



New South Wales

# Veterinary Surgeons Amendment Bill 2000

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The objects of this Bill are the following:

- (a) to permit the Board of Veterinary Surgeons (*the Board*) to impose conditions on the registration of veterinary surgeons,
- (b) to permit complaints about veterinary surgeons to be made by the Board and the Veterinary Surgeons Investigating Committee (*the Investigating Committee*),
- (c) to provide for an additional specific kind of conduct of a veterinary surgeon that constitutes *misconduct in a professional respect*,
- (d) to provide for a category of conduct of a veterinary surgeon that is *serious misconduct in a professional respect*, and to specify certain conduct that constitutes professional misconduct of that kind,

- (e) to permit the Investigating Committee to direct the Board, in certain circumstances, to suspend from practice, or to impose conditions on the registration of, a veterinary surgeon against whom a complaint of serious misconduct in a professional respect has been made,
- (f) to permit the Investigating Committee to require a person to provide written information, verified by statutory declaration, in connection with the investigation of a complaint against a veterinary surgeon,
- (g) to provide for the transaction of business by the Board and the Investigating Committee outside meetings or by telephone,
- (h) to permit the Board and the Investigating Committee to delegate their functions of collecting evidence,
- (i) to permit the Board to control its funds and employ its staff,
- (j) to make other minor amendments to the *Veterinary Surgeons Act 1986*, including amendments of a consequential, saving or transitional nature.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Veterinary Surgeons Act 1986* (*the Act*) set out in Schedule 1.

## Schedule 1 Amendments

### Conditions on registration as a veterinary surgeon

**Schedule 1 [4]** inserts proposed section 17A in the Act. The proposed section permits the Board to impose conditions on the registration of a veterinary surgeon. However, conditions may be imposed only if the Board is satisfied that they are warranted, having regard to the criteria (such as the safety or health of any person) set out in the proposed section.

**Schedule 1 [5]** and **[6]** make consequential amendments to section 18 (Registration certificate) of the Act.

**Schedule 1 [7]** amends section 21 (Reviews by the Tribunal) of the Act so as to permit the veterinary surgeon concerned to apply to the Administrative Decisions Tribunal (*the Tribunal*) for a review of the Board's decision to impose conditions under proposed section 17A.

### **Serious misconduct in a professional respect**

**Schedule 1 [8]** inserts proposed section 22A in the Act. Section 22 (Misconduct in a professional respect) of the Act specifies certain circumstances in which a veterinary surgeon will be taken to be guilty of *misconduct in a professional respect*. Proposed section 22A specifies certain circumstances in which a veterinary surgeon will be taken to be guilty of *serious misconduct in a professional respect* (for example, if the veterinary surgeon engages in conduct in a professional capacity that, if repeated or continued, is likely to affect adversely the safety or health of any person). Neither section 22 nor proposed section 22A is exhaustive.

**Schedule 1 [12]** amends certain sections of the Act that refer to misconduct in a professional respect so as to include a reference to serious misconduct in a professional respect.

**Schedule 1 [10]** inserts proposed Division 2A (proposed sections 25A–25H) in Part 4 of the Act.

Proposed section 25A permits the Investigating Committee to make a complaint about any alleged conduct of a registered veterinary surgeon that, in the opinion of the Investigating Committee, is such as to give rise to a complaint of serious misconduct in a professional respect against the veterinary surgeon (unless the Investigating Committee has already received a complaint about the alleged conduct).

Proposed section 25B permits the Investigating Committee, on receiving a complaint that a registered veterinary surgeon is guilty of serious misconduct in a professional respect, and at any stage of its investigation of the complaint, to direct the Board to suspend the veterinary surgeon from practice for a specified limited period or to impose specified conditions on the veterinary surgeon's registration. However, such a direction may be given only if the Investigating Committee is satisfied that the suspension or imposition of conditions are urgently needed, having regard to the criteria (such as the safety or health of any person) set out in the proposed section. The Board must comply with any such direction.

Proposed section 25C requires the Investigating Committee, before giving a direction under proposed section 25B, to notify the registered veterinary surgeon concerned of its intention to give the direction (and of its reasons for doing so). The Investigating Committee must give the veterinary surgeon the opportunity to make

representations about the complaint to the Investigating Committee before it gives the direction to the Board.

