details**

- 6 (1) A registered veterinary surgeon commits an offence if—  
7 (a) the veterinary surgeon's name or address changes; and  
8 (b) the veterinary surgeon fails to promptly (but in any case not  
9 later than 1 month after the day the change happens) tell the  
10 board, in writing, about the change.

11 Maximum penalty: 5 penalty units.

- 12 (2) An offence against this section is a strict liability offence.

13 **47 No insurance**

- 14 (1) This section applies if, while registered, a veterinary surgeon ceases  
15 to have insurance.

- 16 (2) The veterinary surgeon commits an offence if, as soon as practicable  
17 (but in any case within 1 month) after ceasing to have the insurance,  
18 the veterinary surgeon fails to tell the board, in writing, about the  
19 insurance ceasing.

20 Maximum penalty: 5 penalty units.

- 21 (3) Strict liability applies to subsection (2).



1 **Part 5** **Complaints**

2 **Division 5.1** **Objects**

3 **48** **Objects of pt 5**

4 (1) The objects of this part are to—

5 (a) protect the public; and

6 (b) assist in the arranging of rehabilitation and retraining for  
7 registered veterinary surgeons who are not meeting the  
8 required standard of practice.

9 (2) The objects are achieved by encouraging, and in some  
10 circumstances requiring, the managing of complaints about—

11 (a) the registered veterinary surgeons that contravene, or may  
12 contravene, the required standard of practice; and

13 (b) registered veterinary surgeons who do not, or may not, satisfy  
14 the suitability to practise requirements.

15 **Division 5.2** **Complaints**

16 **49** **Meaning of *registered* veterinary surgeon—div 5.2**

17 For this division, a veterinary surgeon is a *registered* veterinary  
18 surgeon in relation to an act or omission of the veterinary surgeon if  
19 he or she was registered at the time of the act or omission.

- 1       **50           Who may complain?**
- 2           (1) Anyone who believes on reasonable grounds that a registered  
3           veterinary surgeon has contravened, or is contravening, the required  
4           standard of practice, or does not satisfy the suitability to practise  
5           requirements, may make a complaint about the veterinary surgeon.
- 6           **Examples—people who may make complaint**
- 7           1    a member of the public
- 8           2    a member of the veterinary profession
- 9           3    the Minister
- 10          4    a coroner
- 11          5    a registrar of a court
- 12          6    a police officer
- 13          7    a member of the office of the director of public prosecutions
- 14          *Note 1*   People may also be able to make complaints to the commission under  
15               the [Human Rights Commission Act 2005](#).
- 16          *Note 2*   An example is part of the Act, is not exhaustive and may extend, but  
17               does not limit, the meaning of the provision in which it appears (see  
18               [Legislation Act](#), s 126 and s 132).
- 19          (2) A veterinary surgeon or health practitioner may make a complaint  
20               under subsection (1) despite any other territory law.
- 21          (3) If a veterinary surgeon or health practitioner makes a complaint  
22               under subsection (1)—
- 23               (a) making the complaint is not a breach of—
- 24                       (i) confidence; or
- 25                       (ii) professional etiquette; or
- 26                       (iii) professional ethics; or
- 27                       (iv) a rule of professional conduct; and
- 28               (b) no civil or criminal liability is incurred only because of the  
29               making of the complaint.

1 (4) Subsection (3) (b) does not apply to a complaint that the veterinary  
2 surgeon or health practitioner knows is false or misleading.

3 *Note* A person must not make a complaint that is materially false or  
4 misleading (see s 52).

5 **51 Who may be given a complaint?**

6 (1) A complaint may be given to the board.

7 (2) The board must—

8 (a) refer the complaint to the commission; and

9 (b) give a copy of the complaint, and all documents in its  
10 possession that relate to the report, to the commission.

11 **52 False or misleading complaint**

12 A person must not make a complaint that is materially false or  
13 misleading.

14 Maximum penalty: 30 penalty units.

15 **53 How must complaint be made?**

16 (1) A complaint must—

17 (a) be in writing; and

18 (b) be signed by the person making the complaint; and

19 (c) include the person's name and address.

20 (2) However, the board may accept a complaint that does not comply  
21 with subsection (1).

22 (3) If the board accepts an oral complaint, the board must require the  
23 person making the complaint to put the complaint in writing and  
24 sign it, unless satisfied that there is a good reason for not doing so.

1           (4) If the person fails to comply with the requirement under  
2           subsection (3), the board need not take any further action on the  
3           complaint.

4           (5) The Minister may make guidelines for the exercise of a discretion  
5           by the board under subsection (2).

6           (6) A guideline is a disallowable instrument.

7           *Note*     A disallowable instrument must be notified, and presented to the  
8           Legislative Assembly, under the [Legislation Act](#).

9           **54           Help in making complaint**

10           The executive officer of the board may, but is not required to, help  
11           someone make a complaint.

12           **55           Further information about complaint etc**

13           (1) The board may require a person making a complaint—

14           (a) to provide further information about the complaint; or

15           (b) to verify all or part of the complaint by statutory declaration.

16           (2) When making a requirement under this section, the board must set a  
17           reasonable period of time within which the requirement is to be  
18           satisfied, and may extend that period, whether before or after its  
19           expiry.

20           (3) If the person fails to verify all or part of the complaint by statutory  
21           declaration—

22           (a) the failure does not affect the making of the complaint; but

23           (b) the board need not take any further action on the complaint.

- 1 **56** **Notice to veterinary surgeon complained about**
- 2 (1) This section applies if a complaint is made under this Act to the  
3 board about a registered veterinary surgeon.
- 4 *Note 1* The requirements for a complaint are set out in s 53.
- 5 *Note 2* For this div, **report** does not include a complaint made under the *Human*  
6 *Rights Commission Act 2005* that is referred to the board by the  
7 commission (see dict, def **report**).
- 8 (2) The board must, in writing, tell the registered veterinary surgeon—
- 9 (a) that a complaint has been made about the veterinary surgeon;  
10 and
- 11 (b) that the complaint is to be considered by the board; and
- 12 (c) what the complaint is about in general terms; and
- 13 (d) unless section 132 (Nondisclosure of complaints) prevents the  
14 disclosure—the name of the person making the complaint; and
- 15 (e) that the veterinary surgeon may make written representations  
16 in relation to the complaint within a stated maximum period  
17 after receiving notice of the complaint.
- 18 *Note* Section 132 prevents the disclosure of a report if there is reason to  
19 believe the disclosure would put someone’s health or safety at risk,  
20 cause someone to receive a lowered standard of service or prejudice the  
21 management of the report or its consideration.
- 22 (3) The maximum period under subsection (2) (e) must not be less than  
23 1 month.

1       **Division 5.3                   Complaints—Human Rights**  
2                                       **Commission**

3       **57                   Interaction with Human Rights Commission**

- 4           (1) The commission must consult with the board in relation to a  
5                complaint made to the commission under the *Human Rights*  
6                *Commission Act 2005* (the *HRC Act*) relating to a registered  
7                veterinary surgeon.
- 8           (2) In considering a complaint or report relating to a registered  
9                veterinary surgeon, the board must consult with the commission.
- 10          (3) If the board and the commission cannot agree about the action to be  
11                taken in relation to a complaint or report, the most serious action  
12                chosen by the board or commission prevails.
- 13          (4) In this section:
- 14                ***registered*** veterinary surgeon—see section 49.
- 15                *Note*       The health services commissioner generally exercises the commission’s  
16                functions in relation to veterinary services.

1       **Part 6**                               **Occupational discipline**

2       **58**           **Meaning of *veterinary surgeon*—pt 6**

3           In this part:

4           *veterinary surgeon* means—

- 5           (a) a registered veterinary surgeon; or
- 6           (b) a person who was, but is no longer, a registered veterinary
- 7           surgeon.

8       **59**           **Grounds for occupational discipline**

9           (1) For this Act, each of the following is a *ground for occupational*

10          *discipline* in relation to a veterinary surgeon:

- 11          (a) the veterinary surgeon has contravened, or is contravening, a
- 12          standard of practice that applies to the veterinary surgeon;
- 13          (b) the veterinary surgeon has put, or is putting, public safety at
- 14          risk;
- 15          (c) the veterinary surgeon does not satisfy the suitability to
- 16          practise requirements.

17          (2) A ground for occupational discipline applies to a veterinary surgeon

18          who is no longer registered if the ground applied to the veterinary

19          surgeon while registered.

20       **60**           **Applications to ACAT for occupational discipline**

21           If the board believes on reasonable grounds that a ground for

22           occupational discipline exists in relation to a veterinary surgeon, the

23           board may apply to the ACAT for an occupational discipline order

24           in relation to the veterinary surgeon.

- 1 **61 Considerations before making occupational discipline**  
2 **orders—suspensions of cancellation of registration**
- 3 (1) This section applies if the ACAT is considering whether to suspend  
4 or cancel the veterinary surgeon's registration.
- 5 (2) The ACAT must consider the following:
- 6 (a) whether the veterinary surgeon has contravened a standard of  
7 practice that applied to the veterinary surgeon;
- 8 (b) whether the veterinary surgeon has put, or is putting, public  
9 safety at risk.
- 10 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 65 sets out  
11 considerations for the ACAT when considering what other occupational  
12 discipline orders to make.

- 13 **62 Occupational discipline orders**
- 14 (1) This section applies if the ACAT may make an order for  
15 occupational discipline in relation to a veterinary surgeon.
- 16 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 65 sets out  
17 when the ACAT may make an order.
- 18 (2) In addition to any other occupational discipline order the ACAT  
19 may make, the ACAT may make 1 or more of the following orders  
20 for occupational discipline in relation to the veterinary surgeon:
- 21 (a) require the person to undergo stated medical, psychiatric or  
22 psychological assessment, counselling or both;
- 23 (b) require the person to take part in a review of the person's  
24 professional practice;
- 25 (c) require the person to report on the person's practice at stated  
26 times, in the way stated and to a named person;
- 27 (d) require the person to seek and take advice from a stated entity  
28 about the management of the person's practice;



1 (e) require the supervision, monitoring or reporting about the  
2 effect of something the person is required to do by the ACAT;

3 (f) if the person is not registered—declare that, if the person had  
4 been registered, the ACAT would have found that the person  
5 had contravened the required standard of practice or did not  
6 satisfy the suitability to practise requirements.

7 *Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 66 sets out other  
8 occupational discipline orders the ACAT may make.

### 9 **63 Emergency orders**

10 (1) The ACAT may make an occupational discipline order in relation to  
11 a veterinary surgeon as an emergency order.

12 (2) However, the ACAT may only make an emergency order if satisfied  
13 that it is necessary to make the order to protect the public or the  
14 wellbeing of the veterinary surgeon.

15 (3) An emergency order has effect—

16 (a) for the period stated in the order; or

17 (b) until an order made at the end of an application comes into  
18 force; or

19 (c) until the ACAT otherwise orders.

### 20 **64 Referral to panel by ACAT**

21 (1) The ACAT may refer an application, or part of an application, to the  
22 board for consideration by a personal assessment panel or  
23 professional standards panel.

24 (2) If the board gives a report (the *referral report*) to the ACAT on the  
25 application or part of the application, the ACAT must consider the  
26 referral report.

**Part 6** Occupational discipline

Section 64

---

- 1 (3) The ACAT may adopt the referral report or a decision made in the  
2 report as its own decision in relation to the application, or part of the  
3 application.

1 **Part 7** **Joint consideration with**  
2 **commission**

3 **65 Application—pt 7**

4 This part applies to the following matters in relation to a registered  
5 veterinary surgeon:

- 6 (a) a complaint that the board considers indicates that the  
7 veterinary surgeon may be contravening, or may have  
8 contravened, the required standard of practice or does not  
9 satisfy the suitability to practise requirements;
- 10 (b) a report mentioned in section 81 (3) (Board consideration of  
11 referral by personal assessment panel);
- 12 (c) an application for review of a condition on registration  
13 mentioned in section 86 (3) (b) (Action by board on  
14 recommendations by personal assessment panel);
- 15 (d) a report referred back to the board under section 93  
16 (Inappropriate referral to professional standards panel).

