



Western Australia

Mutual Recognition (Western Australia) Amendment Act 2022

As at 29 Mar 2022

No. 7 of 2022

Published on www.legislation.wa.gov.au

Mutual Recognition (Western Australia) Amendment Act 2022

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Mutual Recognition</i> (<i>Western Australia</i>) Act 2020 amended		
3.	Act amended	3
4.	Long title replaced	3
5.	Section 4 amended	3
6.	Section 6 replaced	4
6.	Disclosure to registration authorities in participating jurisdictions	4
7.	Protection from liability for giving information	6
8.	Tabling documents relating to scheme reviews	6
9.	Termination of adoptions	7
10.	Revoking termination proclamations	8
Part 3 — Consequential amendments to other Acts		
Division 1 — <i>Architects Act 2004</i> amended		
7.	Act amended	9
8.	Section 4 amended	9
9.	Section 29 amended	9

Contents

10.	Section 30 replaced	9
	30. Conditions on registration or renewal of registration	9
	30A. Architects must be covered by architect insurance	10
11.	Section 36 amended	10
12.	Section 52 amended	10
13.	Section 56 amended	10
	Division 2 — <i>Betting Control Act 1954</i> amended	
14.	Act amended	11
15.	Section 11E amended	11
	Division 3 — <i>Debt Collectors Licensing Act 1964</i> amended	
16.	Act amended	11
17.	Section 9 amended	11
18.	Section 10 amended	12
19.	Section 20 amended	15
	Division 4 — <i>Electricity Act 1945</i> amended	
20.	Act amended	15
21.	Section 32 amended	15
	Division 5 — <i>Employment Agents Act 1976</i> amended	
22.	Act amended	16
23.	Section 25 amended	16
	Division 6 — <i>Food Act 2008</i> amended	
24.	Act amended	17
25.	Section 96A inserted	17
	96A. Food safety auditor must be insured	17
26.	Section 97 amended	18
27.	Part 14 Division 1 heading inserted	18
	Division 1 — Transitional provisions for <i>Food Act 2008</i>	
28.	Part 14 Division 2 inserted	18
	Division 2 — Transitional provisions for <i>Mutual Recognition (Western Australia) Amendment Act 2022</i>	
	155. Providing insurance information	18

	Division 7 — <i>Gas Standards Act 1972</i> amended	
29.	Act amended	19
30.	Section 13A amended	19
31.	Section 13AA inserted	20
	13AA. Disciplinary action against former registered persons	20
	Division 8 — <i>Land Valuers Licensing Act 1978</i> amended	
32.	Act amended	21
33.	Section 27 amended	21
34.	Section 28 amended	21
	Division 9 — <i>Motor Vehicle Dealers Act 1973</i> amended	
35.	Act amended	23
36.	Section 15 amended	23
37.	Section 20 amended	23
38.	Section 20B amended	24
	Division 10 — <i>Motor Vehicle Repairers Act 2003</i> amended	
39.	Act amended	25
40.	Part 2 Division 3 heading amended	25
41.	Section 29 replaced	25
	29. Regulations may require licensees to be insured	25
42.	Section 65 amended	26
43.	Section 68 amended	26
44.	Section 69 amended	27
	Division 11 — <i>Real Estate and Business Agents Act 1978</i> amended	
45.	Act amended	27
46.	Section 68 amended	27
47.	Section 105A inserted	28
	105A. Cancellation of licence due to insufficient resources or cessation of business	28
	Division 12 — <i>Settlement Agents Act 1981</i> amended	
48.	Act amended	29
49.	Section 34AA amended	29

