



Automatic Mutual Recognition of Occupational Registrations: Exposure Draft Legislation Consultation Paper

Submission of the
Australian Veterinary Association Ltd

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The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. The AVA consists of over 9000 members who come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

Summary

AVA is appreciative of the opportunity to submit feedback on the *Automatic Mutual Recognition of Occupational Registrations: Exposure Draft Legislation*. For many years, the Australian Veterinary Association (AVA) has been advocating for harmonisation of all veterinary Acts in Australia – and specifically for mutual recognition of veterinarians.

In 2006, the Australasian Veterinary Boards Council (AVBC), the AVA and the Animal Health Committee (AHC) worked together to develop a model for National Recognition of Veterinary Registration (NRVR) in Australia. The model aimed to ensure that veterinarians, registrable in Australia, could be registered to practise nationally on the basis of a single application and single fee.

The reasons given for the need for these changes were that separate regulatory systems in each state and territory hinder the mobility of veterinarians within Australia, hinder interstate competitiveness, add financial burdens to veterinarians (multiple registrations) and inconvenience clients with interstate or national interests as well as those requiring particular veterinary expertise only available outside of their own state or territory.

In 2007, there was agreement to proceed with legislative change in each state and territory to allow this to occur, with a timeline set by December 2008. Unfortunately, this did not transpire in every jurisdiction.

The need for mobility of veterinarians (particularly those employed by state and territory governments) in response to animal diseases as seen with equine influenza, avian influenza and Hendra incidents is becoming even more important.

Current Status

Each state and territory in Australia has separate legislation covering veterinary practise which is regulated under the relevant veterinary board of each state or territory. The majority of jurisdictions now allow for mutual recognition (NRVR). Only Western Australia and the Northern Territory do not currently allow for this. In Western Australia, the *Veterinary Practice Bill 2020* has been drafted which would amend the *Veterinary Surgeons Act 1960* to allow for mutual recognition. The Veterinary Board of the Northern Territory has indicated that consultation on amendments to the *Veterinary Act 1994* is expected to occur shortly and AVA expects that the issue of mutual recognition will be addressed.

Automatic Deemed Registration (ADR)

AVA is supportive of the Bill, including the concept of a home state which would be the veterinarian's primary place of residence or their primary place of work which would automatically enable them to be entitled to ADR. This is the case already in those states of Australia which have implemented NRVR - the Australian Capital Territory, New South Wales, Victoria, South Australia, Tasmania and Queensland. Each of these states now recognises the registration of a veterinarian in any other state or territory of Australia, with 'deemed registration'.



We acknowledge and support that only activities that the veterinarian is authorised to do in their home state shall be permitted in the second state. As state laws do vary, the obligation is on the veterinarian to know the Acts and Regulations of the state they are visiting and, if in any doubt, should contact the local Veterinary Board.

Simple notification, with no application or renewal fees

AVA supports that a veterinarian is not required to provide any information to the local regulator of the second state prior to commencing work. We note that the Bill provides the Minister in the second state or territory the discretion to determine whether a form of notification is required for a person to claim ADR in their jurisdiction, but do not support this. This would be confusing for veterinarians if some states or territories required this and some didn't and could easily result in unintentional breaches of legislation.

Information about veterinarians, if the need arises, by second states or territories should be freely available between state and territory Veterinary Boards. This may be required for evidence of qualifications for ascertaining any limitations or conditions placed on the veterinarian's registration.

AVA supports that only one registration fee (in the veterinarian's home state) will be applicable and that no fees are required for deemed registration in second states or territories.

State laws will continue to apply

It is the status quo that veterinarians working in second jurisdictions must familiarise themselves with all necessary legislation pertaining to their activities. AVA supports the ability of Veterinary Boards in every jurisdiction to take disciplinary action against veterinarians operating under ADR if required. An important function of Veterinary Boards is animal and consumer protection, and this must not be compromised by ADR.

AVA acknowledges that this Bill allows a veterinary board to take action against a veterinarian's registration, including suspending and cancelling ADR, as a result of criminal, civil or disciplinary proceedings consistent with the "Veterinary Surgeon's Act (or similarly named Act)" of that jurisdiction. It is understood that in these circumstances, the registered veterinarian would lose their eligibility to carry on activities under ADR, and, depending on the nature of the non-compliance in the second state or territory, a veterinarian's home state registration may be affected. AVA believes that after information sharing has occurred, the home state should make a decision regarding this, ie. whether proceedings should occur.

Moving home state

If a veterinarian relocates their primary place of residence to a new state or territory, there is typically a grace period in which they can work under ADR/NRVR, and then they are expected to register in the new jurisdiction. They should contact the Veterinary Board in the new state or territory to which they have moved, to ensure registration occurs within the required time frame. For example, veterinary practitioners are required to submit an [application for registration](#) within three months of relocating to the ACT. States can exempt registrations from the scheme.

AVA acknowledges that a Minister can publicly declare a profession exempt from ADR in their jurisdiction because of a significant risk to consumer protection, or the health or safety of workers or the public. As veterinarians are deemed essential workers, and provide valuable services to the community, it is difficult to foresee a situation whereby this would be imposed upon the veterinary profession, and the AVA would oppose such a move. The AVA would expect to be consulted, along with the Australian Veterinary Boards Council (AVBC), if there were any proposal in any jurisdiction to withdraw from the ADR/NRVR scheme.



Local regulators will play a key role

Under the Bill, information sharing provisions will be required to be implemented by the Veterinary Boards in each state and territory. AVA acknowledges that a second state or territory will be able to confirm a veterinarian's eligibility from their home state and that any disciplinary action taken by a second state or territory should be shared with other relevant jurisdictions. This information must be handled in line with all privacy laws applicable to each state and territory. As the Bill requires regulators to prepare and make available guidelines and information regarding the operation of the scheme, we recommend that there should be consistency in the implementation of NRVr in all Australian jurisdictions.

Other recognition schemes will not be affected

AVA acknowledges that existing schemes for the automatic recognition of occupational registrations will not be disrupted. In simple terms, NRVr should not be affected in the states and territories in which it is already in place; this Bill should assist current and proposed moves towards full NRVr in the Northern Territory and Western Australia, bringing them in line with all other jurisdictions.

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