17 **66 Consultation with commission etc**

- 18 (1) The board must—
- 19 (a) consult with the commission when it is considering what to do  
20 in relation to a complaint or report to which this part applies;  
21 and
- 22 (b) attempt to agree with the commission about the action to be  
23 taken in relation to the complaint or report.

- 1           (2) If the board and the commission cannot agree about the action to be  
2           taken in relation to the complaint or report, the most serious action  
3           chosen by the board or commission prevails.
- 4           (3) The action that may be taken in relation to a complaint or report,  
5           from most serious to least serious, is as follows:
- 6           (a) apply to the ACAT for an emergency order in relation to the  
7           registered veterinary surgeon to whom the complaint or report  
8           relates;
- 9           (b) apply to the ACAT for—
- 10           (i) the suspension or cancellation of the registration of the  
11           veterinary surgeon to whom the complaint or report  
12           relates; or
- 13           (ii) if the veterinary surgeon is not registered—a declaration  
14           under section 62 (2) (Occupational discipline orders) in  
15           relation to the veterinary surgeon;
- 16           (c) consideration under the *Human Rights Commission Act 2005*;
- 17           (d) refer the veterinary surgeon to whom the complaint or report  
18           relates to a professional standards panel;
- 19           (e) refer the veterinary surgeon to whom the complaint or report  
20           relates to a personal assessment panel;
- 21           (f) refuse to investigate the report further.
- 22           (4) Also, the board must take action under section 67 (Indication that  
23           offence committed) if, after consultation with the commission,  
24           either the board, commission or both consider that the section  
25           applies to the complaint or report.

- 1 (5) The board may take action under this section even if it has already  
2 taken action in relation to the report.

3 **Example**

4 If the board decides that a complaint about a veterinary surgeon does not suggest  
5 that the veterinary surgeon may be contravening, or may have contravened, the  
6 required standard of practice, the board may refer the complaint to a personal  
7 assessment panel. If the personal assessment panel recommends that the  
8 complaint be referred to a professional standards panel because, on further  
9 examination, the complaint raises the possibility that the veterinary surgeon may  
10 be contravening, or may have contravened, the required standard of practice, the  
11 board would then consult with the commission under this section, even though the  
12 board has already taken action in relation to the complaint.

13 *Note* An example is part of the Act, is not exhaustive and may extend, but  
14 does not limit, the meaning of the provision in which it appears (see  
15 [Legislation Act](#), s 126 and s 132).

16 **67 Indication that offence committed**

- 17 (1) This section applies if a complaint or report to which this part  
18 applies that relates to a veterinary surgeon indicates that the  
19 veterinary surgeon may have committed, or be committing, an  
20 offence against a territory law.
- 21 (2) The board may give the chief police officer a copy of the complaint  
22 or report, with any other information the board has in relation to the  
23 complaint or report.
- 24 (3) Giving the chief police officer a copy of the report does not prevent  
25 the board and commission from taking further action under  
26 section 66 in relation to the report.

1 **Part 8 Personal assessment panel**

2 **Division 8.1 Establishment and purpose**

3 **68 Personal assessment panel—establishment**

- 4 (1) The board may establish 1 or more personal assessment panels.
- 5 (2) The board may refer a complaint about a registered veterinary  
6 surgeon to a personal assessment panel if—
- 7 (a) the complaint suggests that the state of the veterinary surgeon's  
8 mental or physical health, or both, may be affecting the  
9 veterinary surgeon's ability to meet the required standard of  
10 practice; and
- 11 (b) the board is satisfied that there are grounds for believing that, if  
12 the veterinary surgeon's mental or physical health, or both, is  
13 affecting the veterinary surgeon's ability to meet the required  
14 standard of practice or the suitability to practise requirements,  
15 the veterinary surgeon may be rehabilitated.
- 16 (3) The board must refer a complaint about a veterinary surgeon to a  
17 personal assessment panel if the commission asks it to refer the  
18 report.

19 **69 Referral of application by ACAT**

- 20 (1) The board must refer an application, or part of an application, to a  
21 personal assessment panel if the ACAT refers the application, or  
22 part, under section 64 (Referral to panel by ACAT).
- 23 (2) The personal assessment panel must inquire into the application, or  
24 part of the application, as if it were a complaint.
- 25 (3) After inquiring into the application, or part of the application, the  
26 personal assessment panel must give a report (the *referral report*) to  
27 the ACAT about the application, or part of the application.

- 1           (4) The referral report may include—
- 2                 (a) any recommendation about the application, or part of the
- 3                 application, that the personal assessment panel could make to
- 4                 the board under section 78 (Action of personal assessment
- 5                 panel after inquiry) in relation to a complaint; or
- 6                 (b) a recommendation that the veterinary surgeon be counselled.
- 7           (5) However, if the personal assessment panel can make no appropriate
- 8           recommendation, the referral report must state that the panel cannot
- 9           make an appropriate recommendation.

10   **70           Personal assessment panel—functions**

- 11           (1) A personal assessment panel—
- 12                 (a) assesses whether the mental or physical health, or both, of a
- 13                 registered veterinary surgeon are affecting the veterinary
- 14                 surgeon’s ability to meet the required standard of practice or
- 15                 satisfy the suitability to practise requirements; and
- 16                 (b) if the panel is satisfied that the veterinary surgeon’s mental or
- 17                 physical health, or both, are affecting the veterinary surgeon’s
- 18                 ability to meet the required standard of practice or satisfy the
- 19                 suitability to practise requirements—decides whether and how
- 20                 the veterinary surgeon may be rehabilitated.
- 21           (2) A personal assessment panel also considers applications under
- 22           section 84 to review the imposition of a condition on registration
- 23           when referred to the panel.
- 24           (3) The personal assessment panel may only assess a veterinary surgeon
- 25           if a complaint about the veterinary surgeon is referred to the panel.

- 1 **71 Personal assessment panel—members**
- 2 (1) A personal assessment panel established by the board consists of
- 3 3 members appointed by the board.
- 4 (2) At least 1 member of the personal assessment panel must be a
- 5 registered veterinary surgeon, or a veterinary surgeon registered
- 6 under a corresponding law of another jurisdiction, but need not be
- 7 registered by the board that established the panel.
- 8 (3) At least 1 member of the personal assessment panel must not be a
- 9 registered veterinary surgeon or a veterinary surgeon registered
- 10 under a corresponding law of another jurisdiction.
- 11 (4) Members making up the personal assessment panel may be from the
- 12 ACT or elsewhere.
- 13 (5) The board must appoint 1 member of the personal assessment panel
- 14 as the chairperson.
- 15 (6) The personal assessment panel may consider 1 or more complaints
- 16 referred to it.

17 **Division 8.2 Assessments by personal**

18 **assessment panels**

19 **72 Natural justice**

20 A personal assessment panel must observe natural justice.

21 **73 Assessment by personal assessment panel**

- 22 (1) In assessing a veterinary surgeon, a personal assessment panel may
- 23 consider the information available to it, including the following:
- 24 (a) the complaint;
- 25 (b) information about the veterinary surgeon;
- 26 (c) any information provided by the commission or the person
- 27 who made the complaint;



- 1 (d) any other relevant information collected by the panel.
- 2 (2) In assessing a veterinary surgeon, the personal assessment panel  
3 must consider any information provided by the veterinary surgeon.

4 **74 Powers of personal assessment panel on inquiry**

- 5 (1) This section applies if a complaint about a veterinary surgeon, or an  
6 application by the veterinary surgeon for a condition review, is  
7 referred to a personal assessment panel.
- 8 (2) The personal assessment panel must—
- 9 (a) take reasonable steps to talk to the veterinary surgeon about the  
10 complaint or application; and
- 11 (b) give the veterinary surgeon an opportunity to respond to  
12 information given to the panel.
- 13 (3) The personal assessment panel may make the inquiries, and obtain  
14 the information the panel needs, from anywhere the panel considers  
15 appropriate.
- 16 *Note* The personal assessment panel must consider any information provided  
17 by the veterinary surgeon to whom the matter relates (see s 73 (2)).
- 18 (4) The personal assessment panel may ask the veterinary surgeon to  
19 undergo a medical, psychiatric or psychological examination or test  
20 for the assessment and, if the veterinary surgeon undergoes the  
21 examination or test, must consider the results.
- 22 (5) If the veterinary surgeon undergoes a medical, psychiatric or  
23 psychological examination or test when asked to do so by the  
24 personal assessment panel, the board must pay any fee for the  
25 examination or test, but is not liable to pay any fee for further  
26 consultation or services the veterinary surgeon is referred to.

27 **75 Lawyer assisting personal assessment panel**

28 The board, in establishing a personal assessment panel may appoint  
29 a lawyer to assist the panel for an inquiry.

- 1 **76 Legal representation before personal assessment panel**
- 2 A person may be represented by a lawyer at an inquiry by a personal  
3 assessment panel.
- 4 **77 Personal assessment panel—decisions**
- 5 (1) A decision of a personal assessment panel is a decision of the  
6 majority of panel members.
- 7 (2) If, for any reason, a personal assessment panel cannot reach a  
8 majority decision, the decision of the chair is the decision of the  
9 panel.
- 10 **78 Action of personal assessment panel after inquiry**
- 11 (1) After inquiring about a veterinary surgeon under section 74, the  
12 personal assessment panel may, with the veterinary surgeon's  
13 agreement, do 1 or more of the following:
- 14 (a) counsel the veterinary surgeon;
- 15 (b) recommend that the veterinary surgeon attend counselling or a  
16 rehabilitative program;
- 17 (c) recommend to the board that the board take no further action in  
18 relation to the veterinary surgeon;
- 19 (d) recommend to the board that the board accept a stated  
20 voluntary undertaking from the veterinary surgeon;
- 21 (e) recommend that a stated condition be placed on the veterinary  
22 surgeon's registration.
- 23 (2) A recommendation under subsection (1) (b) may name the  
24 counsellor or program or may indicate the kind of counsellor or  
25 program to be attended.

1 (3) A recommendation under subsection (1) (e) may include a  
2 recommendation that the veterinary surgeon's registration, or a  
3 condition placed on the registration, be reconsidered by a personal  
4 assessment panel at or within a stated time.

5 (4) The personal assessment panel need not take action under this  
6 section if no appropriate action is available.

7 **79 Inappropriate referral to personal assessment panel**

8 (1) This section applies to a complaint, or an application for a condition  
9 review, if the personal assessment panel believes, on reasonable  
10 grounds, that the report or application (the *matter*) has been  
11 inappropriately referred to the panel.

12 (2) The personal assessment panel must refer the matter back to the  
13 board.

14 (3) If the personal assessment panel refers the matter back under  
15 subsection (2), the panel must state the reason for the referral.

16 **80 Referral to board**

17 After deciding what to do (including a decision to do nothing) in  
18 relation to a complaint, or an application for a condition review, the  
19 personal assessment panel must refer the matter to the board, and  
20 include in the referral—

21 (a) the information obtained by the panel; and

22 (b) a description of the assessment of the veterinary surgeon; and

23 (c) what the panel decided to do and why; and

24 (d) whether the veterinary surgeon agreed to the action proposed  
25 to be taken by the panel.

- 1 **Division 8.3** **Action by board after inquiry by**  
2 **personal assessment panel**
- 3 **81** **Board consideration of referral by personal assessment**  
4 **panel**
- 5 (1) This section applies to the referral of a complaint, or an application  
6 for a condition review, to the board under division 8.2 (Assessments  
7 by personal assessment panels).
- 8 (2) The board must consider the referral, including any  
9 recommendations made, and decide what to do in relation to the  
10 matter referred (the *matter*).
- 11 (3) If the board considers that the matter indicates that the veterinary  
12 surgeon may be contravening, or may have contravened, the  
13 required standard of practice, the board—
- 14 (a) must take action in relation to the matter under part 7 (Joint  
15 consideration with commission); and
- 16 (b) may apply to the ACAT for an emergency order if satisfied  
17 that the safety of the public or the wellbeing of the veterinary  
18 surgeon may be adversely affected if an emergency order is not  
19 made.
- 20 (4) The board may, unless subsection (3) applies, do 1 or more of the  
21 following in relation to the matter:
- 22 (a) if section 82 applies—take action under that section;
- 23 (b) refer the matter to a professional standards panel;
- 24 (c) ask the ACAT to suspend or cancel the veterinary surgeon's  
25 registration;
- 26 (d) ask the ACAT to make any other occupational discipline order  
27 the ACAT considers appropriate in relation to the veterinary  
28 surgeon or matter;

- 1 (e) take no further action in relation to the veterinary surgeon or  
2 matter.