Contents

50.	Section 35 amended	29
51.	Section 85A inserted	30
	85A. Cancellation of licence due to insufficient resources or cessation of business	30
	Division 13 — <i>Teacher Registration Act 2012</i> amended	
52.	Act amended	31
53.	Section 3 amended	31
54.	Section 47 amended	31
	Division 14 — <i>Veterinary Practice Act 2021</i> amended	
55.	Act amended	32
56.	Section 3 amended	32
57.	Section 19 amended	33
58.	Part 2 Division 4 heading replaced	34
	Division 4 — <i>Interstate veterinarians</i>	
59.	Section 21 amended	34
60.	Section 22 replaced	34
	22. Registration as interstate veterinarian	34
61.	Section 24 amended	35
62.	Section 26 amended	35
63.	Section 54 amended	36
64.	Section 65 amended	36
65.	Section 79 amended	37
66.	Section 112 amended	37



Western Australia

Mutual Recognition (Western Australia) Amendment Act 2022

No. 7 of 2022

An Act to amend the *Mutual Recognition (Western Australia) Act 2020* and to make consequential amendments to other Acts.

[Assented to 29 March 2022]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Mutual Recognition (Western Australia) Amendment Act 2022*.

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.

**Part 2 — *Mutual Recognition (Western Australia)*
Act 2020 amended**

3. Act amended

This Part amends the *Mutual Recognition (Western Australia) Act 2020*.

4. Long title replaced

Delete the long title and insert:

An Act —

- to adopt the *Mutual Recognition Act 1992* (Commonwealth) as originally enacted and any amendments made to it before this Act receives the Royal Assent, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; and
- to adopt the amendments made to the *Mutual Recognition Act 1992* (Commonwealth) by the *Mutual Recognition Amendment Act 2021* (Commonwealth), for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; and
- for related purposes.

5. Section 4 amended

(1) After section 4(1) insert:

(1A) Without limiting subsection (1), the State adopts the amendments made to the Commonwealth Act by the *Mutual Recognition Amendment Act 2021* (Commonwealth).

s. 6

- (2) In section 4(2) delete “of the Commonwealth Act under this Act” and insert:

under subsection (1)

- (3) After section 4(4) insert:

- (5) The adoptions under subsections (1) and (1A) terminate in accordance with section 9.

6. Section 6 replaced

Delete section 6 and insert:

6. Disclosure to registration authorities in participating jurisdictions

- (1) In this section —

activity has the meaning given in section 4(1) of the Commonwealth Act;

covers has the meaning given in section 4(1) of the Commonwealth Act;

occupation has the meaning given in section 4(1) of the Commonwealth Act;

participating jurisdiction has the meaning given in section 5(4) of the Commonwealth Act;

registration, of an individual for an occupation, means a registration, licence, approval, admission, certification (including a practising certificate) or other authorisation given under law that authorises the individual to carry on the occupation or an activity covered by the occupation;

registration authority, for an occupation in a participating jurisdiction, means a person who gives individuals registrations for the occupation in the participating jurisdiction.

- (2) This section applies if a registration authority for an occupation in the State gives a registration for the occupation to an individual and any of the following events occur —
- (a) the individual's registration is suspended or cancelled;
 - (b) the registration authority refuses to renew the individual's registration;
 - (c) a condition is imposed on the individual's registration;
 - (d) an action is taken against the individual on disciplinary grounds in connection with —
 - (i) the individual's registration; or
 - (ii) carrying on the occupation or an activity covered by the occupation;
 - (e) civil or criminal proceedings are commenced against the individual that are relevant to —
 - (i) the individual's registration; or
 - (ii) carrying on the occupation or an activity covered by the occupation.
- (3) Despite any written law relating to confidentiality, privacy or secrecy, a registration authority for the occupation in the State may give the following information to a registration authority for the occupation in another participating jurisdiction —
- (a) the individual's name, address and any other information necessary to identify the individual;

- (b) information about the individual's registration, including any conditions imposed;
- (c) information about the event, including the outcome of the event.

7. Protection from liability for giving information

- (1) If information is given in good faith under section 6 of this Act or section 33, 37, 42M, 42N, 42P or 42V of the Commonwealth Act —
 - (a) no civil or criminal liability is incurred in respect of giving the information; and
 - (b) giving the information is not to be regarded as a breach of any duty of confidentiality, privacy or secrecy imposed by law; and
 - (c) giving the information is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).