Proposed section 25D permits a person against whom an order of the Board is in force under the proposed Division to apply to the Tribunal for a review of the decision of the Investigating Committee that gave rise to the order. The proposed section also permits the Investigating Committee to apply to the Tribunal for an order extending the period for which a former registered veterinary surgeon is suspended under the proposed Division.

Proposed section 25E requires an application under proposed section 25D to be determined by a judicial member of the Tribunal, and provides that the Tribunal is to determine the application having regard to all relevant information that the Investigating Committee and the veterinary surgeon have furnished to it by the time the application is determined. The proposed section also sets out the interim orders that the Tribunal may make on determining the application.

Proposed section 25F permits the Tribunal to make any of the interim orders set out in proposed section 25E at any stage of the Tribunal's inquiry into a complaint referred to it by the Investigating Committee.

Proposed section 25G provides that a registered veterinary surgeon who has been suspended from practice under the proposed Division is taken not to be a registered veterinary surgeon. The proposed section also provides that the person concerned is reinstated as a registered veterinary surgeon on the expiry of the period of suspension or the final disposal of the complaint (whichever occurs first), subject to any order of the Tribunal or the Supreme Court in relation to the complaint.

Proposed section 25H provides that conditions imposed under the proposed Division have effect (subject to the Division) until the final disposal of the relevant complaint.

**Schedule 1 [18]** amends section 36 (Recordings of proceedings and decision of Investigating Committee and orders of Tribunal) so as to provide for the notation in the register of veterinary surgeons (or specialists) of the terms of any order of the Board under proposed section 25B.

**Schedule 1 [19]** amends section 52 (Suspension or cancellation of licence) in consequence of the insertion of proposed Division 2A.

### **Complaints against veterinary surgeons**

**Schedule 1 [11]** amends section 26 (Complaints against veterinary surgeons) of the Act so as to permit the Board and the Investigating Committee to make complaints against registered veterinary surgeons.

**Schedule 1 [13]** also amends section 26. The effect of the proposed amendment is to provide that a registered veterinary surgeon's contravention of a condition imposed under proposed section 17A, 25B or 25E constitutes grounds for a complaint against the veterinary surgeon.

**Schedule 1 [14]** and **[15]** make amendments consequential on the amendment proposed to be made by Schedule 1 [11].

**Schedule 1 [16]** amends section 27 (Investigation by Investigating Committee) to permit the Investigating Committee to delegate its function of collecting evidence in the investigation of a complaint.

### **Board of Veterinary Surgeons**

**Schedule 1 [3]** repeals and re-enacts section 7 (Staff of the Board) of the Act so as to permit the Board to employ staff and to use contractors.

**Schedule 1 [20]** repeals sections 54A–54C of the Act. Those sections establish a Fund known as the New South Wales Veterinary Surgeons Fund and specify what is payable into and from that Fund.

**Schedule 1 [1], [21]** and **[22]** make amendments consequential on the amendment proposed to be made by Schedule 1 [20].

**Schedule 1 [24]** enables the Board to delegate its function of collecting any evidence necessary for the exercise of its functions.

### **Summoning witnesses and requiring information**

Both the Board and the Investigating Committee currently have the power under section 57 (Power to summon witnesses) to summon persons to appear before them to give evidence or provide a document. Failure to comply with such a summons is a criminal offence.

**Schedule 1 [23]** amends section 57 to provide that a registered veterinary surgeon who does not comply with such a summons is guilty of misconduct in a professional respect. The proposed amendment also empowers the chairperson of the Investigating Committee to require a person to provide written information, verified by statutory declaration, to it. The proposed amendment applies the same sanctions for refusal or failure to comply with such a requirement as for refusal or failure to comply with a summons under the section.

### **Miscellaneous**

**Schedule 1 [2]** inserts proposed section 3A in the Act. The proposed section provides that notes in the Act do not form part of the Act.

**Schedule 1 [9]** amends section 24 (Constitution of Veterinary Surgeons Investigating Committee) of the Act to remove the requirement that one member of the Investigating Committee be an officer of the Department of Agriculture.

**Schedule 1 [17]** omits a redundant provision.

**Schedule 1 [25]** extends the power to make regulations under the Act so as to permit the making of regulations prescribing fees payable for such services provided by the Board as will assist the Board to operate on a cost-recovery basis.

