

2025

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

VETERINARY PRACTICE AMENDMENT BILL 2025

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
TARA CHEYNE MLA**

VETERINARY PRACTICE AMENDMENT BILL 2025

The Bill is not a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The purpose of the Veterinary Practice Amendment Bill 2025 (the Bill) is to enhance the regulation of veterinary practice in the ACT by aligning with contemporary standards, improving the administration and efficiency of the legislation, and ensuring high standards of veterinary practice and public confidence in veterinary services.

The amendments in this Bill seek to:

- amend the objects of the Act to ensure that they are aligned with the Australian Veterinary Association's recommended key principles for veterinary practice acts in Australia;
- amend requirements relating to declaring new entities to be professional bodies and removing the requirement to consult before making regulations because it is not always necessary, or relevant, to consult with declared bodies;
- amend the regulation making power to allow regulations to introduce conditions or restrictions on the practice of veterinary science to protect the welfare of animals;
- introduce a new provision requiring a registered veterinary practitioner to hold a suitable third-party indemnity insurance policy; and
- other minor and technical amendments, including about the order of functions performed by the ACT Veterinary Practitioners Board to prioritise education, and clarify language around who can attend meetings of the Board.

CONSULTATION ON THE PROPOSED APPROACH

A review of the Act was undertaken by Transport Canberra and City Services (TCCS) in 2024 pursuant to section 148 of the Act.

The review was based on a consultation process with veterinary practitioners, peak bodies and the public and looked at:

- the effectiveness of the Act at meeting its legislated objects relating to the provision of veterinary services in the ACT;
- significant barriers to meeting the legislated objects, such as unintended consequences and/or other areas that require updating; and
- areas of the Act that need amendment/modification.

CONSISTENCY WITH HUMAN RIGHTS

During the development of the Bill, due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

An assessment against section 28 of the HRA is provided below.

Rights engaged

Rights engaged by this Bill include:

- Right to Recognition and equality before the law (Section 8);
- Right to Life (Section 9);
- Right to Privacy (Section 12);
- Rights in Criminal Proceedings (Section 22); and
- Right to Work (Section 27B).

Rights Promoted

Right to Life (Section 9): The right to life provides that everyone has the right to life and to not have their life taken. The right to life includes a duty on the government to take appropriate steps to protect individuals from risks to life. The amendments promote this right by ensuring that veterinary practitioners are competent, and that public health and safety are protected by reducing risks associated with exposure to animal-related diseases.

Rights Limited

Section 8: Recognition and equality before the law

1. Nature of the right and the limitation (ss 28(2)(a) and (c))

All individuals are equal before the law under section 8 of the HRA, meaning the law will be applied universally and all people are entitled to equal protection without discrimination.

The Act will require practising veterinary practitioners applying for registration to provide details of insurance held. The insurance cover must be third-party professional indemnity insurance and the level of cover must be appropriate for the nature of veterinary work carried out by the applicant. Practitioners practising veterinary science in their capacity as a government employee are exempt from providing detail of third-party professional indemnity insurance as they would be covered by nature of their employment, which is considered appropriate cover.

The Act's third-party professional indemnity insurance requirement may disproportionately impact smaller private practising veterinary practitioners, such as those who practise as a small business or as sole traders. The requirement may unevenly impact small businesses and sole traders compared to larger commercial organisations, limiting their right to equality and non-discrimination.

2. Legitimate purpose (s 28(2)(b))

The purpose of the insurance requirement is to protect the health and welfare of the public. It also ensures community members and veterinary practitioners are both protected and that community members can be appropriately compensated following claims, such as in the event of malpractice. Third-party indemnity insurance is essential for all practising veterinary practitioners, whether sole traders or working as part of a larger business or organisation. All veterinary work carries risk, and all practitioners must have a suitable level of coverage proportional to this risk.

3. Rational connection between the limitation and the purpose (s 28(2)(d))

This requirement will ensure community confidence in the veterinary industry and certainty for applicants that third-party professional indemnity insurance is the expected standard amongst all private practising veterinary practitioners. This safeguard clarifies the expectations of veterinary practitioners while also maintaining consistency within the industry.

The requirement for third-party professional indemnity insurance will be beneficial for practising veterinary practitioners as these professionals work in high-risk settings. It is necessary for these veterinary practitioners to be covered by an appropriate level of indemnity insurance that can compensate the community in the event of negligence or malpractice claims. By having the insurance requirement in the Regulation, the Board can uphold the current accepted practice of practitioners obtaining third-party professional indemnity insurance.

Third-party indemnity insurance is preferred over other models, such as self-insurance. Currently, there is no legislative or regulatory framework that applies to self-insurance models, presenting a higher risk than third-party professional indemnity insurance.