8. Tabling documents relating to scheme reviews

- (1) In this section —

intergovernmental agreement means the Intergovernmental Agreement on the Automatic Mutual Recognition of Occupational Registration entered into by the Commonwealth, the States and the Northern Territory on 11 December 2020, as in force from time to time;

scheme review means a review of the operation and effectiveness of the intergovernmental agreement and the Commonwealth Act carried out under clause 12 of the intergovernmental agreement.

- (2) Subsection (3) applies if —
 - (a) a scheme review is carried out; and
 - (b) a report is prepared by the person carrying out the review; and
 - (c) the Minister receives the report.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives the report.
- (4) If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

9. Termination of adoptions

- (1) The Governor may by proclamation fix a day as the day on which —
 - (a) the adoptions under both section 4(1) and (1A) are to terminate; or
 - (b) the adoption under section 4(1) is to terminate; or
 - (c) the adoption under section 4(1A) is to terminate.
- (2) However, the Governor cannot fix a day under subsection (1)(b) that is before a day fixed under subsection (1)(c).
- (3) If the adoption under section 4(1A) terminates before the adoption under section 4(1), the termination of the adoption under section 4(1A) does not affect the continued operation in the State of the Commonwealth Act as adopted under section 4(1).

10. Revoking termination proclamations

- (1) The Governor may by proclamation (a *revoking proclamation*) revoke a proclamation made under section 9(1).
- (2) A revoking proclamation has effect only if published in the *Gazette* before the day fixed in the proclamation made under section 9(1).
- (3) If a revoking proclamation has effect, the revoked proclamation is taken never to have been made.
- (4) A revoking proclamation does not prevent the further making of a proclamation under section 9(1).

Part 3 — Consequential amendments to other Acts

Division 1 — *Architects Act 2004* amended

7. Act amended

This Division amends the *Architects Act 2004*.

8. Section 4 amended

In section 4(1) insert in alphabetical order:

architect insurance means insurance that —

- (a) is in effect in respect of civil liability for anything done or omitted in carrying on the practice of architecture; and
- (b) complies with the requirements prescribed by the regulations;

9. Section 29 amended

After section 29(a) insert:

- (aa) is covered by architect insurance; and

10. Section 30 replaced

Delete section 30 and insert:

30. Conditions on registration or renewal of registration

The registration or renewal of the registration of a natural person must not be subject to conditions except to the extent that conditions may be imposed —

- (a) under section 51(6); or

(b) by way of taking disciplinary action.

30A. Architects must be covered by architect insurance

A registered person must not carry on the practice of architecture unless the person is covered by architect insurance.

11. Section 36 amended

Before section 36(2)(a)(i) insert:

(ia) is covered by architect insurance; and

12. Section 52 amended

In section 52(1) delete “that is recorded in the register in relation to the person or corporation.” and insert:

of the person or corporation provided to the Board.

13. Section 56 amended

In section 56(1):

(a) after paragraph (d) insert:

(da) that the person has been found guilty of an offence committed in the course of carrying on the practice of architecture;

(db) that the person has engaged in fraudulent conduct in connection with the practice of architecture;

(b) delete the note.

Division 2 — *Betting Control Act 1954* amended

14. Act amended

This Division amends the *Betting Control Act 1954*.

15. Section 11E amended

In section 11E(1) delete “shall, on being required to do so by the Commission,” and insert:

must

Division 3 — *Debt Collectors Licensing Act 1964* amended

16. Act amended

This Division amends the *Debt Collectors Licensing Act 1964*.

17. Section 9 amended

(1) Delete section 9(4) and insert:

(4) The Commissioner must issue a licence if the Commissioner —

- (a) grants an application for the licence or renewal of the licence; and
- (b) receives the prescribed fee for the issue or renewal of the licence.