**Schedule 1 [26]** and **[27]** permit the Board and the Investigating Committee, respectively, to transact their business outside meetings or by telephone.

**Schedule 1 [28]** permits the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [29]** inserts a transitional provision in the Act in relation to the amendment made by Schedule 1 [9].

First print



New South Wales

# Veterinary Surgeons Amendment Bill 2000

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New South Wales

# **Veterinary Surgeons Amendment Bill 2000**

No. , 2000

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## **A Bill for**

An Act to amend the *Veterinary Surgeons Act 1986* so as to permit the imposition of conditions on the registration of veterinary surgeons; to permit the temporary suspension from practice of a veterinary surgeon during the investigation of a complaint of serious misconduct in a professional respect against the veterinary surgeon; to permit the Board of Veterinary Surgeons to control its funds and employ its staff; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Veterinary Surgeons Amendment Act 2000</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3 Amendment of Veterinary Surgeons Act 1986 No 55</b>	7
The <i>Veterinary Surgeons Act 1986</i> is amended as set out in Schedule 1.	8 9

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 3 Definitions</b>	3
	Omit the definition of <i>Fund</i> from section 3 (1).	4
<b>[2]</b>	<b>Section 3A</b>	5
	Insert after section 3:	6
	<b>3A Notes</b>	7
	Notes in this Act do not form part of the Act.	8
<b>[3]</b>	<b>Section 7</b>	9
	Omit the section. Insert instead:	10
	<b>7 Staff of the Board</b>	11
	(1) The Board may employ staff. Part 2 of the <i>Public Sector Management Act 1988</i> does not apply to or in respect of any such staff.	12 13 14
	(2) The Board may fix the salary, wages and conditions of employment of its staff in so far as they are not fixed by or under any Act or law.	15 16 17
	(3) The Board may arrange for the use of the services of:	18
	(a) any staff or facilities of a government authority, or	19
	(b) any contractor.	20
	(4) For the purposes of this Act, a person who is employed under subsection (1), or whose services are made use of under subsection (3), is an officer of the Board.	21 22 23

<b>[4] Section 17A</b>	1
Insert after section 17:	2
<b>17A Conditions on registration</b>	3
(1) The registration of a person as a veterinary surgeon under section 12, 13, 15 or 17 is subject to such conditions (including limitations on the right to practise) as may be specified by the Board in the certificate of registration.	4 5 6 7
(2) The Board may, by notice in writing given to a registered veterinary surgeon:	8 9
(a) impose a condition at any time, or	10
(b) vary or revoke a condition imposed under this section.	11
(3) However, the Board may impose a condition under subsection (1) or (2) only if the Board is satisfied that the condition is warranted, having regard to any one or more of the following:	12 13 14
(a) the provisions of any Act or law affecting veterinary surgeons or the practice of veterinary science,	15 16
(b) the safety or health of any person,	17
(c) the health or welfare of any animal,	18
(d) damage to the international reputation of Australia in relation to animal exports, animal welfare, animal produce or sporting events.	19 20 21
<b>Note.</b> The Board may be aware, for example, that a registered veterinary surgeon is prescribing or dispensing inappropriate drugs (such as those that leave a residue in meat intended for consumption), or prescribing or dispensing drugs in circumstances that allow the drugs to be used by human contestants in sporting events.	22 23 24 25 26
(4) Without limiting subsection (1) or (2), a condition imposed under either or those subsections may require the holder of the certificate of registration to do either or both of the following within a specified time:	27 28 29 30
(a) to undertake and successfully complete additional academic or practical training courses,	31 32
(b) to demonstrate, to the satisfaction of the Board:	33
(i) a knowledge of the law and ethics relating to the practice of veterinary science generally, and	34 35

