

Submission on the proposed ACT Veterinary Practice Bill 2017

Submission to ACT Government Transport
Canberra and City Services Office

Submission from the Australian Veterinary Association Ltd



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Date

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About us

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9500 members 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. The ACT Division of the AVA represents 122 registered veterinarians in the ACT.

Summary

The AVA supports the ACT Government's review of the ACT Veterinary Surgeons Act 2015, in particular:

- (i) their indicated goal of moving towards a more harmonised system aligning to other Australian jurisdictions, and
- (ii) the introduction of national recognition of veterinary registration where state registration boards recognise the registration of veterinarians from other states and territories.

These are in line with the veterinary profession's needs and the [AVA's Recommended key principles for veterinary practice acts in Australia 2017](#)

While supporting many of the proposed changes, there are some which the AVA strongly opposes, as follows:

Recommendations

The AVA opposes the following proposed changes:

- **The AVA opposes the proposal that the President of the Board be an independent non-veterinary practitioner.**

The list of the responsibilities of the President of the Board provided by Transport Canberra and City Services representative at the face-to-face consultation on the 9th December can be fulfilled by a suitable veterinary practitioner. It is essential that the President of the Board has significant respect within the profession and can represent the Board as needed.

All but one of the other Australian states and territories have a veterinarian as the President of their Veterinary Board and they take their governance role seriously. Health Boards in Australia both nationally and in the ACT, have one of their registered practitioners as their President/Chair, for instance the Dental Board of Australia, The Medical Board of Australia, and the ACT Board of the Medical Board of Australia.

The AVA strongly believes that the President of the Board should be a registered veterinarian.

The reasons given by the representatives of Transport Canberra and City Services at the face-to-face meeting held on the 9th December for proposing a non-veterinarian as the President, were firstly that there are only a small number of veterinarians in the ACT and as such conflict of interest may be an issue; and secondly, that a non-veterinarian would give better governance oversight than a veterinarian.

With regards to the first issue, this could be addressed if needed by restricting the presidency to a veterinarian who is not in practice and has no financial stake in any veterinary enterprise. Many veterinarians including some presently on the current Board fulfil this criteria in the ACT.

With regards to the second issue, the only major problem for a veterinary board in Australia recently with regards to governance, relates to the South Australian Board where the President was not a veterinarian. The president was referred to the ombudsman and subsequently found guilty of maladministration. The AVA has also had to meet previously with some of the South Australian Board's Presidents on matters which related to them not understanding the nuances of veterinary practice.

The President of the Board is also expected to give advice to the Minister on the veterinary profession and represent the profession at meetings such as the Australian Veterinary Board Council, future veterinary workforce planning and veterinary education workshops. To effectively undertake these important tasks and roles the President needs to be a veterinarian.

- **The AVA opposes the proposal that elections be replaced by ministerial appointments.**

The World Organisation for Animal Health (OIE) evaluated Australia's veterinary services in 2015. The [2015 OIE PVS Evaluation Report of the veterinary services of Australia](#) identified that ministerial appointment of Veterinary Board members was an inappropriate legal framework and that more independence from government is required of veterinary boards. The AVA supports the continued election process or the legislated establishment of a selection committee comprising a representative from the Australian Veterinary Association (ACT Division); a representative of the Board, a representative of the government; and a representative of consumers of veterinary services.

The AVA supports or has no issue with the following changes:

- Modelling the new Act on the NSW Veterinary Practice Act 2003.
- The objectives of the Act focusing on the protection of the public and animal welfare through the registration and regulation of veterinary practitioners. At the face to face consultation on the 9th December it was also agreed that the objectives would also include the protection of Australia's biosecurity status and our international trade.
- The introduction of national recognition of veterinary registrations (NRVR), so that all registered veterinary practitioners in other jurisdictions can move in and out of the ACT without registering or notifying the Board.
- The requirement that registered veterinary practitioners who have moved to the ACT to reside will register with the Board within three months and if not, for a fee to be charged and for them to be considered unregistered. At the face-to-face consultation the AVA asked that the legislation clearly define the term "reside" as to ensure locums employed for greater than 3 months are not required to register. The Transport Canberra and City Services representative indicated they were aware of this issue and that it

would be addressed.

- The proposal that complaint handling processes are mirrored on those in the current NSW Veterinary Practice Act 2003.
- The removal of the provision in the current Veterinary Surgeons Act 2015 requiring the Board to refer complaints to a professional standards panel or a personal assessment panel to impose any conditions or disciplinary measures. The AVA agrees that the veterinary board includes expertise from the profession, which makes the Board best equipped to assess the performance of practitioners against the professional standards.
- The ability for the Board to impose fines up to \$5000, impose conditions, require specified costs relating to any hearings to be paid, and to suspend a licence if justified. The AVA only supports suspension of a practitioner's licence by the Board if there is a serious risk of endangerment to:
 - The health and safety of the public
 - The health and welfare of animals
 - The integrity of Australia's biosecurity system
 - The integrity of racing or other animal industry
- The ability for the Board to initiate a complaint if it becomes aware of a possible breach of professional conduct.
- The provisions for all decisions by the Board to be appealed by the ACT Civil and Administrative Tribunal (ACAT). The AVA recommends the inclusion of a no blame mediation option being available to the Board.
- The legislative provision that allows the complaint to be jointly considered with the Human Rights Commission as long as timeframe accountability is introduced. As well as the mediation role that the HRC highlighted at the face-to-face consultation meeting. The AVA recommends that the Board has the provision to provide details of support organisations and personnel to veterinarians under investigation.
- That the majority of the Board are registered veterinary practitioners.
- That the board has some non-veterinary consumer member(s). However, due to the relatively small size of the Board, the AVA recommends that a maximum of 2 members of the Board should be non-veterinarians. This will ensure adequate coverage of the veterinary expertise that the Board requires such as companion animal practice, equine practice and regulatory affairs. The AVA does not support the legislated need for a lawyer to be on the Board but has no problems with selection criteria stating that for the community members, being a lawyer may be advantageous.
- The requirement of the Board to hold an annual meeting that can be attended by registered veterinarians and the public.
- The introduction of timeframe accountability for complaint handling.
- The requirement to maintain a public register for registrations and complaints. However, only the findings of a serious nature should be published.
- The regulation of all types of veterinary premises.
- That the legislation will not require a controlling ownership by a veterinary practitioner. However, the minimum requirement must be that it is legislated that there is unrestricted veterinary oversight for practice veterinary protocols and a clause that makes it an offence for a person who employs a registered veterinarian to incite unprofessional conduct.

The AVA would appreciate the ability to review the Bill prior to it being introduced to Parliament so as to ensure there are no unintended concerns.