

**NORTHERN TERRITORY OF AUSTRALIA**

**VETERINARIANS ACT 1994**

As in force at 1 May 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 May 2016

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## VETERINARIANS ACT

**An Act to provide for the registration of veterinarians and veterinary specialists, to regulate the provision of veterinary services, and for related purposes**

### **Part 1            Preliminary**

#### **1            Short title**

This Act may be cited as the *Veterinarians Act 1994*.

#### **2            Commencement**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### **3            Interpretation**

(1) In this Act, unless the contrary intention appears:

***appointed member*** means a member appointed under section 5(1)(c).

***approved*** means approved by the Board.

***Board*** means the Veterinary Board of the Northern Territory established under section 4(1).

***certificate of registration*** means a certificate of registration issued under section 21(1).

***Chief Inspector***, see the *Livestock Act 2008*.

***elected member*** means a member elected for the purposes of section 5(1)(b) and includes a person who is to be taken under the Regulations to be elected.

***inspector*** means a person who is, in accordance with section 39(1), an inspector for the purposes of this Act.

**interim registration** means registration as a veterinarian or veterinary specialist authorised under section 17(1).

**limited registration** has the meaning given by section 16(1).

**member** means a member of the Board.

**misconduct** shall be construed in accordance with section 28.

**notice of hearing** means a notice served under section 31D(1).

**notice of investigation** means a notice served under section 29(1) or 30(1).

**prescribed** means prescribed by the Regulations.

**President** means the President of the Board.

**primary registration** means registration on the Register recorded as primary registration.

**record** includes a radiograph, a case record, pathology report, specialist's report, euthanasia form and any other recording in relation to a particular case.

**Register** means the Veterinary Register maintained in pursuance of section 10(1).

**registered veterinarian** means a person whose registration, including interim or limited registration, as a veterinarian is currently in force.

**registered veterinary specialist** means a person whose registration, including interim registration, as a veterinary specialist is currently in force.

**Registrar** means the Registrar of the Board appointed under section 8(a), and includes a person appointed under section 8(b) while acting as Registrar.

**registration** means registration on the Register.

**secondary registration** means registration on the Register recorded as secondary registration.

**this Act** includes the Regulations.

**veterinary services** means services which form part of the practice of veterinary surgery or veterinary medicine, and includes:

- (a) attendance, examination, the diagnosis of the physiological status of an animal, the diagnosis of disease or injury, the treatment of disease or injury, giving advice on the diagnosis or treatment of disease or injury, the prescribing of medicines and drugs, administering vaccines, and the provision of veterinary certificates; and
- (b) a prescribed service,

but does not include a service declared by the Regulations not to be a veterinary service.

- (2) A reference in this Act to the provision of a veterinary service includes a reference to the provision of such a service otherwise than for fee or reward.

## **Part 2                      Veterinary Board of the Northern Territory**

### **4                      Establishment of Board**

- (1) There is established by this Act a Board to be known as the Veterinary Board of the Northern Territory.
- (2) The Board:
  - (a) is a body corporate with perpetual succession;
  - (b) shall have a common seal; and
  - (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property, and of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document, and shall presume that it was duly affixed.

### **5                      Membership of Board**

- (1) The Board consists of the following members:
  - (a) the Chief Inspector or, while a person appointed under subsection (3) is a member, that person;

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- (b) 2 registered veterinarians elected by registered veterinarians by postal ballot to represent the interests of registered veterinarians; and
  - (c) 2 persons:
    - (i) one of whom is not and never has been a registered veterinarian or a veterinarian registered under an Act of a State or another Territory of the Commonwealth and who is appointed by the Minister to represent the public interest after considering the recommendation, if any, of the Board; and
    - (ii) one of whom may be, but need not be, a registered veterinarian, appointed by the Minister after considering the recommendation, if any, of the Board.
- (2) A person is not eligible to be elected or appointed a member unless he or she is resident in the Territory.
  - (3) The Minister may in writing appoint a person to be a member of the Board for the purposes of subsection (1)(a).
  - (4) The Minister must, before appointing a person to be a member under subsection (1)(c), notify the Board that the Minister seeks its recommendation as to whom the member should be, unless the Board has already given its recommendation to the Minister.
  - (5) The Board may, within 30 days after being notified under subsection (4), recommend to the Minister a person to be appointed a member under subsection (1)(c).
  - (6) The Regulations are to provide for the conduct of elections by postal ballot under subsection (1)(b) and may provide for:
    - (a) the Registrar to declare a candidate in an election to be an elected member if the number of candidates for the election is equal to or less than the number of vacancies; and
    - (b) the Minister to appoint a registered veterinarian to be an elected member if:
      - (i) there are no candidates for an election; or
      - (ii) the number of candidates for an election is less than the number of vacancies.
  - (7) The Chief Inspector or, if a person is appointed under subsection (3) to be a member, that person, is the President of the Board.



- (8) The Minister must appoint one of the members who is a registered veterinarian to be the Vice President of the Board.
- (9) Schedule 1 has effect with respect to members and their deputies.

## **6 Functions and powers of Board**

- (1) The functions of the Board are:
  - (a) to promote high standards of professional conduct in the provision of veterinary services in the Territory;
  - (b) to determine, in accordance with Part 3, applications for the registration of persons as veterinarians or veterinary specialists;
  - (c) to exercise in relation to persons registered, or formerly registered, as veterinarians or veterinary specialists the disciplinary powers conferred by Part 5;
  - (d) to investigate any matter relating to the professional conduct of registered veterinarians or veterinary specialists, or to the provision of veterinary services, that:
    - (i) it considers desirable to investigate; or
    - (ii) the Minister directs it to investigate,and to report to the Minister on a matter investigated at the Minister's direction;
  - (e) without limiting the generality of paragraph (a), to issue guidelines in relation to standards to be observed by registered veterinarians and veterinary specialists in and in connection with the provision of veterinary services;
  - (f) to make the public aware of its existence and its functions;
  - (g) to give advice to a person where requested on a matter relating to the professional conduct of a registered veterinarian or veterinary specialist or the provision of veterinary services;
  - (h) to investigate suspected offences against this Act and to prosecute such offences; and
  - (j) such other functions as are imposed on it by or under this or any other Act.

- (2) The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions or the exercise of its powers.
- (3) Without limiting the generality of subsection (2), the Board may employ such persons as it thinks fit to advise or assist it in the performance of its functions or the exercise of its powers.

## **7 Meetings and proceedings of Board**

Schedule 2 has effect with respect to the Board's meetings and proceedings.

# **Part 3 Registration of veterinarians and veterinary specialists**

## **Division 1 Registrar and Register**

### **8 Registrar**

The Minister:

- (a) shall appoint a person who is an employee within the meaning of the *Public Sector Employment and Management Act 1993* to be the Registrar of the Board; and
- (b) may appoint such a person to act from time to time as Registrar of the Board during the absence of the Registrar from the Territory or from duty or during a vacancy in the office of Registrar.

### **9 Delegation**

- (1) The Registrar may, by instrument in writing, delegate to a person who is an employee within the meaning of the *Public Sector Employment and Management Act 1993* any of the Registrar's powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Registrar.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Registrar.

## **10 Veterinary Register**

- (1) The Registrar shall maintain, or cause to be maintained, in accordance with this Act, a Register of veterinarians and veterinary specialists to be called the Veterinary Register.
- (2) The Register shall be kept at the office of the Board, and a person may, at any time during normal office hours and on payment of the prescribed fee, if any, inspect the Register and take copies of or extracts from entries in it.
- (3) The Registrar shall, on receipt of a request in writing and the prescribed fee, if any, provide the person making the request with a copy of an entry in the Register specified in the request.

## **Division 2 Registration**

### **11 Application for registration**

- (1) A person may apply for registration as a veterinarian by lodging with the Board:
  - (a) an application in the approved form; and
  - (b) the prescribed application fee; and
  - (c) evidence that the applicant:
    - (i) is the holder of the prescribed qualifications; or
    - (ii) has current registration in a State or another Territory;  
and
  - (d) any other prescribed documents.
- (2) The application must include:
  - (a) the applicant's full name; and
  - (b) the applicant's address for service of documents under this Act; and
  - (c) details of the applicant's professional qualifications and experience in each State or Territory of the Commonwealth in which the applicant is currently or has been registered.

