

VETERINARY PRACTICE BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to protect animal health, safety and welfare and the public interest by providing for the registration of veterinary surgeons; to regulate the provision of veterinary treatment for the purposes of maintaining high standards of competence and conduct by veterinary surgeons; to repeal the Veterinary Surgeons Act 1985; and for other purposes. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The Veterinary Practice Bill is the result of extensive consultation with the veterinary profession and industries associated with the keeping and welfare of animals. It supports provisions for protecting animal health, safety and welfare and the public interest by regulating a high standard for the veterinary profession in South Australia well into the 21st century. The main effect of the bill is to supersede the Veterinary Surgeons Act 1985 in providing regulation of the veterinary profession that is consistent with national competition policy principles and to streamline procedures for registration of veterinary surgeons and the handling of complaints by the Veterinary Surgeons Board.

The bill removes restrictions on ownership of practices by non-veterinarians while at the same time containing provisions aimed at avoiding any conflict of interest in such situations. There will be a register of interests held by veterinarians or prescribed relatives in prescribed veterinary businesses. Veterinarians will be required to inform clients of those interests where relevant and there will be offences relating to inducements for veterinarians giving recommendations or prescriptions benefiting those businesses.

In addition, there will be a register of veterinary service providers (that is, persons other than veterinary surgeons who provide veterinary treatment through the instrumentality of a veterinary surgeon) and it will be an offence for such a person to direct or pressure a veterinary surgeon to act unlawfully, improperly, negligently or unfairly in relation to the provision of veterinary treatment. The bill defines veterinary treatment which only veterinarians may perform for fee or reward but makes provision for regulations to exempt common farm practices such as lamb-marking from the definition.

The current act contemplates the Veterinary Surgeons board conducting an inquiry following the laying of a formal complaint. This bill will give the board further powers to investigate complaints to determine whether a hearing is required or not. This will not only save the board money by reducing the number of formal hearings but more importantly will save individual veterinarians from the time, expense and angst of formal hearings where prior investigation reveals such a hearing is not warranted in the circumstances. The constitution of the board for the purposes of a formal disciplinary hearing has been set at three, which will make it easier to ensure that the members sitting on a hearing have not been involved in the investigation of the matter and that a majority decision is reached. The appeals process has been simplified by making the appeal to the District Court instead of the Supreme Court. The size of the board for all other matters will be increased from six to seven by including the addition of an extra non-veterinarian consumer representative.

Specific provision has been made in the bill for accreditation of veterinary hospitals. This will ensure that all veterinary hospitals are of a very high standard consistent with standards applying in other parts of Australia. Provisions have been made for guidelines for continuing professional education to encourage veterinarians to maintain their standards. In addition, a provision has been made to restrict veterinarians who have been out of practice for more than three years from resuming practice unless the board is satisfied that they have sufficient experience in current practice methods.

Board procedures have been streamlined in several ways such as allowing meetings by teleconference (where appropriate) by specifically providing for informal resolution of complaints that are found to have been caused by misunderstanding and by allowing an approved auditor to provide the annual audit of accounts rather than by formal submission to the Auditor-General.

The bill provides for exemption by proclamation from the restriction on providing veterinary treatment where circumstances warrant it such as may occur in an emergency disease outbreak. In addition the limited registration provisions could be used to provide for those non-qualified people who could be issued permits under the existing act. I commend the bill to honourable members. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines terms used in the measure.

Veterinary treatment is defined as:

- the diagnosis, treatment or prevention of a disease, injury or condition in an animal; or
- the administration of an anaesthetic to an animal; or
- the castration or spaying of an animal; or
- a prescribed artificial breeding procedure.

There is a power for the regulations to include or exclude procedures or from the definition.

Veterinary surgeon is the concept used to describe a person registered on the general register or on the general register and the specialist register.

A veterinary services provider is a person (not being a veterinary surgeon) who provides veterinary treatment through the instrumentality of a veterinary surgeon.