(2) In section 9(5) delete “he” and insert:

the Commissioner

18. Section 10 amended

- (1) In section 10(1) delete “if the complaint complies with subsection (1ab).” and insert:

or former licensee if the complaint complies with subsection (1a).

- (2) In section 10(1a):

- (a) in paragraph (a) delete “has to specify the licensee” and insert:

must specify the licensee or former licensee

- (b) in paragraph (b) delete “has to be a ground described in subsection (1).” and insert:

must be a ground described in subsection (1b).

- (3) In section 10(1b):

- (a) delete “subsection (2) —” and insert:

subsection (1c) —

- (b) in paragraph (a) delete “improperly obtained his” and insert:

or former licensee improperly obtained their

(c) in paragraph (b) after “licensee” insert:

or former licensee

(d) after paragraph (b) insert:

(ba) on the ground that the licensee or former licensee has engaged in fraudulent conduct in connection with carrying on business, or carrying out functions, under their licence; or

(bb) on the ground that the licensee or former licensee has been negligent or incompetent in connection with carrying on business, or carrying out functions, under their licence; or

(bc) on the ground that the licensee or former licensee has carried on business, or carried out functions, under their licence in contravention of section 20(1) or (1A); or

(4) In section 10(1d):

(a) after “licensee” insert:

or former licensee

(b) delete “is required to” and insert:

must

- (5) In section 10(2) delete the passage that begins with “may order” and ends with “licence.” and insert:

may order —

- (a) in the case of a licensee —
- (i) that the licensee’s licence is cancelled and must be given to the Commissioner; and
 - (ii) if the licence is cancelled — that the licensee is disqualified from holding a licence, either permanently or for a period specified by the Tribunal in the order;

or

- (b) in the case of a former licensee — that the former licensee is disqualified from holding a licence, either permanently or for a period specified by the Tribunal in the order.

- (6) In section 10(4) delete “shall,” and insert:

must,

- (7) In section 10(5) delete “licensee is disqualified from holding a licence he shall be deemed” and insert:

person is disqualified from holding a licence they are taken

Note: The heading to amended section 10 is to read:

Cancellation and disqualification

19. Section 20 amended

Delete section 20(1) and insert:

- (1) Before a licensee carries on the business or carries out the functions of a debt collector, the licensee must lodge with the Commissioner the fidelity bond or approved security referred to in subsection (2).
- (1A) A licensee must not carry on the business or carry out the functions of a debt collector unless the licensee has in force the fidelity bond or approved security referred to in subsection (2).

Division 4 — *Electricity Act 1945* amended

20. Act amended

This Division amends the *Electricity Act 1945*.

21. Section 32 amended

- (1) Delete section 32(3)(a)(iiia).
- (2) After section 32(3) insert:
 - (3A) Regulations made under subsection (3)(f) and (faa) may allow for penalties to be imposed on, and disciplinary proceedings or action to be taken against, a person who formerly held a licence, permit or authorisation.

Division 5 — *Employment Agents Act 1976* amended

22. Act amended

This Division amends the *Employment Agents Act 1976*.

23. Section 25 amended

(1) In section 25(1):

(a) in paragraph (b) delete “Act.” and insert:

Act; or

(b) after paragraph (b) insert:

(c) has been negligent or incompetent in connection with carrying on the business of an employment agent; or

(d) has failed to ensure the proper management and supervision of a person carrying on the business of an employment agent on their behalf.

(2) In section 25(6) delete “he or it shall not, for the period of that disqualification, be eligible to apply for” and insert:

they are not eligible, for the period of that disqualification, to apply for or hold

Division 6 — *Food Act 2008* amended

24. Act amended

This Division amends the *Food Act 2008*.

25. Section 96A inserted

After section 96 insert:

96A. Food safety auditor must be insured

(1) In this section —

insurance information, in relation to a food safety auditor, means the following information about the auditor's insurance under subsection (2) —

- (a) the name of the insurer;
- (b) the amount of the insurance;
- (c) the nature and scope of the insurance.

