



Australian Veterinary Association

Submission

Veterinary Practice Bill 2020 (WA)

June 2020



The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) is the only national association representing veterinarians in Australia. Founded in 1921, the AVA today represents 9000 members working in all areas of animal science, health and welfare.

Veterinary roles extend far beyond caring for the health and welfare of our pets and production animals. Veterinarians are the pathologists, field officers and inspectors that secure the safety of our food, ensure market access for our exports, and help to safeguard the human population from zoonotic diseases.

Summary

The AVA is pleased to comment on the *Veterinary Practice Bill 2020 (Bill)* and thanks the Department of Primary Industries and Regional Development (DPIRD) for the consultation process implemented which included online discussions and a consultation paper.

We acknowledge that a purpose of the Bill is to improve the mental health of veterinarians by introducing the capability of health assessments and by returning powers to the Board to deal with investigations of unsatisfactory conduct.

Legislation relating to the veterinary profession differs across the states and territories in Australia and it should be an aspiration of all Australian veterinary boards to work towards harmonisation of legislation - similar to the health profession that introduced legislation in 2010 to allow national regulation of their profession.

We note that as many of the proposals within the *Bill* rely on yet to be produced *Regulations*, giving support for various amendments is difficult because it will be reliant on content within the *Regulations*. AVA, therefore, look forward to further consultation regarding this. The AVA has consulted widely with our membership and has received great interest from veterinarians in various fields of practice and industry in relation to the *Veterinary Practice Bill 2020* that has assisted in making this submission.

Renaming and Object of the Act

It is pleasing that the *Bill* proposes the Act be renamed as the *Veterinary Practice Act* to align with the states of South Australia, New South Wales, the Australian Capital Territory and Victoria where this is already the case. This amendment is especially appropriate for Western Australia to accommodate and to recognise that the legislation includes registration and regulation of veterinary nurses. The AVA continues to recommend to other states and territories to make this amendment.

We recommend that the preamble of the Act is amended to clearly define the purpose of the Act. The Object should emphasise that the practice of veterinary medicine is subject to regulation in order to protect the health, safety, and welfare of the public, veterinarians, veterinary nurses and animals.

Recommendation

The preamble for the Act should indicate that the Act's object is to regulate the practice of veterinary science to ensure that acceptable standards are required to be met by veterinary practitioners so as to:



- Protect the health, safety, and welfare of the public, veterinarians, veterinary nurses and animals
- Ensure that consumers of veterinary services are well informed of the training, qualifications and competencies required by persons undertaking veterinary procedures
- Meet international trade requirements
- Provide for any other matters prescribed by the Minister from time to time

National recognition of veterinary registration (NRVR)

All jurisdictions in Australia other than Western Australia and Northern Territory have introduced NRVR. The AVA is supportive that the *Bill* proposes to implement this change. The AVA's preference is for national registration and we hope that this can occur in the future. National registration is important for mobility of veterinarians in response to emergencies such as animal disease and bushfires. Proposals within the *Bill* should also cater for the ability to register veterinary nurses from other Australian jurisdictions.

We acknowledge and support the following:

- Veterinarians are required to maintain primary registration in the jurisdiction that is their principal place of residence
- A veterinarian registered in one jurisdiction is 'deemed' registered in other jurisdictions without the need to register with that secondary jurisdiction's veterinary board
- Veterinarians are subject to the same conditions, restrictions or limitations that apply to their primary registration
- An interstate veterinarian residing and practising in Western Australia in excess of three months - must apply for registration in Western Australia

Recommendations

- That all veterinary boards across Australia work towards achieving national registration that enables all veterinarians in Australia to practice nationally via a single application and single fee
- That the Board consider relevant amendments to cater for registration of veterinary nurses from other Australian jurisdictions

Impairment of veterinarians and veterinary nurses in WA

The AVA acknowledges that veterinarians report higher than average levels of depression, anxiety, stress and burnout compared to the general population and that impairment can occur due to physical or mental health issues or substance abuse. We are also aware that some Australian jurisdictions have the power to ask a veterinarian to attend a medical or health assessment.