**12 Direction for registration, &c.**

- (1) After considering an application, the Board may, subject to section 13:
  - (a) direct the Registrar to register the applicant by making an entry in the Register; or
  - (b) refuse to make such a direction.
- (2) Where the Board refuses to make a direction, it shall, without delay, notify the applicant in writing of the reasons for the refusal.

**13 Registration as veterinarian**

- (1) Where the Board is satisfied that the applicant:
  - (a) is a fit and proper person to provide veterinary services in the Territory and is qualified to be registered by reason of holding a prescribed qualification; or
  - (b) is currently registered for the purpose of practising veterinary surgery or medicine in a State or another Territory of the Commonwealth, the registration not being subject to a limitation of a kind described in section 16(1),

the Board shall direct the Registrar to register the applicant.

- (2) For the purposes of this section, the Board may regard a person as not being a fit and proper person to provide veterinary services in the Territory if the Board is of the opinion that:
  - (a) an application by the person for authorisation, whether by registration, licence or otherwise, to provide veterinary services in a State or Territory of the Commonwealth, or in a place outside the Commonwealth, has at any time been refused;
  - (b) a registration, licence or other form of authorisation entitling the person to provide veterinary services in a State or Territory of the Commonwealth, or in a place outside the Commonwealth, has at any time been:
    - (i) cancelled or suspended; or
    - (ii) while in force, subject to conditions or a variation in conditions;

- (c) under a law regulating the provision of veterinary services in a State or Territory of the Commonwealth, or in a place outside the Commonwealth, the person:
  - (i) has at any time been reprimanded or cautioned; or
  - (ii) is the subject of an investigation,  
relating to his or her professional conduct or any other relevant matter;
- (d) a claim for damages or other compensation for or in respect of alleged negligence or other misconduct in the provision of veterinary services has been made against the person during the 2 years immediately before his or her application for registration;
- (e) the person has at any time been found guilty:
  - (i) in the Territory, of an indictable offence; or
  - (ii) in a State or Territory of the Commonwealth or a place outside the Commonwealth, of an offence that would have been an indictable offence had it been committed in the Territory;
- (f) the person has at any time been found guilty, in the Territory or a State or another Territory of the Commonwealth or a place outside the Commonwealth, of an offence against:
  - (i) this Act or any other law relating to the provision of veterinary services;
  - (ii) a law prohibiting or regulating the possession, sale, use or supply of, or other dealing in, a poison, drug or similar substance; or
  - (iii) a law relating to the welfare of, or the prevention of cruelty to, animals; or
- (g) the person is, for any reason, incapable of providing veterinary services of a satisfactory quality.

#### **14 Further requirements concerning registration**

The Board may, before determining an application, serve on the applicant a notice in writing requiring the applicant:

- (a) to supply the Board, within a period specified in the notice, with further information about any matter so specified; or

- (b) to attend the Board in person at a time and place specified in the notice.

## **15 Registration as veterinary specialist**

- (1) A person registered or eligible to be registered as a veterinarian under section 13 may apply to be registered as a veterinary specialist:
  - (a) in a branch of veterinary surgery or medicine in which he or she is registered as a specialist in a State or another Territory of the Commonwealth; or
  - (b) in any branch of veterinary surgery or medicine.
- (2) An application under subsection (1)(a) shall be made to the Board in an approved form accompanied by the prescribed application fee.
- (3) If the Board is satisfied that the applicant is registered in a State or another Territory as a specialist in the branch of veterinary surgery or medicine specified in the application, it shall direct his or her registration as a veterinary specialist in that branch.
- (4) An application under subsection (1)(b) shall be in accordance with a form approved by the Advisory Committee and shall be accompanied by:
  - (a) the documents specified in the form; and
  - (b) the prescribed application fee; and
  - (c) the fee required by the Advisory Committee for examining, and making recommendations about, applications for specialist registration,and the Board shall, on receiving the application, forward a copy of the form to the Advisory Committee, together with copies of all accompanying documents and the fee referred to in paragraph (c).
- (5) The Board may, by notice in writing, require an applicant under subsection (1)(b) to supply the Board with information about a matter specified in the notice.
- (6) The Board shall not determine an application under subsection (1)(b) until:
  - (a) it has received from the Advisory Committee its recommendation as to whether or not the applicant should be registered in accordance with the application; and

- (b) the applicant has complied, to the Board's satisfaction, with a notice under subsection (5).
- (6) The Board is not bound by a recommendation of the Advisory Committee in determining an application but it shall notify the Advisory Committee in writing of a determination that is contrary to a recommendation of the Committee.
- (7) The Board may direct the registration of an applicant under subsection (1)(b) as a veterinary specialist in the branch applied for, or may refuse the application.
- (8) Where the Board refuses an application under subsection (1)(b), it shall, in writing, inform the applicant of the refusal and notify the applicant:
  - (a) whether or not the Advisory Committee recommended registration;
  - (b) where the Advisory Committee recommended registration – of the Board's reasons for the refusal; and
  - (c) where the Advisory Committee recommended against registration – of the Committee's reasons for its recommendation and, if different, the Board's reasons for the refusal.
- (9) In this section, **Advisory Committee** means the body from time to time recognised by the authorities responsible for the registration of veterinary specialists in the States and Territories of the Commonwealth as having the function of promoting uniform standards for such registration, being the body known at the passing of this Act by the Legislative Assembly as the Advisory Committee on Registration of Veterinary Specialists.

## **16 Limited registration**

- (1) The Board may direct a person's registration as a veterinarian to be limited as to one or more of the following:
  - (a) the period, not exceeding 2 years, for which it is to continue in force;
  - (b) the veterinary services that it authorises the person to provide;
  - (c) the purposes for which, or the circumstances in which, it authorises the person to provide veterinary services.

- (2) An application for limited registration may be made to the Board by a person who is not entitled to registration as a veterinarian under section 13 because he or she:
  - (a) is not qualified within the meaning of section 13(1)(a) or is not registered for the purpose of practising veterinary surgery or medicine in a State or other Territory of the Commonwealth; or
  - (b) is so registered but is subject to a limitation under subsection (1).
- (3) An application for limited registration shall be made in accordance with an approved form accompanied by the prescribed application fee.
- (4) Where an application for limited registration is made by a person to whom subsection (2)(a) refers, the Board:
  - (a) may, by notice in writing served on the applicant, require the applicant:
    - (i) to supply to the Board, within a period specified, further information about matters specified in the notice; or
    - (ii) to attend the Board in person at a time and place specified in the notice; or
  - (b) shall, as it thinks fit:
    - (i) direct that the applicant be registered as a veterinarian, subject to one or more limitations under subsection (1); or
    - (ii) refuse to make such a direction.
- (5) Where the Board refuses to make a direction under subsection (4)(b)(i), it shall, without delay, notify the applicant in writing of the refusal and the reasons for the refusal.
- (6) Where an application for limited registration is made by a person referred to in subsection (2)(b), the Board shall direct the applicant's registration as a veterinarian subject to a limitation corresponding to the limitation to which the applicant's registration elsewhere in the Commonwealth is subject.



## **17 Interim registration**

(1) Where a person has applied to the Board for registration as a veterinarian or as a veterinary specialist, if:

- (a) 2 members; or
- (b) the Registrar and one member,

are of the opinion that, subject to subsection (2), when the Board considers the application, it will direct that the applicant be registered in accordance with the application, they may in writing authorise the applicant's interim registration as a veterinarian or as a veterinary specialist in the branch of veterinary surgery or medicine specified in the application.

(2) A person who is not registered as a veterinary specialist in a State or another Territory of the Commonwealth may apply for interim registration in a branch of veterinary surgery or medicine in the same way as an application under section 15 and interim registration may be authorised under subsection (1) only if the Board has received a recommendation under section 15(6)(a) from the Advisory Committee referred to in section 15(9) specifically recommending the registration applied for.

(3) A person's interim registration continues in force until:

- (a) he or she becomes registered in accordance with a direction of the Board; or
- (b) the Board refuses to make a direction for registration and the person is notified in writing of the refusal and the reasons for the refusal.

(4) After a person referred to in subsection (3)(b) has been notified of the Board's refusal to make the direction, the Registrar shall record on the Register that the interim registration has ceased to have effect.

