

# VETERINARY PRACTICE BILL 2020

## EXPLANATORY MEMORANDUM

### Outline

The purpose of this Bill is to provide for the regulation of the practice of veterinary medicine in Western Australia (WA), including veterinarians, veterinary nurses and veterinary premises; to facilitate the regulation of the practice of veterinary medicine on a national basis; and to repeal the *Veterinary Surgeons Act 1960* (Current Act) and the *Veterinary Surgeons Regulations 1979* (Current Regulations).

The language of the Bill reflects modern terminology, such as replacing the term ‘veterinary surgeon’ in the Current Act with ‘veterinarian’ and ‘veterinary surgery’ with ‘veterinary medicine’. A title change has been made to the ‘Veterinary Surgeons’ Board’ (the Current Board) which becomes the ‘Veterinary Practitioners Board of WA’ (the New Board) comprising a broader membership, all of whom will be appointed directly by the Minister after consultation with the Australian Veterinary Association (WA Division) regarding veterinarian appointees, and the Veterinary Nurses Council of Australia (WA Division) regarding veterinary nurse appointees.

Procedural fairness applies to decisions which may have an adverse effect on a person (clauses 31, 48, 71 and 130). The New Board must invite and take into consideration that person’s submission when finalising its decision. Certain decisions of the New Board, such as refusing registration, making an immediate action order, requiring a health assessment, or making a finding of unprofessional conduct, are reviewable by the State Administrative Tribunal (Tribunal) (clause 150).

This Bill incorporates the following reforms:

#### 1. National Recognition of Veterinary Registration

The Bill introduces the mutual recognition of veterinarians registered in other Australian jurisdictions (clause 22). This reflects the 1993 *Mutual Recognition Agreement* between all Australian Governments and the National Recognition of Veterinarians Scheme endorsed by the Council of Australian Governments’ Primary Industries Ministerial Council in 2006. In line with other Australian jurisdictions, it implements the 2015 recommendation of the Australian Productivity Commission, which was endorsed by the Council of Australian Governments that all Australian jurisdictions implement mutual recognition of veterinarians registered in other Australian jurisdictions.

The Bill provides for deemed registration in Western Australia (WA) for an interstate veterinarian holding primary registration in another Australian jurisdiction to permit practice in WA, subject to the same conditions, restrictions, or limitations that apply to their primary registration. This applies to an interstate veterinarian who’s primary place of residence is not in WA or who resides in WA for no more than three months, after which they must apply for WA registration.

#### 2. Impairment

The Current Act does not offer a formal process for identifying and dealing with veterinarians suffering an impairment. Whilst informal voluntary practices have evolved, the only legislative option is for the Current Board to refer the veterinarian to the Tribunal for the matter to be dealt with as a complaint. A disciplinary process through the Tribunal can be stressful, risks exacerbating an impairment and fails to distinguish between professional conduct issues and impairment. The Bill intends to support the mental and physical health of veterinarians and

veterinary nurses, while protecting the public. It separates impairment from unprofessional conduct matters wherever possible, contemplates a health assessment by a medical expert, paid for by the New Board, and shifts the focus from punitive penalties to managing the impairment and associated risks by the imposition of appropriate conditions on registration.

Under the Bill, impairment may arise during the registration process, during an investigation into a complaint, or by third-party notification of a suspected impairment not associated with a complaint. The notification process is new in the management of impairment matters in Australian veterinary legislation and seeks to mitigate risk, provide support, and ensure privacy. It is available in limited circumstances being only where a veterinarian or veterinary nurse may have an impairment that places or may place a person (including themselves) or animal at substantial risk of injury or harm. Impairment notifications are not dealt with as a complaint under the Bill. Hence they are not subject to the full suite of investigative processes for complaints, and confidentiality is maintained throughout the process.

Importantly, impairments that are effectively managed, or which do not impact a person's performance while at work, do not fall within the scope of impairment provisions in the Bill as they are not likely to detrimentally affect a person's capacity to practise veterinary medicine or practise as a veterinary nurse.

### 3. Ownership of veterinary practice businesses

The Bill allows non-veterinarians to own veterinary practices, bringing WA into line with all other Australian jurisdictions, with the exception of New South Wales (NSW) which, subject to certain exceptions, requires ownership by a veterinarian or group of veterinarians who have a controlling interest. Following national competition policy reforms introduced in 1995, all other Australian jurisdictions permit non-veterinarians to own and operate veterinary practices, provided a registered veterinarian makes decisions relating to veterinary treatment and care.

### 4. Immediate Action Orders

The Bill allows the New Board to make an immediate action order in relation to a veterinarian or veterinary nurse if it is satisfied that there is an imminent risk of substantial injury or harm to any person or animal (clause 70). An immediate action order may impose or modify conditions on registration or may suspend veterinary practice for the period of imminent risk up to a maximum of 28 days. Immediate action orders are designed to protect people (including the veterinary practitioner), animals and the public and are included in the veterinary legislation of several Australian jurisdictions.

### 5. Complaints and discipline

The Bill reintroduces the power to deal with disciplinary matters which was taken from the Current Board in 2005, when the Tribunal was established (clause 88). All disciplinary matters, regardless of the level of seriousness, have subsequently been referred to the Tribunal. In its May 2009, "Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal," the Standing Committee on Legislation acknowledged that the powers of vocational regulatory bodies, such as the Veterinary Surgeon's Board, to deal with minor disciplinary matters and impose penalties, such as a fine or reprimand, should be reviewed. The Bill empowers the New Board to investigate complaints, hold an inquiry and make orders following a finding of unprofessional conduct, including imposing fines of up to \$2,000, imposing or modifying conditions on registration, or issuing a reprimand. Conduct of a more serious nature (professional misconduct) must be referred to the Tribunal.

Under the Current Act, an investigation or proceeding before the Tribunal only occurs if the veterinarian is currently registered. Where registration is relinquished or lapses, the Current Board investigation ceases and proceedings before the Tribunal are withdrawn. As a result, the immediate concern regarding the public interest is protected, but complaints remain

unresolved and there is no scope for formal disqualification from future registration. The Bill proposes to overcome these limitations by permitting an investigation into a complaint of unprofessional conduct or professional misconduct by a veterinarian or veterinary nurse who is no longer registered, but who was registered at the time the alleged conduct occurred (clause 76). The Tribunal is empowered to make an order for disqualification (clause 102).

#### 6. Board membership

The Current Board is an independent statutory authority responsible for administering the Current Act and the Current Regulations.

It consists of five members appointed by the Governor: one nominated by the Department of Primary Industries and Regional Development (DPIRD); one nominated by the Minister; two veterinary surgeons elected by veterinary surgeons registered in WA, and one nominated by the Australian Veterinary Association (AVA).

Under the Bill, New Board membership will increase from five to eight members, as well as deputy members, all of whom will be appointed by the Minister for a period of up to 3 years each. A broadened expertise will be brought to bear by including a consumer representative and a legal practitioner in line with other Australian jurisdictions, and a veterinary nurse to reflect the new formal regulatory status of the veterinary nurse profession under the Bill.

Before appointing a person to the New Board, the Minister must consult with that Board, the WA Division of the AVA, and the WA Division of the Veterinary Nurses Council of Australia (VNCA).

#### 7. Veterinary nurses

WA is the only jurisdiction in Australia to specifically regulate veterinary nurses. Under the Current Act a person must apply to the Current Board for approval to be a veterinary nurse and thereby authorised to perform certain duties and veterinary services. Complaints of unprofessional conduct can be dealt with under the Current Regulations.

The Bill will elevate this regulatory process into the primary legislation and provide regulation for veterinary nurses that mirrors regulation for veterinarians. This approach is supported by the WA Division of the VNCA and reflects the significant responsibilities of veterinary nurses.

### **Provisions of the Bill**

#### **Part 1 - Preliminary**

This part sets out the short title, commencement provisions and definitions of terms used throughout the Bill. The provisions of this part are helpful in understanding the Bill as a whole.

##### **Clause 1      Short title**

This clause provides that the title is the *Veterinary Practice Act 2020*.

##### **Clause 2      Commencement**

Part 1 of the Bill is to come into operation on Royal Assent, with the rest to come into operation on a day fixed by proclamation.

##### **Clause 3      Terms used**

This clause defines a number of terms used in the Bill, including the following:

**animal** means a vertebrate other than a human. This definition includes fish as acts of veterinary medicine may be performed on species of fish.

**authorised person** is a person who is, or who belongs to a class of persons that is authorised under the regulations to perform acts of veterinary medicine. It is intended that authorised persons will include veterinary students from veterinary schools recognised by the New Board, trainee veterinary nurses, and international veterinarians. An authorised person may be under the direction of a registered veterinarian or a veterinary nurse, depending on the act of veterinary medicine being carried out, and will be authorised to carry out only those acts prescribed in the regulations and specified in the person's authorisation.

**Corresponding law** means the law of another jurisdiction that provides for registration of veterinarians and is prescribed by the regulations to be corresponding. This definition informs related phrases used in Bill with respect to mutual recognition, such as participating jurisdiction, interstate registration, interstate regulatory authority and interstate veterinarian, all of which reference jurisdictions with a corresponding law. For example, a participating jurisdiction is one in which a corresponding law is in place. Similarly, an interstate regulatory authority is the regulatory authority of another participating jurisdiction and interstate registration means registration under a corresponding law of a participating jurisdiction.

