



New South Wales

Veterinary Practice Amendment (Interstate Veterinary Practitioners) Bill 2011

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Veterinary Practice Act 2003* (the *principal Act*) to enable veterinary practitioners registered in other States or Territories to practise in New South Wales without having to register separately in New South Wales.

The Bill gives effect to the National Recognition of Veterinary Registration model, which was endorsed by the Primary Industries Ministerial Council. Under the agreed model, other States and Territories will recognise veterinary practitioners registered in New South Wales.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Veterinary Practice Act 2003 No 87

Schedule 1 [2] inserts into the principal Act new provisions dealing with the recognition in New South Wales of veterinary practitioners registered in other States or Territories. A person who practises as a veterinary practitioner in New South Wales is taken to be registered as a veterinary practitioner under the principal Act (referred to as *deemed registration*) if:

- (a) the person's principal place of residence is another jurisdiction, and
- (b) the person is registered as a veterinary practitioner in that jurisdiction, and
- (c) the person is not registered as a veterinary practitioner in New South Wales.

A person who has deemed registration is taken to be a veterinary practitioner for the purposes of the principal Act and the laws of this State. Provisions in the principal Act relating to complaints and disciplinary action against veterinary practitioners will apply to a person who has deemed registration.

If a person has specialist registration in a branch of veterinary science in another jurisdiction, the person's deemed registration is taken to be specialist registration in that branch and if a person's registration as a veterinary practitioner in another jurisdiction is subject to a condition or a limitation, the person's deemed registration is taken to be subject to the same condition or limitation. The Veterinary Practitioners Board (the *Board*) may also waive, vary or impose a condition on a person's deemed registration in certain circumstances.

If a person's registration as a veterinary practitioner in another jurisdiction (including deemed registration however described) is suspended or cancelled, the person's deemed registration in New South Wales may, without further investigation or hearing, be suspended or cancelled by the Board (as the case requires) on the grounds on which the registration in that other jurisdiction was suspended or cancelled.

The Board may enter into arrangements with interstate registration authorities for the purposes of establishing a national register of veterinary practitioners and for other purposes related to the recognition of veterinary practitioners registered in other jurisdictions.

Schedule 1 [6] requires the Board to notify each interstate registration authority of any disciplinary action taken against a veterinary practitioner, including a veterinary practitioner who has deemed registration.

Schedule 1 [1], [3]–[5] and [7] are consequential amendments.

Schedule 1 [8] enables savings and transitional regulations to be made as a consequence of the proposed Act.

First print



New South Wales

Veterinary Practice Amendment (Interstate Veterinary Practitioners) Bill 2011

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Veterinary Practice Act 2003 No 87	3



New South Wales

Veterinary Practice Amendment (Interstate Veterinary Practitioners) Bill 2011

No. , 2011

A Bill for

An Act to amend the *Veterinary Practice Act 2003* to make provision for the recognition in New South Wales of veterinary practitioners registered in other States or Territories.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Veterinary Practice Amendment (Interstate Veterinary Practitioners) Act 2011</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of Veterinary Practice Act 2003 No 87	1 2
[1]	Sections 18 (c) and 19 (3) (e)	3
	Insert “or another jurisdiction prescribed by the regulations” after “Territory” wherever occurring.	4 5
[2]	Part 4A	6
	Insert after Part 4:	7
	Part 4A Recognition of interstate veterinary practitioners	8 9
34A	Definitions	10
	In this Part:	11
	<i>another jurisdiction</i> means another State or a Territory or another jurisdiction prescribed by the regulations.	12 13
	<i>deemed registration</i> —see section 34B (1).	14
	<i>interstate registration authority</i> means a person or body having the function of the registration of persons as veterinary practitioners in another jurisdiction.	15 16 17
	<i>person</i> means an individual.	18
34B	Recognition of veterinary practitioners registered in other jurisdictions	19 20
(1)	A person who practises as a veterinary practitioner in New South Wales is taken to be registered as a veterinary practitioner under this Act (referred to in this Part as <i>deemed registration</i>) if:	21 22 23
(a)	the person’s principal place of residence is another jurisdiction, and	24 25
(b)	the person is registered as a veterinary practitioner in that jurisdiction, and	26 27
(c)	the person is not registered as a veterinary practitioner in New South Wales.	28 29
(2)	For the purposes of subsection (1), a person’s principal place of residence includes any jurisdiction which was, within the last 3 months, the person’s principal place of residence.	30 31 32
(3)	If a person has specialist registration in a branch of veterinary science (however described) in another jurisdiction, the person’s	33 34