## **Division 3 Conditions of registration, &c.**

### **18 Registration subject to express conditions**

(1) Registration as a veterinarian shall be subject to a condition specified in:

- (a) a direction of the Board for a person's registration, including limited registration, as a veterinarian; or

- (b) an authorisation for a person's interim registration as a veterinarian.
- (2) Where a direction or authorisation provides for a person's registration to be subject to a condition, the Registrar shall include details of the condition in the Register entry.
- (3) A registered veterinarian shall not contravene or fail to comply with a condition to which his or her registration is subject.

Maximum penalty for an offence against this subsection:  
500 penalty units.

## **19 Annual fee**

- (1) A registered veterinarian, other than a veterinarian having interim registration, must, on or before 1 January in each year, pay to the Board:
  - (a) the prescribed annual fee for registration as a veterinarian; and
  - (b) if he or she is registered as a veterinary specialist – the prescribed annual fee for registration as a veterinary specialist,for the calendar year beginning 1 January.
- (2) Where a registered veterinarian fails to pay the prescribed annual fee in accordance with subsection (1), the Registrar shall serve on him or her a notice specifying a day on or before which the fee is to be paid.
- (3) Where a registered veterinarian on whom a notice under subsection (2) is served fails to pay the fee on or before the day specified in the notice, his or her registration as a veterinarian is cancelled together with his or her registration, if any, as a veterinary specialist, and the Registrar shall note the Register accordingly.
- (4) Subsection (5) applies if a person (other than a veterinarian having interim registration):
  - (a) is eligible for primary registration; and
  - (b) applies for registration between 1 October and 31 December in a year.

- (5) On payment by the person of the annual registration fee for that year, the Board may waive the requirement for the payment of the annual registration fee for the first calendar year after that year and direct the Registrar to register the person.

## **Division 4      Miscellaneous**

### **20      Method of effecting registration**

The Registrar must register a person by recording in the Register the prescribed entry if:

- (a) one of the following applies:
- (i) the Board has directed the person's registration, including limited registration, as a veterinarian or veterinary specialist;
  - (ii) the person's interim registration as a veterinarian or veterinary specialist has been authorised under section 17(1);
  - (iii) a court has, on an appeal, made an order for the registration as a veterinarian of the person for whom the Board refused to make a direction for registration; and
- (b) the person has paid the annual registration fee.

### **20A      Primary and secondary registration**

- (1) The Board must direct the Registrar to record a person's registration as a primary registration if the Board is satisfied the majority of the person's veterinary practice is conducted in the Territory.
- (2) The Board must direct the Registrar to enter a person's registration as a secondary registration if the Board is satisfied:
- (a) the majority of a person's veterinary practice is conducted in a State or another Territory; and
  - (b) the person's registration for that State or Territory continues in force for the period for which the person would be registered under this section.

## **21 Certificate of registration**

- (1) On registering a person under section 20, the Registrar shall issue to the person a certificate of registration that:
- (a) certifies that the person:
    - (i) is registered or has interim registration as a veterinarian; or
    - (ii) is registered or has interim registration as a veterinary specialist in a branch of veterinary surgery or medicine specified in the certificate; and
  - (aa) states whether the registration is primary or secondary; and
  - (b) where the person is registered with limited registration, states the fact and specifies the respects in which the registration is limited; and
  - (c) specifies any conditions to which the registration is subject or, in the case of a person in respect of whose application the Board refused to make a direction for registration, the order for the person's registration made by a court on an appeal; and
  - (d) bears the Board's common seal.
- (2) A registered veterinarian or registered veterinary specialist shall cause his or her certificate of registration to be displayed at all times in a conspicuous position at the place, or principal place, at or from which he or she provides veterinary services.
- Maximum penalty: 20 penalty units.
- (3) It is a defence to a prosecution for an offence against subsection (2) that the person, in compliance with subsection (4)(d) or with sections 22(1) or 23(3) was for that reason, at the material time, not in possession of the certificate.
- (4) Where, at any time after the issue of a certificate of registration to a registered veterinarian:
- (a) a condition is imposed on his or her registration;
  - (b) a condition to which the registration is subject is cancelled or varied; or
  - (c) where that registration is a limited registration, the limitations to which it is subject are varied,

the Registrar shall:

- (d) by notice in writing served on the registered veterinarian, require him or her to deliver the certificate to the Registrar on or before a day specified in the notice, not earlier than 14 days after the date of service of the notice; and
  - (e) on receipt of the certificate, amend it appropriately and return it without delay to the registered veterinarian.
- (5) Where a person's registration under this Act is suspended or cancelled, the Registrar shall, by notice in writing served on the person, require the person to surrender his or her certificate of registration to the Registrar on or before a day specified in the notice, being a day not earlier than 14 days after service of the notice.
- (6) A person shall not refuse or fail to comply with a notice under subsection (4)(d) or (5).

Maximum penalty: 20 penalty units.

## **22 Change of name, address or qualifications**

- (1) A registered veterinarian who changes his or her name shall notify the Registrar in writing of the change not later than 28 days after its occurrence, and shall send with the notification his or her certificate of registration as a veterinarian and, if registered as a veterinary specialist, his or her certificate of registration as a veterinary specialist.

Maximum penalty: 20 penalty units.

- (2) A registered veterinarian who:
- (a) commences to provide veterinary services otherwise than on an occasional basis at or from particular premises; or
  - (b) ceases to provide veterinary services otherwise than on an occasional basis at or from particular premises that were formerly being used by the veterinarian in connection with veterinary services,

shall, not later than 28 days after commencing to use or ceasing to use the premises for or in connection with the provision of veterinary services, notify the Registrar in writing, specifying the full postal address of the premises at or from which he or she is now providing or intending to provide veterinary services otherwise than on a casual basis and, if different, his or her address for service by post.

Maximum penalty: 20 penalty units.

- (3) On receiving a notification under subsection (1) or (2) from a registered veterinarian, the Registrar shall:
  - (a) in the case of a notification of change of name – amend the Register and the certificate or certificates of registration accordingly and return them to the registered veterinarian;
  - (b) record in the Register the address of the premises as a professional address of the registered veterinarian and the address for service by post; or
  - (c) in a case referred to in subsection (2)(b) – delete the reference to the premises from the Register.
- (4) If a registered veterinarian so requests in writing, the Registrar shall amend the Register by substituting an address specified in the request for the address recorded as the veterinarian's address for service.
- (5) A registered veterinarian may, in writing, request the Registrar to amend the Register by adding a professional qualification specified in the request to a qualification recorded in respect of the veterinarian, and the Registrar shall comply with the request if satisfied that the veterinarian is entitled to the additional qualification.

## **23 Cancellation of registration at request**

- (1) If:
  - (a) a registered veterinarian requests, in writing, the Registrar to cancel his or her registration as a veterinarian together with his or her registration, if any, as a veterinary specialist; or
  - (b) a registered veterinary specialist requests, in writing, the Registrar to cancel his or her registration as a veterinary specialist,

the Registrar shall, subject to subsection (2), comply with the request.

- (2) The Registrar shall not consider a request under subsection (1) unless it is accompanied by the certificate of registration relating to the registration to be cancelled.
- (3) The Registrar shall cancel a registration pursuant to this section by entering on the Register that it is cancelled and the date on which the entry is made.

## **Part 4            Offences of practising unregistered, &c.**

### **24            Provision of services by unregistered, &c., persons**

- (1) Subject to subsection (3), a person shall not provide a veterinary service unless the person is a registered veterinarian.

Maximum penalty:        500 penalty units.

- (2) Subject to subsection (3), a person having limited registration:
  - (a) where the registration limits the veterinary services that the person is authorised to provide – shall not provide a veterinary service that the person is not authorised to provide under the registration; or
  - (b) where the registration limits the purposes for which, or the circumstances in which, the person is authorised to provide veterinary services – shall not provide a veterinary service for a purpose, or in circumstances, that is or are not authorised by the registration.

Maximum penalty:        500 penalty units.

- (3) The Regulations may exclude from the operation of subsections (1) and (2) the provision of veterinary services, or of a class or description of veterinary services, in specified cases, being cases specified by reference to the class or description of persons providing the services, the circumstances in which the services are provided, or both such matters, and accordingly those subsections do not apply.