**impairment** means a physical or mental impairment, disability, condition or disorder, including substance abuse or dependence, that detrimentally affects, or is likely to detrimentally affect, a person's capacity to practise as a veterinarian or as a veterinary nurse. An impairment that is being effectively managed by the person will not fall within this definition since it is unlikely to detrimentally affect capacity to practise.

**interstate veterinarian** means a person who is taken to hold general or specialist registration as a WA veterinarian.

**veterinary medicine** sets out criteria for carrying on the practise of veterinary medicine, including general activities such as examining animals for the purpose of diagnosing diseases or physiological conditions (such as diagnosing pregnancy), treating animals, performing surgery, and administering anaesthetic agents. Veterinary medicine can include or exclude anything else prescribed by regulation.

**veterinary supervisor** for a veterinary premises will be a WA veterinarian, and their functions may be the subject of regulation.

**WA veterinarian** means a person registered in one or more of the categories to practice veterinary medicine.

#### **Clause 4      Act binds Crown**

This clause provides that the Crown is bound by the provisions of the Bill.

### **Part 2 – Registration of veterinarians and veterinary nurses**

This part of the Bill contains provisions relating to registration as a WA veterinarian or a veterinary nurse, and recognition of veterinarians registered in other jurisdictions.

#### **Division 1 – Applications for registration**

## **Clause 5 Application for registration**

This clause provides that a person may apply for registration as a WA veterinarian in one or more categories in a written form approved by the Board and accompanied by both evidence that the applicant meets the requirements for registration and by the prescribed application and registration fees. If the Board refuses the application, the registration component is refunded (see clause 8).

## **Clause 6 Application for renewal of registration**

An application for renewal of registration must be made at least one month prior to expiry and be accompanied by the prescribed application and registration fees. A late application attracts a prescribed additional fee of not be more than 50% of the application fee.

## **Clause 7 Board's powers in relation to application**

Before the Board has made a decision on an application for registration it may require an applicant to give additional relevant information in writing or in person, failure of which may result in the Board refusing the application (see clause 8). For example, the Board may require the written consent of the applicant to seek information from another person or body, or may require an applicant to undergo a health assessment for the purpose of determining if they have an impairment, which would be based on a reasonable belief formed by the Board (clause 129)

## **Clause 8 Refusal of application**

This clause allows the Board to refuse an application for registration or renewal of registration if the application is not made in accordance with the requirements set out in the Bill, or the applicant does not comply with a requirement under clause 7, or for a health assessment under clause 129(1) of the Bill. The Board must refund the registration fee if it refuses the application.

## **Clause 9 Non-standard application**

A non-standard application, is one that requires more time and resources to process than a standard application. This may, for example, be due to the Board considering previous offences, or requiring a health assessment, if it reasonably believes the applicant may have an impairment. If the Board determines that an application is a non-standard application, it must give the applicant written notice that further consideration will not proceed without the applicant's written agreement and setting out details, including any additional fee payable in respect of the application (which may be set by regulation).

## **Division 2 – Requirements for registration**

### **Clause 10 General registration as WA veterinarian**

A person is eligible for registration if they satisfy the listed requirements for general registration and any prescribed requirements in the regulations. The person must be a graduate of a course of education in veterinary science or surgery approved by the Board, such as veterinary graduates from Australia, New Zealand, or a foreign institution that is accredited by the Australian Veterinary Board's Council (AVBC). The applicant must also be resident in WA, have sufficient physical and mental capacity, be proficient in English and be a fit and proper person in accordance with the criteria in clause 18. Notably, a refusal to grant registration is subject to the show cause process in clause 31.

#### **Clause 11 Specialist registration as WA veterinarian**

This clause provides that a person will be eligible for specialist registration, if they hold general or honorary registration as a WA veterinarian, and have the necessary qualifications and experience determined by the Board and set out in the regulations.

#### **Clause 12 Honorary registration as WA veterinarian**

This clause provides that to be eligible for honorary registration, a person must have held registration for at least 40 years in WA or in another jurisdiction in Australia or overseas and have standing in the veterinary profession.

#### **Clause 13 Limited registration as WA veterinarian**

This clause sets out the criteria for eligibility for limited registration, which are similar to those required for general registration and may include prescribed requirements. It also lists the purposes for which limited registration may be granted, which include relevant studies, teaching and assistance in veterinary emergency, as well as the performance of a particular veterinary procedure for a limited period in WA.

#### **Clause 14 Registration as veterinary nurse**

A person is eligible for registration as a veterinary nurse if they are suitably qualified and satisfy the other requirements listed in this clause, including any requirements prescribed in the regulations, and the criteria for being a fit and proper person set out in clause 18.

### **Division 3 – Grant or renewal of registration**

#### **Clause 15 Grant of registration**

This clause provides that the Board must grant registration in a particular category if it is satisfied that the applicant meets the requirements for that category of registration.

#### **Clause 16 Interim registration**

This clause provides that the Board may grant interim registration in a particular category, for a period of up to three months, while assessing whether the applicant meets the relevant requirements for registration, if the Board is satisfied that it is highly likely those requirements will be met.

#### **Clause 17 Renewal of registration**

This clause provides that the Board must renew a person's registration in a particular category if it is satisfied that the applicant continues to meet the requirements for that category, is complying with any conditions on the person's registration and has met any prescribed requirements for renewal.

If a person applies for renewal of registration before the day on which the registration expires, registration continues in force until the Board gives the person notice of its decision. If not, registration continues in force for one month after the day on which it expired, unless the person applies within that one-month grace period, in which case registration continues until the Board gives the person notice of its decision.

#### **Clause 18 Fit and proper person**

This clause sets out the matters to which the Board must have regard in determining whether a person is a fit and proper person to hold registration. This includes information about any convictions for a criminal offence or an offence under this Bill or a under a corresponding law in another jurisdiction or country. The Board must also consider any contravention of an order by a regulatory authority, any previous refusal of application for registration, any findings of unprofessional conduct or professional misconduct, and other behaviour which shows the person is not of good fame or character.

Good fame and character reflects the terminology used in the *Legal Profession Act 2008* section 8(1)). It assumes ordinary meaning, and looks at the quality of a person based on their attributes such as dishonesty, poor public reputation, untrustworthiness, and extreme views.

#### **Clause 19 Duration of registration**

This clause provides that a person's registration as a veterinarian or a veterinary nurse has effect for the period prescribed by the regulations, or the period specified in the person's certificate of registration, whichever is the shorter.

#### **Clause 20 Registration of WA veterinarians affected by decisions of interstate regulatory authorities**

This clause provides that if a WA veterinarian's registration is affected by a decision of an interstate regulatory authority, whether as a result of disciplinary action or otherwise, the veterinarian's registration in WA is affected in the same way. The types of decisions to which this clause relates include the imposition or modification of a condition on registration and the cancellation, suspension, disqualification or reinstatement of registration

### **Division 4 – Recognition of veterinarians registered in other jurisdictions**

#### **Clause 21 Terms used**

This clause defines corresponding specialty as one under a corresponding law approved by the Board, and interstate registration as registration under a corresponding law.

#### **Clause 22 Recognition of veterinarians registered in other jurisdictions**

This clause provides that a person is taken to hold general or specialist registration in WA if the person has interstate registration substantially the same as registration granted under the Bill and practises veterinary medicine in WA, but only if the person's principal place of residence is either not in WA or has not been in WA for longer than 3 months during which their interstate registration has not been renewed.

#### **Clause 23 Registration of interstate veterinarians affected by decisions of interstate regulatory authorities**

This clause provides that, the effect of a decision of an interstate regulatory authority on an interstate veterinarian's registration applies in the same way to that veterinarian's deemed registration in WA. This may result from disciplinary action and includes the imposition or modification of a condition on registration, cancellation, suspension, disqualification or reinstatement of registration.

## **Division 5 – Conditions on registration**

### **Clause 24 Conditions generally**

This clause sets out the conditions to which the registration of a veterinarian or a veterinary nurse is subject, including those imposed by the Board, the Tribunal or an interstate regulatory authority whether or not following a finding against the veterinarian, those identified for limited registration, and those otherwise prescribed.

### **Clause 25 Conditions imposed by Board**

This clause provides that the Board may, if it considers there are reasonable grounds for doing so, impose conditions on the registration of a veterinarian or a veterinary nurse when granting or renewing their registration, or during the currency of their registration. The clause contains examples of conditions that the Board may impose including the requirement to complete a specified course, undertake a period of work under supervision, undergo specified counselling or medical treatment and do or refrain from doing something in connection with veterinary medicine. The list is not exhaustive. Notably, the show cause process in clause 31 applies.

### **Clause 26 Modification or removal of conditions by Board**

This clause empowers the Board to modify or remove a condition on the registration of a veterinarian or veterinary nurse if it considers there are reasonable grounds for doing so, subject to the consent of the interstate regulatory authority in the case of any condition imposed by that authority.

### **Clause 27 Condition of limited registration**

This clause provides that it is a condition of limited registration as a WA veterinarian that the person only practise veterinary medicine in WA and for the purpose for which the registration was granted.

## **Division 6 – Cancellation or suspension of registration**

### **Clause 28 Cancellation of registration generally**

This clause lists the ways in which the registration of a veterinarian or a veterinary nurse may be cancelled by the Board by reference to specific provisions in the Bill which permit cancellation if the person is not entitled to be registered, if requested by the person, or to implement an order of the Tribunal under Part 7 or a decision of an interstate regulatory authority.