We understand that this provision is proposed to support the mental health of veterinarians and veterinary nurses. We support that the Board should have the power to require the veterinarian or veterinary nurse to undergo a health assessment when there is a valid complaint or evidence that a veterinarian or veterinary nurse may be impaired. We agree that the Board should also have the power to place conditions on the registration of a veterinarian or veterinary nurse if impairment is suspected and subsequently ruled as significant following a health assessment. We do not support,



however, that a pending requirement for a health assessment to determine a possible impairment can constitute cause for refusal of a current registration renewal. Further comments regarding this are included in the following section.

We note that impairment is defined within the *Bill*, but this definition is quite vague. An important part of professional conduct for a veterinarian is being able to recognise any limitations and practice within them. For example, a veterinarian that injures their hand may not be capable of performing surgery and an experienced small animal specialist may perhaps be no longer competent to pregnancy-test cattle. We would expect that a veterinarian or veterinary nurse that may have a certain condition or limitation would have discussions with their employer and would see it as their professional responsibility to ensure that they are working within their limitations. If they are not, this may constitute unsatisfactory conduct or unprofessional conduct, which the Board has processes in place to deal with.

Many people have impairments and disabilities and our concern is that the Board is seeking to make decisions about whether a person is able to practice because of this disability, even where the veterinarian has an understanding of their limitations and is able to modify their duties accordingly. The requirement to notify the Board of an injury or disability that the veterinarian can manage sufficiently may differ in the opinion of the Board. Having an impairment or a temporary injury that can be confidently and sufficiently managed by the individual should not require reporting to the Board. We therefore suggest that the definition of impairment be re-defined.

Recommendation

- That impairment be re-defined to be consistent with the *National Health Practitioner Regulation National Law (WA) Act 2010* - a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence) that places or is likely to place the public, animals or veterinary personnel at risk of substantial harm as a result of the practitioner's actions
- That only significant impairments need to be self-reported to the Board when not possible to be managed at the practice level

Registration of veterinarians and veterinary nurses

It is noted that expanded powers are proposed that allow the Board to refuse an application or a renewal of a registration. It is concerning that refusal of registration or renewal can occur under these powers without needing to be approved by the State Administrative Tribunal (SAT). While legislation needs to provide a way to ensure that a veterinarian's impairment does not endanger any animal's health, safety or welfare, the Board should not have the ability to make such a decision without due process. It is therefore recommended that the Board cannot refuse registration or renewal dependent on a health assessment unless a registration has lapsed for a period of time and there has been a past suspension or condition placed on that registration as a result of impairment. If the Board believes a veterinarian or veterinary nurse may have an impairment, it should not be able to refuse application – rather it should be required to perform an appropriate investigation and compile relevant evidence for a SAT ruling.

It is also concerning that whilst determining eligibility for registration, Section 18 (Fit and proper) can be used as grounds for refusal. This section contains quite broad and vague clauses, specifically 18(b), 18(c) and 18(h) - 'any behaviour of the person that shows that the person is not of good fame and character'; 'whether the person has engaged in conduct that is, or may be, unsatisfactory



professional conduct or unprofessional conduct’ and ‘any other matters relating to the person that the Board considers relevant.’ This again is open to interpretation of accepted behaviour (whether this is whilst undertaking veterinary duties or not) and gives powers to the Board to refuse registration or renewal without due process of a hearing.

There should also be substantial evidence – based upon which the Board can justify, directing a veterinarian or veterinary nurse to undergo a health assessment for registration or renewal to be granted. Again, this should not be able to occur without an appropriate investigation and hearing before SAT. Allowing these Board powers to be implemented could be used as a tool to effectively disallow a veterinarian or veterinary nurse the right to practice without due process. Registration and renewal should not be hindered by alleged impairment or the requirement of a health assessment.

Recommendation

- That the powers of the Board to refuse registration or renewal due to alleged impairment reasons or the requirement of a health assessment be removed. Where registration has lapsed for a period of time and there has been a past suspension or condition placed on that registration as a result of impairment, we concur that a health assessment may be requested
- That Section 18, clauses (b) and (c) be removed
- That Section 18 (h) be amended to read ‘any other matters prescribed by the Minister from time to time’

Health assessment

The AVA is supportive of the process proposed, provided that there is substantial evidence to justify a request that a health assessment is performed. The Board does not include a medical practitioner and we recommend the determination of whether a health assessment evaluation is required should be made by the committee of the Board that includes a medical practitioner. The Board could provide documentation of their evidence, relevant information and a response from the veterinarian or veterinary nurse to assist the medical practitioner in making a determination.