### **25            Falsely holding out as registered, &c.**

- (1) A person who is not a registered veterinarian shall not do anything, or cause or permit anything to be done, that is likely to cause another person to believe on reasonable grounds that the first-mentioned person is a registered veterinarian or is otherwise authorised to provide veterinary services in the Territory.

Maximum penalty:        500 penalty units.

- (2) A person who is not a registered veterinary specialist shall not do anything, or cause or permit anything to be done, that is likely to cause another person to believe on reasonable grounds that the first-mentioned person is a registered veterinary specialist.

Maximum penalty: 500 penalty units.

- (3) A person who is a registered veterinary specialist shall not do anything, or cause or permit anything to be done, that is likely to cause another person to believe on reasonable grounds that the first-mentioned person is registered as a specialist in a branch of veterinary surgery or medicine other than that in which he or she is in fact registered.

Maximum penalty: 500 penalty units.

- (4) A person shall not hold out:

- (a) a person who is not a registered veterinarian as being either a registered veterinarian or otherwise authorised to provide veterinary services in the Territory;
- (b) a person who is not a registered veterinary specialist as being a registered veterinary specialist; or
- (c) a person who is a registered veterinary specialist as being registered as a specialist in a branch of veterinary surgery or medicine other than that in which he or she is in fact registered.

Maximum penalty: 500 penalty units.

## **Part 5                      Disciplinary proceedings**

### **26                      Complaints against registered veterinarians**

- (1) A person may make a complaint to the Board against a registered veterinarian on the ground that the veterinarian:
- (a) has been guilty of misconduct;
- (b) is guilty of habitual drunkenness, or of addiction to a drug that adversely affects his or her ability to provide veterinary services;
- (c) has been found guilty:
- (i) in the Territory, of an offence punishable on conviction by imprisonment for 6 months or more; or



- (ii) elsewhere, of an offence that would have been an offence so punishable had it been committed in the Territory;
  - (d) has been found guilty of an offence against the *Poisons and Dangerous Drugs Act 1983* or *Medicines, Poisons and Therapeutic Goods Act 2012*;
  - (e) has been found guilty of an offence under the *Animal Welfare Act 1999*;
  - (f) made a false or misleading statement in connection with his or her application for registration as a veterinarian or as a veterinary specialist; or
  - (g) having obtained registration as a veterinarian under section 13(1)(a), provided veterinary services while being no longer qualified, within the meaning of that subsection, to do so.
- (2) A complaint under this section shall be in writing and shall:
- (a) state the complainant's full name, and an address for the service of notices or other documents on the complainant;
  - (b) clearly identify the registered veterinarian against whom the complaint is made;
  - (c) contain particulars of the matter complained of; and
  - (d) be accompanied by the prescribed fee, if any.
- (3) A complaint may only be made against a registered veterinarian if the grounds on which the complaint is made arose within the 2 years immediately before the making of the complaint.

## **27 Complaints of misconduct against persons formerly registered**

- (1) A person may make a complaint to the Board against a person formerly registered under this Act on the ground that that person was, as a registered veterinarian, guilty of misconduct during the period of 6 months immediately preceding the making of the complaint.
- (2) A complaint under this section shall be in writing, and shall:
- (a) state the complainant's full name and an address for the service on the complainant of notices or other documents;

- (b) clearly identify the person against whom the complaint is made;
- (c) contain particulars of the misconduct complained of; and
- (d) be accompanied by the prescribed fee, if any.

## **28 Meaning of misconduct**

- (1) For the purposes of this Act, a registered veterinarian or a person formerly registered under this Act is guilty of misconduct if he or she:
  - (a) is guilty of improper or unethical conduct, or is incompetent or negligent, in or in connection with the provision of a veterinary service;
  - (b) contravenes or fails to comply with this Act, a prescribed code of conduct or a condition to which his or her registration is subject; or
  - (c) uses in connection with the provision of veterinary services a qualification or title relating to his or her competence to provide such services that is not shown in his or her entry in the Register.
- (2) For the purposes of subsection (1)(a), a registered veterinarian or a person formerly registered under this Act is taken to be incompetent if he or she is unable or fails to uphold or maintain contemporary professional standards.

## **29 Board to investigate complaint**

- (1) Subject to subsection (5), if a complaint is made under section 26 or 27, the Board must serve on the person against whom the complaint is made a notice of investigation.
- (2) A notice of investigation under subsection (1) is to:
  - (a) inform the person on whom it is served:
    - (i) that a complaint has been made against him or her;
    - (ii) of the grounds of the complaint; and
    - (iii) of the particulars contained in the complaint;
  - (b) state that the Board proposes to carry out an investigation into the complaint;

- (c) specify a date, being a date not earlier than 28 days after the notice is served, by which the Board is to complete the investigation; and
  - (d) inform the person of the right conferred on him or her by section 31A(2) and the date, being a date not earlier than 7 days after the notice is served, by which the person must make his or her submission to the Board.
- (3) If the Board serves a notice of investigation on a person, it must:
- (a) send a copy of the notice to the complainant; and
  - (b) inform the complainant in writing that the notice has been served.
- (4) If the Board serves a notice of investigation on a person, the Board must:
- (a) carry out an investigation into the complaint; and
  - (b) complete the investigation by the date specified in the notice or by a later date fixed by the Board.
- (5) If the Board fixes a later date under subsection (4)(b) it must serve written notice of the date on the complainant and the person on whom the notice of investigation was served.
- (6) If a complaint appears to the Board to be frivolous, vexatious or minor, the Board must dismiss the complaint and serve the complainant with written notice of its dismissal.

### **30 Board may carry out investigation on own initiative**

- (1) If the Board is, otherwise than by reason of a complaint made to it under this Part, of the opinion:
- (a) in the case of a registered veterinarian – that a complaint may lie against him or her on a ground specified in section 26(1); or
  - (b) in the case of a person formerly registered under this Act – that the person may have been guilty of misconduct when he or she was a registered veterinarian,
- the Board may serve on him or her a notice of investigation in accordance with subsection (3).
- (2) A notice of investigation served on a person formerly registered under this Act may relate only to misconduct during the period of 2 years immediately before the date on which the notice is served.

- (3) A notice of investigation under this section is to:
- (a) inform the person on whom it is served of the Board's opinion and the reason for the Board's opinion and, in a case to which subsection (1)(a) refers, is to specify the ground of complaint;
  - (b) state that the Board proposes to carry out an investigation into the matter;
  - (c) specify the date, being a date not earlier than 28 days after the notice is served, by which the Board is to complete the investigation; and
  - (d) inform the person of the right conferred on him or her by section 31A(2) and the date, being a date not earlier than 7 days after the notice is served, by which the person must make his or her submission to the Board.
- (4) If the Board serves a notice of investigation under this section, it must:
- (a) carry out an investigation; and
  - (b) complete the investigation by the date specified in the notice or by a later date fixed by the Board.
- (5) If the Board fixes a later date under subsection (4)(b) it must serve written notice of the date on the person on whom the notice of investigation was served.

### **31 Board may suspend registration**

- (1) If the Board serves a notice of investigation on a registered veterinarian, it may, if it considers it in the public interest:
- (a) in the notice; or
  - (b) by another notice served on the registered veterinarian,
- suspend the registered veterinarian's registration from the date of service of the notice.
- (2) A notice under subsection (1)(b) may be served at any stage during the Board's proceedings in relation to the notice of investigation.
- (3) The suspension remains in force:
- (a) until the Board certifies, by notice served on the registered veterinarian, that his or her suspension is cancelled; or

- (b) in relation to a matter under investigation that proceeds to a hearing – until the hearing is concluded and a notice is served on the registered veterinarian under section 33(1),

whichever is the earlier.

### **31A Procedure of investigation**

- (1) An investigation under this Part is to be conducted by the Board in the manner the Board thinks fit.
- (2) The person in relation to whom the investigation is to be carried out is entitled to make written submissions to the Board for the purposes of the investigation.