### **Clause 29 Cancellation of registration by Board**

This clause requires the Board to cancel the registration of a veterinarian or a veterinary nurse if requested in writing by the veterinarian or veterinary nurse, or if the Board becomes aware that:

- a qualification that enabled registration has been withdrawn, cancelled or was forged or fraudulently obtained; or
- the veterinarian or veterinary nurse is in arrears in respect of fees due and payable under the Bill.

### **Clause 30 Suspension of registration**

This clause provides that the registration of a veterinarian or a veterinary nurse may be suspended by an immediate action order made by the Board, an order of the Tribunal or a decision of an interstate regulatory authority. The person is taken not to be registered for the period of the suspension, except for the purposes of giving the person written notices under the Bill, and in relation to complaints and disciplinary proceedings. This covers situations where a person engages in unprofessional conduct or professional misconduct whilst practising during a period of suspension.

### **Division 7 – Show cause process and notice of decisions**

#### **Clause 31 Show cause process for proposed decision**

This clause requires the Board to give written notice to a person against whom one of the following decisions is proposed to be made and a reasonable opportunity for that persons to make a written submission about the proposed decision; as well as to have regard for any submission made:

- refusal to grant or renew registration;
- grant or renewal of registration in a category other than the one applied for;
- imposition or modification of a condition on registration during its currency;

A show cause process also applies to proposed Board decisions to refuse an application for registration or renewal with respect to veterinary premises (clause 48), make an immediate action order (clause 71) and require that a person undergo a health assessment (clause 130).

#### **Clause 32 Notice of decision on registration or renewal of registration**

This clause requires the Board to give an applicant for registration notice of its decision as soon as practicable after making it, including details of the category granted and any conditions imposed. Where relevant, the notice must outline the reasons for imposing conditions or for refusal and the applicant's right to a review of conditions or refusal by the Tribunal.

#### **Clause 33 Notice of decision to impose, modify or remove condition**

This clause requires the Board to give a person written notice of the decision to impose, modify or remove a condition on their registration during its currency, as soon as practicable after making it, including reasons for the decision and the person's right of review by the Tribunal.

#### **Clause 34 Notice of decision to cancel registration**

This clause requires the Board to give a person written notice of a decision to cancel the person's registration, as soon as practicable after making it, including reasons for the decision, and that person's right of review by the Tribunal.

## **Part 3 – Registration of veterinary premises**

### **Division 1 – Applications for registration**

#### **Clause 35 Application for registration**

This clause provides that a person, who is or proposes to be a veterinary practice owner, may apply for registration of the premises from which the veterinary practice is to be operated. The clause specifies the requirements of the application, including that it must be accompanied by the application and registration fees prescribed in the regulations. If granted, the person in whose name the veterinary premises are registered becomes the registered practice owner.

#### **Clause 36 Application for renewal of registration**

This clause sets out the application process for renewal of the registration of premises from which a veterinary practice is operated, including payment of the prescribed application and registration fees. If the application is made later than one month after the day on which the registration expires, it attracts a prescribed additional fee of up to 50% of the application fee.

#### **Clause 37 Board's powers in relation to application**

This clause empowers the Board to require additional relevant information, statutory declaration verification, inspection of premises or the attendance of the applicant in considering the application for registration of premises.

#### **Clause 38 Refusal of application**

Failure to comply with any requirement relating to the application process, including those arising from clause 37, may result in the Board refusing the application, in which case the registration fee is refunded.

### **Division 2 – Requirements for registration**

#### **Clause 39 Requirements for registration of premises**

This clause sets out criteria for registration of veterinary premises, including:

- the premises are in a satisfactory condition for carrying out a veterinary practice business and is designed and equipped in accordance with prescribed requirements;
- prescribed management arrangements are in place, including a veterinary supervisor;
- the person in whose name the premises are or will be registered is not bankrupt or insolvent. This does not prevent a person who is bankrupt from owning the premises.

### **Division 3 – Grant or renewal of registration**

#### **Clause 40 Grant of registration**

This clause requires the Board to grant registration of premises if satisfied that the requirements in clause 39 are, or can be, met, or that it is otherwise appropriate to grant registration.

#### **Clause 41 Interim registration**

This clause permits the Board to grant interim registration of premises as veterinary premises for up to three months, while assessing the application, if satisfied that it is highly likely the requirements for registration will be met.

#### **Clause 42 Renewal of registration**

This clause requires the Board to renew the registration of veterinary premises if satisfied that the requirements for registration are or can be met and that there is compliance with any conditions on the registration and with prescribed requirements, which may be different for different kinds of veterinary premises.

If a registered practice owner applies for renewal of registration before the day on which registration expires, registration continues in force until the Board gives notice of its decision. If not, registration continues in force for one month after the day on which it expired, unless the registered practice owner applies within that one-month grace period, in which case registration continues until the Board gives notice of its decision.

#### **Clause 43 Duration of registration**

This clause provides that registration of veterinary premises has effect for the period prescribed by the regulations, or specified in the certificate of registration, whichever is the shorter.

### **Division 4 – Conditions on registration**

#### **Clause 44 Conditions generally**

The registration of veterinary premises is subject to any condition imposed by the Board, or provided for in the regulations.

#### **Clause 45 Conditions imposed by Board**

This clause provides that the Board may impose conditions on the registration of veterinary premises when granting or renewing the registration, or during its currency including:

- a specific way in which premises are to be utilised, equipped, redesigned, or altered, managed or operated; and
- a registered practice owner doing or refraining from doing something in connection with veterinary premises.

#### **Clause 46 Modification or removal of conditions by Board**

The Board may, on application by the registered practice owner, or on its own initiative, modify or remove a condition on the registration of veterinary premises, if it considers there are reasonable grounds for doing so.

### **Division 5 – Cancellation of registration**

#### **Clause 47 Cancellation of registration by Board**

This clause provides that the Board must cancel the registration of veterinary premises at the written request of the registered practice owner, or because the premises are not entitled to be registered due to outstanding fees, lack of veterinary supervisor, cessation of business or

because registration was obtained by incorrect or misleading information. Further, registration may be cancelled if the premises do not meet the requirements for registration, or if a condition on registration has been contravened.

## **Division 6 – Show cause process and notice of decisions**

### **Clause 48 Show cause process for proposed decision**

This clause provides that the Board must give the applicant written notice of any of the following proposed decisions, the opportunity to make a written submission about the proposed and must have regard for any submission made in response when making its decision:

- refusal to grant or renew registration of veterinary premises, or to impose or modify a condition on granting, renewing or the currency of a registration;
- cancellation of registration of veterinary premises.

### **Clause 4 Notice of decision on registration or renewal of registration**

This clause requires the Board to give an applicant notice of its decision as soon as practicable after making it, including a description of the premises for which registration is granted or renewed, the period for which registration is granted or renewed and any conditions imposed. Where relevant, the notice must outline the reasons for imposing conditions or for refusal and the applicant's right to a review by the Tribunal.

### **Clause 50 Notice of decision to impose, modify or remove condition**

This clause requires the Board to give the registered practice owner notice of its decision to impose remove or modify conditions during the currency of registration for veterinary premises, as soon as practicable after making the decision, including reasons for the decision and the right of the registered practice owner to apply to the Tribunal for review.

### **Clause 51 Notice of decision to cancel registration**

This clause requires the Board to give the registered practice owner notice of its decision to cancel registration for veterinary premises including reasons for the decision and the right of the registered practice owner to apply to the Tribunal for review.

## **Part 4 – The register**

### **Clause 52 Register to be kept**

This clause provides that the Board must keep an accurate and up-to-date register of information listed in clause 53 and any other information the Board considers appropriate, which may include information in respect of interstate veterinarians. The Board may keep a copy of the register in any way it thinks appropriate, including an electronic version, and it may form part of registers of veterinarians kept under corresponding laws.

### **Clause 53 Information to be recorded in register**

Information to be recorded in the register includes the name, title, qualifications, and the date, specialty or any limited purpose of registration of each WA veterinarian and veterinary nurse, as well as the town or suburb where they practice and any conditions on their registration, other than conditions which reveal impairment. In addition, information about registered

veterinary premises must be recorded in the register, such as its address and the names of the practice, registered practice owner and veterinary supervisor, as well as conditions on registrations. Additional details may be prescribed.

#### **Clause 54 Information about interstate veterinarians**

This clause sets out the information that may be recorded in the register about an interstate veterinarian, if the Board chooses, such as their name, speciality, any conditions on their registration and any information prescribed.

#### **Clause 55 Inspection of, and obtaining information from, register**

Members of the public are entitled to inspect or obtain a copy of the register, free of charge, other than information that is prescribed.

### **Part 5 - Offences**

#### **Division 1 – Practice of veterinary medicine**

#### **Clause 56 Carrying out acts of veterinary medicine**

This clause makes it an offence for a person to carry out an act of veterinary medicine, unless the person is a veterinarian, a veterinary nurse or an authorised person; and that veterinary nurses and authorised persons may only carry out acts of veterinary medicine for which they are authorised under the regulations.

The penalty for an offence under this clause is a fine of \$10,000 for a first offence and \$20,000 for a second or subsequent offence.

It is a defence to a charge under this clause if the person proves that the act was carried out in an emergency situation for the purpose of administering first aid to save the life of an animal or relieve pain suffered by an animal.

#### **Clause 57 Employing or engaging persons to carry out acts of veterinary medicine**

It is an offence for a person to employ or engage another person to carry out an act of veterinary medicine who is not a veterinarian, a veterinary nurse or an authorised person; or to engage a veterinarian, veterinary nurse or authorised person to carry out an act of veterinary medicine contrary to what is authorised under their registration.