(2) A food safety auditor must not carry out their functions as an auditor unless the auditor holds or is covered by insurance that —

- (a) is in effect in respect of the auditor's civil liability for anything done or omitted in carrying out their functions; and
- (b) complies with the requirements prescribed by the regulations.

(3) The auditor must give the CEO the auditor's insurance information within 28 days after the auditor begins to carry out their functions as an auditor.

(4) Subsection (3) does not apply if the auditor gives the auditor's insurance information to the CEO within the

period of 2 months ending on the day on which the auditor begins to carry out their functions as an auditor.

- (5) If the auditor's insurance information changes, the auditor must give the new insurance information to the CEO within 14 days after the day on which the change takes effect.

26. Section 97 amended

After section 97(2)(d) insert:

- (da) if the CEO is satisfied that the person has contravened section 96A(2);

27. Part 14 Division 1 heading inserted

At the beginning of Part 14 insert:

Division 1 — Transitional provisions for *Food Act 2008*

28. Part 14 Division 2 inserted

After section 154 insert:

Division 2 — Transitional provisions for *Mutual Recognition (Western Australia) Amendment Act 2022*

155. Providing insurance information

- (1) In this section —
commencement day means the day on which the *Mutual Recognition (Western Australia) Amendment Act 2022* section 25 comes into operation;

insurance information has the meaning given in section 96A(1).

- (2) Section 96A(3) and (4) do not apply to a food safety auditor who began to carry out their functions as an auditor before commencement day.
- (3) The CEO may request a food safety auditor to give the auditor's insurance information to the CEO if —
 - (a) the auditor began to carry out their functions as an auditor before commencement day; and
 - (b) the auditor has not provided their insurance information to the CEO.

Division 7 — *Gas Standards Act 1972* amended

29. Act amended

This Division amends the *Gas Standards Act 1972*.

30. Section 13A amended

After section 13A(11)(c) insert:

- (ca) is guilty of an offence committed in the course of carrying out the practice of gasfitting;
- (cb) engaged in fraudulent conduct in connection with the practice of gasfitting;

31. Section 13AA inserted

After section 13A insert:

13AA. Disciplinary action against former registered persons

(1) In this section —

former holder means a person who formerly held a registration;

interstate authority means a person in another State, the Australian Capital Territory or the Northern Territory who has functions that correspond or substantially correspond to the functions of the Director under this Act;

registration means a certificate of competency, permit or authorisation granted under regulations made under section 13A(3)(b).

(2) The Director may apply to the State Administrative Tribunal for action to be taken by the Tribunal under this section against a former holder if the former holder —

- (a) obtains their registration by fraud or misrepresentation; or
- (b) is disqualified by an interstate authority from carrying out the practice of gasfitting; or
- (c) is found guilty of an offence under this Act; or
- (d) is found guilty of an offence committed in the course of carrying out the practice of gasfitting; or
- (e) engages in fraudulent conduct in connection with the practice of gasfitting; or

- (f) engages in misconduct by failing to safely carry out the practice of gasfitting.
- (3) For the purposes of investigating a former holder, section 13A(12) to (15) apply as if the definition of **holder** in section 13A(12) included the former holder.
- (4) If the State Administrative Tribunal, on dealing with an application under subsection (2), is satisfied that a matter referred to in that subsection has been made out, the Tribunal may by order disqualify the former holder from holding a registration —
 - (a) permanently; or
 - (b) for a period specified by the Tribunal in the order.

Division 8 — *Land Valuers Licensing Act 1978* amended

32. Act amended

This Division amends the *Land Valuers Licensing Act 1978*.