4. Proportionality (s 28(2)(e))

Section 16(2)(f) already provides that an application for registration as a practising veterinary practitioner must include details of insurance held as required by regulation; however, the Regulation has not previously set out this requirement. Despite not being set out by regulation to date, it has been accepted practice for all applicants applying for registration as a practising veterinary practitioner to be covered by third-party professional indemnity insurance. This amendment gives legislative effect to the existing practice.

The insurance requirement is flexible in its application to each applicant, which mitigates any disproportional impact on sole traders or small businesses. This flexibility means the limitation imposed on the right to equality and non-discrimination is reasonable as the amendment is drafted in the least restrictive way possible to achieve the objective. The Act does not implement a set minimum level of insurance cover for veterinary practitioners. By not having a set monetary value, the requirement ensures sole traders and small businesses will

only need to pay for the level of cover proportional to their practice. Further, practitioners can choose their insurance provider and the maximum amount that they are insured for could exceed what is suitable and provide additional coverage.

Third-party professional indemnity insurance is the most inclusive and least restrictive means of ensuring the community can be appropriately compensated and to protect the health of the public. Due to newer models of insurance (such as self-insurance) emerging, the required third-party professional indemnity insurance cover is a necessary amendment to ensure consistency across the industry and to uphold current standards. The amendment provides flexibility for the level of third-party professional indemnity insurance cover needed for each practitioner. In mandating this insurance requirement through the Act, applicants will continue to have flexibility in how the requirement applies while also supporting certainty and consistency in the industry.

Section 12: Right to Privacy

1. Nature of the right and the limitation (ss 28(2)(a) and (c))

Section 12 of the HRA provides that everyone has the right to privacy which includes protection against unnecessary or disproportionate disclosure of personal information. The proposed amendment relating to insurance will require all practising veterinary practitioners to include details of third-party professional indemnity insurance with their application for registration, which may limit the right to privacy due to the disclosure of details of their insurance policy and expiry. The amendment does not apply government veterinary practitioners who are covered through their employment from needing third-party professional indemnity insurance.

2. Legitimate purpose (s 28(2)(b))

The purpose of the insurance requirement ensures community members and veterinary practitioners are protected and can be appropriately compensated following claims, such as in the event of malpractice. This is essential for all practising veterinary practitioners, whether sole traders or working as part of a larger business or organisation. All veterinary work carries risk, and all practitioners must have a suitable level of coverage proportional to this risk. It is important that evidence that practitioners meet this insurance requirement is provided to the Board so that the Board can make informed decisions that community members and veterinary practitioners are sufficiently protected and can be appropriately compensated when necessary.

3. Rational connection between the limitation and the purpose (s 28(2)(d))

For the Board to be satisfied the applicant is meeting the existing requirements for insurance it is necessary that details of the applicant's insurance policy are provided as part of their broader application to be registered as a practising veterinary practitioner.

This requirement will ensure community confidence in the veterinary industry and certainty for applicants that third-party professional indemnity insurance is the expected standard amongst all private practising veterinary practitioners. This safeguard clarifies the expectations of veterinary practitioners while also maintaining consistency within the industry.

4. Proportionality (s 28(2)(e))

The amendment relating to public indemnity insurance will not change the level or nature of detail applicants currently provide. It is already a requirement by policy that the Board receives details of professional indemnity insurance upon application, and this is stated on the application form. The amendment will not require further information from applicants than what is already provided as current accepted practice. The Board has only required confirmation of the third-party insurance provider and the expiry of the policy.

Section 22: Rights in criminal proceedings

1. Nature of the right and the limitation (ss 28(2)(a) and (c))

Rights in criminal proceedings are set out under section 22 of the HRA. In particular, the right to be presumed innocent until proven guilty under subsection 22 (1) is limited by the use of strict liability offences, which place the burden of proof onto the defendant.

There is an existing strict liability offence at section 10 of the Act for carrying out a restricted act of veterinary science. Restricted acts are established in the *Veterinary Practice Regulation 2018*. Anyone who is not registered as a practising veterinarian cannot undertake restricted acts of veterinary science unless certain exemptions apply as set out in section 10 of the Act. There is also an existing offence in the *Criminal Code 2002* (Criminal Code) for making a false or misleading statement, which applies to the application form for registration.

As the amendment introduces a requirement for third-party professional indemnity insurance to be registered as a practising veterinarian, this could potentially prevent an applicant from being registered. For example, if a practising veterinary practitioner does not have the required third-party professional indemnity insurance in time for registration to be renewed, their registration may lapse and any work they carry out after this point may expose them to the offence at section 10 of the Act. This engages the right to presumption of innocence which is part of the rights in criminal proceedings.