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(ii)	in particular, a knowledge of the law and ethics concerning the supply, dispensing, storage and use of poisons and therapeutic substances that are relevant to the practice of veterinary science.	1 2 3 4
<b>[5]</b>	<b>Section 18 Registration certificate</b>	5
	Insert after section 18 (2) (b):	6
	or	7
	(c) the Board, the Investigating Committee or the Tribunal imposes a condition on the registration of the veterinary surgeon with respect to the practice of veterinary science,	8 9 10 11
<b>[6]</b>	<b>Section 18 (4) (b)</b>	12
	Insert “or (c)” after “subsection (2) (b)”.	13
<b>[7]</b>	<b>Section 21 Reviews by the Tribunal</b>	14
	Insert after section 21 (2):	15
	(3) If the Board imposes a condition under section 17A on the registration of a veterinary surgeon, or varies a condition so imposed, the veterinary surgeon may apply to the Tribunal for a review of the Board’s decision to do so.	16 17 18 19
<b>[8]</b>	<b>Section 22A</b>	20
	Insert after section 22:	21
	<b>22A Serious misconduct in a professional respect</b>	22
	(1) Without limiting the meaning of the expression <i>serious misconduct in a professional respect</i> , a registered veterinary surgeon is taken to be guilty of serious misconduct in a professional respect if the veterinary surgeon:	23 24 25 26
	(a) provides information relating to the veterinary surgeon’s qualifications for registration knowing the information to be false or misleading in a material particular, or	27 28 29 30

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Schedule 1 Amendments

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- (b) contravenes Order 1998/1 made under section 46 of the *Stock Medicines Act 1989* and published in Gazette No 108 on 17 July 1998 at pages 5496–5498 (or any Order amending or replacing that Order), or 1  
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- (c) engages in conduct in the veterinary surgeon’s professional capacity that, if repeated or continued, is likely to do any of the following: 5  
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- (i) cause unnecessary suffering to an animal, 8
  - (ii) cause the inappropriate death of an animal, 9
  - (iii) adversely affect the safety or health of any person, 10  
11
  - (iv) damage the international reputation of Australia in relation to animal exports, animal welfare, animal produce or sporting events, or 12  
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14
- (d) breaches any provision, prescribed for the purposes of this paragraph, of the veterinary surgeons’ code of professional conduct established under section 23. 15  
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**Note.** Examples of the type of conduct referred to in paragraph (c) (iv) are the prescription or dispensing of inappropriate drugs (such as those that leave a residue in meat intended for consumption) and the prescription or dispensing of drugs in circumstances that allow the drugs to be used by human contestants in sporting events. 18  
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- (2) Without limiting subsection (1), a registered veterinary surgeon is taken to be guilty of serious misconduct in a professional respect if it is demonstrated that, in his or her application for registration, the veterinary surgeon provided information relating to his or her qualifications for registration knowing the information to be false or misleading in a material particular. 23  
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**[9] Section 24 Constitution of Veterinary Surgeons Investigating Committee** 29  
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Omit “an officer of the Department of Agriculture who is” from section 24 (3) (b). 31  
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<b>[10] Part 4, Division 2A</b>	1
Insert before Division 3 of Part 4:	2
<b>Division 2A Serious misconduct in a professional respect</b>	3
<b>25A Investigating Committee may make complaint</b>	4
If:	5
(a) the Investigating Committee is of the opinion that any	6
alleged action, omission or pattern of conduct of a	7
registered veterinary surgeon is such as to give rise to a	8
complaint of serious misconduct in a professional	9
respect against the veterinary surgeon, and	10
(b) the Investigating Committee has not received a	11
complaint under section 26 about the alleged action,	12
omission or pattern of conduct,	13
the Investigating Committee may make the relevant complaint	14
itself, and any such complaint is taken to be a complaint made	15
to the Investigating Committee in accordance with section 26.	16
<b>25B Investigating Committee may direct suspension of registration or</b>	17
<b>imposition of conditions</b>	18
(1) On receiving a complaint that a registered veterinary surgeon is	19
guilty of serious misconduct in a professional respect, and at	20
any stage of its investigation of the complaint, the Investigating	21
Committee may, by notice in writing, direct the Board, pending	22
the final disposal of the complaint:	23
(a) to suspend the registered veterinary surgeon from	24
practice for such period (not exceeding 30 days) as is	25
specified in the direction, or	26
(b) to impose such conditions (including limitations on the	27
right to practise) on the registration of the veterinary	28
surgeon with respect to the practice of veterinary science	29
as the Investigating Committee specifies in the direction	30
(whether or not the conditions are additional to those	31
imposed under another provision of this Act).	32