33. Section 27 amended

In section 27 after “against a” insert:

current or former

34. Section 28 amended

- (1) In section 28(1):
 - (a) after “against a” insert:

current or former

- (b) in paragraph (a) delete “licensed”;
 - (c) in paragraph (b) delete “him;” and insert:

the valuer;
 - (d) delete paragraph (c) and insert:
 - (c) if the valuer is a current licensed valuer —
 - (i) suspend or cancel the valuer’s licence;
and
 - (ii) if the licence is cancelled — disqualify the valuer from holding a licence permanently, for a specified period or until they fulfil a specified condition;
 - (d) if the valuer is a former licensed valuer — disqualify the valuer from holding a licence permanently, for a specified period or until they fulfil a specified condition.
- (2) In section 28(2):
- (a) delete “shall be proper cause for disciplinary action” and insert:

is proper cause for disciplinary action against a current or former licensed valuer
 - (b) in paragraphs (a) and (b) delete “licensed”;
 - (c) in paragraph (c) delete “licensed” (1st occurrence);

- (d) after paragraph (c) insert:
- (ca) the valuer has been found guilty of an offence committed in the course of carrying on business under a licence; or
 - (cb) the valuer has engaged in fraudulent conduct in connection with carrying on business under a licence; or
 - (cc) the valuer has failed to ensure the proper management and supervision of an activity carried out under a licence on their behalf; or
- (e) in paragraph (d) delete “licensed”.

Division 9 — *Motor Vehicle Dealers Act 1973* amended

35. Act amended

This Division amends the *Motor Vehicle Dealers Act 1973*.

36. Section 15 amended

In section 15(6) in the definitions of *sufficient knowledge of this Act* and *sufficient resources* delete “the Commissioner considers that”.

37. Section 20 amended

In section 20(1):

- (a) in paragraph (b)(ii) delete “authorisation.” and insert:
- authorisation;

(b) after paragraph (b) insert:

or

- (c) has obtained an authorisation because of incorrect or misleading information; or
- (d) has been found guilty of an offence committed in the course of carrying on business under an authorisation; or
- (e) has engaged in fraudulent conduct in connection with carrying on business under an authorisation; or
- (f) has been negligent or incompetent in connection with carrying on business under an authorisation; or
- (g) has failed to ensure the proper management and supervision of business carried on under an authorisation on the person's behalf.

38. Section 20B amended

(1) In section 20B(1) delete “shall” and insert:

or another written law must

(2) In section 20B(3) in the definition of *relevant maximum fine* delete “this Act,” and insert:

this Act or another written law,

Division 10 — *Motor Vehicle Repairers Act 2003* amended

39. Act amended

This Division amends the *Motor Vehicle Repairers Act 2003*.

40. Part 2 Division 3 heading amended

In the heading to Part 2 Division 3 after “**conditions**” insert:

and requirements

41. Section 29 replaced

Delete section 29 and insert:

29. Regulations may require licensees to be insured

- (1) The regulations may require a licensee —
 - (a) to hold or be covered by insurance that —
 - (i) is in effect in respect of anything done or omitted in carrying on business under the licensee’s business licence; and
 - (ii) complies with the requirements prescribed by the regulations;
 - and
 - (b) to give information in relation to the insurance to the Commissioner.
- (2) Despite the *Interpretation Act 1984* section 43(7) and (8)(d), regulations made under subsection (1) must not provide for different requirements to apply in respect of different licensees or different classes of licensees.

42. Section 65 amended

In section 65(1):

- (a) in paragraph (c) delete “certificate.” and insert:

certificate; or
- (b) after paragraph (c) insert:

(d) a person who was formerly a person referred to in paragraph (a), (b) or (c).

43. Section 68 amended

In section 68(1):

- (a) in paragraph (c) after “holder” insert:

or former holder
- (b) in paragraph (c) delete “applies.” and insert:

applies; or
- (c) after paragraph (c) insert:

(d) to have been found guilty of an offence committed in the course of carrying on business under a business licence or certificate; or
- (e) to have engaged in fraudulent conduct in connection with carrying on business under a business licence or certificate; or

- (f) to have been negligent or incompetent in connection with carrying on business under a business licence or certificate.