We support that an independent assessor performs the health assessment and provides only a summary report to the Board and the veterinary practitioner, and that actions may be taken by the Board on evaluation of that report – but these actions need to be defined. Currently under Section 128(4) it states that ‘the Board may decide to – (a) take any action the Board considers necessary or appropriate under this Act.’ This clause lacks clarification of what actions can be taken. The priority should be to improve the health of the veterinarian or veterinary nurse and determine whether the veterinarian or veterinary nurse is capable of performing their duties.

We do object to the medical practitioner providing a detailed report of the assessment to the Board, as privacy must be respected. An appropriate report that addresses the Board’s concerns should be sufficient.

Recommendations

- Formation of a committee with at least one member of the committee being a medical practitioner. That committee should consider and determine whether a health assessment is required
- Clarify the actions the Board can take in Section 128(4)



- Limit the information that the Board can receive from the medical practitioner to an appropriate report that addresses the Board's concerns

Board membership

The AVA is generally supportive of the proposal that the Board membership increase from five to eight members that consists of four veterinarians registered in Western Australia, one veterinary nurse registered in Western Australia, one veterinary officer employed by DPIRD, one consumer representative and one legal practitioner registered in Western Australia, and that the appointment is for up to a three year period. It is appropriate that a veterinary nurse is appointed to the Board due to the Act now registering and regulating veterinary nurses.

Of the five veterinarian members of the Board, we believe that it is appropriate that the various sectors of the veterinary profession are represented, ie. large animal, small animal, academia, veterinary studies and government.

The proposed *Bill* makes provisions that the Minister, before appointing a veterinarian and veterinary nurse, must consult with the 'body prescribed for the purposes.' This is quite vague and we would prefer that the AVA and Veterinary Nurses Council of Australia (VNCA) are both specified in the legislation (as is the case in the *Veterinary Practice Act NSW*) and that the Minister appoint members to the Board from nominations submitted by the AVA and VNCA (with the exception of the DPIRD appointment). The AVA is in the best position to assess the suitability of nominations submitted to the Minister.

The AVA nominations to the Minister would be conducted via a rigorous process that includes advertising the Board positions and requiring nominees to submit a resume outlining their suitability. The AVA would ensure one of the veterinarian nominations is representative of the academia environment. Selection criteria that the AVA would assess before submitting nominations to the Minister would include:

- Availability, reliability and commitment to the position
- Integrity that will ensure powers are used responsibly
- Professional standing within the veterinary profession
- Ability to work within a team
- Interpersonal skills
- No conflict of interest
- Commitment to continuing professional development
- AVA membership (as AVA members have agreed to a Code of Professional Conduct and adherence to policy established by the profession)
- Leadership
- Respect for colleagues and members of the public
- Previous Board experience and continuity of corporate knowledge

The *Bill* provides for the member to be appointed for a term 'not exceeding 3 years.' The Board appointment should be for a term of 3 years unless a member voluntarily resigns or is removed by the Minister under Section 161(5). This is important for continuity of the duties the Board deploys. Board appointment times and terms should be staggered so that the full Board is not renewed at the same time.



In addition, we suggest that the criteria for the consumer representatives include that they must be users of veterinary services, as this provides a better understanding of the environment they will be working within.

Recommendations

- That the Minister appoint members to the Board from nominations submitted by AVA and VNCA
- That Section 148(2) specifically refer to AVA and VNCA as the bodies that are consulted by the Minister
- Criteria of Board membership include at least one small animal veterinary practitioner and one large animal veterinary practitioner
- Criteria for the legal and consumer representatives include being users of veterinary services
- Section 160(1) be amended to reflect a term of 3 years with half the Board being initially appointed for 1.5 terms

Ownership and registration of veterinary premises

The AVA notes that proposed amendments will not restrict ownership of veterinary premises to a veterinarian or group of veterinarians retaining a controlling interest to align with all other jurisdictions in Australia other than New South Wales. One of the proposed amendments include that a veterinary supervisor is appointed for the premises. It is not clear what constitutes a 'veterinary supervisor' in the *Bill* and this should be rectified. Whilst the AVA does not object to these ownership amendments, it would be sensible for this to be reviewed after an appropriate length of time to ensure there have been no detrimental consequences to the standards of animal care.