In addition, if an applicant chose to claim they had third-party professional indemnity insurance when they did not, this exposes them to the offence in the Criminal Code for knowingly giving false or misleading information.

2. Legitimate purpose (s 28(2)(b))

The Criminal Code and the existing strict liability offence at section 10 of the Act for carrying out a restricted act of veterinary science without the necessary

registration are important to achieve the objects of the Act, particularly protecting animal welfare and public health, and ensuring veterinary services comply with standards that are acceptable to the community.

The amendment to hold third-party professional indemnity insurance to be registered as a practising veterinarian both supports the objects of the Act and gives legislative effect to existing policy. This upholds the current standard of holding suitable indemnity insurance and prevents the emergence of alternative models, such as self-insurance, which may carry more risk.

3. *Rational connection between the limitation and the purpose (s 28(2)(d))*

The framework for the Act relies on the existing Criminal Code and offence at section 10 for carrying out a restricted act without registration to maintain safety and integrity in the industry in line with other jurisdictions and community expectations. A high standard is already established to be registered as a practising veterinarian, including qualifications, appropriate premises, and suitable insurance coverage.

The existing offence ensures an effective registration framework and supports the Act to achieve its objectives of protecting animal welfare and public safety, and ensuring veterinary services in the ACT comply with standards that are acceptable to the community.

4. *Proportionality (s 28(2)(e))*

Currently, the Board can refuse an applicant if they do not meet the insurance requirements, and this will continue. Refusal to register a person is included as a reviewable decision under Schedule 1 of the Act. The Bill does not introduce a new offence.

The offence in the Criminal Code for knowingly giving false or misleading information applies to the same extent as prior to the amendment as third-party professional indemnity insurance has already been a requirement on the application form.

Practising veterinary practitioners are fully aware that it is an offence to conduct restricted acts of veterinary science without registration. The risk of a practising veterinary practitioner's application for registration being refused due to the insurance requirement is low as the requirement is a longstanding policy. Veterinary practitioners will be advised in writing about the introduction of the new legal requirement and its commencement on 1 May 2026. Further, practising veterinarians understand registration to practice in the ACT runs annually from 1 July to 30 June and the application period for renewals runs from 1 May to 30 June each year. This is publicly available information on the City Services website as well as common knowledge in the profession. Forms are clear that professional indemnity insurance coverage is mandatory.

The existing strict liability offence at section 10 of the Act applies where a person carries out a restricted act of veterinary science without the appropriate

registration. In the event an applicant was not able to be registered due to not meeting insurance requirements, this wouldn't automatically expose the person to the offence. The person would be made fully aware that their application was refused and so they would no longer be able to carry out restricted acts until registration to practice was secured. The offence wouldn't apply unless the person chose to continue to carry out restricted acts without securing insurance and registration. Standard defences and safeguards apply where this occurs, such as the defence of mistake of fact and the use of warnings.

The Bill will include a delayed commencement provision providing that the requirement to hold third-party professional indemnity insurance does not commence under 1 May 2025. This will enable the Board to raise awareness and where needed undertake education around this requirement.

Section 27B: Right to work and other work-related rights

Consideration was given to the right to work and other work-related rights in section 27B of the HRA during the development of this Bill. Everyone has the right to work, including the right to choose their occupation or profession freely. The HRA recognised that the practice of a trade, occupation or profession may be regulated by law.

The current regulation making power in section 147 (3) of the Act allows the Executive to make a regulation that imposes conditions, including restrictions, on the practice of veterinary science to protect the public or the public interest. The Bill seeks to allow the Executive to also make a regulation that could introduce conditions or restrictions on the practice of veterinary science to protect the welfare of animals. Rather than expand the regulation-making power, this amendment will bring section 147(3) into line with the regulation making power in the definition of restricted act of veterinary science (section 7) which takes animal welfare into consideration when regulations are made. If any such regulation could engage and limit the right to work or engage other human rights, a comprehensive human rights analysis would be completed at that time.

Veterinary Practice Amendment Bill 2025
Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Veterinary Practice Amendment Bill 2025**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Act

This clause states that the name of the Act is the *Veterinary Practice Amendment Act 2025*.

Clause 2 Commencement

Other than sections 18, 19, 21 and 22, this clause commences the Act on the 14th day after its notification day.

Sections 18, 19, 21 and 22 commence on 1 May 2026.

Clause 3 Legislation amended

This clause states that the Act amends the *Veterinary Practice Act 2018* and the *Veterinary Practice Regulation 2018*.