44. Section 69 amended

In section 69(2):

- (a) delete “applies” and insert:

applies, other than a person who is not currently a person described in section 65(1)(a) to (c),

- (b) in paragraph (a) delete “he or she” (each occurrence) and insert:

the person

**Division 11 — *Real Estate and Business Agents Act 1978*
amended**

45. Act amended

This Division amends the *Real Estate and Business Agents Act 1978*.

46. Section 68 amended

In section 68(1):

- (a) delete “shall maintain one or more trust accounts,” and insert:

must maintain at least 1 trust account exclusively for the purposes of this Act,

(b) delete “shall,” and insert:

must,

(c) delete “him” and insert:

the agent

Note: The heading to amended section 68 is to read:

Use of trust accounts

47. Section 105A inserted

After section 105 insert:

105A. Cancellation of licence due to insufficient resources or cessation of business

The State Administrative Tribunal may, on application by the Commissioner, cancel a licence if the Tribunal is satisfied that the licensee —

- (a) does not have sufficient material and financial resources available to enable them to comply with the requirements of this Act; or
- (b) has ceased to carry on the business to which the licence relates.

Division 12 — Settlement Agents Act 1981 amended

48. Act amended

This Division amends the *Settlement Agents Act 1981*.

49. Section 34AA amended

Delete section 34AA(3) and insert:

- (3) Without limiting subsection (2), the Commissioner may impose a condition that relates to the payment of fees under this Act, or to contributions to the Account, and may vary the prescribed fees or contributions.

50. Section 35 amended

Delete section 35(6) and (8) and insert:

- (6) If the provisions of this section apply, a licensee who is the holder of a triennial certificate must —
- (a) remain insured under the Master Policy Agreement during the currency of the triennial certificate; and
 - (b) hold a current certificate of insurance; and
 - (c) produce to the Commissioner —
 - (i) the first certificate of insurance held by the licensee; and
 - (ii) if a certificate of insurance held by the licensee ceases to be of full force and effect — a replacement certificate of insurance;

and

- (d) pay all premiums payable by the licensee under the Master Policy Agreement and certificate of insurance; and
 - (e) comply with the provisions of the Master Policy Agreement and certificate of insurance that apply to the licensee.
- (7) A licensee who does not comply with an obligation under subsection (6)(b) or (c) is taken not to be the holder of a triennial certificate until the licensee complies with the obligation.

51. Section 85A inserted

After section 85 insert:

85A. Cancellation of licence due to insufficient resources or cessation of business

The State Administrative Tribunal may, on application by the Commissioner, cancel a licence if the Tribunal is satisfied that the licensee —

- (a) does not have sufficient material and financial resources available to enable them to comply with the requirements of this Act; or
- (b) has ceased to carry on the business to which the licence relates.

Division 13 — *Teacher Registration Act 2012* amended

52. Act amended

This Division amends the *Teacher Registration Act 2012*.

53. Section 3 amended

In section 3 insert in alphabetical order:

serious offence means an offence (whether committed in or outside this State) that is —

- (a) an indictable offence against a law of this State, the Commonwealth, another State or a Territory (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against the law of another State or a Territory that would be an indictable offence against a law of this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this State); or
- (c) an offence against the law of a foreign country that would be an indictable offence against a law of the Commonwealth or this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this State);

54. Section 47 amended

In section 47:

- (a) delete paragraph (e) and insert:
 - (e) that a teacher has been convicted of a serious offence;

(ea) that a teacher has been convicted of a prescribed offence;

(b) in paragraph (f)(ii) delete “misconduct the nature of which renders the person unfit to be registered; or” and insert:

misconduct; or

Division 14 — *Veterinary Practice Act 2021* amended

55. Act amended

This Division amends the *Veterinary Practice Act 2021*.