3 **82 Acceptance of condition**

- 4 (1) This section applies if—  
5 (a) a personal assessment panel established by the board has  
6 recommended that a veterinary surgeon's registration have a  
7 condition placed on it; and  
8 (b) the veterinary surgeon agrees to the condition.  
9 (2) If the board considers the condition appropriate, the board may  
10 place the agreed condition on the veterinary surgeon's registration.

11 **83 Decision on referred veterinary surgeon**

- 12 (1) This section applies after a board makes a decision about the action  
13 to take in relation to a complaint, or application for a condition  
14 review, relating to a veterinary surgeon referred to the board under  
15 division 8.2 (Assessments by personal assessment panels).  
16 (2) The board must give—  
17 (a) the veterinary surgeon written notice of the decision, including  
18 the reasons for the decision; and  
19 (b) the commission written notice of the decision.

20 **84 Applications for condition review**

- 21 (1) This section applies if a condition has been placed on a veterinary  
22 surgeon's registration because of a complaint, whether or not the  
23 condition was placed with the veterinary surgeon's agreement.  
24 (2) The veterinary surgeon may apply, in writing, to the board to have  
25 the condition removed or changed.

- 1     **85**           **Review of application**
- 2           (1) If an application is made under section 84 by a veterinary surgeon to  
3           the board, the board must refer the application to a personal  
4           assessment panel.
- 5           (2) If the imposition of the condition was recommended by a personal  
6           assessment panel, the board must endeavour to ensure that the  
7           application is considered by that personal assessment panel.
- 8           (3) The personal assessment panel must recommend to the board 1 of  
9           the following after considering the application:
- 10           (a) that the application be granted;
- 11           (b) that stated parts of the application be granted and the rest  
12           rejected;
- 13           (c) that the application be rejected.
- 14           (4) If the personal assessment panel recommends to the board that all or  
15           part of the application be rejected, the panel may also recommend  
16           that other action be taken in relation to the veterinary surgeon and, if  
17           the panel does make such a recommendation, must explain why the  
18           action recommended is appropriate.
- 19           (5) A recommendation must be given to the board in writing.
- 20     **86**           **Action by board on recommendations by personal**  
21           **assessment panel**
- 22           (1) This section applies if a personal assessment panel makes a  
23           recommendation under section 85 (3) to a board in relation to an  
24           application.
- 25           (2) If the board accepts the recommendation, the recommendation is the  
26           decision on the application and the board must tell the veterinary  
27           surgeon, in writing, about the decision and give reasons for the  
28           decision.

- 1           (3) If the board rejects the recommendation, the board must—
- 2                 (a) make a decision on the application and tell the veterinary
- 3                 surgeon, in writing, about the decision, giving reasons for the
- 4                 decision; or
- 5                 (b) if the board considers that the application relates to whether the
- 6                 veterinary surgeon is contravening, has contravened or is likely
- 7                 to contravene the required standard of practice—consider the
- 8                 application under part 7 (Joint consideration with commission).
- 9           (4) If the board makes a decision without consulting the commission,
- 10           the board must tell the commission about the decision.

1 **Part 9 Professional standards panel**

2 **Division 9.1 Establishment of professional**  
3 **standards panel**

4 **87 Professional standards panel—establishment**

5 The board may establish 1 or more professional standards panels.

6 **88 Professional standards panel—functions**

7 (1) A professional standards panel decides whether a registered  
8 veterinary surgeon is contravening, or has contravened, the required  
9 standard of practice or does not satisfy the suitability to practise  
10 requirements.

11 (2) In making a decision under this section, the professional standards  
12 panel may consider the information available to it, including the  
13 following:

14 (a) any complaint provided to the board;

15 (b) any information provided by the commission or the person  
16 who made the complaint;

17 (c) any other relevant information given to the panel.

18 (3) In making a decision under this section, the professional standards  
19 panel must consider any information provided by the veterinary  
20 surgeon.

21 (4) The professional standards panel may only make a decision under  
22 this section in relation to a veterinary surgeon if a complaint relating  
23 to the veterinary surgeon is referred to the panel.



- 1     **89**           **Professional standards panel—members**
- 2           (1) A professional standards panel consists of 3 members appointed by  
3           the board.
- 4           (2) At least 1 member of the professional standards panel must be a  
5           registered veterinary surgeon or a veterinary surgeon registered  
6           under a corresponding law of another jurisdiction.
- 7           (3) At least 1 member of the professional standards panel must not be a  
8           registered veterinary surgeon or a veterinary surgeon registered  
9           under a corresponding law of another jurisdiction.
- 10          (4) The board must appoint 1 member of the professional standards  
11          panel as the chairperson.
- 12          (5) The people making up the professional standards panel may be from  
13          the ACT or elsewhere.
- 14          (6) The professional standards panel may consider 1 or more matters  
15          referred to it.
- 16     **90**           **Referral of application by ACAT**
- 17           (1) The board must refer an application, or part of an application, to a  
18           professional standards panel if the ACAT refers the application, or  
19           part, under section 64 (Referral to panel by ACAT).
- 20           (2) The professional standards panel must conduct an inquiry into the  
21           application, or part of the application, as if it were a complaint, but  
22           may not take interim action under section 98 (Interim actions) in  
23           relation to it.
- 24           (3) After inquiring into the application, or part of the application, the  
25           professional standards panel must give a report (the *referral report*)  
26           to the ACAT about the application, or part of the application.
- 27           (4) The referral report about an application relating to a veterinary  
28           surgeon may recommend that the ACAT make a stated occupational  
29           discipline order in relation to a complaint.

- 1 (5) However, if the professional standards panel cannot make an  
2 appropriate recommendation, the referral report must state that the  
3 panel cannot make an appropriate recommendation.

4 **Division 9.2 Inquiries by professional standards**  
5 **panel**

6 **91 When may professional standards panel choose not to**  
7 **inquire?**

- 8 (1) This section applies if—  
9 (a) a complaint about a veterinary surgeon is referred to a  
10 professional standards panel; and  
11 (b) the veterinary surgeon admits something mentioned in the  
12 complaint.  
13 (2) The professional standards panel may choose not to inquire into  
14 whether the veterinary surgeon is contravening, or has contravened,  
15 the required standard of practice, or does not satisfy the suitability to  
16 practise requirements, if the panel is satisfied, on reasonable  
17 grounds, that it is appropriate to make a decision about the  
18 complaint without an inquiry.

19 **92 Professional standards panel—decisions**

- 20 (1) A decision of a professional standards panel is a decision of the  
21 majority of panel members.  
22 (2) If, for any reason, a professional standards panel cannot reach a  
23 majority decision, the decision of the chairperson is the decision of  
24 the panel.

- 1     **93**           **Inappropriate referral to professional standards panel**
- 2           (1) This section applies to a complaint relating to a veterinary surgeon
- 3           that is referred to a professional standards panel if—
- 4               (a) the panel believes on reasonable grounds that the complaint, if
- 5               substantiated, may provide grounds for the suspension or
- 6               cancellation of the veterinary surgeon’s registration; or
- 7               (b) the panel believes on reasonable grounds that the veterinary
- 8               surgeon would be more appropriately dealt with by a personal
- 9               assessment panel; or
- 10              (c) the panel believes that emergency action is necessary in
- 11              relation to the veterinary surgeon.
- 12           (2) The professional standards panel must refer the complaint back to
- 13           the board, and take no further action in relation to the veterinary
- 14           surgeon.
- 15           (3) If the professional standards panel refers a matter back under
- 16           subsection (2), the panel must state the reason for the referral.
- 17           (4) The board must consider the referral under part 7 (Joint
- 18           consideration with commission).

19     **Division 9.3**                   **Procedural requirements for inquiry**

20                                   **hearings**

21     **94**           **Setting inquiry hearing times**

- 22           (1) If a complaint about a veterinary surgeon is referred to a
- 23           professional standards panel, the panel must—
- 24               (a) set a time and place to hold an inquiry (a *standards inquiry*)
- 25               about the veterinary surgeon; and
- 26               (b) at least 1 month before the day of the inquiry, give written
- 27               notice of the time and place to—
- 28                   (i) the veterinary surgeon; and

- 1 (ii) the board; and  
2 (iii) the commission.  
3 (2) The board may also give written notice of the inquiry to the person  
4 who made the complaint.

5 **95 Conduct of inquiry hearing**

- 6 (1) A professional standards panel may conduct a standards inquiry  
7 hearing about a veterinary surgeon in any way the panel considers  
8 appropriate.  
9 (2) However, the professional standards panel must observe natural  
10 justice.

11 **96 Inquiry by professional standards panel**

12 At a standards inquiry about a veterinary surgeon, a professional  
13 standards panel may—

- 14 (a) make the inquiries and obtain any information the panel needs  
15 from any source the panel considers appropriate (including by  
16 talking to the veterinary surgeon) to decide whether the  
17 veterinary surgeon is contravening, or has contravened, the  
18 required standard of practice or does not satisfy the suitability  
19 to practise requirements; and  
20 (b) arrange for a performance review to be conducted on the  
21 veterinary surgeon, either generally or in relation to particular  
22 areas; and  
23 (c) consider patterns of practice by the veterinary surgeon.

24 *Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the  
25 privilege against self-incrimination and client legal privilege.

1    **97           Role of commission**

2           At a standards inquiry, the commission may—

- 3           (a) be represented; and
- 4           (b) give evidence about the consideration of a complaint under the
- 5                 *Human Rights Commission Act 2005*; and
- 6           (c) be present at the inquiry even if not giving evidence.

7    **98           Interim actions**

- 8           (1) At a standards inquiry about a veterinary surgeon, a professional
- 9                 standards panel may take action under section 103 (2) (Action of
- 10                 professional standards panel after inquiry) (other than
- 11                 section 103 (2) (a)) in relation to the veterinary surgeon if satisfied
- 12                 that it is necessary to take action to protect the public, even though
- 13                 the panel has not finished the inquiry.
- 14           (2) Action under subsection (1) has effect only until a decision is made
- 15                 by the professional standards panel at the end of the standards
- 16                 inquiry.

17    **99           Adjournment**

18           A professional standards panel may adjourn a standards inquiry for

19                 a stated time if, taking into consideration the need to deal with

20                 inquiries promptly, the panel is satisfied that it is appropriate to

21                 adjourn the inquiry.

22    **100          Lawyer assisting professional standards panel**

23           The board may appoint a lawyer to assist the panel for a standards

24                 inquiry (including the inquiry hearing).

1 **101 Representation at inquiry hearing**

- 2 (1) This section applies to the following people at a standards inquiry  
3 about a veterinary surgeon:
- 4 (a) the veterinary surgeon;
- 5 (b) the commission;
- 6 (c) a witness allowed to attend the standards inquiry.
- 7 (2) A person to whom this section applies may be accompanied by, or  
8 represented at, the standards inquiry hearing by a legal adviser or  
9 other support person.

10 **102 Record of standards inquiry**

11 A professional standards panel must keep a record, in electronic or  
12 written form, of a standards inquiry (including the inquiry hearing).