It is a defence to prove the accused did not know or could not reasonably be expected to know that the person engaged was not a veterinarian, a veterinary nurse or an authorised person; or that the act of veterinary medicine was not authorised under their registration.

#### **Clause 58 Undue influence**

This clause makes it an offence for a person to direct, cause, induce or knowingly permit or do anything that would constitute unprofessional conduct or professional misconduct. A first offence attracts a fine of \$10,000. A fine of up to \$30,000 applies for subsequent offences or if the offence is committed by persons in position of responsibility for others engaged in veterinary practice, such as a practice owner or veterinary supervisor.

## **Division 2 – Conditions of registration or authorisation**

### **Clause 59    Contravention of conditions**

This clause identifies the contravention of conditions on registration for veterinarians, veterinary nurses, veterinary premises, authorisation and imposes penalties of \$10,000 for first offences and \$20,000 for subsequent.

## **Division 3 – Carrying on a veterinary practice business**

### **Clause 60    Veterinary practice businesses to be carried on at or from veterinary premises**

This clause makes it an offence to carry on a veterinary practice business from any premises other than veterinary premises and imposes penalties of \$10,000 for first offences and \$20,000 for subsequent offences. However, the regulations may allow the use of other premises in specific circumstances, which may, for example, permit business activities that are not acts of veterinary medicine, such as administrative work, to be undertaken from alternative premises.

## **Division 4 – False representations and use of words and abbreviations**

### **Clause 61    False representations about being veterinarian**

This clause creates an offence for a person to falsely represent themselves as a registered veterinarian, including use of a misleading description or title and imposes penalties of \$10,000 for first offences and \$20,000 for subsequent.

### **Clause 62    False representations about being veterinary specialist**

A false claim to be a veterinary specialist is an offence under clause 62, attracting penalties of \$10,000 for first offences and \$20,000 for subsequent.

### **Clause 63    False representations about being veterinary nurse**

This clause creates an offence for a person to falsely represent themselves as a registered veterinary nurse, imposing penalties of \$2,500 for a first offence and \$5,000 for a subsequent offence.

### **Clause 64    False representations about being authorised person**

This clause creates an offence for a person to falsely represent themselves as being an authorised person, and imposes penalties of \$2,500 for a first offence and \$5,000 for a second or subsequent offence.

### **Clause 65    Use of certain words & abbreviations**

This clause prohibits the use of veterinary' language in connection with a business unless the person has qualifications, registration, authorisations or specified business concerns to support this use. Penalties apply of \$10,000 for first offences and \$20,000 for subsequent offences.

## **Division 5 – Notice requirements**

### **Clause 66 Notice about events relevant to the person’s registration**

It is an offence for a veterinarian or veterinary nurse to fail to notify the Board within 14 days of the withdrawal or cancellation of a relevant qualification; a negative disciplinary finding by any regulatory authority; the commencement, withdrawal or dismissal of ‘relevant’ criminal proceedings such as for offences related to veterinary medicine or which attract penalties of more than 1 year imprisonment; or in the case of a veterinarian, the effect on their registration of any a decision of an interstate regulatory authority. The penalty for these offences is \$5,000.

### **Clause 67 Notice about changes of ownership of veterinary practice business**

This clause provides that a person who becomes or ceases to be a veterinary practice owner must, within 14 days, notify the Board of the change of ownership. The penalty is \$5,000.

### **Clause 68 Notice about change of veterinary supervisor**

This clause provides that a person who becomes or ceases to be a veterinary supervisor must, within 14 days, notify the Board of the change of supervisor. The penalty is \$5,000.

### **Clause 69 Notice under this Division**

This clause provides that notices under clauses 66-68 of the Bill must be in writing and contain the details or be any form approved by the Board.

## **Part 6 – Immediate action orders**

### **Clause 70 Board may make immediate action order**

This clause provides that the Board may make an immediate action order in relation to a veterinarian or a veterinary nurse if it is satisfied that there is an imminent risk of substantial injury or harm to a person or animal. This risk may be due to the conduct or an impairment of the veterinarian or veterinary nurse. The Board may make this order even if the conduct is being dealt with as a complaint under the Bill or if the veterinarian or veterinary nurse is the subject of a notification of an impairment under the Bill.

An immediate action order may impose a condition or modify an existing condition on the veterinarian or veterinary nurse’s registration, or may suspend the person’s registration.

In exercising this power, the Board must comply with clause 71 in relation to show cause.

### **Clause 71 Show cause process for proposed decision**

This clause requires the Board to give written notice to a person against whom an immediate action order is proposed to be made and a reasonable opportunity for that person to make a submission about the proposed order, as well as to have regard for any submission made, in deciding whether to make the proposed order. Notably, due to the risk and urgency factors that will always be at play when an immediate action order is being contemplated, both the Board’s notice and any submission in response can be oral, and the time frame for response whilst needing to be reasonable in the circumstances may necessarily be shorter than for show cause processes relating to other Board decisions.

## **Clause 72 Notice of immediate action order**

The Board must give written notice of the order to the affected person as soon as practicable, containing short reasons and a statement that the person may apply for a review of the decision to make the order.

## **Clause 73 Duration of immediate action order**

An immediate action order has effect for the period specified in the order, which must not be more than 28 days and continues until either the decision is set aside on appeal, or the order is revoked under clause 75.

## **Clause 74 Board to take other necessary or appropriate action**

After making an immediate action order, the Board must take any other action under the Bill in relation to the person that is necessary or appropriate. This may be to impose or modify a condition on registration under Part 2, require the person to undergo a health assessment (clause 129) or initiate an investigation into the person's conduct.

## **Clause 75 Variation or revocation of immediate action order**

The Board may vary or revoke an immediate action order it has made, unless the order relates to a complaint referred to the Tribunal. The Tribunal may vary or revoke an immediate action order made by the Board which relates to a complaint referred to it.

## **Part 7 – Complaints and discipline**

### **Division 1 – When this Part applies**

#### **Clause 76 Application of Part**

Part 7 of the Bill applies to unprofessional conduct and professional misconduct engaged in by veterinarians and veterinary nurses, who are currently registered or who are no longer registered, but were at the time of the conduct or alleged conduct.

#### **Clause 77 Application to conduct of veterinarians**

Part 7 applies to conduct occurring in WA and can apply to conduct which has occurred in part or wholly in another Australian jurisdiction if a regulatory authority of the other jurisdiction or the complainant and the veterinarian consent. Where the conduct occurred wholly in another Australian jurisdiction, additional consents are required from the veterinarian who is registered in WA and from the Board. Part 7 of the Bill also applies to conduct of a WA veterinarian that occurred partly or wholly outside Australia.

Part 7 of the Bill does not apply to conduct occurring in WA if the Board consents or the complainant and veterinarian consent to it being dealt with by another Australian jurisdiction.

### **Division 2 – Key concepts**

#### **Clause 78 Unprofessional conduct**

This clause defines unprofessional conduct to include doing or omitting to do something in connection with the practice of veterinary medicine that falls short of the standard of competence, diligence and safety that a member of the public is entitled to expect of a reasonably competent veterinarian or veterinary nurse. The regulations may also prescribe certain conduct to be unprofessional conduct.

#### **Clause 79 Professional misconduct**

This clause defines the more serious category of professional misconduct to include unprofessional conduct which involves a substantial or consistent failure to reach or maintain a reasonable standard of competence and diligence; and conduct, whether occurring in connection with the practice of veterinary medicine or not, that is inconsistent with a person being a fit and proper person to hold registration as a WA veterinarian or veterinary nurse. The regulations may also prescribe certain conduct to be professional misconduct.

#### **Clause 80 Conduct capable of constituting unprofessional conduct or professional misconduct**

This clause lists conduct that may be either unprofessional conduct or professional misconduct, including offending against the Bill or other listed statutes relating to animal care and safety, contravening conditions on registration or the order of a regulatory authority, practising veterinary medicine when intoxicated or affected by drugs, or being convicted of an offence punishable by more than 1 year imprisonment.

### **Division 3 - Complaints**

#### **Clause 81 Making a complaint**

This clause provides for a complaint to be made to the Board that a veterinarian or a veterinary nurse has engaged in unprofessional conduct or professional misconduct. The complaint must, if possible, identify the person about whom it is made and describe the alleged conduct. If the complainant does not wish to be identified to the person the subject of the complaint, they must include reasons for non-disclosure.

It is not a bar to making a complaint if the person who is the subject of the complaint is also the subject of proposed or current court proceeding relating to the same subject matter as the complaint.

#### **Clause 82 Time limit for complaint**

This clause provides that the Board cannot deal with a complaint made more than 3 years after the alleged conduct, unless the Board determines that it is just and fair to deal with it, having regard to the delay and reasons for the delay, and that it is in the public interest to do so.

#### **Clause 83 Respondent to be notified about complaint**

This clause requires the Board to notify the veterinarian or veterinary nurse in writing about the complaint against them, setting out the nature of the complaint and the name of the complainant, unless the Board chooses to omit the complainant's name after considering the complainant's reasons for non-disclosure. The Board may delay the notice to the respondent until it has reasonable opportunity to assess the complaint, seek further information, or undertake preliminary inquiries.

#### **Clause 84 Board may deal with matter as complaint**

The Board may deal with a matter as if it were the subject of a complaint, even if a formal complaint has not been made.