Clause 4: Medical fitness to provide veterinary treatment

This clause provides that in making a determination under the measure as to a person's medical fitness to provide veterinary treatment, regard must be given to the question of whether the person is able to provide veterinary treatment personally to an animal without endangering the animal's health, safety or welfare.

PART 2

VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONTINUATION OF BOARD

Clause 5: Continuation of Board

This clause provides for the continuation of the Veterinary Surgeons Board as the Veterinary Surgeons Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

DIVISION 2—MEMBERSHIP

Clause 6: Composition of Board

This clause provides for the Board to consist of 7 members appointed by the Governor and empowers the Governor to appoint deputy members.

Clause 7: Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office. It also allows members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.

Clause 8: Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 9: Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

DIVISION 3—REGISTRAR AND STAFF

Clause 10: Registrar

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

Clause 11: Staff

This clause provides for the Board to have such staff as it thinks necessary for the proper performance of its functions.

DIVISION 4—GENERAL FUNCTIONS AND POWERS

Clause 12: Objects

This clause requires the Board to exercise its functions with the object of protecting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards both of competence and conduct in the provision of veterinary treatment in this State.

Clause 13: Functions

This clause sets out the functions of the Board. These include:

- to prepare or endorse codes of conduct and professional standards for veterinary surgeons;
- to prepare or endorse guidelines on continuing education for veterinary surgeons;
- to establish administrative processes for handling complaints received against veterinary surgeons or veterinary services providers (which may include processes under which the veterinary surgeon or veterinary services provider voluntarily enters into an undertaking).

Clause 14: Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

Clause 15: Committees

This clause empowers the Board to establish committees to advise the Board and assist it to carry out its functions.

Clause 16: Delegations

This clause empowers the Board to delegate functions or powers under the measure to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

DIVISION 5—PROCEDURES

Clause 17: Procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

Clause 18: Disclosure of interest

This clause requires members of the Board to disclose direct or indirect pecuniary or personal interests in matters under consideration and prohibits participation in any deliberations or decision of the Board on those matters. A maximum penalty of \$10 000 is fixed for contravention or non-compliance.

Clause 19: Powers in relation to witnesses, etc.

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

Clause 20: Power to require medical examination or report

This clause empowers the Board to require a veterinary surgeon or person applying for registration or reinstatement of registration as a veterinary surgeon to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply, the Board can suspend the person's registration until further order.

Clause 21: Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

Clause 22: Representation at proceedings

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

Clause 23: Costs

This clause empowers the Board to award costs against a party to proceedings before the Board.

DIVISION 6—ACCOUNTS, AUDIT AND ANNUAL REPORT

Clause 24: Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

Clause 25: Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

PART 3

**REGISTRATION OF VETERINARY SURGEONS
DIVISION 1—REGISTERS**

Clause 26: Registers

This clause requires the Registrar to keep a general register, a specialist register and a register of persons whose names have been removed from a register and have not been reinstated.

Clause 27: Authority conferred by registration on general or specialist register

This clause sets out the kind of veterinary treatment that registration on the general or specialist register authorises a registered person to provide.

Clause 28: General and specialist registers

Clause 29: Register of persons removed from general or specialist register

These clauses set out the information to be included on each register.

Clause 30: Provisions of general application to registers

This clause requires the registers of registered persons to be kept available for inspection by the public and permits access to be made available by electronic means (such as the Internet). It also contains provisions relevant to the maintenance of the registers.

Clause 31: Requirement to inform Board of changes

This clause requires registered persons to notify a change of address within 3 months. A maximum penalty of \$250 is fixed for non-compliance.

DIVISION 2—REGISTRATION

Clause 32: Registration of natural persons on general or specialist register

This clause provides for the full and limited registration of natural persons as veterinary surgeons in general practice or specialties.

Clause 33: Application for registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide veterinary treatment or to

obtain additional qualifications or experience before determining an application.

Clause 34: Removal from register or specialty

This clause requires the Registrar to remove a person's name from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

Clause 35: Reinstatement on register or in specialty

This clause makes provision for reinstatement of a person's name on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide veterinary treatment or to obtain additional qualifications or experience before determining an application.