### **31B Completion of investigation**

- (1) If a complaint was made under section 26 or 27, the Board must complete an investigation by determining:
  - (a) that the complaint is dismissed and take no further action;
  - (b) if satisfied that there is prima facie evidence to substantiate the complaint – that the Board will proceed to a hearing; or
  - (c) if satisfied that a ground specified in section 26(1) has been established against a registered veterinarian – that the Board will reprimand or caution the veterinarian and take no further action.
- (2) If the Board served a notice under section 30, the Board must complete an investigation by determining that the Board:
  - (a) will take no further action;
  - (b) will proceed to a hearing; or
  - (c) will reprimand or caution the person to whom the notice relates and take no further action.
- (3) The Board must, not later than 28 days after completing an investigation, serve notice of the determination on the complainant, if any, and the person in relation to whom the investigation was carried out.
- (4) If the Board determines to reprimand or caution a person, a notice under subsection (3) is to contain:
  - (a) the reprimand or caution; and
  - (b) the reasons for the Board's decision.

- (5) If:
- (a) the registration of a person in relation to whom an investigation was carried out was suspended under section 31; and
  - (b) the Board determines that it will not take further action,
- the Board must certify that the suspension is cancelled.
- (6) A decision by the Board under subsection (1) or (2) to take no further action in relation to an investigation of a matter does not prevent the Board from reinvestigating the matter at a later date if:
- (a) the circumstances of the matter have changed; or
  - (b) the Board receives new information in relation to the matter.

**31C Person who is reprimanded or cautioned may require hearing**

- (1) If the person to whom an investigation relates receives a notice under section 31B(3) reprimanding or cautioning him or her, he or she may in writing request the Board to proceed to a hearing.
- (2) The Board must proceed to a hearing if it receives a request under subsection (1).

**31D Notice of hearing**

- (1) If:
  - (a) the Board has determined under section 31B(1) that it is to proceed to a hearing; or
  - (b) the Board must proceed to a hearing under section 31C(2),the Board must serve a notice of hearing on the person in relation to whom the hearing is to be held.
- (2) A notice of hearing is to:
  - (a) specify the time and place of the hearing; and
  - (b) inform the person of the rights conferred on him or her by section 32(5).
- (3) The time specified in the notice of hearing is not, without the consent of the person on whom the notice is served, to be less than 14 days after the date of service of the notice.

- (4) If:
- (a) the Board has served a notice of hearing; and
  - (b) the hearing is a result of a complaint made to the Board under section 26 or 27,
- the Board must:
- (c) send a copy of the notice to the complainant; and
  - (d) inform the complainant in writing that he or she is entitled to attend the hearing and of the rights conferred by section 32(5) on the person on whom the notice of hearing was served.
- (5) The Board must hold the hearing:
- (a) at the time and place specified in the notice of hearing; or
  - (b) at a later time or other place fixed by the Board.
- (6) If the Board fixes a later date or other place under subsection (5)(b) it must serve written notice of the date or place on the complainant, if any, and the person on whom the notice of hearing was served.

### **32 Procedure at inquiry**

- (1) The Board may, by notice in writing served on a person, summon the person to give evidence at a hearing under this Part, or to produce at the hearing documents or records in the person's possession or under his or her control.
- (2) A person shall not, without reasonable excuse, refuse or fail to comply with a notice served under subsection (1).

Maximum penalty: 100 penalty units.

- (3) The Board may require a person appearing before it to give evidence on oath.
- (4) A person shall not, without reasonable excuse, refuse or fail to answer a question put to the person by the Board in the course of a hearing.

Maximum penalty: 100 penalty units.

- (5) The person in relation to whom an inquiry is held is entitled:
- (a) to be advised at the hearing by a legal practitioner but is not entitled to legal representation; and

- (b) to give evidence or call and to examine any other person who gives evidence at the hearing; and
  - (c) with the leave of the Board, to summon witnesses.
- (6) The Board shall not refuse leave to summon a witness to give evidence at a hearing unless that would, in its opinion, delay unreasonably the conclusion of the hearing.
- (7) The Board:
  - (a) shall conduct a hearing with as little formality and technicality, and with as much expedition, as a proper consideration of the matter before it permits; and
  - (b) is not bound by any rules or practice as to evidence, but may inform itself on a matter as it thinks fit.
- (8) The Board may appoint a legal practitioner to assist it in a hearing but is not entitled to legal representation.
- (9) The Board may hold a hearing in the absence of the person in relation to whom it is held if it is satisfied that he or she was served in accordance with section 31D with a notice of the time and place of the inquiry.
- (10) The Board may adjourn its proceedings from time to time or from place to place, and may determine a hearing notwithstanding that a party to the proceedings has failed to appear at the time and place fixed for the hearing.

### **33 Board's findings at hearing**

- (1) The Board must, at the conclusion of a hearing:
  - (a) record its findings in writing;
  - (b) not later than 28 days after the conclusion – serve on the person in relation to whom the hearing was held a written notice stating the findings; and
  - (c) specify in the notice the disciplinary action, if any, to be taken under section 34.
- (3) Where the hearing resulted from a complaint under section 26 or 27, the Registrar shall send to the complainant a copy of the Board's notice under subsection (1)(b).



- (4) The Board may cause to be published in a newspaper or other publication circulating in the Territory the reasons for a hearing and its findings.
- (5) The Board may refund to the complainant, wholly or in part, the fee, if any, that accompanied the complaint.

#### **34 Disciplinary action**

- (1) Where at a hearing held under this Part in respect of a registered veterinarian the Board finds a ground specified in section 26(1) to have been established, it may, in a notice under section 33(1) served on the veterinarian do one or more of the following:
  - (a) reprimand or caution the veterinarian;
  - (b) impose a condition to which the veterinarian's registration is to be subject, or vary a condition to which the registration is already subject;
  - (c) require the veterinarian to pay to the Board, within a specified time, a fine not exceeding 200 penalty units;
  - (d) require the veterinarian to pay to a complainant, within a specified time, a specified amount by way of compensation for any loss or detriment suffered by the complainant;
  - (e) suspend for a specified period not exceeding 5 years:
    - (i) the veterinarian's registration together with his or her registration, if any, as a veterinary specialist; or
    - (ii) where the veterinarian is registered as a veterinary specialist, that registration only;
  - (f) cancel:
    - (i) the veterinarian's registration together with his or her registration, if any, as a veterinary specialist; or
    - (ii) where the veterinarian is registered as a veterinary specialist, that registration only;
  - (g) require the veterinarian:
    - (i) to pay to the Board, within a specified time, a specified amount in respect of the costs incurred by the Board in connection with the hearing; or

- (ii) to pay to a complainant, within a specified time, a specified amount in respect of any reasonable costs incurred by the complainant in connection with the making of his or her complaint or the hearing.
- (2) Where, at a hearing under this Part in respect of a person formerly registered under this Act, the Board finds that the person has, as a registered veterinarian, been guilty of misconduct within the time limited by section 27(1) or 30(2), it may by a notice under section 33(1) served on the person, do in relation to him or her all or any of the things authorised by subsection (1)(a), (c), (d) and (g) to be done in relation to a registered veterinarian.
- (3) If the Board in a notice under section 33(1):
  - (a) cancels a veterinarian's registration; or
  - (b) takes action under subsection (2),

it may, by the notice, specify a date before which the person to whom the notice relates is not eligible to make an application for registration and the Board is not obliged to consider an application made by the person before that date.

### **35 Supplementary provisions**

- (1) Where a notice under section 33(1):
  - (a) imposes a condition to which a registration is to be subject or varies a condition to which a registration is already subject; or
  - (b) suspends or cancels a registration,the notice takes effect from the time of its service, and the Registrar shall note the Register accordingly.
- (2) Where a notice under section 33(1) requires the person on whom it is served to pay a fine to the Board, an amount by way of compensation to a complainant, or an amount in respect of costs to the Board or a complainant, and the fine or amount is not paid within the time specified in the notice:
  - (a) the Board or the complainant, as the case may be, may recover the fine or amount from the person as a debt due and payable; and
  - (b) where that person is a registered veterinarian, the Board may if it thinks fit, by notice in writing served on him or her, suspend his or her registration, together with his or her registration, if any, as a veterinary specialist, until the fine or

amount is paid.

- (3) The suspension of a registration by a notice under subsection (2)(b) shall take effect on the service of the notice, and the Registrar shall:
  - (a) note the suspension on the Register; and
  - (b) on being satisfied that the fine or amount in question has been paid, note on the Register that the suspension has ceased to have effect.