The registration of veterinary premises section within the *Bill* is heavily dependent on what is included in the *Regulations* which are yet to be revised. Conditions that may be imposed by the Board include 'that veterinary premises are to be redesigned, reconstructed or altered in a specified way or manner;' and 'that veterinary premises are to be managed, controlled or operated in a specified way or manner;' These clauses are very broad and open to extensive interpretation that could result in significant costs to the owner. The Board's ability to impose conditions in regard to the manner in which veterinary premises are managed, controlled or operated is an overreach. Veterinary premises are managed by highly qualified professionals and are operated in varying ways within the confines of all laws and *Regulations* and should not require further oversight by the Board. Although a SAT review is proposed to be available if conditions are imposed, this can be lengthy and costly. The AVA is unable to support this amendment because it is fully dependent on what is prescribed in the revised *Regulations*, and this is scheduled to occur at a later date.

The AVA is supportive of the capacity within the proposed legislation for veterinarians to register a vehicle as a veterinary premises; however, we have serious concerns about the concurrent requirement to publish a home address to accompany such registrations. This may compromise the safety of the veterinarian, and expose them to risks of criminal activity, particularly as unscrupulous members of the public seeking prescription drugs could target the home of the veterinarian. There must be options available to mobile veterinarians to protect their home location. As working from a vehicle limits what procedures can be practically performed, we also strongly recommend that the mobile veterinarian must have a *bone-fide* relationship with at least one fixed veterinary premises to which cases can be referred, which are beyond the scope of the vehicle setting. Mobile veterinary



practices must also provide the contact details of the fixed premises that can provide continuity of care and after-hours service for their patients when the mobile veterinarian is unavailable.

Recommendations

- That the definition of a veterinary supervisor must include the criterion of having registration as a veterinary practitioner in Western Australia
- That Section 45 be amended to reflect that conditions may only be imposed by the Board if *Published Guidelines* have been contravened, and that Section 39 refers to the *Regulations* which should detail the requirements/standards for registration of veterinary premises
- That no home location details of registrants of a vehicle as veterinary premises appear to the public. A postal box address would be satisfactory if an address is required to be displayed to the public
- That the amendment that allows for non-veterinarian ownership of veterinary premises be reviewed ten years after coming into effect
- That a veterinarian registering a vehicle as veterinary premises must have a *bone-fide* relationship with at least one fixed veterinary practice to refer cases and must provide contact details of fixed veterinary premises that can provide continuity of care and after-hours service when the mobile veterinarian is unavailable

Immediate action orders

The *Bill* proposes that an immediate action order can be made if the Board is satisfied that there is a risk of imminent injury or substantial harm to any person (including the veterinarian or veterinary nurse) or animal. We are concerned with this proposal, as it is not clear regarding what instances would satisfy the Board that there is a risk. If the matter is of such a serious nature, we suggest that an Authorised Animal Welfare Officer or the police are requested to take action.

If immediate actions are permitted, it should require a show cause process. As included in the *National Health Practitioner Regulation National Law (WA) Act 2010*, if proposing to take immediate action, the Board must give the practitioner notice of the proposed immediate action and invite the practitioner to make a submission to the Board and the Board must have regard to any submissions made in deciding whether to take immediate action.

It is also of concern that an immediate action order can be made for up to 90 days without the need for a hearing to be scheduled. This may be financially crippling for a veterinarian or veterinary nurse and it does not appear fair to issue a suspension without due process of a hearing. We suggest that if immediate action orders remain in the Bill, that the Board are required to schedule a hearing of unsatisfactory conduct or unprofessional conduct within seven days of the order being made.

Recommendations

- That it is clarified what circumstances are perceived to satisfy the Board that an immediate action order needs to be made
- That a show cause process be implemented
- That if an immediate action order is made, notification from the Board must be made to the veterinarian or veterinary nurse of a hearing of unsatisfactory or unprofessional conduct within seven days of a suspension and that in the absence of notification of a hearing from the Board to the veterinarian or veterinary nurse, the immediate action is considered lapsed



Complaints and disciplinary matters and investigations

The Bill proposes that the Board regains the powers to deal with minor disciplinary matters that were lost when the SAT was established in 2005, including the imposition of penalties such as a fine or reprimand. We support the two-tier system of unsatisfactory professional conduct and unprofessional conduct and that the Board can make orders against veterinarians or veterinary nurses found to have engaged in unsatisfactory professional conduct, with the upper tier of unprofessional conduct referred to the SAT.