Clause 4 Legislation repealed

This clause provides that the *Veterinary Practice (Professional Bodies) Declaration 2018 (DI2018-298)* is repealed.

Part 2 Veterinary Practice Act 2018

Clause 5 Objects of Act Section 6 (e) and (f)

This clause amends section 6 (f) to replace 'public health is protected' with 'the protection of the health and welfare of people'. It also changes section 6 (e): 'Consumers of veterinary services – (i) are well informed about the competencies required of veterinary practitioners; and (ii) have confidence in accessing veterinary services from veterinary practitioners.'

This amendment seeks to ensure that the objects of the Act are aligned with the Australian Veterinary Association's recommended key principles for veterinary practice acts in Australia.

Clause 6 Qualification for general or non-practising registration Section 28, note

This clause omits the note.

Clause 7 Removal of veterinary practitioner from register Section 32 (2) (c)

This clause omits section 32 (2) (c) to prevent the Board from removing a veterinary practitioner from the register if the principal place of residence of the veterinary practitioner is not the ACT.

This amendment seeks to bring the legislation up to date with mutual recognition requirements.

**Clause 8 Considerations before making occupational discipline orders—
suspension or cancellation of registration
Section 66 (2) (a)**

This clause adds ‘this Act or’ after ‘has contravened’.

This clause clarifies considerations before making occupational discipline orders relating to suspension or cancellation of registration.

**Clause 9 Interaction with commission
Section 70 (4) (f)**

This clause substitutes ‘complaint’ for ‘report’. The clause clarified that this provision relates specifically to a complaint.

**Clause 10 Board—functions
Section 91 (1)**

This clause reorders the existing functions of the board to emphasise the Board’s priority, particularly emphasising education.

**Clause 11 Annual general meeting of veterinary profession
Section 92 (2)**

This clause amends the wording of section 92 (2) to omit ‘other than a veterinary practitioner who has deemed registration under part 4 (Recognition of veterinary practitioners from other jurisdictions)’.

This amendment seeks to clarify that members are permitted to attend the annual general meeting of the veterinary profession if they are outside of the ACT.

Clause 12 New section 96 (3) and (4)

This clause inserts ‘(3) The Minister may declare an entity to be a professional body for section (2). (4) A declaration is a disallowable instrument.’

This clause enables the Minister to declare new entities to be professional bodies for the purposes of the legislation. This is consequential to the amendments to section 143 (clause 13).

Clause 13 Declared professional bodies Section 143

This clause is omitted due to the changes made in clause 15. A new declaration will be made under clause 12.

**Clause 14 Regulation-making power
Section 147 (1), note**

This clause omits the regulation-making power note.

Clause 15 Section 147 (2)

This clause omits the requirement that the Executive must consult with declared professional bodies before making a regulation under the Act. It is not always necessary to consult with all declared bodies about the content of proposed regulations. If regulations are proposed in the future, consultation will occur with all relevant parties and professional bodies where relevant and required, in accordance with current ACT Government policies.

Clause 16 Section 147 (3)

This clause clarifies the regulation making power in section 147 (3) to include ‘animal welfare’ as one of the reasons a condition may be introduced into the regulation, bringing this in line with the other regulation making powers.

Clause 17 Dictionary, definition of *declared professional body*

This clause omits the definition because the other amendments make the definition of declared professional body redundant.

Part 3 Veterinary Practice Regulation 2018

Clause 18 Part 3 Heading

This clause adds the heading for part 3 ‘Registration information and requirements’.

Clause 19 New Section 8A

This clause adds a new provision for insurance that requires a registered veterinary practitioner, other than a non-practising veterinary practitioner, to hold a third-party indemnity insurance policy with cover that is suitable for all aspects of the practitioner’s veterinary practice. Practitioners practising veterinary science in their capacity as a government employee are exempt from providing detail of third-party professional indemnity insurance as they would be covered by nature of their employment, which is considered appropriate cover.

This addition seeks to require a registered veterinary practitioner to hold a suitable third-party indemnity insurance policy.

**Clause 20 Notice of annual general meeting
Section 10(1)**

This clause omits ‘, other than a veterinary practitioner who has deemed registration under the Act, part 4 (Recognition of veterinary practitioners from other jurisdictions),’

The amendment is consequential to the amendment in clause 11.

Clause 21 Dictionary, note 3

This clause seeks to insert references to non-practising veterinary practitioner and veterinary practice in other legislation.

The amendment seeks to clarify inclusions in the dictionary.

Clause 22 Dictionary, definitions of *corresponding law, letter of professional standing and relevant authority*

This clause inserts ‘and requirements’ after ‘registration information’ for clarificatory purposes in each definition, consequential to clause 19.