#### **Division 4 – Assessment of complaints**

#### **Clause 85 Board to assess complaint**

This clause requires the Board to assess each complaint as soon as practicable after it is made, investigating the complaint in any way it considers appropriate. This includes directing an inspector to investigate and/or requiring the respondent to undergo a health assessment if the Board forms the reasonable belief that the respondent may have an impairment. The Board may take into account any information obtained during its investigation in making its assessment, including any report on a health assessment, discussions with the respondent or other relevant information.

#### **Clause 86 Ways in which the Board deals with complaint**

This clause provides that, as soon as practicable after assessing a complaint, the Board must decide to deal with it in one of the following ways and give notice of its decision to the respondent and, if appropriate, to the complainant:

- Dismissing it;
- Dealing with it under Division 5 if it appears to be about unprofessional conduct;
- Referring it to the Tribunal if it appears to be about the more serious professional misconduct, or this is otherwise more appropriate; or
- Referring the complaint to an interstate regulatory authority, if more appropriate.

#### **Clause 87 Dismissing complaint**

This clause provides that the Board must dismiss a complaint if the Board and the Tribunal lack power to deal with it. Further, the Board may dismiss the complaint if the conduct has previously been dealt with or is trivial, lacking in substance, could be more appropriately dealt with by another person or body or if it is not in the public interest to deal with it.

#### **Division 5 – Unprofessional conduct**

#### **Clause 88 Inquiry into complaint of unprofessional conduct**

This clause provides that the Board may conduct an inquiry into a complaint if it is about unprofessional conduct, and in doing so the Board must impose as little formality and as much speed as will permit a proper hearing, and set its own procedures, subject to according procedural fairness. The Board is not bound by the rules of evidence and can appoint a legal practitioner to assist.

#### **Clause 89 Hearings**

This clause permits the Board to hold hearings, which must be held in public unless the Board is satisfied of the need for confidentiality or any other reason for a private hearing.

## **Clause 90 Parties to inquiry**

This clause provides that the parties to an inquiry conducted by the Board are the respondent, the complainant and any other person the Board considers has a sufficient interest in the matter to which the complaint relates.

## **Clause 91 Evidence and witnesses**

This clause provides that, in conducting an inquiry, the Board must give the respondent an opportunity to call and give evidence, examine and cross-examine witnesses, and to make submissions, except where the Board has adopted any findings, decision, or reasons of a court, tribunal or other body in previous proceedings during which the respondent has already been given these opportunities.

## **Clause 92 Representation at inquiry**

Parties to an inquiry may act in person or be legally represented.

## **Clause 93 Evidence and findings in other proceedings**

The Board is permitted to receive in evidence transcripts from other proceedings and to adopt findings or draw conclusions as it considers proper.

## **Clause 94 Inquiry powers**

This clause set out the powers of the Board when conducting an inquiry, including that a Board member may administer an oath or affirmation and that the Board may issue written direction to attend or to produce a document or thing which must expressly notify the recipient of the requirements to comply, and with which failure to comply is an offence.

## **Clause 95 Failure to comply with direction**

This clause provides that failure to comply with a direction by the Board under clause 94 is an offence, unless the person was not so informed or has a reasonable excuse. Self-incrimination is not a reasonable excuse because information given, or documents or things produced are not in any proceedings admissible in evidence against the person who gave them, other than in disciplinary proceedings, in proceedings for an offence of providing false and misleading information under clause 193, or in proceedings for perjury. This clause is in addition to and does not affect the operation of section 11 of the *Evidence Act 1906*, which provides that a court may compel an answer to an incriminating question (which provides for the issue of a certificate which prevents an answer provided from being used in criminal proceedings against the person who provided it, other than perjury proceedings).

## **Clause 96 Protection for compliance with direction**

This clause provides that a person must comply with a direction under clause 94, despite any other law, and that no civil or criminal liability will be incurred as a result of compliance, and nor will compliance be regarded as a breach of a duty of confidentiality, a breach of professional ethics or standards, or unprofessional conduct.

## **Clause 97 Disruption of inquiry**

A penalty of up to \$5,000 is imposed by this clause for disrupting an inquiry or insulting the Board during an inquiry

## **Clause 98 Immunity for person performing inquiry functions**

This clause provides that any person who performs a function or is otherwise concerned in an inquiry has the same protection and immunity as a member or officer of the Supreme Court, or a witness or party before the Supreme Court. Essentially this clause extends to the Board the immunities from liability that apply to judicial proceedings.

### **Subdivision 2 – Dealing with complaint after inquiry**

## **Clause 99 Board to decide how to deal with complaint**

This clause provides that, at the completion of an inquiry into a complaint, the Board must dismiss the complaint, make a finding of unprofessional conduct, or refer the complaint to the Tribunal if it considers that the respondent may have engaged in the more serious category of professional misconduct.

## **Clause 100 Orders following finding by Board**

This clause provides that, if the Board finds that a respondent has engaged in unprofessional conduct, it may reprimand or fine the respondent, or impose or modify any existing condition on the respondent's registration.

### **Division 6 – State Administrative Tribunal**

## **Clause 101 Powers of Tribunal to deal with complaint**

This clause provides that, in dealing with a complaint, the Tribunal may dismiss the complaint or make a finding of either unprofessional conduct or professional misconduct against the respondent.

## **Clause 102 Orders following finding by Tribunal**

This clause provides that, if the Tribunal makes a finding of unprofessional conduct, it may make the same orders as the Board (clause 100). If the Tribunal makes a finding of the more serious category of professional misconduct, it is empowered to make not only the same orders as are available to the Board, but also or alternatively to suspend or cancel the respondent's registration, and in the event of cancellation, to disqualify the respondent from applying for registration indefinitely or for a specified period.

## **Clause 103 Interlocutory or interim orders**

This clause allows the Tribunal to make any interim order it considers appropriate before making its final decision in relation to a complaint, including imposing or modifying conditions on the respondent's registration, suspending registration, or requiring the respondent to undertake a health assessment, which it may require the Board to arrange and pay for.

## **Clause 104 Board to give effect to orders of Tribunal**

This clause provides that the Board must give effect to any order made by the Tribunal.

### **Division 7 – Other matters**

### **Clause 105 Examples of conditions**

This clause provides a non-exhaustive list of conditions on registration that may be imposed by order of the Board or the Tribunal, and includes requirements to complete a specified course of education or undertake a specified period of practice or supervised work, undergo counselling or medical treatment, comply with medical directions, do or refrain from doing something, or conduct practice in a specified way.

### **Clause 106 Records of action taken by Board**

This clause requires to Board to keep an accurate record of each decision or order it makes, or other action it takes, in relation to a person the subject of a complaint.

### **Clause 107 Order to pay costs and expenses of investigation or inquiry**

This clause allows the Board to order that a respondent pay to the Board any costs and expenses of the investigation or inquiry into a complaint, but only if a finding or order has been made against the respondent.

### **Clause 108 Notice of decision or orders under this Part**

This clause requires the Board to give written notice of a decision or order to the respondent and, if the Board considers it appropriate, to the complainant, as soon as practicable following the assessment of a complaint, an inquiry into a complaint, a finding of unprofessional conduct, or an order to pay costs of an investigation or inquiry. Each notice must contain reasons for decision and, if the decision is reviewable by the Tribunal, inform the respondent accordingly.

## **Part 8 – Investigation**

### **Division 1 – Inspectors**

#### **Clause 109 Designation of inspectors**

This clause allows the Board to designate any person employed or engaged by the Board as an inspector for the purpose of conducting and reporting on an investigation.

#### **Clause 110 Identity card**

This clause requires the Board to issue inspectors with identity cards with photographs, which must be carried with them whilst exercising their functions and powers.

#### **Clause 111 Production or display of identity card**

This clause requires an inspector, to produce or clearly display the inspector's identity card in order to exercise a power in relation to a person. If this is not practicable before exercising the power, then the identity card must be produced for inspection at the first reasonable opportunity thereafter.

### **Division 2 – Investigation**

### **Clause 112 Direction to conduct investigation**

This clause provides that the Board may direct an inspector to conduct and report on an investigation for any of the following purposes:

- to assist in determining an application for registration;
- to monitor compliance with conditions on registration, or with the Bill;
- to investigate a suspected contravention of the Bill or a complaint;
- any purpose prescribed in the regulations.

### **Clause 113 Entry powers**

This clause provides for an inspector to enter premises in the specified circumstances. Premises may be veterinary premises (land, structures or vehicles) or other premises. Veterinary premises may be entered during usual business hours. If entry is otherwise required such as outside business hours or where non-veterinary premises are involved, entry must be with the informed consent of the occupier or with an entry warrant issued by a magistrate. If consent is not given, or if prior notice of intention to enter is not appropriate, such as where there is a bona fide concern that evidence may be destroyed, an entry warrant must be sought.

### **Clause 114 Powers after entering premises**

This clause provides what an inspector may do if they enter premises for the investigative purposes listed in clause 112. For example, an inspector can search the premises and anything on the premises; examine, measure, test, photograph or film any part of the premises or any thing at the premises; operate equipment such as a computer, or direct a person to do so or to otherwise provide reasonable assistance to the inspector; take onto the premises any person, equipment, or materials the inspector requires.

Failure to comply with a direction of the inspector may be an offence (clause 116).

### **Clause 115 Powers to obtain information**

This clause empowers an inspector to obtain information for investigative purposes in a number of ways, including directing a person to obtain a criminal record check.

### **Clause 116 Failure to comply with direction**

It is an offence under this clause to refuse or fail to comply with a direction to provide reasonable assistance, produce a document, criminal record check or other thing, or to give requested information, unless the person was not informed that such failure may constitute an offence, or has a reasonable excuse for failing to comply.