- (2) However, the Investigating Committee may give such a direction only if it is satisfied that the suspension or the imposition of conditions is urgently needed, having regard to any one or more of the following:
- (a) the safety or health of any person,
  - (b) the health or welfare of any animal,
  - (c) the international reputation of Australia in relation to animal exports, animal welfare, animal produce or sporting events.
- Note.** The complaint may be, for example, that a registered veterinary surgeon is prescribing or dispensing inappropriate drugs (such as those that leave a residue in meat intended for consumption), or prescribing or dispensing drugs in circumstances that allow the drugs to be used by human contestants in sporting events.
- (3) The Investigating Committee may also, by notice in writing, direct the Board:
- (a) to vary or revoke any condition, or
  - (b) to revoke any suspension,
- imposed under this section.
- (4) The Board must, by order in writing given to the registered veterinary surgeon concerned, comply with a direction given to it under this section.
- (5) More than one direction may be given under subsection (1) (a) so long as the total period of suspension under this section does not exceed 60 days.
- 25C Veterinary surgeon to be afforded opportunity to make representations**
- (1) Before giving a direction under section 25B (other than a direction to revoke a condition or suspension imposed under that section), the Investigating Committee must advise the registered veterinary surgeon concerned by notice in writing:
- (a) of its intention to give the direction, and
  - (b) of its reasons for giving the direction, and
  - (c) that the veterinary surgeon may make oral or written representations (as the veterinary surgeon chooses) concerning the complaint to the Investigating Committee, and

(d)	that if no response is received from the veterinary surgeon within a period of 5 days after the notice is given, the Investigating Committee will give the direction to the Board, and	1 2 3 4
(e)	that the Board has no discretion to refuse to comply with the direction.	5 6
(2)	The Investigating Committee must consider any representations made by the veterinary surgeon in relation to the complaint within the time allowed by the notice.	7 8 9
<b>25D</b>	<b>Application to Tribunal concerning suspension or conditions</b>	10
(1)	A registered veterinary surgeon or a former registered veterinary surgeon against whom an order of the Board is in force under this Division may apply to the Tribunal for a review of the decision of the Investigating Committee that gave rise to the order.	11 12 13 14 15
(2)	The Investigating Committee may, at any time while an order of the Board under this Division suspending a registered veterinary surgeon from practice is in force, apply to the Tribunal for an order extending the total period of suspension permitted under this Division.	16 17 18 19 20
(3)	Such an application may be made even if the Tribunal has reinstated the veterinary surgeon's registration following an application made by the former registered veterinary surgeon under subsection (1), or the Investigating Committee under subsection (2), in respect of a previous suspension.	21 22 23 24 25
(4)	The Investigating Committee, a registered veterinary surgeon or a former registered veterinary surgeon may make more than one application under this section.	26 27 28
(5)	The Investigating Committee may appoint one of its members (or, if the Investigating Committee has appointed a secretary, the secretary) to represent the Investigating Committee at the hearing of an application made under this section.	29 30 31 32
<b>25E</b>	<b>Determination of application</b>	33
(1)	An application made under section 25D is to be determined by the Tribunal constituted by a judicial member of the Tribunal.	34 35