	deemed registration is taken to be specialist registration in that branch for the purposes of this Act.	1 2
(4)	If a person's right to practise veterinary science in another jurisdiction is of a class prescribed by the regulations, the person's deemed registration is taken to be registration of the class prescribed by the regulations as the equivalent class of registration for the purposes of this Act.	3 4 5 6 7
34C	Application of Act to veterinary practitioners with deemed registration	8 9
(1)	A person who has deemed registration is taken to be a veterinary practitioner for the purposes of this Act and the laws of this State. Note. Provisions in this Act relating to complaints and disciplinary action against veterinary practitioners apply to a person with deemed registration and extend to a person whose deemed registration has ceased or been suspended (see section 36).	10 11 12 13 14 15
(2)	However, Part 4 does not apply to a person who has deemed registration.	16 17
(3)	A reference in this Act to the suspension or cancellation of the registration of a veterinary practitioner is, in the case of a person with deemed registration, to be read as a reference to the suspension or cancellation of the person's deemed registration.	18 19 20 21
34D	Conditions or limitations of deemed registration	22
(1)	If a person's registration as a veterinary practitioner in another jurisdiction is subject to a condition or a limitation, the person's deemed registration in New South Wales is taken to be subject to the same condition or limitation.	23 24 25 26
(2)	The Board may:	27
(a)	on application by the person, waive or vary a condition of a person's deemed registration if it thinks it is appropriate in the circumstances, or	28 29 30
(b)	on its own initiative by notice in writing given to the person, vary or impose a condition on the person's deemed registration.	31 32 33
(3)	The Board may vary or impose a condition on a person's deemed registration under subsection (2) (b) only if it thinks it is necessary to ensure that the authority conferred by a person's deemed registration is substantially the same as the authority conferred by the person's registration in the other jurisdiction.	34 35 36 37 38
(4)	A person with deemed registration may apply to the Tribunal for a review of a decision by the Board under subsection (2).	39 40

34E	Suspension and cancellation of deemed registration	1
	If a person's registration as a veterinary practitioner in another jurisdiction (including deemed registration however described) is suspended or cancelled, the person's deemed registration in New South Wales may, without further investigation or hearing, be suspended or cancelled (as the case requires) on the grounds on which the registration in that other jurisdiction was suspended or cancelled.	2 3 4 5 6 7 8
34F	Arrangements between the Board and interstate registration authorities	9 10
	(1) The Board may enter into an arrangement with interstate registration authorities for the purposes of establishing a national register of veterinary practitioners and for other purposes related to the recognition of veterinary practitioners registered in other jurisdictions.	11 12 13 14 15
	(2) Such an arrangement may, without limitation, involve the establishment of a national register of veterinary practitioners by the Australasian Veterinary Boards Council Inc.	16 17 18
[3]	Section 51 Tribunal's powers when complaint proved	19
	Insert "or, in the case of a veterinary practitioner who has deemed registration under Part 4A, is not eligible for deemed registration" after "such registration" in section 51 (3).	20 21 22
[4]	Part 5, Division 5	23
	Omit the Division.	24
[5]	Part 5, Division 6, heading	25
	Omit the heading. Insert instead:	26
	Division 6 Notification and publication of disciplinary action	27 28
[6]	Section 58A	29
	Insert after section 58:	30
58A	Notification of disciplinary action to interstate registration authorities	31 32
	(1) The Board must notify each interstate registration authority of any disciplinary action taken against a veterinary practitioner.	33 34
	Note. This extends to disciplinary action taken against a veterinary practitioner who has deemed registration under Part 4A.	35 36

Veterinary Practice Amendment (Interstate Veterinary Practitioners) Bill
2011

Schedule 1 Amendment of Veterinary Practice Act 2003 No 87

(2)	The Board is authorised to act under this section despite any law relating to secrecy or confidentiality.	1 2
(3)	This section does not affect any obligation or power to provide information under the <i>Mutual Recognition Act 1992</i> of the Commonwealth or the <i>Trans-Tasman Mutual Recognition Act 1997</i> of the Commonwealth.	3 4 5 6
(4)	In this section, <i>interstate registration authority</i> means a person or body having the function of the registration of persons as veterinary practitioners in another State or a Territory or another jurisdiction prescribed by the regulations.	7 8 9 10
[7]	Section 92 Annual meeting of veterinary profession	11
	Insert “(other than a veterinary practitioner who has deemed registration under Part 4A)” after “veterinary practitioner” in section 92 (2).	12 13
[8]	Schedule 4 Savings, transitional and other provisions	14
	Insert at the end of clause 1 (1):	15
	<i>Veterinary Practice Amendment (Interstate Veterinary Practitioners) Act 2011</i>	16 17