## **Part 6                    Appeals**

### **36                    Appeal to Local Court**

- (1) An appeal to the Local Court lies under this Part as follows:
  - (a) an applicant for registration as a veterinarian under section 13 whose application the Board refuses because it is not satisfied that the applicant is a fit and proper person to provide veterinary services in the Territory may, within 28 days after the date on which notice of the refusal is given pursuant to section 12(2), appeal against the refusal;
  - (b) a registered veterinarian whose registration is subject to a condition imposed under section 18(1) may, within 28 days after the date on which his or her certificate of registration is issued, appeal against the condition;
  - (c) a person in relation to whom a hearing is held under Part 5 may, within 28 days after the service on him or her of a notice under section 33(1), appeal against any or all of the following:
    - (i) a finding stated in the notice;
    - (ii) a requirement of, or action, if any, effected by the notice.
- (2) The Local Court may, on an application made by a person on whom a right of appeal is conferred by subsection (1), within the period allowed for bringing the appeal, extend or further extend the period during which the appeal may be brought.
- (3) An appeal to the Local Court against a finding of the Board shall, unless the Court otherwise directs, be by way of rehearing.

**37 Powers of Local Court on appeal**

- (1) On an appeal under section 36(1)(a), the Local Court may, by order:
  - (a) direct that the appellant be registered, with or without conditions, as a veterinarian under section 13; or
  - (b) dismiss the appeal.
- (2) On an appeal under section 36(1)(b), the Local Court may, by order:
  - (a) confirm a condition appealed against;
  - (b) cancel a condition; or
  - (c) vary a condition in a manner specified in the order.
- (3) On an appeal under section 36(1)(c), the Local Court may, by order:
  - (a) confirm or quash a finding stated in a notice under section 33(1);
  - (b) confirm or quash a requirement of or action effected by notice under section 33(1); or
  - (c) exercise a power of the Board under section 34.

**38 Entries in register, &c.**

- (1) The Registrar shall make the entries in the Register as are appropriate by reason of an order made by the Local Court on an appeal under this Part or, on a further appeal, by the Supreme Court.
- (2) Where:
  - (a) an order of a Court requires a registered veterinarian to pay a fine to the Board, an amount by way of compensation to a complainant or an amount in respect of costs to the Board or a complainant; and
  - (b) the amount is not paid in accordance with the order,the Board may, if it thinks fit, by notice in writing served on the registered veterinarian, suspend his or her registration, together with his or her registration, if any, as a veterinary specialist, until the fine or amount is paid.

- (3) The suspension of a registration by a notice under subsection (2) shall take effect on the service of the notice, and the Registrar shall:
- (a) note the suspension on the Register; and
  - (b) on being satisfied that the fine or amount in question has been paid, note on the Register that the suspension has ceased to have effect.
- (4) Where:
- (a) the Board has found a person to have been guilty of misconduct, and has published a notice of its finding under section 33(4); and
  - (b) the finding is quashed by a court on appeal,
- the Board shall publish a notice, in a manner similar to the notice published under section 33(4), advising that its finding has been quashed by the Court.

## **Part 7            Miscellaneous**

### **Division 1        Enforcement provisions**

#### **39            Inspectors for purposes of Act**

- (1) Each member of the Board, and such other persons as the President, by instrument, appoints to be inspectors, are inspectors for the purposes of this Act.
- (2) The Registrar shall issue to each member and person appointed under subsection (1) an identity card containing a photograph of the member or person and his or her signature, verified by the signature of the Registrar, and a statement to the effect that the member or person is an inspector for the purposes of this Act and entitled to exercise the powers conferred by section 40.
- (3) A person who ceases to be a member, or whose appointment as an inspector is terminated, shall surrender to the Registrar the identity card issued to him or her under subsection (2).

Maximum penalty for an offence against subsection (3): 20 penalty units.

#### **40            Powers of inspectors and persons assisting inspectors**

- (1) For the purpose of:
- (a) ascertaining whether a person:
    - (i) has contravened or failed to comply with, or is contravening or failing to comply with, this Act; or
    - (ii) being a registered veterinarian, has contravened or failed to comply with, or is contravening or failing to comply with, a condition to which his or her registration is subject;
  - (b) investigating on behalf of the Board a matter that is the subject of an investigation or hearing under Part 5; or
  - (c) under the direction of the Board, investigating any other matter,
- an inspector may at a reasonable time:
- (d) enter and inspect any premises (not being premises that are principally residential premises) that the inspector believes on reasonable grounds are used for or in connection with the provision of veterinary services;
  - (e) examine any records or other documents, or any apparatus, device or other article, found on the premises;
  - (f) open and examine the contents of:
    - (i) a package; or
    - (ii) an unlocked container, cupboard, drawer, chest, trunk, box, cage or other receptacle,found on the premises;
  - (g) require a person on the premises to unlock a locked part of, or a locked container, cupboard, drawer, chest, trunk, box, cage or other receptacle on the premises; and
  - (h) require a person on the premises to answer questions put by the inspector or to explain a record or other document examined by the inspector.
- (2) An inspector may take copies of or extracts from a record or other document found on premises entered by the inspector in the exercise of the inspector's powers under subsection (1), and may

for that purpose take possession of a record or document and remove it from the premises for such time as is reasonable.

- (3) An inspector who enters premises in pursuance of this section is not authorised to remain on the premises if, on the request of a person apparently in charge of the premises, the inspector does not produce the identity card issued under section 39(2).
- (4) An inspector may request a person to assist the inspector in the exercise of his or her powers under this section, and a person assisting the inspector in response to such a request has all the power and protection of the inspector under this section as are reasonably necessary for the purpose.

#### **41            Obstructing, &c., of inspectors**

- (1) A person shall not:
  - (a) resist or obstruct, or incite or encourage another person or an animal to resist or obstruct, an inspector or person assisting an inspector in the exercise of a power under section 40; or
  - (b) use threatening language, or behave in a threatening manner, towards an inspector or person assisting an inspector while exercising such a power.

Maximum penalty:        100 penalty units or imprisonment for  
6 months.

- (2) A person who refuses or fails to comply with a requirement of an inspector or person assisting an inspector made in the exercise of a power under section 40, to the extent that he or she is capable of complying with the requirement, is guilty of an offence.

Maximum penalty:        100 penalty units.

- (3) A person is not excused from answering a question or giving an explanation required by an inspector or person assisting an inspector on the grounds that the answer or explanation might tend to incriminate him or her, but an answer or explanation so given is not admissible in criminal proceedings against the person other than proceedings for an offence against this Act.
- (4) A person who:
  - (a) is required by an inspector or person assisting an inspector, in the exercise of a power under section 40, to answer a question or give an explanation; and

- (b) gives an answer or explanation that is false or misleading in a material particular,

is guilty of an offence.

Maximum penalty:        100 penalty units.

#### **42            Personation**

A person shall not personate or falsely claim to be an inspector or a person lawfully assisting an inspector.

Maximum penalty:        400 penalty units or imprisonment for  
2 years.

### **Division 2            Miscellaneous offences**

#### **43            False or misleading statements**

- (1) A person shall not in an advertisement or notice relating to the provision of veterinary services by the person, make a statement or representation that is false or misleading by reason of the inclusion of any false or misleading matter or the omission of a material matter.

Maximum penalty:        400 penalty units or imprisonment for  
2 years.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the person proves that, at the time when the statement or representation was made, he or she believed on reasonable grounds that:

- (a) the false matter was true or that it was not misleading; or  
(b) no material matter had been omitted or the omitted matter was not material.

#### **44            Unauthorised alteration of Register or certificate of registration**

A person other than the Registrar or a person authorised by the Registrar shall not:

- (a) make or alter an entry in the Register; or  
(b) alter a certificate of registration.

Maximum penalty:        400 penalty units or imprisonment for  
2 years.



**45 Registered veterinarian to notify Board of civil claims**

Where a person has claimed damages or other compensation from a registered veterinarian for alleged negligence or other misconduct in the provision of veterinary services, the veterinarian shall, not later than 28 days after:

- (a) being ordered by a court to pay damages or compensation in respect of the claim; or
- (b) making an agreement to pay an amount of money in settlement of the claim, whether with or without a denial of liability,

inform the Board in writing of the claim and of the terms of the order or agreement.

Maximum penalty: 20 penalty units.