13 **103 Action of professional standards panel after inquiry**

- 14 (1) After an inquiry about a veterinary surgeon, a professional standards  
15 panel must decide whether—
- 16 (a) the veterinary surgeon is contravening, or has contravened, the  
17 required standard of practice or does not satisfy the suitability  
18 to practise requirements; or
- 19 (b) the veterinary surgeon is putting, or has put, public safety at  
20 risk.
- 21 (2) If the professional standards panel is satisfied that the veterinary  
22 surgeon has done something mentioned in subsection (1), the panel  
23 may do 1 or more of the following:
- 24 (a) counsel, caution or reprimand the veterinary surgeon;
- 25 (b) require the veterinary surgeon to undergo stated medical,  
26 psychiatric or psychological assessment, counselling or both;

- 1 (c) impose on the veterinary surgeon's registration a condition that  
2 the panel considers appropriate to protect the public;
- 3 (d) require the veterinary surgeon to take part in a review of the  
4 veterinary surgeon's professional practice;
- 5 (e) require the veterinary surgeon to complete a stated educational  
6 or other stated professional development course;
- 7 (f) require the veterinary surgeon to report on the veterinary  
8 surgeon's practice at stated times, in the way stated and to a  
9 named person;
- 10 (g) require the veterinary surgeon to seek and take advice from  
11 stated entities in relation to the management of the veterinary  
12 surgeon's practice;
- 13 (h) require the supervision, monitoring or reporting about the  
14 effect of something the veterinary surgeon is required to do by  
15 the panel;
- 16 (i) refer the report or application for a condition review, to the  
17 board with—
- 18 (i) a recommendation that an application be made to the  
19 ACAT for the suspension or cancellation of the veterinary  
20 surgeon's registration; and
- 21 (ii) the standards inquiry report on which the  
22 recommendation is based;
- 23 (j) refer the report or complaint to the board with—
- 24 (i) a recommendation that an application be made to the  
25 ACAT for a declaration under section 62 (2) (f) in  
26 relation to the veterinary surgeon; and
- 27 (ii) the standards inquiry report on which the  
28 recommendation is based;

1 (k) accept a stated voluntary undertaking from the veterinary  
2 surgeon.

3 (3) If the professional standards panel acts under subsection (2) (other  
4 than under paragraph (i) or (j)), the act is an act of the board.

5 **104 Inquiry report**

6 (1) As soon as practicable after finishing a standards inquiry about a  
7 veterinary surgeon, the professional standards panel must prepare a  
8 written report (the *standards inquiry report*) that includes the  
9 following:

10 (a) if the standards inquiry found that the veterinary surgeon is  
11 contravening, or has contravened, the required standard of  
12 practice—how the standard is being, or was, contravened;

13 (b) if the standards inquiry found that the veterinary surgeon does  
14 not satisfy the suitability to practise requirements—which  
15 suitability to practise requirements are not satisfied;

16 (c) whether there is, or was, a risk to the public from the veterinary  
17 surgeon's practice and, if there is or was, what the risk is or  
18 was;

19 (d) the action taken by the panel and reasons for the action.

20 (2) Within 28 days after the end of the standards inquiry, the  
21 professional standards panel must give the standards inquiry report  
22 to—

23 (a) the veterinary surgeon; and

24 (b) the board; and

25 (c) the commission.

26 (3) The professional standards panel may also give the standards  
27 inquiry report to anyone else.



- 1           (4) However, the professional standards panel may omit material from a  
2           copy of the standards inquiry report given to a person under  
3           subsection (3) if the panel considers it appropriate to do so to protect  
4           someone's confidentiality.

- 1 **Part 10** **Veterinary surgeons board**
- 2 **Division 10.1** **Establishment and functions of board**
- 3 **105** **Veterinary surgeons board—establishment**
- 4 (1) The ACT Veterinary Surgeons Board (the *board*) is established.
- 5 (2) The board—
- 6 (a) is a body corporate; and
- 7 (b) must have a seal; and
- 8 (c) may sue and be sued, and hold property, in its corporate name.
- 9 **106** **Board—functions**
- 10 (1) The board has the following functions:
- 11 (a) administering a scheme of registration for, and of continuous
- 12 review of the standard of practice of, veterinary surgeons;
- 13 (b) setting fees for administration by the board;
- 14 (c) giving advice to the Minister, veterinary surgeons and the
- 15 public about matters relevant to veterinary surgeons;
- 16 (d) setting standards of practice for veterinary surgeons;
- 17 (e) taking part in any entity responsible for the development of
- 18 policies for the promotion and maintenance of standards of
- 19 practice for veterinary surgeons;
- 20 (f) approving educational and training courses related to
- 21 professional qualifications for veterinary surgeons;
- 22 (g) promoting and monitoring continuing competence of registered
- 23 veterinary surgeons and their professional development;

- 1 (h) dealing with registered veterinary surgeons who contravene the  
2 required standard of practice or who do not satisfy the  
3 suitability to practise requirements;
- 4 (i) providing information to allow the laying of charges against  
5 people who commit offences against this Act;
- 6 (j) assisting in the development of the required standard of  
7 practice;
- 8 (k) promoting the required standard of practice;
- 9 (l) developing and promoting best practice standards to which  
10 registered veterinary surgeons should aspire;
- 11 (m) developing supportive relationships with individuals or entities  
12 that have a shared interest in public protection and regulation  
13 of veterinary surgeons;
- 14 (n) providing information to confirm whether or not someone is a  
15 registered veterinary surgeon.
- 16 (2) The board may exercise any other function given to the board under  
17 this Act or another Territory law.
- 18 *Note* A provision of a law that gives an entity (including a person) a function  
19 also gives the entity powers necessary and convenient to exercise the  
20 function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).
- 21 (3) If the board wants a veterinary surgeon's registration suspended or  
22 cancelled, the board cannot suspend or cancel the registration itself,  
23 but may apply to the ACAT for suspension or cancellation.

1 **Division 10.2 Board membership**

2 **107 Membership of board**

- 3 (1) The board is made up of the president and the following people:  
4 (a) 3 elected members;  
5 (b) 3 appointed members, 1 of whom is a community  
6 representative.  
7 (2) A regulation may prescribe how the election for a board member  
8 takes place.

9 **108 Appointment of board president**

- 10 (1) The Minister must appoint a person as president of the board (the  
11 *board president*).

12 *Note 1* The Minister must consult the board, and may consult other people,  
13 before appointing the board president (see s 111).

14 *Note 2* For the making of appointments (including acting appointments), see  
15 the [Legislation Act](#), pt 19.3.

16 *Note 3* Certain Ministerial appointments require consultation with an Assembly  
17 committee and are disallowable (see [Legislation Act](#), div 19.3.3).

- 18 (2) However, the Minister may appoint a person under subsection (1)  
19 only if the person—

- 20 (a) is a registered veterinary surgeon; and  
21 (b) has been registered for a continuous period of at least 3 years  
22 immediately before the day of appointment.

- 23 (3) An appointment must be for a term of not longer than 4 years.

24 *Note* A person may be reappointed to a position if the person is eligible to be  
25 appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1,  
26 def *appoint*).

1     **109     Board deputy president**

- 2           (1) The board must, by majority vote, elect a board member (other than  
3           the board president) as deputy president of the board (the *board*  
4           *deputy president*).
- 5           (2) The board deputy president may exercise a function of the board  
6           president at any time when the president cannot for any reason  
7           exercise the function.
- 8           (3) The board deputy president is elected for 1 year, but may be  
9           re-elected if still eligible to be elected.
- 10          (4) The board deputy president may resign as deputy president by  
11          written notice given to the board president or, if there is no  
12          president, the board.

13     **110     Appointment of board members**

- 14          (1) The Minister may appoint a person as a member of the board.
- 15            *Note 1*   For the making of appointments (including acting appointments), see  
16            the [Legislation Act](#), pt 19.3.
- 17            *Note 2*   In particular, an appointment may be made by naming a person or  
18            nominating the occupant of a position (see [Legislation Act](#), s 207).
- 19            *Note 3*   Certain Ministerial appointments require consultation with an Assembly  
20            committee and are disallowable (see [Legislation Act](#), div 19.3.3).
- 21          (2) However, the Minister may appoint a person under subsection (1)  
22          (other than the community representative) only if the person—
- 23            (a) is a registered veterinary surgeon; and
- 24            (b) has been registered for a continuous period of at least 3 years  
25            immediately before the day of the appointment.
- 26          (3) An appointment must be for not longer than 4 years.
- 27            *Note*     A person may be reappointed to a position if the person is eligible to be  
28            appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1,  
29            def *appoint*).

- 1            (4) The Minister must appoint the community representative from the  
2            community representative list prepared by the board.
- 3            (5) The Minister may appoint a person as a community representative to  
4            the board only if—
- 5            (a) satisfied that the person has interests, skills or qualifications  
6            that will help the board in carrying out the objects of this Act;  
7            and
- 8            (b) the person is not a veterinary surgeon.
- 9            (6) If a position on the board to which someone was appointed under  
10            this section becomes free, the Minister must fill the position by  
11            appointing someone who satisfies the requirements for the position.

12    **111            Consultation about appointment to board**

- 13            (1) Before appointing someone, other than a community representative,  
14            to the board the Minister must consult the board.
- 15            (2) The Minister may also seek advice, and nominations, from an entity  
16            the Minister considers suitable to give advice, and make  
17            nominations, in relation to the board.
- 18            (3) Also, if the Minister considers it appropriate to do so, the Minister  
19            may appoint members to the board at intervals, instead of at the  
20            same time.

21            **Example**

22            to avoid the loss of corporate knowledge that might happen if a large number of  
23            members were appointed at the same time and, because of that, left the board at  
24            the same time

25            *Note*        An example is part of the Act, is not exhaustive and may extend, but  
26            does not limit, the meaning of the provision in which it appears (see  
27            [Legislation Act](#), s 126 and s 132).

- 28            (4) Subsection (1) does not apply if the board is suspended.

1 **112 Disclosure of interests by board members**

2 (1) If a board member has a material interest in an issue being  
3 considered, or about to be considered, by the board, the member  
4 must disclose the nature of the interest at a board meeting as soon as  
5 practicable after the relevant facts come to the member's  
6 knowledge.

7 *Note* **Material interest** is defined in s (4). The definition of *indirect interest*  
8 in s (4) applies to the definition of *material interest*.

9 (2) The disclosure must be recorded in the board's minutes and, unless  
10 the board otherwise decides, the member must not—

11 (a) be present when the board considers the issue; or

12 (b) take part in a decision of the board on the issue.

13 **Example**

14 Albert, Boris and Chloe are members of the board. They have an interest in an  
15 issue being considered at a board meeting and they disclose the interest as soon as  
16 they become aware of it. Albert's and Boris's interests are minor but Chloe has a  
17 direct financial interest in the issue.

18 The board considers the disclosures and decides that because of the nature of the  
19 interests—

20 (a) Albert may be present when the board considers the issue but not take part  
21 in the decision; and

22 (b) Boris may be present for the consideration and take part in the decision.

23 The board does not make a decision allowing Chloe to be present or take part in  
24 the board's decision. Accordingly, since Chloe has a material interest she cannot  
25 be present for the consideration of the issue or take part in the decision.

26 *Note* An example is part of the Act, is not exhaustive and may extend, but  
27 does not limit, the meaning of the provision in which it appears (see  
28 [Legislation Act](#), s 126 and s 132).

29 (3) Any other board member who also has a material interest in the  
30 issue must not be present when the board is considering its decision  
31 under subsection (2).

1            (4) In this section:

2            *associate*, of a person, means—

3            (a) the person's business partner; or

4            (b) a close friend of the person; or

5            (c) a family member of the person.

6            *executive officer*, of a corporation, means a person, however  
7            described and whether or not the person is a director of the  
8            corporation, who is concerned with, or takes part in, the  
9            corporation's management.

