**VETERINARY SURGEONS BILL 1985**

**Legislative Council, 23 October 1985, pages 1452-4**

Second reading

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to provide for the registration of veterinary surgeons; to regulate the practice of veterinary surgery for the purpose of maintaining high standards of competence and conduct by veterinary surgeons in South Australia; to repeal the Veterinary Surgeons Act 1935; and for other purposes. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second lime.

I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to provide for the registration of veterinary surgeons, to regulate the practice of veterinary surgery for the purpose of maintaining high standards of competence and conduct by veterinary surgeons in South Australia and to repeal the Veterinary Surgeons Act 1935.

In 1981, the Veterinary Surgeons Board completed a detailed study of proposals to amend the Veterinary Surgeons Act 1935. This study indicated that the required amendments were so extensive that they could most effectively be implemented by the drafting of a new Bill. The amendments included in the Bill have been discussed over the past four years with the Australian Veterinary Association (AVA) South Australian Division; the Minister of Health; the United Farmers and Stockowners; and the South Eastern Dairymen's Association.

The Bill provides for the membership of the Veterinary Surgeons Board to be increased from five to six members appointed by the Governor. Five of the members are to be nominated by the Minister of Agriculture and one, who shall be a veterinary surgeon, is to be nominated by the Australian Veterinary Association, South Australian Division.

Of the members appointed on the nomination of the Minister one, who is to be the presiding officer of the board, will be a special magistrate or legal practitioner of not less than ten years standing, three shall be veterinary surgeons and one shall be a person who is neither a veterinary surgeon nor a legal practitioner. Members are to be appointed for terms not exceeding three years upon such conditions as the Governor determines and on the expiration of a term of office will be eligible for re-appointment.

The provisions of the Bill make it illegal for persons to make a living from veterinary science if they are not qualified to do so and empowers the Veterinary Surgeons Board to conduct hearings and impose penalties in relation to the practice of veterinary surgery.

In the past, the Veterinary Surgeons Board has from time to time received complaints relating to persons who have no veterinary qualifications who, for remuneration, treat and surgically operate on animals. Instances of highly incompetent treatment have been reported, but the board has been powerless to act in such cases if the person concerned has not claimed that he or she is a qualified veterinary surgeon. A qualified person under the provisions of this Bill will be a veterinary surgeon, a veterinary practitioner or a permit holder.

It is recognised, however, that there are many procedures within the definition of veterinary science which need not, or should not, be the exclusive preserve of the veterinary surgeon. Accordingly, the Bill is framed in a way that does not restrict the owner of an animal, or an employee of the owner, from treating the animal. It also includes provisions, through regulation, for other exclusions, such as the rendering of emergency first aid.

The Bill provides for the registration of veterinary surgeons in South Australia to be brought into line with other States and in accordance with Commonwealth policy. It gives effect to the recommendations of the Council on Overseas Professional Qualifications (COPQ) to establish within Australia a uniform standard of qualification and uniform procedures for the registration of persons with overseas veterinary qualifications.

The veterinary profession considers it desirable to provide for the registration of veterinary specialists and accordingly provisions have been made for veterinary surgeons or veterinary practitioners who have prescribed qualifications and experience and who fulfill all other requirements, to be registered on the register of specialists. The Governor may, on the recommendation of the board, prescribe the branches of veterinary surgery in relation to which a person may be registered on the register of specialists.

Additional new provisions provide for the practise of veterinary surgery by companies. A company may be registered on the register of veterinary surgeons if it satisfies the requirements prescribed in the Bill.

In summary, the Bill recognises the need to maintain a high standard of competence and conduct in order to preserve the integrity of the veterinary profession in South Australia. It also recognises the importance of making registration procedures in this State consistent with those in other States and in accordance with Commonwealth policy.

Clauses 1 and 2 are formal.

Clause 3 repeals the Veterinary Surgeons Act 1935.

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Clause 4 provides definitions of terms used in the Bill. Subclause (2) provides that the Act will apply to unprofessional conduct committed before its enactment. This is in the nature of a transitional provision. A veterinary surgeon or veterinary practitioner who is guilty of such conduct cannot be penalised under the old Act after it has been repealed. This provision will ensure that he can be disciplined under the new Act. Paragraph (b) of the subclause ensures that he can be disciplined for unprofessional con duct committed outside South Australia.

Clause 5 establishes the Veterinary Surgeons Board.

Clause 6 provides for the membership of the board and related matters.

Clause 7 provides for procedures at meetings of the board.

Clause 8 ensures the validity of acts of the board in certain circumstances and gives members immunity from liability in the exercise of their powers and functions under the Act.

Clause 9 disqualifies a member who has a personal or pecuniary interest in a matter under consideration by the board from participating in the board's decisions on that matter.

Clause 10 provides for remuneration and other payments to members of the board.