**Division 3 General**

**46 Alteration, &c., of conditions of application**

The Board may, if it thinks fit, on the application in writing of a registered veterinarian, direct that a condition to which his or her registration is subject be varied as specified in the direction or cancelled, and the Registrar shall note the Register accordingly.

**47 Effect to be given to interstate suspensions, &c.**

- (1) Where a person's registration under this Act as a veterinarian or as a veterinary specialist is founded on a registration (***the founding registration***) in a State or other Territory of the Commonwealth, and:

- (a) the founding registration is suspended or cancelled; or
- (b) where the founding registration is subject to limitations – the limitations are varied,

the Board shall, by notice in writing served on the person, suspend or cancel the registration, or vary the limitations, to correspond with the founding registration.

- (2) A notice under subsection (1) shall take effect on the date of service and the Registrar shall note the Register accordingly.

**48 Power of Board to annul suspension, &c., of registration**

Where a person's registration has been suspended or cancelled by or under this Act, the Board may, whether or not on application of the person:

- (a) at any time; and
- (b) for a reason that the Board considers sufficient,

annul the suspension or cancellation, and the Registrar shall note the Register accordingly.

**49 Confidentiality**

A person shall not divulge or communicate information that he or she acquires by reason of being engaged or employed or otherwise concerned in, or in connection with, the administration or enforcement of this Act except:

- (a) with the consent of the person from whom the information was obtained; or
- (b) in connection with the administration or enforcement of this Act.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

**50 Protection for things done under Act**

No action or proceeding lies against a person engaged or employed or otherwise concerned in, or in connection with, the administration or enforcement of this Act for or in respect of anything done or omitted to be done by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

**51 Evidentiary certificates**

A document purporting to be signed by the Registrar and certifying that a specified person:

- (a) was or was not, on a specified day or during a specified period, a registered veterinarian, a registered veterinary specialist or a registered veterinary specialist in a specified branch of veterinary surgery or medicine; or

- (b) was, on a specified day or during a specified period, a person whose registration as a registered veterinarian or veterinary specialist was suspended or cancelled,

is admissible in evidence in any legal proceedings, and is evidence of the matter certified.

## **52 Service of notices, &c.**

Where by this Act a notice or other document is required or authorised to be served on or given to a person, it may be served or given:

- (a) by delivering it to the person personally; or
- (b) by sending it by prepaid post:
  - (i) in the case of a registered veterinarian – to his or her address for service as noted in the Register;
  - (ii) in the case of a person who has made a complaint to the Board under section 27 or 28 – to his or her address for service as stated in the complaint; or
  - (iii) in the case of any other person – to his or her last known place of residence.

## **53 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The Regulations may prescribe the following:
  - (a) the branches of veterinary surgery or medicine in which a person may be registered as a veterinary specialist;
  - (b) fees payable under this Act;
  - (c) a fine not exceeding 200 penalty units for an offence against the Regulations.
- (3) The Regulations may prescribe a code of conduct for registered veterinarians, and may include a penalty, not exceeding 200 penalty units, for a contravention of or failure to comply with, a specified provision of the code.

- (4) Regulations declaring services not to be veterinary services within the meaning of this Act may, to the extent that they so provide, be extended or varied by the Minister by notice in the *Gazette*.

## **Part 8 Repeals, savings and transitional provisions**

### **54 Repealed Acts**

The Acts specified in Schedule 3 are repealed.

### **55 Savings and transitional provisions**

Schedule 4 has effect.

## **Schedule 1 Further provisions with respect to appointed members and elected members**

section 5(8)

### **1. Terms of office**

- (1) Subject to this Schedule, an appointed member holds office for such period, not exceeding 3 years, as is specified in his or her instrument of appointment, but is eligible for reappointment.
- (2) Subject to this Schedule, an elected member holds office for 3 years on and from the date on which the person's election is declared and is eligible for re-election.
- (3) On the expiry of an elected member's or an appointed member's period of office, the member continues to hold office until the commencement of another appointment or election, as the case may be, to that office.

### **2. Vacation of office**

A member may resign office by writing signed by him or her and delivered to the Minister.

### **3. Grounds for removal from office**

- (1) The Minister may remove a member from office if the member:
  - (a) is absent without leave of the Board from 2 consecutive meetings of the Board of which reasonable notice was given to the member either personally or by post;
  - (b) is found guilty:
    - (i) in the Territory, of an offence punishable by imprisonment for 6 months or more; or
    - (ii) elsewhere, of an offence that would have been an offence so punishable if it had been committed in the Territory;
  - (c) is found guilty of an offence under the *Poisons and Dangerous Drugs Act 1983*, *Medicines, Poisons and Therapeutic Goods Act 2012* or *Animal Welfare Act 1999*;
  - (d) is, in the opinion of the Minister, incapable of fulfilling his or her duties satisfactorily;

- (e) is found by the Board, after it has held a hearing under Part 5, to be guilty of misconduct; or
  - (f) has failed, without reasonable excuse or the permission of the Board, to attend 3 consecutive meetings of the Board.
- (2) The Minister must notify the Board of the removal from office of an elected member.
- (3) A person ceases to be a member if he or she ceases to reside in the Territory.
- (4) An elected member ceases to be a member on ceasing to be a registered veterinarian.
- (5) A member who is a registered veterinarian ceases to be a member if he or she is found by the Board to not be a fit and proper person to provide veterinary services in the Territory.
- (6) The Board may regard a person as not a fit and proper person to provide veterinary services in the Territory if the Board holds an opinion in relation to the person of a kind specified in section 13(2).
- (7) The Registrar must notify the Minister if a member ceases to be a member under subclause (4) or (5).
- (8) If:
  - (a) a vacancy occurs in the office of an elected member otherwise than by the expiry of the term for which the member was elected; and
  - (b) the balance of the term is less than 6 months,the Registrar must request the Minister to advise whether the Minister intends to appoint a person to the office under clause 4(1).
- (9) The Minister must, within 14 days after receiving a request under subclause (8), notify the Registrar that:
  - (a) the Minister intends to appoint a person to the office under clause 4(1); or
  - (b) an election is required to be held.

#### **4. Filling of casual vacancies**

- (1) Subject to subclause (5), if a vacancy occurs in the office of a member other than by the expiry of the term for which the member was appointed or elected, the Minister may appoint a person who is resident in the Territory to the vacant office for the balance of that term.
- (2) A person appointed under subclause (1) must, in the case of a vacancy in the office of:
  - (a) a member elected for the purposes of section 5(1)(b) – be a registered veterinarian; or
  - (b) a member appointed under section 5(1)(c)(i) – be a person who, in the opinion of the Minister, is capable of representing the interests of users of veterinary services.
- (3) The Minister must, before appointing a person to be a member under subclause (1), seek the recommendation of the Board as to the person who should be appointed under this clause, unless the Board has already given its recommendation to the Minister.
- (4) A person appointed under subclause (1):
  - (a) in the place of a person who was appointed to be a member – is to be taken to be an appointed member; or
  - (b) in the place of a person who was elected to be a member – is to be taken to be an elected member,for the purposes of this Act.
- (5) If:
  - (a) a vacancy occurs in the office of an elected member otherwise than by the expiry of the term for which the member was elected; and
  - (b) the balance of the term is more than 6 months,an election is to be held for the purposes of section 5(1)(b) to fill the vacant office of the member.

#### **5. Resignation of Vice-President**

The Vice-President may resign office as Vice-President by writing signed by him or her and delivered to the Minister.

**6. Deputies of members**

- (1) Subject to subclause (2), the Minister may appoint a person to be a deputy of a member during the Minister's pleasure.
- (2) A person appointed to be a deputy of a member shall have the same qualifications for membership as the member in respect of whom the appointment of deputy is made.
- (3) A deputy of a member may act in the member's place:
  - (a) during a period when the member is absent from his or her office through illness or any other cause; or
  - (b) if the member is unable or unwilling for any reason to act as a member in relation to a particular matter – in relation to the matter.
- (4) For the purposes of subclause (3)(a), a member shall be deemed to be absent from his or her office:
  - (a) if there is a vacancy in the office that has not been filled by an appointment under clause 4(1); or
  - (b) while he or she is acting in the office of President.
- (5) A deputy while acting as deputy of a member may perform the functions and exercise the powers of the member.
- (6) A deputy may at any time resign office by writing signed by him or her and delivered to the Minister.