10           *indirect interest*—without limiting the kinds of indirect interests a  
11           person may have, a person has an *indirect interest* in an issue if any  
12           of the following has an interest in the issue:

13           (a) an associate of the person;

14           (b) a corporation if the corporation has not more than  
15           100 members and the person, or an associate of the person, is a  
16           member of the corporation;

17           (c) a subsidiary of a corporation mentioned in paragraph (b);

18           (d) a corporation if the person, or an associate of the person, is an  
19           executive officer of the corporation;

20           (e) the trustee of a trust if the person, or an associate of the person,  
21           is a beneficiary of the trust;

22           (f) a member of a firm or partnership if the person, or an associate  
23           of the person, is a member of the firm or partnership;

24           (g) someone else carrying on a business if the person, or an  
25           associate of the person, has a direct or indirect right to  
26           participate in the profits of the business.



1            **material interest**—a board member has a **material interest** in an  
2 issue if the member has a direct or indirect—

- 3            (a) financial interest in the issue; or  
4            (b) interest of any other kind if the interest could conflict with the  
5 proper exercise of the member's functions in relation to the  
6 board's consideration of the issue.

7            **113            Ending of appointment to board**

- 8            (1) This section applies if the board president believes on reasonable  
9 grounds that someone should no longer be a board member.
- 10           (2) The board president must, in writing, tell the person—
- 11           (a) of the president's belief that the person should no longer be a  
12 board member; and
- 13           (b) why the president holds the belief; and
- 14           (c) that the person may, within 2 weeks after the day the person  
15 receives the notice, make a written submission to the president  
16 about why the person believes the person should continue to be  
17 a board member.
- 18           (3) If, after considering any submission made within the 2-week period,  
19 the board president is satisfied that the person should no longer be a  
20 board member, the president may apply, in writing, to the Minister  
21 for the person's removal.
- 22           (4) The application must—
- 23           (a) state the reasons why the board president believes the person  
24 should no longer be a board member; and
- 25           (b) be accompanied by any submission made by the person to the  
26 president within the 2-week period.

- 1            (5) If, after considering the application and any submission  
2            accompanying it, the Minister is satisfied that the person should no  
3            longer be a board member—
- 4            (a) the Minister may give the board president and the person  
5            written notice that the person is no longer a member; and
- 6            (b) if the Minister gives the person notice—the person is no longer  
7            a member from the time the person receives the notice.
- 8            (6) If, after considering the application, the Minister is not satisfied that  
9            the person should no longer be a board member, the Minister must  
10           give written notice to the board president and the person to the  
11           effect that the person remains a board member.

12           **114            Conditions of board appointment generally**

- 13           (1) The Minister may, conditionally or unconditionally, allow the board  
14           president to take leave.
- 15           (2) The board president may, conditionally or unconditionally, allow a  
16           board member (other than the president) to take leave for not longer  
17           than 1 year.
- 18           *Note 1*    The board deputy president is a board member and so can be given  
19           leave under s (2).
- 20           *Note 2*    The Minister may appoint a person to act in the position of someone on  
21           leave (see [Legislation Act](#), s 209).
- 22           (3) The board may decide, in writing, the allowances to be paid to board  
23           members.
- 24           (4) However, if the remuneration tribunal sets a maximum amount of  
25           allowances for board members, the board may not pay its members  
26           more than that amount.

1 (5) The board may pay anyone who helps the board.

2 **Examples**

3 1 by providing expert opinion to the ACAT in relation to a report about a  
4 veterinary surgeon

5 2 by serving on a panel or committee established by the board

6 3 by providing legal advice, or other services, to the board

7 *Note* An example is part of the Act, is not exhaustive and may extend, but  
8 does not limit, the meaning of the provision in which it appears (see  
9 [Legislation Act](#), s 126 and s 132).

10 (6) The board must, if practicable, seek the Minister's approval before  
11 taking action under this Act that the board considers is likely to  
12 incur an extraordinary liability.

13 (7) The board may apply to the Minister for financial assistance if the  
14 board believes on reasonable grounds that it is likely to incur  
15 extraordinary expenses in relation to legal fees or damages because  
16 of the administration of this Act.

17 **115 Reporting on exercise of functions**

18 (1) The Minister may, in writing, ask for a written report from the board  
19 about the exercise of its functions.

20 (2) The request may be for a general report or a report in relation to  
21 stated criteria or a stated matter.

22 (3) The board must provide a report under subsection (2) within the  
23 time the Minister reasonably requires.

24 **116 Failure by board to exercise functions diligently**

25 (1) If the Minister is not satisfied that the board is exercising its  
26 functions diligently, the Minister may, in writing—

27 (a) tell the board that the Minister is not satisfied that the board is  
28 exercising its functions diligently; and

29 (b) give the board reasons why the Minister is not satisfied; and

- 1                    (c) give the board at least 14 days after the day the notice is given  
2                    to the board to make representations to the Minister about the  
3                    matter.

4                    *Note*        The functions of the board are set out in s 106.

- 5                    (2) If, after considering any representations made by the board within  
6                    the time set out in the notice, the Minister is not satisfied that the  
7                    board is exercising its functions diligently, the Minister may, in  
8                    writing, tell the board what it must do for the Minister to be  
9                    satisfied.
- 10                   (3) A regulation may prescribe matters that the Minister must or may  
11                   take into consideration in deciding for this section or section 117  
12                   whether the board is exercising its functions diligently.

13                   **117        Discharging board**

- 14                   (1) This section applies if the Minister—  
15                   (a) has written to the board under section 116 (2); and  
16                   (b) is satisfied that a reasonable time has passed since the Minister  
17                   wrote to the board.
- 18                   (2) If the Minister is still not satisfied that the board is exercising its  
19                   functions diligently, the Minister may, in writing—  
20                   (a) tell the board that the Minister is not satisfied that the board is  
21                   exercising its functions diligently; and  
22                   (b) give the board reasons why the Minister is still not satisfied;  
23                   and  
24                   (c) give the board at least 14 days after the day the notice is given  
25                   to the board to make representations to the Minister about why  
26                   the board should not be discharged.

- 1 (3) If, after considering any representations made by the board within  
2 the time stated in the notice, the Minister is satisfied that the board  
3 should be discharged, the Minister may ask the Legislative  
4 Assembly to approve the discharge of the board.
- 5 (4) The approval of the Legislative Assembly may be expressed by  
6 resolution.
- 7 (5) If the Legislative Assembly approves the discharge of the board, the  
8 Minister may discharge the board by written notice.

9 **118 Effect of discharge—interim board**

- 10 (1) This section applies if the Minister discharges the board.
- 11 (2) The Minister may appoint veterinary surgeons to the board.
- 12 *Note 1* For the making of appointments (including acting appointments), see  
13 the [Legislation Act](#), pt 19.3.
- 14 *Note 2* In particular, an appointment may be made by naming a person or  
15 nominating the occupant of a position (see [Legislation Act](#), s 207).
- 16 *Note 3* Certain Ministerial appointments require consultation with an Assembly  
17 committee and are disallowable (see [Legislation Act](#), div 19.3.3).
- 18 (3) However, the Minister must not appoint a veterinary surgeon under  
19 subsection (2) unless satisfied that the person has the experience or  
20 expertise as a veterinary surgeon to exercise the functions of a board  
21 member.
- 22 (4) An appointment under subsection (2) is for 6 months and may not  
23 be extended.
- 24 (5) An appointment under subsection (2) ends if a veterinary surgeon is  
25 appointed or elected to the board under another section of this Act.

1        **Division 10.3            Board administration**

2        **119            Banking and investment of money of board**

- 3            (1) The board must—
- 4                    (a) maintain at least 1 account; and
- 5                    (b) pay all amounts it receives into an account; and
- 6                    (c) pay all amounts it spends out of an account.
- 7            (2) The board may invest its money as it considers appropriate.
- 8            (3) In this section:

9                    *account* means an account with an authorised deposit-taking  
10                    institution.

11                    *Note*    *Authorised deposit-taking institution*—see the [Legislation Act](#),  
12                    dictionary, pt 1.

13        **120            Offence—prohibition on business**

14                    A member of the board must not authorise the board to carry on  
15                    business except in the exercise of its functions.

16                    Maximum penalty: 50 penalty units.

17        **121            Borrowing powers**

- 18            (1) The board may, if authorised by an unopposed resolution, do either  
19            or both of the following:

- 20                    (a) borrow amounts needed for the exercise of its functions;
- 21                    (b) secure the repayment of an amount borrowed by it and the  
22                    payment of interest on an amount borrowed by it.

- 23            (2) For this section, a resolution of the board is an *unopposed*  
24            *resolution* if—

- 25                    (a) no votes are cast against the resolution; and

1 (b) at least 1 vote is cast in favour of the resolution.

2 *Note* An abstention of a member does not (in itself) prevent an unopposed  
3 resolution from being passed if at least 1 vote is cast in favour of the  
4 resolution.

5 **122 Appointment of executive officer**

6 (1) The board must, in writing, appoint an executive officer.

7 *Note 1* For the making of appointments (including acting appointments), see  
8 the [Legislation Act](#), pt 19.3.

9 *Note 2* In particular, an appointment may be made by naming a person or  
10 nominating the occupant of a position (see [Legislation Act](#), s 207).

11 (2) The executive officer may, but need not, be a member of the board.

12 **123 Executive officer—functions**

13 (1) The executive officer—

14 (a) is responsible for the management of the board's affairs,  
15 subject to any direction given by the board; and

16 (b) must advise the board; and

17 (c) has any other function given to the executive officer under a  
18 territory law.

19 (2) The executive officer may delegate a function given to the officer  
20 under a territory law to a public servant, including the registrar of  
21 the board.

22 *Note* For the making of delegations and the exercise of delegated functions,  
23 see the [Legislation Act](#), pt 19.4.

1 **124 Employment of staff**

2 (1) The board may engage the people, or buy the services, that are  
3 necessary or desirable to help it to exercise its functions.

4 (2) Without limiting subsection (1), the board may engage a person on a  
5 fee or contractual basis to provide advice or other assistance.

6 *Note* **Person** includes a corporation (see [Legislation Act](#), dict, pt 1).

7 **125 Delegation by board**

8 The board may delegate a function to—

9 (a) a board member; or

10 (b) the board's executive officer; or

11 (c) a committee of the board; or

12 (d) anyone else the board considers appropriate.

13 *Note* For the making of delegations and the exercise of delegated functions,  
14 see the [Legislation Act](#), pt 19.4.



---

1 **Part 11** **Notification and review of**  
2 **decisions**

3 **126** **Meaning of *reviewable decision*—pt 11**

4 In this part:

5 *reviewable decision* means a decision mentioned in schedule 1,  
6 column 3 under a provision of this Act mentioned in column 2 in  
7 relation to the decision.

8 **127** **Reviewable decision notices**

9 If a person makes a reviewable decision, the person must give a  
10 reviewable decision notice to each entity prescribed by regulation in  
11 relation to the decision.

12 *Note 1* The person must also take reasonable steps to give a reviewable  
13 decision notice to any other person whose interests are affected by the  
14 decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

15 *Note 2* The requirements for reviewable decision notices are prescribed under  
16 the [ACT Civil and Administrative Tribunal Act 2008](#).

17 **128** **Applications for review**

18 The following may apply to the ACAT for review of a reviewable  
19 decision:

20 (a) an entity mentioned in schedule 1, column 4 in relation to the  
21 decision;

22 (b) any other person whose interests are affected by the decision.

23 *Note* If a form is approved under the [ACT Civil and Administrative Tribunal](#)  
24 [Act 2008](#) for the application, the form must be used.

1 **Part 12 Protection and information**

2 **129 Meaning of *informed person*—pt 12**

3 In this part:

4 *informed person* means anyone who is, or has been—

- 5 (a) a member of the board; or
- 6 (b) a member of a personal assessment panel or professional
- 7 standards panel; or
- 8 (c) a member of the staff of the board; or
- 9 (d) acting under the direction or authority of the board.

10 **130 Protection of participants and people reporting**

- 11 (1) This section applies to a person who—
- 12 (a) is or has been a participant in a proceeding about a complaint,
- 13 or an application for a condition review, before the board, a
- 14 personal assessment panel or a professional standards panel; or
- 15 (b) has made a report.
- 16 (2) An action or proceeding does not lie against a person to whom this
- 17 section applies in relation to an act done, or omitted to be done,
- 18 honestly in that capacity.