- (2) Subsection (1) has effect despite any contrary provision of the *Administrative Decisions Tribunal Act 1997*. 1  
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- (3) The Tribunal is to determine the application having regard to all relevant information that the Investigating Committee and the registered veterinary surgeon or former registered veterinary surgeon have furnished to it by the time the application is heard. 3  
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- (4) In determining the application, the Tribunal may (regardless of the nature of the application) make any one or more of the following interim orders: 7  
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- (a) an order reinstating the registration of the former registered veterinary surgeon (with or without imposing conditions on that registration), 10  
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- (b) an order confirming the suspension of the former registered veterinary surgeon (with or without extending the period of suspension), 13  
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- (c) an order extending the period of suspension of the former registered veterinary surgeon, 16  
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- (d) an order confirming, varying or revoking the conditions imposed on the registration of the veterinary surgeon with respect to the practice of veterinary science, 18  
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- (e) an order imposing conditions, or additional conditions, (including limitations on the right to practise) on the registration of the veterinary surgeon with respect to the practice of veterinary science. 21  
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- (5) A period of suspension may not be extended under this Division (except by operation of section 25G) beyond the time at which the relevant complaint against the former registered veterinary surgeon is finally disposed of. 25  
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- 25F Orders of Tribunal** 29
- If a complaint is referred to the Tribunal under section 28 (1) (c), the Tribunal may, at any stage of its inquiry into the complaint, make such of the orders referred to in section 25E (4) as it considers appropriate. 30  
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<b>25G</b>	<b>Effect of suspension</b>	1
(1)	While an order under this Division suspending a person from practice remains in force, the person is taken not to be a registered veterinary surgeon.	2 3 4
(2)	On the expiry of the period of suspension specified in the order, or the final disposal of the complaint concerned (whichever occurs first), the person against whom the order was made is reinstated as a registered veterinary surgeon (subject to any order of the Tribunal or the Supreme Court in relation to the complaint that gave rise to the suspension).	5 6 7 8 9 10
(3)	However, if:	11
(a)	the Tribunal makes an order under section 32 (1) (b) suspending the person from practice, and	12 13
(b)	an order under this Division suspending the person from practice is in force at the time at which the Tribunal makes that order,	14 15 16
	the period of suspension imposed by the order under this Division is extended by operation of this section until the order of the Tribunal takes effect (subject to any order of an Appeal Panel of the Tribunal on appeal under section 34).	17 18 19 20
<b>25H</b>	<b>Effect of conditions imposed</b>	21
(1)	Conditions imposed under this Division have effect, subject to this Division, until the relevant complaint against the registered veterinary surgeon is finally disposed of.	22 23 24
(2)	This section does not prevent conditions with respect to the practice of veterinary science being imposed under another provision of this Act on the registration of a veterinary surgeon the subject of a complaint.	25 26 27 28
<b>[11]</b>	<b>Section 26 Complaints against veterinary surgeons</b>	29
	Omit “A complaint may be made” from subsection (1).	30
	Insert instead “The Investigating Committee, the Board or any other person may make a complaint”.	31 32

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Schedule 1 Amendments

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<b>[12] Sections 26 and 55</b>	1
Insert “, or serious misconduct,” after “misconduct” wherever occurring in sections 26 (1) (c) and (5) and 55 (1) (b).	2 3
<b>[13] Section 26 (1)</b>	4
Omit “under section 28 (1)” from paragraph (g).	5
Insert instead “under section 17A, 25B (4), 25E (4) (e), 28 (1)”.	6
<b>[14] Section 26 (8)</b>	7
Insert after section 26 (8) (c):	8
or	9
(d) a member of the Board, or	10
(e) a member of the Investigating Committee,	11
<b>[15] Section 26 (8A)</b>	12
Insert after section 26 (8):	13
(8A) Subsection (8) does not apply in respect of the Board or the Investigating Committee.	14 15
<b>[16] Section 27 Investigation by Investigating Committee</b>	16
Insert after section 27 (4):	17
(5) Without limiting subsection (4), the Investigating Committee may delegate its function of collecting evidence in relation to an investigation to any person that the Investigating Committee considers appropriate.	18 19 20 21
<b>[17] Section 29 Miscellaneous provisions relating to investigations of complaints</b>	22 23
Omit section 29 (6).	24

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<b>[18]</b>	<b>Section 36 Recording of proceedings and decision of Investigating Committee and orders of Tribunal and Board</b>	1 2
	Insert after section 36 (3) (b):	3
	, and	4
	(c) an order of the Board under section 25B (4).	5
<b>[19]</b>	<b>Section 52 Suspension or cancellation of licence</b>	6
	Omit “as a consequence of a complaint under Division 3 of Part 4” from section 52 (1) (c).	7 8
	Insert instead “because of an order in force under Division 2A of Part 4, or as a consequence of a complaint under Division 3 of that Part”.	9 10
<b>[20]</b>	<b>Sections 54A–54C</b>	11
	Omit the sections.	12
<b>[21]</b>	<b>Section 54D Board to establish and maintain account at financial institution</b>	13 14
	Omit “for payment into the Fund” from section 54D.	15
<b>[22]</b>	<b>Section 54E Investment of money</b>	16
	Omit “in the Fund” from section 54E.	17
	Insert instead “in the account referred to in section 54D”.	18
<b>[23]</b>	<b>Section 57 Power to summon witnesses and require written information</b>	19
	Insert after section 57 (3):	20
	(4) A registered veterinary surgeon who is duly summoned is guilty of misconduct in a professional respect if the veterinary surgeon, without reasonable cause:	21 22 23
	(a) fails or neglects to attend after reasonable expenses have been paid or tendered to the veterinary surgeon, or	24 25
	(b) refuses to be sworn or to make a statutory declaration, or	26
	(c) refuses to answer any lawful question.	27