Clause 36: Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their veterinary practice, continuing veterinary education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register the name of a person who fails to pay the annual practice fee or furnish the required return.

Clause 37: Variation or revocation of conditions of registration

This clause empowers the Board, on application by a veterinary surgeon, to vary or revoke a condition imposed by the Board on his or her registration.

Clause 38: Contravention of conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of \$75 000 or imprisonment for six months.

PART 4

**VETERINARY PRACTICE
DIVISION 1—GENERAL OFFENCES**

Clause 39: Prohibition on provision of veterinary treatment for fee or reward by unqualified persons

This clause makes it an offence for a person to provide veterinary treatment for fee or reward unless, at the time the treatment was provided, the person was a qualified person or provided the treatment through the instrumentality of a qualified person. A maximum penalty of \$50 000 or imprisonment for six months is fixed for the offence. However, these provisions do not apply in relation to veterinary treatment provided by an employee of the owner of the animal in the course of that employment or by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of \$50 000 to contravene or fail to comply with a condition of an exemption.

Clause 40: Illegal holding out as veterinary surgeon or specialist

This clause makes it an offence for a person to hold himself or herself out as a veterinary surgeon, specialist or particular class of specialist or permit another person to do so unless registered on the appropriate register or in the appropriate specialty. It also makes it an offence for a person to hold out another as a veterinary surgeon, specialist or particular class of specialist unless the other person is registered on the appropriate register or in the appropriate specialty. In both cases a maximum penalty of \$50 000 or imprisonment for 6 months is fixed.

Clause 41: Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is limited or conditional as having registration that is not subject to a limitation or condition. In each case a maximum penalty of \$50 000 or imprisonment for 6 months is fixed.

Clause 42: Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of \$50 000 is fixed.

Clause 43: Board's approval required where veterinary surgeon has not practised for 3 years

This clause prohibits a veterinary surgeon who has not provided veterinary treatment for 3 years or more from providing such treatment for fee or reward without the prior approval of the Board

and fixes a maximum penalty of \$20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Clause 44: Veterinary surgeon to be indemnified against loss
This clause prohibits veterinary surgeons from providing veterinary treatment for fee or reward unless insured or indemnified in a manner approved by the Board against civil liabilities that might be incurred by the person in the course of providing any such treatment. It fixes a maximum penalty of \$10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

Clause 45: Information relating to claim against veterinary surgeon to be provided

This clause requires a veterinary surgeon to provide the Board with prescribed information about any claim made against the veterinary surgeon or another person for alleged negligence committed by the veterinary surgeon in the course of providing veterinary treatment. The clause fixes a maximum penalty of \$10 000 for non-compliance.

DIVISION 2—PROVISIONS FOR AVOIDANCE OF CONFLICTS OF INTEREST

Clause 46: Interpretation

This clause defines terms used in the Part.

Clause 47: Veterinary surgeon or prescribed relative to inform Board of interests in prescribed businesses

This clause requires a veterinary surgeon or prescribed relative of a veterinary surgeon who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest.

A prescribed business is a business consisting of or involving—
the provision of a veterinary service; or
the manufacture, sale or supply of a veterinary product.

A veterinary service is—
veterinary treatment, veterinary pathology or veterinary pharmaceutical services; or
veterinary hospital services; or
any other service declared by the regulations to be a veterinary service for the purposes of this Division.

A veterinary product is—
a veterinary pharmaceutical product; or
any other product declared by the regulations to be a veterinary product for the purposes of this Division;

The clause fixes a maximum penalty of \$20 000 for non-compliance.

Clause 48: Veterinary surgeon to inform client of interests in prescribed businesses

This clause prohibits a veterinary surgeon from recommending that veterinary service provided by a prescribed business in which the veterinary surgeon or a prescribed relative has an interest, and from prescribing, or recommending that a veterinary product manufactured, sold or supplied by the prescribed business be used in relation to an animal unless the veterinary surgeon has informed the person apparently responsible for the animal in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of \$20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a veterinary surgeon to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the recommendation or prescription that is the subject of the proceedings relates.