19 **131 Protection of informed people**

- 20 (1) An informed person is not civilly liable for conduct engaged in
- 21 honestly and without recklessness—
- 22 (a) in the exercise of a function under this Act; or
- 23 (b) in the reasonable belief that the conduct was in the exercise of
- 24 a function under this Act.

- 1 (2) An informed person is, in any legal proceeding, competent but not  
2 compellable to give evidence or produce documents in relation to  
3 any matter in which the person was involved in the course of  
4 exercising the person's functions.
- 5 (3) A civil liability that would, apart from this section, attach to an  
6 informed person, attaches instead to the territory.

7 **132 Nondisclosure of complaints**

- 8 (1) This section applies in relation to a complaint made about a  
9 veterinary surgeon.
- 10 (2) An informed person must not disclose information to the veterinary  
11 surgeon that allows the person who made the complaint (the  
12 *complainant*) to be identified if the informed person has reason to  
13 believe that the disclosure would, directly or indirectly—
- 14 (a) put at risk the health or safety of anyone; or
- 15 (b) cause anyone to receive a lower standard of service than the  
16 person would have received if the complainant had not been  
17 identified; or
- 18 (c) prejudice the management of the complaint or its consideration  
19 by the commission or the board.

20 Maximum penalty: 20 penalty units.

21 **133 Use and disclosure of protected information**

- 22 (1) An information holder commits an offence if—
- 23 (a) the information holder uses information; and
- 24 (b) the information is protected information about someone else;  
25 and

1 (c) the information holder is reckless about whether the  
2 information is protected information about someone else.

3 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
4 both.

5 (2) An information holder commits an offence if—

6 (a) the information holder does something that discloses  
7 information; and

8 (b) the information is protected information about someone else;  
9 and

10 (c) the information holder is reckless about whether—

11 (i) the information is protected information about someone  
12 else; and

13 (ii) doing the thing would result in the information being  
14 disclosed to someone else.

15 Maximum penalty: 50 penalty units, imprisonment for 6 months or  
16 both.

17 (3) Subsections (1) and (2) do not apply if the information holder uses  
18 or discloses protected information about someone else (the  
19 *protected person*)—

20 (a) under this Act or another territory law; or

21 (b) in relation to the exercise of a function, as an information  
22 holder, under this Act or another territory law; or

23 (c) in a court proceeding; or

24 (d) with the protected person's consent.

25 *Note* The defendant has an evidential burden in relation to the matters  
26 mentioned in s (3) (see [Criminal Code](#), s 58).

- 1 (4) An information holder need not disclose protected information to a  
2 court, or produce a document containing protected information to a  
3 court, unless it is necessary to do so for this Act or another territory  
4 law.
- 5 (5) In this section:
- 6 *court* includes a tribunal, authority or person having power to  
7 require the production of documents or the answering of questions.
- 8 *disclose* includes—
- 9 (a) communicate; or
- 10 (b) publish.
- 11 *information* means information, whether true or not, in any form  
12 and includes an opinion and advice.
- 13 *information holder* means—
- 14 (a) a person who is or has been a member of the board; or
- 15 (b) anyone else who exercises or has exercised a function under  
16 this Act.
- 17 *produce* includes allow access to.
- 18 *protected information* means information about a person that is  
19 disclosed to, or obtained by, an information holder because of the  
20 exercise of a function under this Act by the information holder or  
21 someone else.
- 22 *use*, in relation to information, includes make a record of the  
23 information.

1 **Part 13** **Miscellaneous**

2 **134 Exemptions from Act**

3 (1) The Minister may, in writing, exempt a veterinary surgeon from a  
4 provision of this Act if satisfied that it is in the public interest to do  
5 so.

6 (2) An exemption is a disallowable instrument.

7 *Note* A disallowable instrument must be notified, and presented to the  
8 Legislative Assembly, under the [Legislation Act](#).

9 (3) An exemption must be made in accordance with the guidelines (if  
10 any) made under subsection (4).

11 (4) The Minister may make guidelines for the giving of exemptions  
12 under subsection (1).

13 (5) A guideline is a disallowable instrument.

14 *Note* A disallowable instrument must be notified, and presented to the  
15 Legislative Assembly, under the [Legislation Act](#).

16 **135 Costs of supervising protective action**

17 (1) This section applies if—

18 (a) a veterinary surgeon agrees under section 82 (Acceptance of  
19 condition) to having a condition imposed on the veterinary  
20 surgeon's registration; or

21 (b) a requirement made by the professional standards panel under  
22 section 103 (Action of professional standards panel after  
23 inquiry) involves monitoring the compliance of a veterinary  
24 surgeon with a requirement under that section.

25 (2) The board may charge the veterinary surgeon a fee, or require the  
26 veterinary surgeon to pay, for the reasonable cost of monitoring the  
27 veterinary surgeon's compliance with the condition or requirement.

1    **136       Determination of fees by board**

2       (1) The board may, in writing, determine fees for this Act.

3           *Note*    The [Legislation Act](#) contains provisions about the making of  
4                    determinations and regulations relating to fees (see pt 6.3).

5       (2) A determination is a disallowable instrument.

6           *Note*    A disallowable instrument must be notified, and presented to the  
7                    Legislative Assembly, under the [Legislation Act](#).

8       (3) A regulation may prescribe when fees may not be charged, or must  
9            be refunded, by the board.

10    **137       Determination of fees by Minister**

11       (1) The Minister may, in writing, determine fees for this Act.

12           *Note*    The [Legislation Act](#) contains provisions about the making of  
13                    determinations and regulations relating to fees (see pt 6.3).

14       (2) However, the Minister may not determine fees in relation to the  
15            board.

16       (3) A determination is a disallowable instrument.

17           *Note*    A disallowable instrument must be notified, and presented to the  
18                    Legislative Assembly, under the [Legislation Act](#).

19    **138       Approved forms**

20       (1) The board may approve forms for this Act.

21       (2) If the board approves a form for a particular purpose, the approved  
22            form must be used for the purpose.

23           *Note*    For other provisions about forms, see the [Legislation Act](#), s 255.

24       (3) An approved form is a notifiable instrument.

25           *Note*    A notifiable instrument must be notified under the [Legislation Act](#).

- 1     **139     Regulation-making power**
- 2           (1) The Executive may make regulations for this Act.
- 3           *Note*     A regulation must be notified, and presented to the Legislative  
4                            Assembly, under the [Legislation Act](#).
- 5           (2) A regulation may impose conditions, including restrictions, on the  
6           practice of veterinary surgery to protect the public or the public  
7           interest.
- 8           (3) A regulation may prescribe offences for contraventions of a  
9           regulation and prescribe maximum penalties of not more than  
10           30 penalty units for offences against a regulation.
- 11          (4) A regulation may prescribe—
- 12           (a) what an application for registration may require and how it  
13           must be made; and
- 14           (b) when someone who is not required to be registered under  
15           section 14 (1) may be registered conditionally; and
- 16           (c) when (in addition to the circumstances already prescribed  
17           under this Act) the board may apply for—
- 18                 (i) the suspension or cancellation of registration; or
- 19                 (ii) a declaration under section 62 (2) (f) (which is about a  
20                 person who is not registered); and
- 21           (d) when a veterinary surgeon’s registration may be renewed,  
22           including when it may be renewed retrospectively.
- 23          (5) Also, a regulation may apply, adopt or incorporate (with or without  
24          change) an instrument as in force at a particular time or from time to  
25          time.



1 **Part 14** **Repeals and consequential**  
2 **amendments**

3 **140** **Legislation repealed**

4 (1) The following legislation is repealed:

- 5 • *Health Professionals Act 2004* (A2004-38)  
6 • *Health Professionals Regulation 2004* (SL2004-41).

7 (2) All other legislative instruments under the *Health*  
8 *Professionals Act 2004* are repealed.

9 **141** **Legislation amended—schs 2 and 3**

10 This Act amends the legislation mentioned in schedules 2 and 3.

1 **Part 20 Transitional**

2 **200 Definitions—pt 20**

3 In this part:

4 *commencement day* means the day this Act, section 3 commences.

5 *repealed Act* means the *Health Professionals Act 2004*.

6 **201 Members of board**

7 (1) This section applies to a person who was a board member of the  
8 ACT Veterinary Surgeons Board under the [repealed Act](#)  
9 immediately before the commencement day.

10 (2) The person is, on the commencement day, taken to be a member of  
11 the ACT Veterinary Surgeons Board appointed under this Act in the  
12 same capacity that the person was appointed under the [repealed Act](#).

13 (3) The person's appointment ends at the end of the period stated in the  
14 appointment unless it is ended earlier.

15 **202 Veterinary surgeons—registration**

16 (1) This section applies to a person who was registered as a veterinary  
17 surgeon under the [repealed Act](#) immediately before the  
18 commencement day.

19 (2) The person is taken to be registered as a veterinary surgeon under  
20 this Act on the same conditions that the person was registered under  
21 the [repealed Act](#).

1   **203       Suspended registration**

- 2           (1) This section applies if, immediately before the commencement day,  
3           a person's registration under the [repealed Act](#) was suspended.
- 4           (2) The person's registration under this Act is taken to be suspended  
5           until the time the suspension would have ended under the [repealed](#)  
6           [Act](#).

7   **204       Register**

8           The register of veterinary surgeons kept under the [Health](#)  
9           [Professionals Regulation 2004](#) (repealed), section 151 is taken, on  
10          the commencement day, to be the register of veterinary surgeons  
11          under this Act, section 33.

12   **205       Inquiry under repealed Act**

- 13          (1) This section applies if—
- 14               (a) an inquiry had begun under the [repealed Act](#); and
- 15               (b) immediately before the commencement day—
- 16                     (i) the inquiry had not finished; or
- 17                     (ii) the inquiry had finished but no action had been taken in  
18                     relation to the findings of the inquiry.
- 19          (2) The inquiry is taken to be a disciplinary inquiry under this Act,  
20          part 6 (Occupational discipline).
- 21          (3) The inquiry is not affected only because something required to be  
22          done in relation to the inquiry under this Act was not required to be  
23          done under the [repealed Act](#).

1 **206 Executive officer**

2 (1) The person who, immediately before the commencement day, was  
3 the executive officer of the ACT Veterinary Surgeons Board under  
4 the repealed Act is, on the commencement day, taken to be the  
5 executive officer of the board on the same conditions that the person  
6 was appointed under the [repealed Act](#).

7 (2) The person's appointment ends at the end of the period stated in the  
8 appointment unless it is ended earlier.

9 **207 Transitional regulations**

10 (1) A regulation may prescribe transitional matters necessary or  
11 convenient to be prescribed because of the enactment of this Act.

12 (2) A regulation may modify this part (including in relation to another  
13 territory law) to make provision in relation to anything that, in the  
14 Executive's opinion, is not, or is not adequately or appropriately,  
15 dealt with in this part.

16 (3) A regulation under subsection (2) has effect despite anything  
17 elsewhere in this Act or another territory law.

18 **208 Expiry—pt 20**

19 This part expires 2 years after the commencement day.

20 *Note* Transitional provisions are kept in the Act for a limited time. A  
21 transitional provision is repealed on its expiry but continues to have  
22 effect after its repeal (see [Legislation Act](#), s 88).

