

18th August 2017

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Dear Mr McLaren,

Re: PROPOSED AMENDMENTS TO THE VETERINARY PRACTICE ACT 1997

The Victorian Division of the Australian Veterinary Association (AVA) appreciates the opportunity to provide feedback on a number of proposed amendments to the *Veterinary Practice Act 1997*.

As the peak body representing veterinarians in Victoria any changes to the *Veterinary Practice Act 1997* will have the greatest impact on our members.

(1) Issue: Clarification of the registration status of suspended veterinary practitioners.

The [AVA's Recommended key principles for veterinary practice acts in Australia](#) recommends that:

"The board may suspend the registration of a veterinary practitioner until any investigation is completed only if the board is of the opinion that it is necessary to do so because there is a serious risk of endangerment to:

- *the health and safety of the public*
- *the welfare of animals*
- *the integrity of racing or other industry*
- *the integrity of the country's biosecurity systems."*

The AVA supports the current *Veterinary Practice Act 1997* Section 26A providing the Board powers to suspended veterinarians while an investigation is undertaken if the Board is of the opinion that it is necessary to do so *"because there is a serious risk that the health and safety of the public or the health and welfare of animals will be endangered"*. However, we would advocate that this should be extended to include the integrity of racing and Australia's biosecurity systems.

The AVA believes that in order to protect the health, safety, and welfare of animals, the performing of acts of veterinary science must be restricted to registered veterinary practitioners. We have been in discussions with the present government to define and legislate acts of veterinary science to protect animals and the community. (See recommendation 12 in the AVA's Recommended key principles for veterinary practice acts in Australia). If these restricted Acts were to be legislated in Victoria the proposed amendment to Section 14 of the Act applying only for the purpose of section 57 of the Act while correct may be confusing.



The AVA suggest as an alternative that Clause 14 be amended as follows:

For the purposes of this Act, a veterinary practitioner whose registration is suspended is deemed to be not registered for the period of that suspension, except for the purposes of Part 3 (Investigations into registered veterinary practitioners).

(2) Issue: Expertise on panels for informal and formal hearing.

The AVA **does not** support this proposed amendment.

AVA's Recommended key principles for veterinary practice acts in Australia recommends that *"All investigation or hearing committees or panels must contain at least one veterinarian."*

At present the *Veterinary Practice Act 1997* Section 42 (b) states that at least one of the panel members at a formal hearing must be a registered veterinary practitioner. However, with regards to informal hearings Section 35 state that *"at least 1 is **not** to be a registered veterinary practitioner"* while there is no provision for the need for at least one to be a veterinarian. The AVA believes this must be amended.

The Board already has the powers under Section 21 (3) (b) of the Act to retain a lawyer to undertake the preliminary investigation into a complaint and Section 42 requires a lawyer to be on the panel for formal hearings. The AVA believes this is sufficient.

Section 36 (d) of the Act states that a veterinarian subject to an informal hearing is not entitled to be represented while Section 43 (c) allows for the veterinarians to be represented by an Australian legal practitioner during formal hearing. The AVA is of the opinion that the informal hearing panel should where ever possible consist of Board members, where at least one must be a non-veterinarian and one must be a registered veterinarian. Vacant positions should be filled by veterinarians (or consumer representatives if the consumer representative is not available) with the appropriate expertise for the particular hearing. The AVA does not support allowing these vacancies to be filled by an appointed lawyer. If this was allowed then the veterinarian must be entitled to legal representation as well.

(3) Issue: Time limits on requesting a formal hearing.

AVA supports the proposed amendment.

(4) Issue: Increased fines for serious unprofessional conduct.

While the AVA understands the need to lift the maximum fine under section 45 of the Act the AVA cannot comment on the appropriateness of the amount proposed as we did not have time to consult our members.

(5) Issue: Findings and determinations of a formal hearing into ability to practice.

The AVA supports the proposed amendment.



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(6) Issue: Introduction of infringement notices.

The AVA supports the general principle of this proposed change, but would like to see the proposed wording of any changes to the Act before giving our support.

Note that the AVA is disappointed in the extremely short timeframe provided for us to give feedback on these amendments.

Please feel free to contact the Victorian Division if we can be of further assistance.

Yours faithfully,

**Dr Debbie Neutze
Policy Manager
on behalf of the
Australian Veterinary Association
(Victorian Division)**