Clause 11 sets out the functions and powers of the board.

Clause 12 will enable the board to establish committees.

Clause 13 provides for delegation by the board of its functions and powers.

Clause 14 sets out powers of the board when conducting hearings under Part IV or considering an application for registration of re-instatement of registration.

Clause 15 frees the board from the strictures of the rules of evidence and gives it power to decide its own procedure.

Clause 16 provides for representation of parties at hearings before the board.

Clause 17 provides for costs in proceedings before the board.

Clause 18 provides for the appointment of the Registrar and employees of the board.

Clause 19 requires the board to keep proper accounts and provides for the auditing of those accounts.

Clause 20 requires the board to make an annual report on the administration of the Act. The Minister must cause a copy of the report to be laid before each House of Parlia ment.

Clauses 21, 22 and 23 make it illegal for an unqualified person to hold himself out, or to be held out by another, as a veterinary surgeon, veterinary practitioner or a specialist.

Clause 24 makes it an offence for any person other than a veterinary surgeon, veterinary practitioner or permit holder to provide treatment to an animal for fee or reward.

Clauses 25, 26 and 27 provide for the registration of persons under the Act. The qualifications, experience and other requirements for registration will be prescribed by regulations.

Clause 28 provides for re-instatement of persons on the register.

Clause 29 provides for limited registration. Registration under this clause may be made subject to conditions specified in subclause (3). Subclause (1) will allow graduates, persons seeking re-instatement, other persons requiring experience for full registration and persons wishing to teach or carry out research or study in South Australia to be registered so that they may acquire that experience or under take those other activities. Subclause (2) gives the board the option of registering a person who is not fit and proper for full registration. He may be registered subject to conditions that cater for the deficiency.

Clause 30 provides for provisional registration.

Clause 31 provides for registration of companies and provides detailed requirements as to the memorandum and articles of such a company.

Clause 32 provides for annual returns by registered companies and the provision of details relating to directors and members of the company.

Clause 33 prohibits registered companies from practising in partnership.

Clause 34 restricts the number of registered persons who can be employed by a registered company.

Clause 35 makes directors of a registered company criminally liable for offences committed by the company.

Clause 36 makes the directors of a registered company liable for the civil liability of the company.

Clause 37 requires that any alterations in the memorandum or articles of a registered company must be approved by the board.

Clause 38 provides for the issue of permits to provide veterinary treatment in areas not properly served by veterinary surgeons or veterinary practitioners.

Clause 39 provides for the keeping and the publication of the registers and other related matters.

Clause 40 provides for the payment of fees by registered persons.

Clauses 41 to 43 make provisions relating to the register that are self-explanatory.

Clause 44 is a provision which will allow the board to consider whether a practitioner who is the subject of a complaint under the clause has the necessary knowledge, experience and skill to practise in the branch of veterinary surgery that he has chosen. This important provision will help to ensure that registered persons keep up to date with latest developments in their practice of veterinary surgery. If the matters alleged in the complaint are established the board will be able to impose conditions on the person's registration.

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Clause 45 is designed to protect the public where a practitioner is suffering a mental or physical incapacity but refuses to abandon or curtail his practice. In such circum stances the board may suspend his registration or impose conditions on it.

Clause 46 empowers the board to require a registered person whose mental or physical capacity is in doubt to submit to an examination by a medical practitioner appointed by the board.

Clause 47 gives the board the power to inquire into allegations of unprofessional conduct.

Clause 48 gives the board power to vary or revoke a condition it has imposed on registration or that is imposed by the transitional provisions set out in the schedule.

Clause 49 makes machinery provisions as to the conduct of inquiries.

Clause 50 provides for a problem that can occur where a practitioner who is registered here and interstate and has been struck off in the other State continues to practise here during the hearing of proceedings to have him removed from the South Australian register. Experience has shown that these proceedings can be protracted. This provision will enable the board to suspend him during this process.

Clause 51 provides for appeals to the Supreme Court from decisions of the board.

Clause 52 allows orders of the board to be suspended pending an appeal to the Supreme Court.

Clause 53 empowers the Supreme Court to vary or revoke a condition that it has imposed on appeal.

Clause 54 requires registered persons to be properly indemnified against negligence claims before practising.

Clause 55 makes it an offence to contravene or fail to comply with a condition imposed by or under the Act.

Clause 56 requires a practitioner to inform the board of claims for professional negligence made against him.

Clause 57 provides for the service of notices on registered persons.

Clause 58 provides a penalty for the procurement of registration by fraud.

Clause 59 provides that where a practitioner is guilty of unprofessional conduct by reason of the commission of an offence he may be punished for the offence as well as being disciplined under Part IV.

Clause 60 provides for the summary disposal of offences under the Bill.

Clause 61 provides for the making of regulations.

The Hon. J.C. BURDETT secured the adjournment of the debate.