---

## Schedule 1      Reviewable decisions

(see pt 11)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	14 (1) (a)	register person	applicant for registration
2	14 (1) (b)	register person conditionally	applicant for registration
3	14 (1) (c)	refuse to register person	applicant for registration
4	88	decision of the professional standards panel	applicant for registration

1 **Schedule 2 Consequential amendments**

2 (see s 141)

3 **Part 2.1 Children and Young People**  
4 **Act 2008**

5 **[2.1] Section 19 (2) (b)**

6 *omit*

7 or health professional

8 **[2.2] Section 20 (2)**

9 *omit*

10 or health professional

11 **[2.3] Section 98 heading**

12 *substitute*

13 **98 Health practitioners—non-treating functions**

14 **[2.4] Section 98 (1)**

15 *omit*

16 or a health professional (a *non-treating health professional*)

17 **[2.5] Section 109 (4) (a)**

18 *omit*

19 or health professional

1 **[2.6] Section 137, definition of *non-treating doctor***

2 *omit*

3 and health professionals

4 **[2.7] Section 180 (2) (d) (i) and (4) (b)**

5 *omit*

6 and health professionals

7 **[2.8] Section 180 (4) (d)**

8 *omit*

9 , health professionals

10 **[2.9] Section 193 (1), example 2**

11 *omit*

12 or health professional

13 **[2.10] Section 208 (2) (b)**

14 *omit*

15 director-general, health practitioners and health professionals (other  
16 than non-treating health practitioners and non-treating health  
17 professionals)

18 *substitute*

19 director-general and health practitioners (other than non-treating  
20 health practitioners)

21 **[2.11] Section 246, definition of *non-treating doctor***

22 *omit*

23 and health professionals

1 **[2.12] Section 438 (2), example 3**

2 *omit*  
3 or health professional

4 **[2.13] Section 530 (2), definitions of *non-treating doctor* and  
5 *non-treating health practitioner***

6 *omit*  
7 and health professionals

8 **[2.14] Section 530 (2), definition of *non-treating health*  
9 *professional***

10 *omit*

11 **[2.15] Section 530 (2), definition of *non-treating nurse***

12 *omit*  
13 and health professionals

14 **[2.16] Division 16.4.3 heading**

15 *substitute*

16 **Division 16.4.3 Non-treating health practitioners**

17 **[2.17] Section 632 heading**

18 *substitute*

19 **632 Health practitioners—non-treating functions**

20 **[2.18] Section 632 (1)**

21 *omit*  
22 or a health professional (a *non-treating health* professional)



1 **[2.19] Section 632 (2)**

2 *substitute*

3 (2) An operating entity must ensure, as far as practicable, that a child's  
4 or young person's treating health practitioner is not asked to  
5 exercise a function as a non-treating health practitioner under this  
6 chapter in relation to the child or young person.

7 **[2.20] Section 632 (4), definition of *treating health practitioner***  
8 ***or health professional***

9 *omit*

10 **[2.21] Section 632 (4), new definition of *treating health***  
11 ***practitioner***

12 *insert*

13 *treating health practitioner*, in relation to a child or young person,  
14 means a health practitioner who has a professional relationship with  
15 the child or young person for the provision of health services.

16 **[2.22] Dictionary, definition of *health care treatment***

17 *omit*

18 or health professional

19 **[2.23] Dictionary, definition of *health professional***

20 *omit*

21 **[2.24] Dictionary, definition of *health service*, paragraph (b)**

22 *substitute*

23 (b) includes a service provided by a health practitioner in the  
24 practitioner's capacity as a health practitioner.

1 **[2.25] Dictionary, definition of *non-treating health professional***

2 *omit*

3 **Part 2.2 Crimes Act 1900**

4 **[2.26] Section 55A (2) (g)**

5 *omit*

6 health professional

7 *substitute*

8 health service provider

9 **[2.27] Section 55A (5), definition of *health professional***

10 *omit*

11 **[2.28] Section 55A (5), new definition of *health service provider***

12 *insert*

13 ***health service provider*** includes—

14 (a) a health practitioner; and

15 (b) someone providing a health service.

16 **[2.29] Section 61A (2) (g)**

17 *omit*

18 health professional

19 *substitute*

20 health service provider

1 **[2.30] Section 61A (5), definition of *health professional***

2 *omit*

3 **[2.31] Section 61A (5), new definition of *health service provider***

4 *insert*

5 *health service provider*—see section 55A (5).

## 6 **Part 2.3 Firearms Regulation 2008**

7 **[2.32] Section 15 (3), except table 15**

8 *omit*

## 9 **Part 2.4 Health Act 1993**

10 **[2.33] Section 74 (3)**

11 *omit*

12 to meet the required

13 *substitute*

14 to meet a required

15 **[2.34] Section 74 (3), new note**

16 *insert*

17 *Note* The *Health Practitioner Regulation National Law (ACT)*, pt 8, div 2  
18 imposes an obligation to report misconduct or impairment.

1 **[2.35] Section 74 (4)**

2 *omit*

3 **[2.36] Dictionary, definition of *health board***

4 *substitute*

5 *health board* means a national board established under the *Health*  
6 *Practitioner Regulation National Law (ACT)*, section 31.

7 **Part 2.5 Health Professionals (Special**  
8 **Events Exemptions) Act 2000**

9 **[2.37] Section 11 (1)**

10 *omit*

11 the *Health Professionals Act 2004*,

12 **[2.38] Section 12 (1) and (2)**

13 *omit*

14 the *Health Professionals Act 2004*,

15 **[2.39] Section 12 (3)**

16 *omit*

17 **Part 2.6 Health Records (Privacy and**  
18 **Access) Act 1997**

19 **[2.40] Section 16D (5), definition of *registration board***

20 *substitute*

21 *registration board* means a national board established under the  
22 *Health Practitioner Regulation National Law (ACT)*, section 31.

1 **Part 2.7** **Human Rights Commission**  
2 **Act 2005**

3 **[2.41] Section 3, note 1**

4 *substitute*

5 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
6 Act, and includes references (*signpost definitions*) to other terms  
7 defined elsewhere in this Act.

8 For example, the signpost definition '*unlawful act*, for division 4.2A  
9 (Discrimination complaints to ACAT)—see section 53.' means that the  
10 term '*unlawful act*' is defined in that section for division 4.2A.

11 **[2.42] Section 7 (2)**

12 *omit*

13 health professional who is a

14 **[2.43] Section 7 (3) (a) and (b)**

15 *substitute*

- 16 (a) a service provided by a health practitioner in the practitioner's  
17 capacity as a health practitioner; and
- 18 (b) a service provided specifically for carers of people receiving  
19 health services or carers of people with physical or mental  
20 conditions; and
- 21 (c) a service provided by a veterinary surgeon in the surgeon's  
22 capacity as a veterinary surgeon.

23 **[2.44] Section 14 (1), note**

24 *omit*

- 25 • *Health Professionals Act 2004*

1 **[2.45] Section 14 (1), note**

2 *insert*

- 3 • *Veterinary Surgeons Act 2015*

4 **[2.46] Section 39 (1) (b) (iv)**

5 *omit*

6 *Health Professionals Act 2004*

7 *substitute*

8 *Veterinary Surgeons Act 2015*

9 **[2.47] Section 42 (1), note 1**

10 *substitute*

11 *Note 1* A complaint about a veterinary surgeon is dealt with by way of  
12 commission-initiated consideration (see s 94 (2)).

13 **[2.48] Section 48 (1), note 1**

14 *substitute*

15 *Note 1* A complaint about a veterinary surgeon may also be dealt with by  
16 commission-initiated consideration (see s 94 (2)).

17 **[2.49] Section 48 (3) (b), example 3**

18 *substitute*

19 3 It may be possible for action in relation to the complaint to be taken under  
20 another Act if the complaint is substantiated by, for example, reporting a  
21 veterinary surgeon to the veterinary surgeons board or making an application  
22 for an occupational discipline order in relation to the veterinary surgeon to  
23 the ACAT.

1 **[2.50] Section 78 (1) (e)**

2 *omit*

3 a health profession board

4 *substitute*

5 the veterinary surgeons board

6 **[2.51] Section 80 (1) (c)**

7 *substitute*

8 (c) if the complaint was referred to the commission by—

9 (i) a national board established under the *Health*  
10 *Practitioner Regulation National Law (ACT)*,  
11 section 31—the national board; or

12 (ii) the veterinary surgeons board—the board.

13 **[2.52] Section 83 (1), example 4**

14 *substitute*

15 4 the veterinary surgeons board

16 **[2.53] Part 5 heading**

17 *substitute*

18 **Part 5 Health code and veterinary**  
19 **surgeons board**

1 **[2.54] Division 5.2**

2 *substitute*

3 **Division 5.2 Relationship between commission**  
4 **and veterinary surgeons board**

5 **91 Meaning of *registered veterinary surgeon*—div 5.2**

6 In this division:

7 *registered veterinary surgeon*, in relation to a complaint, includes a  
8 veterinary surgeon who was registered at the time the matter  
9 complained about happened or failed to happen.

10 **92 Referral of complaints to veterinary surgeons board**

11 (1) This section applies if—

12 (a) the commission receives a complaint about a registered  
13 veterinary surgeon; or

14 (b) as part of a complaint about a service—the commission  
15 considers a registered veterinary surgeon's behaviour.

16 (2) The commission must give the veterinary surgeons board a copy  
17 of—

18 (a) the complaint; and

19 (b) all documents it has or gets relating to the complaint.

20 (3) To remove any doubt, the referral of a complaint to the veterinary  
21 surgeons board does not prevent the commission from considering  
22 the complaint.



1     **93           Complaints referred to veterinary surgeons board**

2           If the veterinary surgeons board receives a complaint in relation to a  
3           registered veterinary surgeon from the commission, the board must  
4           tell the commission, in writing—

5           (a) whether or not the board intends to take action in relation to the  
6           veterinary surgeon; and

7           (b) if the board intends to take action in relation to the veterinary  
8           surgeon—what action it proposes to take.

9           *Note*     The *Veterinary Surgeons Act 2015*, pt 7 provides for joint consideration  
10           of complaints and reports for veterinary surgeons.

11     **94           Consideration of veterinary surgeon complaint**

12           (1) The commission may consider a complaint about a veterinary  
13           surgeon.

14           (2) The consideration must be a commission-initiated consideration.

15           (3) The veterinary surgeons board must be kept informed about the  
16           consideration as if the board were the complainant.

17           **Example**

18           The commission must give the veterinary surgeons board a final report.

19           *Note*     An example is part of the Act, is not exhaustive and may extend, but  
20           does not limit, the meaning of the provision in which it appears (see  
21           [Legislation Act](#), s 126 and s 132).

22           (4) The commission may give the veterinary surgeons board any  
23           information, documents or other things the commission has in  
24           relation to the consideration.

25     **[2.55]       Dictionary, note 2**

26           *insert*

- 27           •     veterinary surgeon

1 **[2.56] Dictionary, new definition of *complaint***

2 *insert*

3 *complaint*, about a veterinary surgeon, means a complaint about a  
4 veterinary surgeon that may be made, or is made, under the  
5 *Veterinary Surgeons Act 2015*, section 50 (Who may complain?).

6 **[2.57] Dictionary, definitions of *health professional* and *health*  
7 *professional report***

8 *omit*

9 **[2.58] Dictionary, definition of *registered***

10 *substitute*

11 *registered*, for a veterinary surgeon, means registered under the  
12 *Veterinary Surgeons Act 2015*.

13 **[2.59] Dictionary, new definition of *registered veterinary*  
14 *surgeon***

15 *insert*

16 *registered veterinary surgeon*, for division 5.2 (Relationship  
17 between commission and veterinary surgeons board)—see  
18 section 91.

19 **[2.60] Dictionary, definition of *related act*, paragraph (c)**

20 *omit*

21 **[2.61] Dictionary, definition of *related act*, new paragraph (f)**

22 *insert*

23 (f) *Veterinary Surgeons Act 2015*.

1 **Part 2.8** **Legislation Act 2001**

2 **[2.62] Dictionary, part 1, definition of *veterinary surgeon***

3 *omit*

4 *Health Professionals Act 2004*

5 *substitute*

6 *Veterinary Surgeons Act 2015*

7 **Part 2.9** **Medicines, Poisons and**  
8 **Therapeutic Goods Act 2008**

9 **[2.63] Section 3, note 1**

10 *substitute*

11 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
12 Act, and includes references (*signpost definitions*) to other terms  
13 defined elsewhere in this Act.

14 For example, the signpost definition '*authorisation holder*, for part 8.1  
15 (Authorisations—disciplinary action)—see section 139.' means that the  
16 term '*authorisation holder*' is defined in that section for part 8.1.

