



Western Australia

Veterinary Practice Act 2021

Compare between:

[27 Oct 2021, 00-a0-00] and [29 Mar 2022, 00-b0-00]



Western Australia

Veterinary Practice Act 2021

An Act —

- **to provide for the regulation of the practice of veterinary medicine in Western Australia; and**
- **to facilitate the regulation of the practice of veterinary medicine on a national basis; and**
- **to repeal the *Veterinary Surgeons Act 1960* and the *Veterinary Surgeons Regulations 1979*; and**
- **to make consequential amendments to various Acts; and**
- **for related purposes.**

Part 1 — Preliminary

1. Short title

This is the *Veterinary Practice Act 2021*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Terms used

In this Act —

animal means a vertebrate other than a human;

another jurisdiction means another State or a Territory;

approved means approved in writing;

authorised person means —

- (a) a person who is authorised by the Board, in accordance with the regulations, to carry out —
 - (i) an act of veterinary medicine; or
 - (ii) an act of veterinary medicine of a prescribed class;
- or
- (b) a person of a prescribed class who is authorised by the regulations to carry out —
 - (i) an act of veterinary medicine; or
 - (ii) an act of veterinary medicine of a prescribed class;

Board means the Veterinary Practice Board of Western Australia established by section 151(1);

Board member means a member of the Board;

category, in relation to registration, means a category listed in section 5(1);

certificate of registration means —

- (a) in relation to registration by the Board — a certificate of registration issued by the Board; or
- (b) in relation to interstate registration — a written form of evidence of interstate registration issued under a corresponding law;

chairperson means the chairperson of the Board;

committee means a committee established by the Board under section 177(a);

complainant has the meaning given in section 81(4)(a);

complaint means a complaint made under section 81(1);

condition includes a restriction;

corresponding law means a law of another jurisdiction that —

- (a) provides for the registration of veterinarians (however described); and
- (b) is prescribed to be a corresponding law for the purposes of this Act;

director has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9;

disciplinary action means —

- (a) an order made under Part 7; or
- (b) an order made in professional disciplinary proceedings by an interstate regulatory authority;

document —

- (a) means any record of information, irrespective of how the information is recorded or stored or able to be recovered; and

- (b) includes —
 - (i) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else; and
 - (ii) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;

entry warrant means an entry warrant issued under section 120(1);

health assessment —

- (a) means an assessment of a person to determine whether the person has an impairment; and
- (b) includes a medical, physical, psychiatric or psychological examination or test of the person;

immediate action order means an immediate action order made under section 70(1);

impairment, in relation to a person, 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) if the person is a veterinarian or an applicant for registration as a WA veterinarian — the person's capacity to practise veterinary medicine; or
- (b) if the person is a veterinary nurse or an applicant for registration as a veterinary nurse — the person's capacity to practise as a veterinary nurse;

inquiry means an inquiry into a complaint under section 88(1);

inspector means a person who is designated an inspector under section 109(1);

interstate registration has the meaning given in section 21;

interstate regulatory authority means a regulatory authority of another participating jurisdiction;

interstate veterinarian means —

- (a) a person who, under section 22(1), is taken to hold general registration as a WA veterinarian; or
- (b) a person who, under section 22(2), is taken to hold specialist registration as a WA veterinarian;

investigation means an investigation under Part 8 Division 2;

investigative purposes has the meaning given in section 112;

legal practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

notification means a notification made under section 124(1);

notifier has the meaning given in section 124(3)(a);

officer, of a body corporate —

- (a) means an individual who is an officer, as defined in the *Corporations Act 2001* (Commonwealth) section 9, of the body corporate; but
- (b) does not include an employee of the body corporate unless the employee is concerned in the management of the body corporate;

Part 2 application means an application made under Part 2 Division 1 for registration or renewal of registration;

Part 3 application means an application made under Part 3 Division 1 for registration or renewal of registration;

participating jurisdiction means this State or another jurisdiction in which a corresponding law is in force;

personal information has the meaning given in the *Freedom of Information Act 1992* in the Glossary clause 1;

practice owner —

- (a) means —
 - (i) in relation to a veterinary practice business — a person who carries on the business; or
 - (ii) in relation to premises — a person who carries on a veterinary practice business at or from the premises;

and

- (b) includes a person who is —
 - (i) a partner in a partnership that carries on a veterinary practice business; or
 - (ii) a director of a body corporate that carries on a veterinary practice business;

premises includes the following —

- (a) land;
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature);
- (c) a vehicle;

prescribed means prescribed by the regulations;

professional misconduct has the meaning given in section 79;

psychologist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession;

register means the register kept under section 52(1);

registered practice owner, for veterinary premises, means the person in whose name the veterinary premises are registered;

registrar means the person employed or engaged under section 161(1)(a);

registration —

- (a) in relation to a person —
 - (i) means registration under Part 2 as a WA veterinarian in 1 or more categories of registration or as a veterinary nurse; and
 - (ii) if the person is an interstate veterinarian — has a meaning affected by section 22;

or

- (b) in relation to premises — means registration under Part 3 as veterinary premises;

regulatory authority means —

- (a) in relation to this State — the Board or the Tribunal; or
- (b) in relation to another participating jurisdiction — a person or body whose functions under a law of that jurisdiction correspond closely to the functions of the Board or the Tribunal under this Act;

respondent means a person who is the subject of a complaint;

specialty means a branch of veterinary medicine that is accredited as a specialty under, or in the manner prescribed by, the regulations;

Tribunal means the State Administrative Tribunal;

unprofessional conduct has the meaning given in section 78;

veterinarian means —

- (a) a WA veterinarian; or
- (b) an interstate veterinarian;

veterinary medicine —

- (a) includes, but is not limited to, the following —
 - (i) diagnosing diseases or physiological conditions in, and injuries to, animals;
 - (ii) medical treatment of animals;
 - (iii) performing surgical procedures on animals;

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- (iv) administering anaesthetics to animals;
- (v) an act of a kind prescribed as being an act of veterinary medicine;

but

- (b) does not include an act of a kind prescribed as not being an act of veterinary medicine;

veterinary nurse means a person registered under Part 2 as a veterinary nurse;

veterinary practice business means a business that —

- (a) involves the practice of veterinary medicine by 1 or more veterinarians; and
- (b) may supply goods and services relating to the practice of veterinary medicine;

veterinary premises means premises registered under Part 3;

veterinary specialist means —

- (a) a person who holds specialist registration as a WA veterinarian; or
- (b) a person who, under section 22(2), is taken to hold specialist registration as a WA veterinarian;

veterinary supervisor means a WA veterinarian appointed to be the veterinary supervisor for veterinary premises;

WA veterinarian means a person registered under Part 2 as a WA veterinarian.

4. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

[Parts 2-17 have not come into operation.]

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Notes

This is a compilation of the *Veterinary Practice Act 2021*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Veterinary Practice Act 2021 Pt. 1</i>	19 of 2021	27 Oct 2021	27 Oct 2021 (see s. 2(a))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Veterinary Practice Act 2021 Pt. 2-17</i>	19 of 2021	27 Oct 2021	To be proclaimed (see s. 2(b))
<u><i>Mutual Recognition (Western Australia) Amendment Act 2022 Pt. 3 Div. 14</i></u>	<u>7 of 2022</u>	<u>29 Mar 2022</u>	<u>To be proclaimed (see s. 2(b))</u>