Clause 49: Offence to give, offer or accept benefit for recommendation or prescription

This clause makes it an offence—

- for any person to give or offer to give a veterinary surgeon or prescribed relative of a veterinary surgeon a benefit as an inducement, consideration or reward for the veterinary surgeon recommending or prescribing a veterinary service or veterinary product provided, sold, etc. by the person;
- for a veterinary surgeon or prescribed relative of a veterinary surgeon to accept from any person a benefit offered or given as an inducement, consideration or reward for such a recommendation or prescription.

In each case a maximum penalty of \$75 000 is fixed for a contravention.

DIVISION 3—VETERINARY SERVICES PROVIDERS

Clause 50: Information to be given to Board by veterinary services provider

This clause requires veterinary services providers to provide certain information to the Board.

Clause 51: Improper directions, etc., to veterinary surgeon by veterinary services provider

This clause makes it an offence for a person who provides veterinary treatment through the instrumentality of a veterinary surgeon to direct or pressure the veterinary surgeon to act unlawfully, improperly, negligently or unfairly in relation to the provision of veterinary treatment. It also makes it an offence for a person occupying a position of authority in a trust or corporate entity that provides veterinary treatment through the instrumentality of a veterinary surgeon to so direct or pressure the veterinary surgeon. In each case a maximum penalty of \$75 000 is fixed.

DIVISION 4—VETERINARY HOSPITALS

Clause 52: Illegal holding out of facility as veterinary hospital
This clause makes it an offence to hold out a facility as a veterinary hospital or animal hospital or permit another person to do so unless the facility is accredited as a veterinary hospital by the Board. A maximum penalty of \$50 000 is fixed.

Clause 53: Accreditation by Board of facility as veterinary hospital

This clause contains procedural matters relating to the scheme for accreditation.

Clause 54: Requirement to inform Board on becoming owner or occupier of facility accredited as veterinary hospital

This clause requires a person to provide certain information to the Board relating to accredited facilities.

PART 5

INVESTIGATIONS AND PROCEEDINGS

DIVISION 1—PRELIMINARY

Clause 55: Interpretation

This clause provides that in this Part, the terms "occupier of a position of authority", "veterinary surgeon" and "veterinary services provider" includes a person who is not but who was, at the relevant time, the occupier of a position of authority, a veterinary surgeon or a veterinary services provider.

DIVISION 2—INVESTIGATIONS

Clause 56: Powers of inspectors

This clause sets out the investigative powers of an inspector.

An inspector may investigate a matter where there are reasonable grounds for suspecting—

- that there is proper cause for disciplinary action against a person (see Division 4); or
- that a veterinary surgeon is medically unfit to provide veterinary treatment; or
- that any other person is guilty of an offence against the measure.

An inspector may also investigate whether the requirements determined by the Board to be necessary for accreditation of a facility as a veterinary hospital are met in relation to a facility so accredited by the Board.

Clause 57: Offence to hinder, etc., inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of \$10 000 is fixed.

Clause 58: Offences by inspectors

This clause makes it an offence for an inspector to address offensive language to another person or, without lawful authority, to hinder or obstruct, use force or threaten the use of force in relation to another person. A maximum penalty of \$10 000 is fixed.

DIVISION 3—MEDICAL FITNESS

Clause 59: Obligation to report medical unfitness of veterinary surgeon

This clause requires certain classes of persons to report to the Board if of the opinion that a veterinary surgeon is or may be medically unfit to provide veterinary treatment. A maximum penalty of \$10 000 is fixed for non-compliance. The Board must cause report to be investigated.

Clause 60: Medical fitness of veterinary surgeon

This clause empowers the Board to suspend the registration of a veterinary surgeon, impose conditions on registration restricting the right to provide veterinary treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation, and after due inquiry, the Board is satisfied that the veterinary surgeon is medically unfit to provide veterinary treatment and that it is desirable in the public interest to take such action.

DIVISION 4—DISCIPLINARY ACTION

Clause 61: Cause for disciplinary action

This clause sets out what constitutes proper cause for disciplinary action against a veterinary surgeon, a veterinary services provider

or a person occupying a position of authority in a trust or corporate entity that is a veterinary services provider.