There are concerns regarding some of the clauses that use terms of ‘falls short’ (Section 75(a)) and ‘any matter as it thinks fit’ are vague and open to interpretation. Using the term ‘below the standards expected by peers’ is far easier to measure and judge. A prescribed list of what constitutes both unsatisfactory and unprofessional conduct is preferred.

Hearings that are conducted for unsatisfactory professional conduct should include veterinary practitioners with expertise in the relevant conduct being assessed – via the proposed provision for the Board to create committees.

We recommend that the lower tier of unsatisfactory professional conduct should focus on correcting the conduct, rather than punishment – unless the conduct is repeated. Directions of further education and training, imposing a condition on registration are preferable and should be included in the options available. Fines should be limited to more appropriate amounts as the fines of \$3000 and \$5000 are disproportionate to the earning capacity of the veterinary profession and fines should not be permitted to be cumulative.

While we recognise that current practice in Western Australian legislation is to include penalty amounts in the principal *Act*, this creates a situation where penalties are initially set high in an effort to “future-proof” the legislation. The AVA believes that a better approach is to transition to using either penalty units (as utilised in other jurisdictions) or add penalties as a schedule in the *Regulations*. This would allow penalties to be set at reasonable lower levels and adjusted over time in response to inflation.

Again, proposed fines are excessive for orders following finding by the SAT. This is excessive and the higher level of the fine will financially cripple the respondent.

Respondents to hearings must be permitted to be represented by a legal practitioner if they wish. This should not require leave of the Board as is currently proposed.

Disruption of inquiry offences should be more prescriptive as these clauses are open to interpretation of what this constitutes.

Recommendations

- That Section 96 include options of orders following finding by the Board of a warning; a direction to undertake further training or education. Section 96(1)(a) that allows the Board to order a respondent to be reprimanded should be removed
- That penalty units are utilised, rather than setting specific amounts within the *Bill*
- That Section 88 remove the requirement for leave by the Board for representation by a legal practitioner at an inquiry
- Failure to comply with direction after an unsatisfactory conduct finding allows for a fine of \$5000 (Section 91). This should be amended to ‘not exceeding \$2000’
- That the *Bill* reflects that cumulative fines relating to Section 91 cannot exceed \$2000 and Section 93 cannot exceed \$5,000



- That orders following finding by the Board (Section 96) should be lowered to \$2000 for a veterinarian and \$1000 for a veterinary nurse
- That orders following finding by the Tribunal (Section 98) should be amended to a fine not exceeding \$10,000 for a veterinarian and not exceeding \$5000 for a veterinary nurse
- That a prescribed list be developed to determine what constitutes unsatisfactory and unprofessional conduct
- All fines contained in the Bill must allow for discretion of up to a maximum level, rather than a set amount
- Disruption of inquiry clauses (Section 93) should be rewritten to be prescriptive or otherwise deleted from the *Bill*. If this clause is retained, the cumulative fines for this clause should not exceed \$5,000

Powers of investigation

The Bill allows for the Board to direct an inspector to conduct an investigation for prescribed purposes. The prescribed purposes will be included in the revised *Regulations* - so we are not able to support this before knowing the content.

Entry powers are of great concern. Inspectors should have the power to enter premises (this includes a vehicle) only when there is a reasonable cause to believe that a person is doing or has done an act where any provision of the *Bill* or *Regulations* has been contravened or the conduct of a veterinarian constitutes unprofessional conduct. The inspection needs to be at a reasonable time and must have consent of the occupier - unless a warrant is obtained from a Magistrate.

This is consistent with powers available within the *Health Practitioner Regulation National Law (WA) Act 2010* that for the purposes of conducting an investigation, an investigator may enter a place if the occupier consents to the entry or it is a public place or the entry is authorised by a warrant. We strongly oppose this power that would give inspectors more powers of entry than police.

Powers of the inspector must not include the ability to remove samples or gather evidence without consent of the occupier unless terms of the warrant allow for this.

