

House of Representatives

Supplementary Order Paper

Tuesday, 13 December 2005

Veterinarians Bill

Proposed amendments

Hon Jim Anderton, in Committee, to move the following amendments:

Clause 4

To omit from the definition of **conditions of practice** the expression “**section 46**” (line 22 on page 5), and substitute the expression “**section 55A**”.

Clause 6(1)

To omit the words “has 1 or more of the following qualifications:” (line 8 on page 9), and substitute the expression “has—”.

Clause 13(1)(b)

To omit the word “under” (line 12 on page 15), and substitute the words “published for the purposes of”.

Clause 19

To insert, after *subclause (3)* (line 27 on page 22), the following subclause:

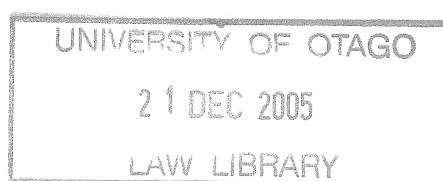
“(3A) **Subsection (3)** is subject to any prohibition order made by the District Court under **section 63**.”

Heading to Part 3

To omit the words “**Complaints, disciplinary hearings, medical and competence assessments, and conditions of practice**” (lines 6 and 7 on page 32), and substitute the words “**Disciplinary proceedings and medical and competence assessments**”.

Clause 40(2)(a)

To omit the expression “**section 46(1)**” (line 10 on page 45), and substitute the expression “**section 55A(1)**”.



Heading before clause 46

To omit this heading (line 19 on page 50).

Clauses 46 to 47A

To omit clauses 46 to 47A (line 20 on page 50 to line 26 on page 54).

Clause 51(1)

To insert, after the words “Council may” (line 16 on page 56), the words “by notice”.

Clause 53(1)

To insert, after the words “Council may” (line 12 on page 60), the words “by notice”.

New Part 3A inserted

To insert, after *clause 55* (line 31 on page 62), the following Part:

**“Part 3A
“Conditions of practice and appeals**

“Conditions of practice

“55A Conditions of practice

- “(1) The Council may impose conditions of practice on a specified person—
- “(a) as a requirement of the specified person’s registration or continued registration; or
 - “(b) as a condition of—
 - “(i) issuing the specified person with a practising certificate; or
 - “(ii) allowing the specified person to continue to hold a practising certificate; or
 - “(c) as a result of a recommendation by a complaints assessment committee; or
 - “(d) as a result of a disciplinary hearing or a medical or competence assessment.
- “(2) However, the conditions imposed must be only those that in the Council’s opinion are necessary to ensure that the specified person will comply with the minimum standards for practising if the specified person were (as the case may be)—
- “(a) to be issued with a practising certificate; or
 - “(b) to continue to hold a practising certificate.
- “(3) Without limiting **subsection (1)**, conditions of practice may include 1 or more of the following:
- “(a) a condition that the specified person practise subject to the supervision of 1 or more nominated veterinarians or classes of veterinarians:
 - “(b) a condition that the specified person practise subject to the oversight of 1 or more nominated veterinarians or classes of veterinarians:

- “(c) a condition that the specified person not perform any work of a stated kind, or that the specified person perform any work of a stated kind only in stated circumstances:
- “(d) a condition that the specified person practise only in a stated capacity (for example, as an employee of 1 or more nominated persons or classes of persons):
- “(e) a condition that the specified person practise in association with 1 or more nominated persons or classes of persons:
- “(f) a condition that the specified person practise only for a specified period:
- “(g) a condition that the specified person obtain 1 or more further stated qualifications or gain further experience of a stated kind:
- “(h) a condition that the specified person’s practice (or the relevant part of his or her employer’s practice) be audited at specified or random intervals:
- “(i) a condition that the specified person be subject to specified medical tests at specified intervals or from time to time:
- “(j) a condition that the specified person—
 - “(i) pass any examinations or assessments within a specified period or at specified intervals:
 - “(ii) complete a period of practical training:
 - “(iii) complete a period of practical experience:
 - “(iv) undertake a course of instruction:
 - “(v) undergo an inspection:
- “(k) a condition that the specified person adopt and undertake a systematic process for ensuring that the services provided by the specified person meet the minimum standards for practising.

“55B When conditions effective

- “(1) The Council must notify a specified person of any conditions of practice it has imposed on the specified person.
- “(2) A notice must—
 - “(a) be in writing; and
 - “(b) contain a statement—
 - “(i) of the reasons why the conditions have been imposed; and
 - “(ii) of the person’s right to appeal against the imposition of the conditions, or the nature of 1 or more of the conditions imposed, and the time within which the notice of appeal must be given; and
 - “(c) be signed by the chairperson of the Council or the Registrar; and
 - “(d) be served on the specified person.

“(3) Unless expressly provided elsewhere in this Act, the conditions take effect as from the date on which the notice is served.

“(4) The specified person may practise as a veterinarian only to the extent permitted by the notice.

“55C When conditions expire or removed

“(1) Any condition of practice imposed by the Council on a specified person ceases to apply on the earliest of the following dates:

“(a) the date stated in the relevant notice under **section 55B(1)**:

“(b) the date on which the Council is satisfied that the specified person has completed, in relation to the condition, the requirement or requirements stated in the relevant notice under **section 55B(1)**:

“(c) the date on which the Council is satisfied that the specified person is able to comply with the relevant minimum standards of practice without the imposition of the condition.

“(2) If **subsection (1)(b) or (c)** applies, the Council must give written notice to the specified person that the condition of practice is removed.

“(3) The notice must be served on the specified person and takes effect as from the date on which the notice is served.

“(4) Subsection (1) is subject to **sections 37(7), 37A(6), and 51A(2)**.”

Heading to Subpart 4

To omit the words “Subpart 4—Appeals” (line 1 on page 63), and substitute the word “*Appeals*”.

Clause 56(1B)(d)

To omit the words “under this Part” (lines 25 and 26 on page 63), and substitute the words “under **Part 3**”.

Clause 63(3)

To omit this subclause (lines 29 to 34 on page 65).

Explanatory note

This Supplementary Order Paper amends the Veterinarians Bill to:

- correct minor drafting errors;
- clarify that public inspection of the register is subject to any prohibition order made by the District Court in relation to the name or particulars of any person on the register;
- relocate the provisions of the Bill in relation to conditions of practice (from *clauses 46 to 47A* to *new clauses 55A to 55C*). There is no substantive amendments to these provisions.