Self-incrimination is not a reasonable excuse because information given, or documents or things produced are not in any proceedings admissible in evidence against the person who gave them, other than in disciplinary proceedings, in proceedings for an offence of providing false and misleading information under clause 193, or in proceedings for perjury. This clause is in addition to and does not affect the operation of section 11 of the *Evidence Act 1906*, which provides that a court may compel an answer to an incriminating question.

### **Clause 117 Obstruction**

Obstruction of inspector is an offence subject to a penalty of \$10,000

### **Clause 118 Assistance to person entering premises**

Failure by those at the veterinary premises to assist an inspector entering and inspecting the premises is an offence, attracting a penalty of up to \$10,000

### **Division 3 – Entry warrants**

#### **Clause 119 Application for entry warrant**

This clause provides that an inspector may apply to a magistrate for a warrant to enter premises for the purposes of an investigation, by setting out reasonable grounds, relevant purposes and other specified information, and to which the provisions of section 13 of the *Criminal Investigation Act 2006* applies. That section sets out the process for making an application for a warrant, and provides that a copy of the original warrant, or the form of the warrant completed by the applicant and provided to the magistrate, has the same effect as the original warrant.

#### **Clause 120 Issue of entry warrant**

This clause empowers the magistrate to issue an entry warrant if satisfied of grounds which specifies the premises, purpose of entry and period for execution.

#### **Clause 121 Duration of entry warrant**

This clause provides that an entry warrant remains in force for the period specified in the warrant, which must not exceed 30 days, and ceases as soon as it is executed.

#### **Clause 122 Effect of entry warrant**

The provisions of this clause include that an entry warrant authorises the inspector executing the warrant to enter the premises described in the warrant and to exercise the powers listed in clause 114(1).

#### **Clause 123 Execution of entry warrant**

This clause empowers the inspector to execute an entry warrant and requires its production on request.

### **Part 9 – Notification of impairment**

#### **Clause 124 Notification**

Under this clause a person may notify the Board that a veterinarian or veterinary nurse has, or may have, an impairment that has placed, or may place, a person or animal at substantial risk of injury or harm. The clause sets out the requirements for the notification, which include that, if the notifier does not want his or her identity to be disclosed to the veterinarian or veterinary nurse, the notifier must provide reasons why.

#### **Clause 125 Board to give notice of notification**

This clause requires the Board to give written notice to a veterinarian or veterinary nurse that a notification has been made about them. The notice must be given as soon as practicable after the Board receives it and may omit the notifier's identity if having regard to the reasons provided by the notifier, the Board considers it appropriate to do so. The Board can refrain

from or delay notifying the veterinarian or veterinary nurse if it forms the opinion that the notice will or is likely to place the notifier or another person at risk of intimidation or harassment, or be prejudicial to the physical or mental health or wellbeing of the veterinarian or veterinary nurse. The only person with whom the Board may communicate or request further information in preparing the notice is the notifier. This is to protect the veterinarian or veterinary nurse from reputational damage or prejudicial treatment if others are alerted to the notification.

#### **Clause 126 Board to assess notification**

This clause provides that the Board must assess each notification as soon as practicable after it is made, and may, in conducting its assessment, request further information from the notifier, or information from the veterinarian or veterinary nurse. The Board must not request information from any other person, or disclose to any other person that the notification has been made.

#### **Clause 127 Ways in which Board deals with notification**

This clause provides that the Board must, as soon as practicable after assessing a notification, decide to take no further action, or require the veterinarian or veterinary nurse to undergo a health assessment to which clauses 132 to 135 of the Bill apply, being the show cause process.

The Board may decide to take no further action if the basis of the notification is the same as a previous notification that is already being dealt with, or is being dealt with in connection with a complaint under Part 7; or if the notification is vexatious, trivial, unreasonable or lacking in substance.

### **Part 10 – Health assessments**

#### **Clause 128 Terms used**

This clause defines the terms “assessor” by reference to clause 131, and “veterinary practitioner” to mean a registered or applicant for registration as a veterinarian or veterinary nurse.

#### **Clause 129 Health assessments**

This clause provides that, if the Board reasonably believes that a veterinary practitioner has, or may have, an impairment, it may require the veterinary practitioner to undergo a health assessment. Failure to comply permits the Board to continue to deal with an application, complaint, or other matter relating to the veterinary practitioner. For example, failure by an applicant for registration to undergo a health assessment required by the Board under clause 7, may be grounds for the Board to refuse registration (clause 8(1)(b)).

#### **Clause 130 Show cause process for proposed requirement**

If the Board proposes to require that a veterinary practitioner undergo a health assessment, then written notice must be given to that practitioner inviting a written submission about the proposed requirement within a reasonable time. The Board must have regard to any submission made in deciding whether to impose the requirement.

### **Clause 131 Appointment of assessor**

This clause provides that the Board must appoint an assessor, who must be a medical practitioner or psychologist, to conduct a health assessment. The Board must consult with the veterinary practitioner before appointing the assessor, and provide the practitioner with written notice of the appointment.

### **Clause 132 Report on health assessment**

This clause provides that the assessor must give the Board a written report about the assessment as soon as practicable after conducting it, and that the assessor may provide additional written information in relation to the health assessment if requested by the Board.

### **Clause 133 Copy of report and additional information to be given to veterinary practitioner**

This clause provides that the Board must, as soon as practicable after receiving the assessor's report and any additional information, give a copy of these to the veterinary practitioner, unless the assessor considers its content may have a detrimental impact on the veterinary practitioner's physical or mental health or wellbeing, in which case the Board must give a copy of the report to a medical practitioner or psychologist nominated by the veterinary practitioner. The medical practitioner or psychologist nominated by the practitioner must give a copy of the report to the veterinary practitioner as soon as they form the view that the report will no longer be detrimental to the practitioner.

If the contents of the assessor's report is critical of the practitioner's fitness to practise or suggests the practitioner has an impairment then, after the practitioner has been given a copy of it, a person nominated by the Board, which may for example be a Board member or the Registrar, must discuss it with the practitioner, including whether they are prepared to cease practising or alter the way in which they practise veterinary medicine.

### **Clause 134 Decision by Board**

After considering the assessor's report and any discussion with the veterinary practitioner, the Board may decide to take no further action. Alternatively, the Board may refuse an application for registration made under Part 2, impose or modify a condition on the registration of the practitioner, deal with the matter as if it were the subject of a complaint (on the basis that there appears to be a professional conduct issue), or make an immediate action order, which would allow the Board to suspend the practitioner for a period of up to 28 days (on the basis that an imminent risk arises).

### **Clause 135 Fees of the assessor**

This clause provides that the Board must pay for the health assessment, the assessor's report and any additional information requested from the assessor.

## **Part 11 – Recording, disclosure or use of information**

### **Clause 136 Term used: disclose**

This clause defines the term "disclose" for the purposes of Part 11 as "to divulge or communicate to any person and to publish" information.

### **Clause 137 Confidentiality**

This clause prohibits a person recording, disclosing or using any information that he or she has obtained because of the person's office, position, employment or engagement under or for the purposes of the Bill, unless it is authorised under clause 138 or is of a statistical or non-personal nature. This prohibition would apply to members of the Board and the Tribunal, an inspector, a medical practitioner or psychologist, who conducts a health assessment, a person nominated by the Board to discuss a report concerning a health assessment with the veterinary practitioner.

### **Clause 138 Authorised recording, disclosure or use of information**

This clause allows the recording, disclosure or use of information if it is done in good faith for the purposes or under the Bill or another written law, to a court or an interstate regulatory authority or with consent of a person to which personal information relates

### **Clause 139 Disclosure of information by Board to interstate regulatory authority**

This clause provides that the Board may disclose information to an interstate regulatory authority about any matter relating to or arising under the Bill or under another law that deals with the registration of veterinarians. The regulations may regulate such disclosure. This clause is additional to, and does not affect the operation of clause 192 of the Bill, which allows the Board to enter into arrangements with an interstate regulatory authority.

## **Part 12 – Legal proceedings**

### **Division 1 – General provisions about legal proceedings**

#### **Clause 140 Commencing legal proceedings**

This clause allows the Board or a person authorised by the Board to commence proceedings under the Bill, which must be before a magistrate, without limiting the ability of any other person with authority at law to undertake prosecutions for an offence.

#### **Clause 141 Time limit for commencing prosecutions**

This clause provides that a prosecution for an offence under the Bill must be commenced within 2 years of either its occurrence or the alleged offence first coming to the attention of the Board, whichever is the later.

#### **Clause 142 Liability of officers for offence of body corporate**

In line with most corporate offence provisions, this clause provides that the officer of any body corporate, who has failed to take reasonable preventative steps, is guilty of offences committed by the body corporate, specifically clauses 57, 58, 60 and 65 of the Bill which prohibit:

- employing or engaging persons to undertake acts of veterinary medicine when they are not registered, not authorised or must contravene conditions on their registration to do so;
- directing, inducing or knowingly permitting unprofessional conduct or professional misconduct or a contravention of the Bill;
- carrying on a veterinary business other than at or contrary to veterinary premise registration; or

- using veterinary terms, titles, letters that are not on the register.

#### **Clause 143 Further provisions relating to liability of officers of body corporate**

In line with most corporate offence provisions, this clause provides that the provisions of clause 142 above do not affect the liability of a body corporate for any offence, nor the liability of an officer, or any other person, under *The Criminal Code* provisions which deal generally with parties, accessories or conspirators in offending. An officer of a body corporate may be convicted whether or not the body corporate is charged with, or convicted any of the above offences.