Recommendations

- Delete Section 109 (1) (a) that allows an inspector to enter premises for investigative purposes without consent or a warrant
- Revise Section 110 to reflect that an inspector cannot perform any of these actions without the issue of a warrant that includes these actions

Legal Proceedings

Under the new provisions, Section 103(1) gives the Board the ability of ordering that the respondent pays to the Board any costs and expenses arising from the investigation of the complaint that the Board sees fit. This can happen even if no finding or order is made against the respondent. This is unreasonable and should be amended so that costs can only be ordered if a finding is found against the respondent and a limit should be placed on the amount that can be ordered. Salaries within the veterinary profession are not generally lucrative. This is evidenced by the *Animal Care and*



Veterinary Services Award 2010. Costs ordered against respondents have the potential to cripple them financially.

Recommendations

- That Section 103(2) be deleted to reflect that costs cannot be awarded if there is no finding made against the respondent
- That a financial limit be placed on the amount that can be ordered to be paid by the respondent

Time limit for complaints

Under the proposed amendments, the Board cannot deal with a complaint if the complaint is made more than three years after the conduct that is the basis of the complaint is alleged to have occurred, but Section 79(2)(a) and (b) allows for the Board to investigate complaints after three years if it considers it just and fair or in the public interest. This would mean that effectively vets may be investigated at any time of their lives – even after they retire. It would also require a veterinarian to hold liability insurance after they retire for fear that they could be investigated for any previous conduct. This is not realistic or just. The AVA believes that a period of two years after the alleged conduct occurred is sufficient for a complaint to be made.

Recommendations

- That the time limit for a complaint to be made must be no longer than two years after the alleged conduct has occurred
- That exceptions to investigation of complaints after the time limit expires - Section 79 (2) (a) and (b) - be deleted

Other

Veterinary services

It is recommended that the term ‘veterinary medicine’ should be amended to ‘veterinary science’ to align with other jurisdictions and to reflect the range of services provided by a veterinarian, including those related to veterinary medicine. The definition should be amended to the following:

Veterinary science –

Includes but is not limited to, the following-

- (1) Veterinary science means the science of veterinary surgery or veterinary medicine
- (2) Veterinary science includes the following—
 - a) the examination of, or attendance on, any animal for the purposes of diagnosing the physiological or pathological condition of the animal, including testing or imaging for diagnostic purposes;
 - b) giving advice based on a diagnosis under paragraph (a), including prescribing treatment, drugs, medications or medical appliances
 - c) performing medical or physical treatment of animals;
 - d) conducting pregnancy testing of any animal;
 - e) administering anaesthetics to animals;



- f) carrying out, by manual operation or use of instrumental appliances, any procedure on an animal for artificial breeding purposes
- g) signing or issuing certificates relating to the description, health, diagnosis or treatment of animals.

We expect that the revised *Regulations* will include a list of prescribed services and we would be pleased to contribute to the development of this.

Requirement that all practitioners should hold liability insurance

It is recommended that all registered veterinary practitioners must be covered by professional indemnity insurance as a condition of ongoing registration. The *Bill* should specify the minimum level of cover required and state that the insurance needs to cover the area of work the veterinarian is undertaking (for example some insurance products exclude equine work.)

Code of Professional Conduct (COPC)

We are pleased that a COPC will be prescribed in the *Regulations*. This is also the case currently in some other Australian jurisdictions. This will provide a tool for the Board to measure unprofessional conduct and make it clear what is expected of veterinarians and veterinary nurses. Queensland refers to the AVA Professional Code of Conduct within their legislation and we recommend that Western Australia also implement this.

Inspectors

It is recommended that the qualifications of an inspector are defined within the *Bill*.

Review of Board performance

It is recommended that the Minister implement a process to review the performance of the Board on an annual basis. This should include consultation with AVA and VNCA.

Continuing professional development (CPD)

It is recommended that CPD be mandated for all registered veterinarians. The minimum requirement should be 60 points over a consecutive three-year period, of which at least 15 points must be structured points. The remaining 45 points may be unstructured points or more structured points. The points system should mirror the AVA's VetEd points table. There should also be consistent requirements of recency, CPD and evidence of competency for those returning to practice after a prolonged absence.