56. Section 3 amended

(1) In section 3 delete the definitions of:

category

corresponding law

interstate veterinarian

specialty

(2) In section 3 insert in alphabetical order:

category, in relation to registration, means —

(a) a category listed in section 5(1); or

(b) the category of registration as an interstate veterinarian;

corresponding law means a law of another jurisdiction that provides for the registration of veterinarians (however described);

interstate veterinarian means a person registered under section 22(1) as an interstate veterinarian;

specialty means a branch of veterinary medicine that is —

- (a) accredited as a specialty under, or in the manner prescribed by, the regulations; or
 - (b) a specialty (however described) under a corresponding law;
- (3) In section 3 in the definition of *registration* delete paragraph (a) and insert:
- (a) in relation to a person — means registration under Part 2 as —
 - (i) a WA veterinarian in 1 or more categories of registration listed in section 5(1); or
 - (ii) an interstate veterinarian; or
 - (iii) a veterinary nurse;or
- (4) In section 3 in the definition of *veterinary specialist* delete paragraph (b) and insert:
- (b) an interstate veterinarian who holds their interstate registration in a specialty;

57. Section 19 amended

In section 19 delete “interim registration)” and insert:

interim registration or registration as an interstate veterinarian)

58. Part 2 Division 4 heading replaced

Delete the heading to Part 2 Division 4 and insert:

Division 4 — Interstate veterinarians

59. Section 21 amended

In section 21 delete the definition of *corresponding specialty*.

Note: The heading to amended section 21 is to read:

Term used: interstate registration

60. Section 22 replaced

Delete section 22 and insert:

22. Registration as interstate veterinarian

- (1) A person is registered as an interstate veterinarian if —
- (a) the person holds interstate registration; and
 - (b) the participating jurisdiction in which the person holds interstate registration is —
 - (i) if the participating jurisdiction is a participating jurisdiction under the *Mutual Recognition Act 1992* (Commonwealth) section 5(4) but is not a pre-adoption State under section 4(1) of that Act — the person's home State under section 42A of that Act for the occupation of carrying out veterinary medicine; or
 - (ii) otherwise — the participating jurisdiction in which the person has their principal place of residence or

principal place of work in relation to
carrying out veterinary medicine;

and

- (c) the person practises veterinary medicine in this State.
- (2) Subject to section 26, it is a condition of registration under subsection (1) that the person must not carry out an act of veterinary medicine in this State unless the law of the participating jurisdiction in which they hold interstate registration authorises or permits the person to carry out that act in that jurisdiction.

61. Section 24 amended

In section 24(1)(c) delete “section 27” and insert:

section 22(2) or 27

62. Section 26 amended

Delete section 26(1) and insert:

- (1) The Board may, if it considers there are reasonable grounds for doing so —
 - (a) in relation to the condition referred to in section 22(2) —
 - (i) modify the condition to authorise the person to carry out an act of veterinary medicine that they would otherwise be prohibited from carrying out under the condition; or

(ii) remove the condition;

or

(b) otherwise — modify or remove another condition imposed on the registration of a person.

63. Section 54 amended

In section 54:

(a) delete paragraph (b) and insert:

(b) if the person holds interstate registration in a particular specialty — that specialty;

(b) in paragraph (c) delete “is registered (however described);” and insert:

holds interstate registration;

64. Section 65 amended

(1) After section 65(3)(b) insert:

(ba) in the case of an interstate veterinarian — are permitted to be used in connection with the practice of veterinary medicine by the interstate veterinarian in the participating jurisdiction in which they hold interstate registration; or

(2) After section 65(4)(b) insert:

(ba) if the person employed or engaged in the veterinary practice business is an interstate

veterinarian — are permitted to be used in connection with the practice of veterinary medicine by the interstate veterinarian in the participating jurisdiction in which they hold interstate registration; or

65. Section 79 amended

In section 79(b) delete “WA”.

66. Section 112 amended

In section 112(b) delete “granted under Part 2 or 3”.

=====