#### **Clause 144 Act does not affect legal professional privilege**

This clause protects legal advice from disclosure.

#### **Clause 145 Recovery of amounts due**

This clause permits the Board to recover outstanding fees and costs.

### **Division 2 – Evidence in legal proceedings**

#### **Clause 146 Certain matters taken to be proved**

This clause identifies matters that are taken to be proved in the absence of evidence to the contrary, such as allegations in a prosecution notice, the authenticity of documents executed by or on behalf of the Board, the content of the register, the names and periods of service of Board members and personnel.

#### **Clause 147 Evidence of certain matters may be stated in certificate**

This clause provides for the Board to certify registration information

#### **Clause 148 Evidence Act 1906 not affected**

This clause provides that the provisions of the *Evidence Act 1906* apply to legal proceedings brought under the Bill.

### **Division 3 – Additional orders**

#### **Clause 149 Court may make additional orders**

This clause provides that, in addition to any penalty for an offence under the Bill, a court may prohibit the convicted person from management, commercial or financial involvement with a veterinary practice business. The order may be enforced as if it were a judgment of the court.

### **Division 4 – Review by State Administrative Tribunal**

#### **Clause 150 Review of certain decisions**

This clause lists reviewable decisions made by the Board by reference to clauses in the Bill, including for example, refusal or cancellation of any category of registration, the imposition or modification of conditions on registration, immediate action orders, a finding of unprofessional conduct, penalties or costs imposed by the Board.

## **Part 13 – Veterinary Practice Board of Western Australia**

### **Division 1 – Establishment of Board**

#### **Clause 151 Board established**

This clause establishes the Veterinary Practice Board of Western Australia, which is a continuation of and the same legal entity as the current Veterinary Surgeons' Board (see clause 212).

#### **Clause 152 Membership of Board**

This clause provides for Board membership. The Minister appoints all 8 members who must be resident in WA, subject to prior consultation with the Board (except for initial appointments) and with the relevant prescribed professional association, which is currently the Australian Veterinary Association (WA Division) regarding the appointment of a veterinarian, and the Veterinary Nurses Council of Australia (WA Division) regarding the appointment of a veterinary nurse. 4 appointees must be veterinarians, 1 must be a veterinary nurse, 1 must be a departmental officer who is a veterinarian, 1 must be a consumer representative, and 1 must be a legal practitioner.

#### **Clause 153 Chairperson of the Board**

The Chairperson is elected by the Board.

#### **Clause 154 Deputy members**

This clause provides for the Minister to appoint deputy members in consultation with the Board.

#### **Clause 155 Remuneration and allowances of Board members**

Board member remuneration is determined by the Minister on recommendation by the Public Sector Commissioner.

#### **Clause 156 Leave of absence**

This clause provides for members to be granted leave of absence by the Board.

#### **Clause 157 Execution of documents by Board**

This clause provides mechanisms by which the Board executes documents, being under common seal or by authorised signatory.

### **Division 2 – Functions, powers and delegation**

#### **Clause 158 Functions of Board**

This clause sets out the Boards functions which range from regulating the practice of veterinary practice to cooperating with participating jurisdictions to further a harmonised approach, providing information to veterinary practitioners and to consumers of their services, and to advising the Minister on relevant matters.

## **Clause 159 Powers of Board**

This clause gives the Board all the powers it needs to perform its functions but prohibits it from acquiring or disposing of real property apart from its office accommodation. This restriction applies equally to lease and licence arrangements as to purchase and sale.

## **Clause 160 Delegation by Board**

This clause provides that the Board may delegate any of its powers or duties to a Board member, committee, committee-member, or a person employed or engaged by the Board, other than those relating to an immediate action order under Part 6 and execution of documents. In line with most delegation powers, sub-delegation is not permitted. However, this does not limit the Board's ability to perform its functions through an employee or agent, which is different from formal delegation

## **Division 3 – Staff**

### **Clause 161 Registrar and other staff**

This clause provides that the Board must employ or engage a person to be the registrar, and may employ or engage others as required. The terms and conditions of employment of persons employed under this clause are to be determined by the Board, subject to any relevant award, order or industrial agreement.

## **Division 4 – Accountability provisions**

### **Clause 162 Minister may give directions to Board**

This clause empowers the Minister to give the Board written general or specific directions, with which the Board must comply, regarding the performance of its functions, other than with respect to a particular person, application, complaint, investigation or proceeding. These must be tabled Parliament and captured in the Board's Annual Report.

### **Clause 163 Minister to have access to information**

This clause entitles the Minister to obtain, with the assistance of Board employees, information that relates to the functions of the Board, other than personal information unless the person to whom the information relates consents.

## **Division 5 – Constitution and procedures of the Board**

### **Subdivision 1 – General provisions**

#### **Clause 164 Term of office**

This clause provides that a Board member holds office for up to 3 years, and may be reappointed and provides for a 3-month grace period in which office may be retained in the absence of timely replacement appointees.

#### **Clause 165 Vacancy in office**

This clause sets out the circumstances in which the office of a Board member becomes vacant, and includes removal from office due to insolvency, conviction of an indictable offence, cessation of qualification, suspension or cancellation of registration; or removal by the Minister for neglect of duty, misconduct, incompetence, incapacity or absence from meetings.

#### **Clause 166 Holding meetings**

This clause provides that Board meetings are to be held at times and places determined by the Board and for the chairperson or a majority of the Board members to convene special meetings. The first meeting of the Board upon the Bill coming into operation will be convened by the registrar.

#### **Clause 167 Meetings generally closed to public**

Board meetings are closed to the public unless the Board allows otherwise by its own initiative or on application of any person.

#### **Clause 168 Quorum**

The quorum for a Board meeting is 5 members of which at least 3 are veterinarians.

#### **Clause 169 Presiding at meetings**

The Chairperson presides at a meeting, and if not the Board must elect another member to do so.

#### **Clause 170 Procedure at meetings**

This clause allows the Board to determine any meeting procedures not provided for in the Bill.

#### **Clause 171 Voting**

This clause provides for majority decision making at Board meetings, subject to conflict of interest considerations.

#### **Clause 172 Inviting consultant to participate in meeting**

This clause permits the Board to arrange for the participation of a non-voting consultant at a meeting.

#### **Clause 173 Holding meeting remotely**

This clause permits remote meeting attendance by Board members.

#### **Clause 174 Resolution without meeting**

This clause permits the making of out-of-session Board decisions.

#### **Clause 175 Minutes**

This clause requires the keeping of accurate Board meeting minutes.

### **Subdivision 2 – Committees**

#### **Clause 176 Establishment of committees**

This clause provides for the establishment, alteration or discharge of committees to assist the Board to perform its functions.

#### **Clause 177 Membership of committee**

This clause requires at least one member of a committee, which must comprise at least 3 members, to be a Board member.

#### **Clause 178 Board may give directions to committee**

This clause provides for the Board to direct a committee's functions, procedures and reporting requirements.

#### **Clause 179 Procedures and minutes**

This clause requires the keeping and provision to the Board of committee meeting minutes, and permits a committee to determine its own procedures, subject to the issue of any Board directions.

#### **Clause 180 Remuneration and allowances of committee members**

Remuneration for committee members is determined by the Minister, on the recommendation from the Public Sector Commissioner.

#### **Subdivision 3 – Disclosure of material personal interests**

##### **Clause 181 Term used: member**

This clause defines the term “member” as a Board member or a member of a committee.

##### **Clause 182 Disclosure of interests**

This clause provides that a member who becomes aware of a “material personal interest” in a matter being or about to be considered, must make disclosure as soon as.

No definition is provided of the term “material personal interest”. It is generally accepted that a material personal interest exists if it is of some substance or value, and has the capacity to influence the vote of an official. It may not be personal if it affects the official as a member of a wide group or class in the same manner and to the same degree that it affects the other members of the group or class. It need not be pecuniary.

##### **Clause 183 Voting by interested member**

This clause provides that a member who has a material personal interest in a matter that is being considered by the Board or a committee must not vote on the matter and must not be present while the matter is being considered or when voting is taking place, including when the Board or committee is considering whether the member should be disqualified from considering or voting on the matter.

##### **Clause 184 Section 183 may be declared inapplicable**

This clause provides that the Board or committee may pass a resolution that the interest of a member in a matter is so trivial or insignificant that the member should not be disqualified from considering or voting on the matter.

#### **Clause 185 Quorum where s. 183 applies**

This clause provides for a reduced quorum if a member is disqualified from considering or voting on a matter due to a material personal interest. However, if at least 4 voting members, at least 2 of whom are veterinarians, are not present at the Board meeting to vote on the matter, the Minister may deal with that matter. If a quorum cannot be achieved because a member of a committee is disqualified from voting on a matter, the Board may deal with that matter.

#### **Clause 186 Minister may declare s. 183 and 185 inapplicable**

This clause permits the Minister to declare the material personal interest provisions inapplicable in a particular matter, generally, or for the purpose of voting, subject to tabling the declaration in Parliament.

### **Division 6 – Financial provisions**

#### **Clause 187 Board's funds**

This clause provides that funds available to the Board to enable it to perform its functions come from: fees, fines, costs and other money received or recovered by the Board under the Bill; and other money lawfully received by the Board in connection with the performance of its functions or otherwise. These funds are to be used to pay for the remuneration and allowances of Board members, members of committees, and staff employed by the Board, as well as other expenditure incurred by the Board when performing its functions under the Bill.