(5)	The chairperson of the Investigating Committee may, by notice in writing, require any person to provide, in accordance with directions in the notice and within the time specified in it, such information, verified by statutory declaration, as is relevant to the investigation of a complaint and is specified in the notice.	1 2 3 4 5
(6)	A person must not, without reasonable cause, refuse or fail to comply with a requirement under subsection (5). Maximum penalty: 20 penalty units.	6 7 8
(7)	A veterinary surgeon who fails, without reasonable cause, to comply with a requirement under subsection (5) is guilty of misconduct in a professional respect.	9 10 11
<b>[24]</b>	<b>Section 57A</b>	12
	Insert after section 57:	13
<b>57A</b>	<b>Board may delegate function of collecting evidence</b>	14
	The Board may delegate, to any person that the Board considers appropriate, the function of collecting any evidence that the Board considers necessary for the exercise of its other functions under this Act.	15 16 17 18
<b>[25]</b>	<b>Section 71 Regulations</b>	19
	Insert after section 71 (1) (f):	20
	(f1) requiring the payment to the Board of such other prescribed fees for services provided by the Board as will assist the Board to operate on a cost-recovery basis,	21 22 23
<b>[26]</b>	<b>Schedule 1 Provisions relating to the members and procedure of the Board</b>	24 25
	Insert after clause 11:	26
<b>11A</b>	<b>Transaction of business outside meetings or by telephone</b>	27
(1)	Without limiting clause 11, the Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board.	28 29 30 31 32

(2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	1 2 3 4 5
(3) For the purposes of:	6
(a) the approval of a resolution under subclause (1), or	7
(b) a meeting held in accordance with subclause (2),	8
the person presiding at the meeting of the Board and each member have the same voting rights as they have at an ordinary meeting of the Board.	9 10 11
(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.	12 13 14
(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	15 16 17
<b>[27] Schedule 2 Provisions relating to the members and procedure of the Investigating Committee</b>	18 19
Insert after clause 10:	20
<b>10A Transaction of business outside meetings or by telephone</b>	21
(1) Without limiting clause 10, the Investigating Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Investigating Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Investigating Committee.	22 23 24 25 26 27
(2) The Investigating Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	28 29 30 31 32
(3) For the purposes of:	33
(a) the approval of a resolution under subclause (1), or	34

(b)	a meeting held in accordance with subclause (2),	1
	the person presiding at the meeting of the Investigating	2
	Committee and each member have the same voting rights as	3
	they have at an ordinary meeting of the Investigating	4
	Committee.	5
(4)	A resolution approved under subclause (1) is, subject to the	6
	regulations, to be recorded in the minutes of the meetings of the	7
	Investigating Committee.	8
(5)	Papers may be circulated among the members for the purposes	9
	of subclause (1) by facsimile or other transmission of the	10
	information in the papers concerned.	11
<b>[28]</b>	<b>Schedule 4 Savings, transitional and other provisions</b>	12
	Insert at the end of clause 1A (1):	13
	<i>the Veterinary Surgeons Amendment Act 2000</i>	14
<b>[29]</b>	<b>Schedule 4, Part 4</b>	15
	Insert after clause 35:	16
	<b>Part 4 Provisions consequent on enactment of</b>	17
	<b>Veterinary Surgeons Amendment Act 2000</b>	18
<b>36</b>	<b>Investigating Committee</b>	19
(1)	The person holding office as the member of the Investigating	20
	Committee referred to in section 24 (3) (b), as in force	21
	immediately before the amendment of that provision by the	22
	2000 Act, ceases to hold office as such on the commencement	23
	of Schedule 1 [9] to that Act.	24
(2)	The person is not entitled to any remuneration or compensation	25
	for ceasing to hold that office.	26
(3)	The person appointed as a member of the Investigating	27
	Committee under section 24 (3) (b) as amended by the 2000 Act	28
	is taken to be appointed for the balance (if any) of the term for	29
	which the person referred to in subclause (1) was appointed.	30

(4) In this clause:

*the 2000 Act* means the *Veterinary Surgeons Amendment Act 2000*.

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