## **Schedule 2 Meetings and proceedings of Board**

section 7

### **1. Meetings**

- (1) The President shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions.
- (2) The Minister may, at any time, direct the President to convene a meeting of the Board and the President shall convene a meeting in accordance with the direction.
- (3) At a meeting of the Board, the President or, in his or her absence the Vice-President, shall preside and in the absence of both, the members shall elect one of their number to act as President and that person may exercise the powers and shall perform the functions of the President for that meeting.
- (4) The quorum for a meeting of the Board is 3, of whom one shall be an elected member.
- (5) Questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, and the member presiding at the meeting shall have both a deliberative vote and a casting vote.
- (6) The President may invite a person to attend a meeting of the Board for the purpose of assisting or advising the Board in its deliberations, but a person attending by invitation is not included towards a quorum for the meeting and is not entitled to vote.
- (7) Where a meeting of the Board is concerned with a matter arising under Part 5 in relation to a member, the member shall not be present at the meeting in his or her capacity as a member, and shall not act in that capacity in respect of the matter.
- (8) The Board shall cause to be kept full and accurate minutes of its meetings.
- (9) Subject to this clause, the procedure at meetings of the Board shall be as decided by the Board.

### **2. Committees**

- (1) The Board may establish a committee to advise it on a matter.

- (2) The Board may appoint persons who are not members to be members of a committee, but the membership of a committee shall comprise at least one member of the Board.

**3. Validity of proceedings**

A proceeding or decision of the Board is not invalid by reason only of:

- (a) a defect or irregularity relating to the appointment of a member or a deputy of a member; or
- (b) a deputy of a member having acted in the place of the member when the occasion for him or her to do so had not arisen or had ceased.

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**Schedule 3 Repealed Acts**

section 54

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Act	Number and Year
<i>Veterinary Surgeons Ordinance 1960</i>	No. 13, 1961
<i>Veterinary Surgeons Ordinance 1968</i>	No. 30, 1968
<i>Veterinary Surgeons Ordinance 1971</i>	No. 53, 1971
<i>Veterinary Surgeons Act 1979</i>	No. 31, 1979

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## Schedule 4 Savings and transitional provisions

section 55

### 1. Interpretation

In this Schedule, the **repealed Acts** means the Acts specified in Schedule 3.

### 2. Existing registrations

- (1) Subject to subclause (2), a person whose registration as a veterinary surgeon under the repealed Acts is in force immediately before the commencement of this Act shall be deemed on that commencement to be registered as a veterinarian under section 13.
- (2) Subclause (1) shall cease to apply to a person at the expiry of the year 1994 unless before that time he or she has duly applied in accordance with subclause (3) for registration under section 11.
- (3) A person's application for registration for the purposes of this clause shall be:
  - (a) if the person is registered to practise veterinary surgery or medicine in a State or other Territory of the Commonwealth in which he or she is, in the Board's opinion, permanently resident – an application for registration by virtue of section 13(1)(b); or
  - (b) in any other case – an application for registration by virtue of section 13(1)(a) and the qualification referred to in paragraph (a) is not relevant.
- (4) The Registrar shall retain the Register of Veterinary Surgeons of the Northern Territory kept under the repealed Acts and shall note it appropriately where a person entered in it ceases to be deemed to be registered as a veterinarian by virtue of this clause, and the Register shall, so long as and to the extent that it contains the name of a person who shall be deemed to be registered by virtue of this clause, be treated for all purposes as part of the Register under this Act.

### 3. Existing certificates

So long as a person shall be deemed by virtue of clause 1 to be registered as a veterinarian under this Act, the provisions of this Act (other than section 21(1)) relating to certificates of registration shall apply in relation to the certificate of registration issued to the person under the repealed Acts as they apply in relation to a certificate

issued under section 21(1).

**4. Service of notices, &c.**

A notice or other document required or authorised by this Act to be served on or given to a person who shall be deemed under clause 1 to be registered as a veterinarian under this Act may be served or given by sending it by prepaid post to his or her professional address, if any, recorded in the Register or, if no such address is recorded, to his or her last known place of residence.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Veterinarians Act 1994 (Act No. 37, 1994)***

Assent date	18 May 1994
Commenced	1 July 1994 ( <i>Gaz</i> S41, 1 July 1994)

***Statute Law Revision Act 1995 (Act No. 14, 1995)***

Assent date	23 June 1995
Commenced	23 June 1995

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and <i>Gaz</i> S15, 13 June 1996)

***Veterinarians Amendment Act 1999 (Act No. 50, 1999)***

Assent date	16 November 1999
Commenced	22 March 2000 (s 2)

***Statute Law Revision Act 2001 (Act No. 3, 2001)***

Assent date	22 March 2001
Commenced	22 March 2001

***Veterinarians Amendment (Fees and Penalties) Act 2005 (Act No. 47, 2005)***

Assent date	14 December 2005
Commenced	28 March 2007 ( <i>Gaz</i> G13, 28 March 2007, p 2)

***Livestock Act 2008 (Act No. 36, 2008)***

Assent date	8 December 2008
Commenced	1 September 2009 ( <i>Gaz</i> G34, 26 August 2009, p 3)

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***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and Gaz G7, 16 February 2011, p 4)

***Penalties Amendment (Children and Families, Health and Primary Industry, Fisheries and Resources) Act 2011 (Act No. 28, 2011)***

Assent date	31 August 2011
Commenced	21 September 2011 (Gaz G38, 21 September 2011, p 4)

***Medicines, Poisons and Therapeutic Goods Act 2012 (Act No. 13, 2012)***

Assent date	27 April 2012
Commenced	1 May 2014 (Gaz S22, 2014, p 12)

***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and Gaz S34, 29 April 2016)

### **3 SAVINGS AND TRANSITIONAL PROVISIONS**

s 15 *Veterinarians Amendment Act 1999* (Act No. 50, 1999)

### **4 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 8, 9 and 26 and sch 1.

### **5 LIST OF AMENDMENTS**

s 3	amd No. 50, 1999, s 4; No. 47, 2005, s 4; No. 36, 2008, s 155
s 5	sub No. 14, 1995, s 10; No. 50, 1999, s 5 amd No. 36, 2008, s 155
s 11	amd No. 47, 2005, s 5
s 12	amd No. 47, 2005, s 6
s 13	amd No. 50, 1999, s 14; No. 8, 2016, s 45
s 14	amd No. 50, 1999, s 14
s 15	amd No. 47, 2005, s 7
s 16	amd No. 47, 2005, s 8
s 18	amd No. 47, 2005, s 14; No. 28, 2011, s 5
s 19	amd No. 50, 1999, s 6; No. 47, 2005, s 9
s 20	sub No. 47, 2005, s 10
s 20A	ins No. 47, 2005, s 10
s 21	amd No. 47, 2005, ss 11 and 14; No. 28, 2011, s 5
s 22	amd No. 47, 2005, s 14; No. 28, 2011, s 5
ss 24 – 25	amd No. 47, 2005, s 14; No. 28, 2011, s 5
s 26	amd No. 50, 1999, s 7; No. 3, 2001, s 8; No. 13, 2012, s 304
s 28	amd No. 50, 1999, s 8
ss 29 – 31	sub No. 50, 1999, s 9
ss 31A – 31D	ins No. 50, 1999, s 9

## ENDNOTES

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- s 32            amd No. 50, 1999, s 14; No. 47, 2005, s 14; No. 40, 2010, s 117; No. 28, 2011, s 5
- s 33            amd No. 50, 1999, s 10
- s 34            amd No. 50, 1999, s 11; No. 47, 2005, s 12
- s 35            amd No. 50, 1999, s 14
- s 36            amd No. 50, 1999, s 12
- s 37            amd No. 50, 1999, s 14
- s 39            amd No. 47, 2005, s 14; No. 28, 2011, s 5
- s 40            amd No. 50, 1999, s 14
- ss 41 – 45     amd No. 47, 2005, s 14; No. 28, 2011, s 5
- s 49            amd No. 47, 2005, s 14; No. 28, 2011, s 5
- s 53            amd No. 47, 2005, s 13
- sch 1           amd No. 17, 1996, s 6; No. 50, 1999, s 13; No. 3, 2001, s 8; No. 13, 2012, s 304
- sch 4           amd No. 14, 1995, s 10