#### **Clause 188 Borrowing powers**

This clause provides that the Board may borrow money from the Treasurer, or from another source, to enable the Board to perform its functions or to acquire or improve office premises.

#### **Clause 189 Accounts and records**

This clause requires the Board to prepare and keep proper accounts and financial information.

#### **Clause 190 Audit**

This clause requires formal annual auditing of the Board's accounts and financial statements.

#### **Clause 191 Annual report of Board**

This clause requires the Board to prepare and submit to the Minister its annual report including the auditor's report, audited financial statements, a report on the Board's operations for the year and proposed improvements as well as information about complaints, trends and workload forecasts, which annual report the Minister must table in Parliament

### **Part 14 – Miscellaneous**

#### **Clause 192 Arrangement between Board and interstate regulatory authority**

This clause contemplates Board arrangements with interstate regulatory authorities to further mutual recognition and harmonised regulation of veterinary practice.

### **Clause 193 False or misleading information**

This clause creates offences for knowingly providing false or misleading information to the Board, when complying with or responding to various Board processes. The penalty for a first offence is \$10,000 and \$20,000 for subsequent offences.

### **Clause 194 Protection from liability for persons performing functions**

In line with most regulatory legislation, this clause protects the those who undertake their functions under the Bill in good faith, and the State, from civil liability.

### **Clause 195 Protection from liability for complainants, notifiers and other persons**

This clause protects from civil and criminal liability, and also from allegations of breach of confidentiality, professional conduct or ethics, a person who in good faith makes or is concerned with the making of a complaint or impairment notification.

### **Clause 196 Regulations**

This clause provides that regulations may be made prescribing matters that are required or permitted by the Bill to be prescribed, or are necessary or convenient for giving effect to the Bill, including about the self-explanatory matters listed in paragraphs (a)-(t). A regulation may prescribe a penalty for contravention not exceeding a fine of \$10,000 and a daily penalty not exceeding a fine of \$5,000.

### **Clause 197 Codes of practice**

This clause permits the Board to issue, amend or revoke codes of practice which provide guidance in matters relating to veterinary practice, each of which must be made publically available and be announced by notice in the *Gazette*, but which do not constitute subsidiary legislation.

### **Clause 198 Breach of code of practice**

This clause provides that a breach of a code of practice does not constitute unprofessional conduct or professional conduct nor does it attract civil or criminal liability, although it may be asserted and taken into account in dealing with a complaint.

### **Clause 199 Review of Act**

This clause requires 5-yearly reviews of the Bill with reports to be tabled in Parliament.

## **Part 15 – Repeals**

### **Clause 200 Written laws repealed**

This clause provides that the *Veterinary Surgeons Act 1960* and the *Veterinary Surgeons Regulations 1979* are repealed.

## **Part 16 – Transitional and validation provisions**

### **Division 1 - Preliminary**

## **Clause 201 Terms used**

This clause defines certain terms used in Part 16, including the following:

- “former Board”, which means the Veterinary Surgeons’ Board under the repealed Act;
- “new Board”, which means the Veterinary Practice Board of Western Australia;
- “transition day”, which means the day the Bill, other than Part 1, comes into operation.

## **Division 2 – Transitional matters**

### **Subdivision 1 – Registration, applications, approvals, authorisations and certificates**

#### **Clause 202 Registration of veterinary surgeons and specialists**

This clause provides that veterinary surgeons, honorary veterinary surgeons and specialists, who held registration under the repealed Act immediately before transition day, are taken to hold registration on the same terms and conditions under the Bill, until 30 June immediately following transition day. This temporarily maintains the status quo for currently registered veterinarians, who will then need to renew registration prior to the 30 June deadline.

#### **Clause 203 Provisional registration of veterinary surgeons**

This clause provides that a veterinary surgeon, who held a certificate of provisional registration under the repealed Act immediately before transition day, is taken to hold interim registration under the Bill until the date stated in the certificate or the date fixed by the Board under the repealed Act, and on the same terms and conditions as applied to their provisional registration immediately before transition day. This maintains the status quo for veterinarians who are the subject of interim arrangements pending finalisation of registration assessment.

#### **Clause 204 Registration of bodies corporate ceases**

This clause provides that if a body corporate was registered as a veterinary surgeon under the repealed Act immediately before transition day, the registration ceases on transition day and the body corporate is entitled to a pro rata refund of fees paid for any period after transition day to a maximum of 50% of the fee. This is because the Bill does not contemplate registration of bodies corporate as veterinarians.

#### **Clause 205 Veterinary clinics and veterinary hospitals**

This clause provides that veterinary clinics and veterinary hospitals that were registered under the repealed Act immediately before transition day, and a veterinary surgeon who had management of these premises, are taken to be registered as veterinary premises and the veterinary supervisor of those premises respectively under and subject to the Bill. This maintains the status quo for premises currently registered to permit veterinary services to be carried out in them.

#### **Clause 206 Approved veterinary nurses**

This clause provides that persons who, immediately before transition day, were approved to carry out the duties of a veterinary nurse under the repealed Act are taken to hold registration as a veterinary nurse under and subject to the Bill, until 30 June immediately following transition day and on the same terms and conditions as applied immediately before transition day. This temporarily maintains the status quo for approved veterinary nurses, who will then need to apply for new registration status by the 30 June deadline.

### **Clause 207 Authorised persons**

This clause provides that persons who, immediately before transition day, were authorised under the repealed Act are taken to be an authorised person under and subject to the Bill, and on the same terms and conditions as applied immediately before transition day. This maintains the status quo for currently authorised persons.

### **Clause 208 Applications for registration or approval**

This clause provides that any application for registration or renewal of registration as a veterinary surgeon; or for approval or renewal of approval as a veterinary nurse; or for registration or renewal of registration of premises as a veterinary clinic or veterinary hospital under the repealed Act that was made but not decided before transition day, is respectively taken to be an application for registration or renewal of registration as a veterinarian, veterinary nurse or of veterinary premises, under the Bill. This prevents the requirement for applications to be re-submitted and allows the new Board to finalise assessment of the existing applications.

### **Clause 209 Certificates of registration and approval**

This clause provides that a certificate of: registration; honorary registration; registration as a specialist; provisional registration; approval as a veterinary nurse; registration of a veterinary clinic or veterinary hospital, that was issued under the repealed Act and was in effect immediately before transition day is taken to be a certificate of: general registration; honorary registration; specialist registration; interim registration; registration as a veterinary nurse; registration in respect of veterinary premises under the Bill, respectively. This gives certificates issued under the repealed Act status as certificates under the Bill without the need to physically replace them.

## **Subdivision 2 – Proceedings, investigations and inquiries**

### **Clause 210 Investigation and inquiries under repealed Act**

This clause provides that an investigation or inquiry that was commenced under the repealed Act but not completed before transition day must be continued and dealt with under the Bill.

### **Clause 211 Current proceedings before Tribunal**

This clause provides that proceedings that were commenced under the repealed Act but not finally determined before transition day are taken to have been commenced under the Bill and must be dealt with under the Bill. This maintains continuity in existing proceedings and prevents the need to re-issue them.

## **Subdivision 3 – The Board and the register**

### **Clause 212 Board a continuation of former Board**

The Veterinary Practice Board of Western Australia (new Board) is a continuation of the Veterinary Surgeons' Board (former Board), and the assets, rights and liabilities of the former Board become those of the new Board.

### **Clause 213 Members of former Board go out of office**

This clause provides for the members of the former Board to vacate office on transition day.

#### **Clause 214 Staff of former Board**

This clause provides that all staff of the former Board, including the registrar, continue to be employed or engaged on the same terms and conditions by the new Board as they were by the former Board, unless otherwise agreed by a staff member.

#### **Clause 215 Current proceedings involving former Board**

This clause transitions current proceedings so that they can be dealt with by the new Board.

#### **Clause 216 Completion of things commenced**

This clause permits the new Board to complete activities commenced by the former Board to the extent they are a function of the new Board.

#### **Clause 217 Continuing effect of things done**

This clause provides that actions or omissions of the former Board are taken to be those of the new Board as required to ensure continuity.

#### **Clause 218 First annual report of Board**

This clause requires the new Board to include in its first annual report, information relating to the former Board which relates to the period after the former Board's previous annual report.

#### **Clause 219 Register**

This clause ensures continuity of the current register.

### **Subdivision 4 – Miscellaneous matters**

#### **Clause 220 *Interpretation Act 1984* not affected**

This clause provides that provisions of the *Interpretation Act 1984* relating to the repeal of written law apply to the Bill, unless the transitional provisions of the Bill or regulations made under clause 217(2) following provide otherwise.

#### **Clause 221 Transitional regulations**

This clause is permits the making of transitional regulations to address any deficiencies in the transitional provisions of the Bill, subject to protecting a person from prejudice or liability that would otherwise arise from their impact.

### **Division 3 – Validation**

#### **Clause 222 Validation provision**

This clause validates regulations made, or purported to be made, under the repealed Act imposing a fee payable to the former Board for registration or renewal of registration of premises as a veterinary clinic or hospital, even if they were inconsistent with or repugnant to a provision of the repealed Act, and validates any such fee imposed.

## **Part 17 – Other Acts amended**

Clauses 224 – 234 make necessary consequential amendments to various statutes, including the *Animal Welfare Act 2002*, *Biosecurity and Agricultural Management Act 2007*, *Cat Act 2011*, *Dog Act 1976*, *Exotic Diseases of Animals Act 1993*, *Medicines and Poisons Act 2014* and *State Administrative Tribunal Act 2004*.

### Important disclaimer

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