Clause 62: Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint (laid before the Board in the manner and form approved by the Board) relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious.

If, after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can—

- censure the person,
- order the person to pay a fine of up to \$10 000,
- impose conditions on the person's right to provide veterinary treatment,
- suspend the person's registration for a period not exceeding 1 year,
- cancel the person's registration,
- disqualify the person from being registered,
- prohibit the person from carrying on business as a veterinary services provider,
- prohibit the person from occupying a position of authority in a trust or corporate entity that is a veterinary services provider.

If a person fails to pay a fine imposed by the Board, the Board may remove the person's name from the appropriate register.

Clause 63: Contravention of prohibition order or order imposing conditions

This clause makes it an offence to contravene an order of the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of \$75 000 or imprisonment for 6 months is fixed.

DIVISION 5—GENERAL

Clause 64: Constitution of Board for purpose of proceedings under this Part

This clause sets out that the Board is to be constituted for the purpose of hearing and determining proceedings under the Part of the legal practitioner and 2 other members, at least one of whom must be a veterinary surgeon.

Clause 65: Provisions as to proceedings before Board under this Part

This clause deals with the conduct of proceedings by the Board under this Part.

PART 6 APPEALS

Clause 66: Right of appeal to District Court

- This clause provides a right of appeal to the District Court against—
- a refusal by the Board to register, or reinstate the registration of, a person under the measure; or
 - the imposition by the Board of conditions on a person's registration under the measure; or
 - a decision made by the Board in proceedings under Part 5; or
 - a refusal by the Board to accredit a facility as a veterinary hospital or a decision of the Board to suspend or cancel the accreditation of such a facility.

Clause 67: Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a veterinary surgeon, to vary or revoke a condition imposed by the Court on his or her registration.

PART 7 MISCELLANEOUS

Clause 68: False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of \$20 000.

Clause 69: Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of \$20 000 or imprisonment for 6 months.

Clause 70: Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination,

disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1994*.

Clause 71: Self-incrimination and legal professional privilege

This clause provides that a person cannot refuse or fail to answer a question or produce documents as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty, or on the ground of legal professional privilege. If a person objects on either of the first two grounds, the fact of production of the document or the information furnished is not admissible against the person except in proceedings in respect of making a false or misleading statement or perjury.

If a person objects on the ground of legal professional privilege, the answer or document is not admissible in civil or criminal proceedings against the person who would, but for this clause, have the benefit of that privilege.

Clause 72: Punishment of conduct that constitutes offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

Clause 73: Vicarious liability for offences

This clause provides that if a trust or corporate entity is guilty of an offence against the measure, each person occupying a position of authority in the entity is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the offence by the entity.

Clause 74: Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Veterinary Surgeons Act 1985*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

- as required or authorised by or under this measure or any other Act or law; or
- with the consent of the person to whom the information relates; or
- in connection with the administration of this measure or the repealed Act; or
- in accordance with a request of an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide veterinary treatment, where the information is required for the proper administration of that law.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of \$10 000 is fixed for contraventions of this clause.

Clause 75: Protection from personal liability

This clause protects members of the Board or a committee of the Board, the Registrar, staff of the Board and inspectors from personal liability in good faith for an act or omission in the performance or purported performance of functions or duties under the measure. A civil liability will instead lie against the Crown.

Clause 76: Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences against the measure and disciplinary proceedings under Part 5.

Clause 77: Service

This clause sets out the methods by which notices and other documents may be served for the purposes of the measure.

Clause 78: Variation or revocation of notices

This clause enables the Board to vary or revoke a Gazette notice published under the measure.

Clause 79: Regulations

This clause empowers the Governor to make regulations for the purposes of the measure.

SCHEDULE

Repeal and Transitional Provisions

This Schedule repeals the *Veterinary Surgeons Act 1985* and makes transitional provisions relating to the constitution of the Board and other matters.

The **Hon. CAROLINE SCHAEFER** secured the adjournment of the debate.