17 **[2.64] Section 6 (3)**

18 *omit*

19 health professionals or health practitioners

20 *substitute*

21 health practitioners or veterinary surgeons

1 **[2.65] Section 7 (1)**

2 *omit*

3 health professional or a health practitioner

4 *substitute*

5 health practitioner or a veterinary surgeon

6 **[2.66] Section 138 (2) (b)**

7 *substitute*

8 (b) make a complaint under the *Veterinary Surgeons Act 2015*,  
9 part 5 about a veterinary surgeon.

10 **[2.67] Section 149 (2) (b)**

11 *substitute*

12 (b) if the relevant person is a veterinary surgeon—the veterinary  
13 surgeons board; and

14 **[2.68] Section 152 (3) (b)**

15 *substitute*

16 (b) if the relevant person is a veterinary surgeon—the veterinary  
17 surgeons board; and

18 **[2.69] Section 195 (4) (f)**

19 *omit*

20 a health profession board under the *Health Professionals Act 2004*

21 *substitute*

22 the veterinary surgeons board

1 **[2.70] Dictionary, note 2**

2 *insert*

- 3 • veterinary surgeon

4 **[2.71] Dictionary, definition of *health professional***

5 *omit*

6 **[2.72] Dictionary, new definition of *veterinary surgeons board***

7 *insert*

8 *veterinary surgeons board* means the veterinary surgeons board  
9 established under the *Veterinary Surgeons Act 2015*, section 105.

10 **Part 2.10 Medicines, Poisons and**  
11 **Therapeutic Goods Regulation**  
12 **2008**

13 **[2.73] Section 3, note 1**

14 *substitute*

15 *Note 1* The dictionary at the end of this regulation defines certain terms used in  
16 this regulation, and includes references (*signpost definitions*) to other  
17 terms defined elsewhere.

18 For example, the signpost definition '*young detainee*—see the *Children*  
19 *and Young People Act 2008*, section 95.' means that the term '*young*  
20 *detainee*' is defined in that section and the definition applies to this  
21 regulation.

22 **[2.74] Section 20 (2)**

23 *omit*

- 1 **[2.75] Section 21**
- 2 *substitute*
- 3 **21 Medicines authorisations subject to Veterinary Surgeons**  
4 **Act 2015 restrictions**
- 5 A veterinary surgeon's authorisation under the Act to deal with a  
6 medicine is subject to any condition or other restriction to which the  
7 veterinary surgeon is subject under the *Veterinary*  
8 *Surgeons Act 2015*.
- 9 **[2.76] Section 400 (1)**
- 10 *omit*
- 11 , or health professional
- 12 **[2.77] Section 400 (1), note**
- 13 *omit*  
14 and health professionals
- 15 **[2.78] Section 400 (2), example 1**
- 16 *omit*  
17 or health professional
- 18 **[2.79] Section 500 (1), definition of *health professional***
- 19 *omit*

1 **[2.80] Section 500 (1), new definition of *veterinary surgeon***

2 *insert*

3 *veterinary surgeon* does not include a prescriber who supplies a  
4 medicine during a consultation.

5 **[2.81] Section 500 (2)**

6 *substitute*

7 (2) A health practitioner or employee acting under the direction of a  
8 health practitioner, must supply a pharmacy medicine or pharmacist  
9 only medicine in a whole manufacturer's pack of the medicine.

10 **[2.82] Part 14.3 heading, note**

11 *omit*

12 or health professional

13 **[2.83] Schedule 1, part 1.4 heading**

14 *substitute*

15 **Part 1.4 Health practitioners at**  
16 **institutions**

17 **[2.84] Schedule 1, part 1.4, item 1**

18 *omit*

19 or health professional

1 **[2.85] Schedule 1, part 1.5, item 2, column 3, paragraph (i)**

2 *omit*

3 health professional

4 *substitute*

5 health practitioner

6 **[2.86] Dictionary, definition of *health profession***

7 *substitute*

8 *health profession* includes—

9 (a) a health profession under the *Health Practitioner Regulation*  
10 *National Law (ACT)*, section 5; and

11 (b) the veterinary surgeons profession under the *Veterinary*  
12 *Surgeons Act 2015*.

13 **[2.87] Dictionary, definition of *health professional***

14 *omit*

15 **[2.88] Dictionary, definition of *specialist area***

16 *substitute*

17 *specialist area*, for a health profession, means a recognised  
18 speciality under the *Health Practitioner Regulation National Law*  
19 *(ACT)*.



1 **[2.89] Dictionary, definition of *trainee*, and examples**

2 *substitute*

3 *trainee*, in relation to a health practitioner (other than a doctor or  
4 pharmacist), means a person holding limited or provisional  
5 registration to practise in a health profession under the *Health*  
6 *Practitioner Regulation National Law (ACT)* for the purpose of  
7 undertaking a period of supervised practice or course of training, or  
8 both, to allow the person to be registered to practise without  
9 supervision.

10 **Examples—references to trainee**

- 11 • trainee dentist  
12 • trainee nurse

13 *Note 1* For doctors and pharmacists, see the definition of *intern*.

14 *Note 2* An example is part of the regulation, is not exhaustive and may extend,  
15 but does not limit, the meaning of the provision in which it appears (see  
16 [Legislation Act](#), s 126 and s 132).

17 **Part 2.11 Radiation Protection Act 2006**

18 **[2.90] Section 115 (4) (c) (ii)**

19 *substitute*

20 (ii) the veterinary surgeons board; or

21 **Part 2.12 Trans-Tasman Mutual**  
22 **Recognition Act 1997**

23 **[2.91] Schedule 4, clause 2**

24 *omit*

25 *Health Professionals Act 2004* of the Australian Capital Territory

1 **Part 2.13** **Working with Vulnerable People**  
2 **(Background Checking) Act 2011**

3 **[2.92] Section 12 (2) (i) (iii)**

4 *substitute*

5 (iii) a health practitioner; or

1 **Schedule 3** **Human Rights Commission Act**  
2 **2005—Technical amendments**  
3 **consequential on operation of**  
4 **Health Practitioner Regulation**  
5 **National Law (ACT)**

6 (see s 141)

7 **[3.1] Section 42 (1), note 1**

8 *after*  
9 about a  
10 *insert*  
11 health practitioner or a

12 **[3.2] Section 48 (1), note 1**

13 *after*  
14 about a  
15 *insert*  
16 health practitioner or a

17 **[3.3] Part 5 heading**

18 *substitute*

19 **Part 5** **Health code, health profession**  
20 **boards and veterinary surgeons**  
21 **board**

Amendment [3.4]

---

1 **[3.4] Division 5.2 heading**

2 *substitute*

3 **Division 5.2 Relationship between commission,**  
4 **health profession boards and**  
5 **veterinary surgeons board**

6 **[3.5] Section 91 heading**

7 *substitute*

8 **91 Meaning of *registered health practitioner* and *registered***  
9 ***veterinary surgeon*—div 5.2**

10 **[3.6] Section 91, new definition of *registered health***  
11 ***practitioner***

12 *insert*

13 *registered health practitioner*, in relation to a complaint, includes a  
14 health practitioner who was registered at the time the matter  
15 complained about happened or failed to happen.

16 **[3.7] Section 92**

17 *substitute*

18 **92 Referral of complaints to boards**

19 (1) This section applies if—

20 (a) the commission receives a complaint about a registered health  
21 practitioner or veterinary surgeon; or

22 (b) as part of a complaint about a service—the commission  
23 considers the behaviour of a registered health practitioner or  
24 veterinary surgeon.

- 1 (2) The commission must give the relevant board a copy of—  
2 (a) the complaint; and  
3 (b) all documents it has or gets relating to the complaint.  
4 (3) To remove any doubt, the referral of a complaint to a board does not  
5 prevent the commission from considering the complaint.

6 **[3.8] Section 93**

7 *omit*  
8 the veterinary surgeons board  
9 *substitute*  
10 a relevant board

11 **[3.9] Section 93**

12 *omit*  
13 veterinary surgeon  
14 *substitute*  
15 health practitioner or veterinary surgeon

16 **[3.10] Section 94 heading**

17 *substitute*

18 **94 Consideration of complaints**

19 **[3.11] Section 94 (1)**

20 *omit*  
21 complaint about a veterinary surgeon  
22 *substitute*  
23 complaint about a health practitioner or a veterinary surgeon

1 **[3.12] Section 94 (3) and (4)**

2 *omit*

3 veterinary surgeons

4 *substitute*

5 relevant

6 **[3.13] Dictionary, definition of *complaint***

7 *substitute*

8 ***complaint***—

9 (a) about a health practitioner—means a complaint or a  
10 notification about the health practitioner that may be made, or  
11 is made, under this Act or the *Health Practitioner Regulation  
12 National Law (ACT)*, part 8 (Health, performance and  
13 conduct); and

14 (b) about a veterinary surgeon—means a complaint about the  
15 veterinary surgeon that may be made, or is made, under this  
16 Act or the *Veterinary Surgeons Act 2015*, section 50 (Who may  
17 complain?).

18 **[3.14] Dictionary, definition of *registered***

19 *substitute*

20 ***registered*** means—

21 (a) for a health practitioner—registered under the *Health  
22 Practitioner Regulation National Law (ACT)*; and

23 (b) for a veterinary surgeon—registered under the *Veterinary  
24 Surgeons Act 2015*.

- 
- 1 **[3.15] Dictionary, definition of *registered veterinary surgeon***
- 2 *omit*
- 3 (Relationship between commission and veterinary surgeons board)
- 4 *substitute*
- 5 (Relationship between commission, health profession boards and
- 6 veterinary surgeons board)
- 7 **[3.16] Dictionary, new definition of *relevant board***
- 8 *insert*
- 9 ***relevant board*** means—
- 10 (a) for a health practitioner regulated under the *Health*
- 11 *Practitioner Regulation National Law (ACT)*—the national
- 12 board for the practitioner under that Act; and
- 13 (b) for a veterinary surgeon—the veterinary surgeons board.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- authorised deposit-taking institution
- disallowable instrument (see s 9)
- Executive
- function
- occupational discipline order
- penalty unit (see s 133)
- person (see s 160)
- reviewable decision notice
- under.

*application*, for registration, includes an application for renewal of registration.

*board* means the ACT Veterinary Surgeons Board.

*board deputy president*—see section 109.

*board president*—see section 108.

*commission* means the human rights commission.

*commissioner* means the health services commissioner.

*complaint* means a complaint under division 5.2.

*condition review*, in relation to a veterinary surgeon, means a review, applied for under section 84, of the imposition of a condition on the veterinary surgeon's registration.

*corresponding law*, of another jurisdiction, means a law of that jurisdiction that corresponds to this Act.

*emergency order* means an emergency order under section 63.



- 1            *executive officer*, for the board, means the executive officer  
2 appointed by the board under a regulation.
- 3            *ground for occupational discipline*—see section 59.
- 4            *information* includes documents.
- 5            *informed person*, for part 12 (Protection and information)—see  
6 section 129.
- 7            *president*, of the board, means the president of the board appointed  
8 under section 108.
- 9            *professional standards panel* means a professional standards panel  
10 established under section 87.
- 11           *register*, a person, includes renew the person’s registration.
- 12           *registered*—
- 13           (a) for this Act, in relation to a veterinary surgeon—see  
14 section 10; and
- 15           (b) for part 4 (Offences)—see section 40; and
- 16           (c) for division 5.2 (Complaints), in relation to an act or omission  
17 of a veterinary surgeon—see section 49.
- 18           *required standard of practice*, for a veterinary surgeon—see  
19 section 11.
- 20           *reviewable decision*, for part 11 (Notification and review of  
21 decisions)—see section 126.
- 22           *specialist area*—
- 23           (a) means an area prescribed by regulation as a prescribed  
24 specialist area for veterinary surgeons; and
- 25           (b) includes a sub-specialist area prescribed by regulation.
- 26           *standards inquiry*—see section 94 (1).

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 May 2015.

**2 Notification**

Notified under the [Legislation Act](#) on 2015.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2015