Veterinary students

AVA acknowledges that the *Regulations* currently address what veterinary science procedures veterinary students are permitted to do but we suggest this should be included in the *Bill*. We suggest legislation should reflect that a person who is a student enrolled in an accredited veterinary degree should be able to perform a restricted act of veterinary science when doing so as part of the requirements of the course under the direct and immediate supervision of a registered veterinary practitioner.

Veterinary students acting as nurses

Following consultation with the student body of the School of Veterinary Medicine at Murdoch University, the AVA is aware that many veterinary students seek employment through veterinary practices within Western Australia during their veterinary education. The current *Regulations* state



that students are not formalised as skilled personnel and are therefore limited in the roles they can hold prior to registration as a veterinarian.

Clauses 65 and 66 of the *Regulations* outline that duties, such as dressing wounds and post-surgical care, the administration of scheduled drugs, etc, may only be conducted by registered veterinary nurses or those actively registered as nurses-in-training. This means that students who may have held similar roles in other states or countries are precluded from putting forth applications, thus unable to utilise their skills. Furthermore, these rules preclude actively enrolled students who have the necessary skillset to be considered for a nursing role. While this stipulation upholds the high standard of care of the veterinary community of Western Australia, it often prevents the ability of many willing and competent students to obtain jobs in these roles.

Additionally, for students who do obtain employment or are offered a live-in position at a veterinary facility, job titles often do not match the duties that would generally be expected of them given their level of training. This potentially leads to confusion and mismatching of expectations between veterinarians, students and the legislation.

As Western Australia is currently the only state that requires registration as a veterinary nurse for these roles, we recommend that the list of approved personnel to be employed in such roles and conduct the tasks of a registered nurse (as defined by the *Bill* and *Regulations*) be broadened, if such qualifications can be proven. We recommend that veterinary students actively enrolled in the Bachelor of Science (BSc) + Doctor of Veterinary Medicine (DVM) at Murdoch University may be included in these roles. Students who have completed 3 years of the degree possess the skills necessary to perform such roles safely and proficiently. Furthermore, employment in these roles allows students to continue obtaining necessary skills and gain exposure to the often difficult and emotionally charged nature of true veterinary practice. Students actively enrolled in years below should be considered at least equivalent to veterinary nurses in training enrolled in a veterinary nursing certificate program. With these experiences, Western Australian veterinary students will be better prepared for careers as veterinarians. Additionally, it will allow equal opportunity for our students when compared to those who complete their education in other states.

Abandoned animals

Many veterinary practices across Australia often experience the situation where an animal is not collected by its owner. This may be due to costs of treatment or various other reasons. Currently there is no clear legislation to address this issue. We suggest that the *Bill* addresses this issue and provides clear legal procedures. We suggest legislation should reflect that any animal placed in the custody of a registered veterinarian for treatment, boarding or other care, which is not retrieved by the client or his/her agent within ten calendar days after written notice is sent by certified mail, registered mail, postage pre-paid return receipt requested, or courier with confirmation of receipt to the client at the client's last known address, shall be deemed to have been abandoned. The veterinarian needs to inform the owner in writing when they leave the animal that this will be the case. Such an abandoned animal may be turned over to a humane society or animal shelter, adopted or otherwise disposed of by the licensed veterinarian.

If notice is sent, the registered veterinarian responsible for such an abandoned animal is relieved of any further liability for disposal. If a licensed veterinarian follows the procedures of this Section, the veterinarian shall not be subject to disciplinary action under this *Bill*, unless such registered veterinarian fails to provide the proper notification to the client.



Exemption for Commonwealth agency veterinarians and other personnel to perform required duties

Commonwealth Government agencies such as the Australian Defence Force operate and train in circumstances that may require the rapid deployment of veterinary and non-veterinary personnel to provide health care to Defence and civilian animals. We recommend that personnel trained and supervised by a Commonwealth Veterinary Officer shall be exempt from any requirements of this *Bill* relating to registration and prescribed services when undertaking official duties.

Contacts:

Graham Pratt
National Manager - Regions
Australian Veterinary Association
E: graham.pratt@ava.com.au M: 0408 083 530

Susan Chandler
Senior Advocacy Officer
Australian Veterinary Association
E: susan.chandler@ava.com.au M: 0418 990 338