



MATTER NO. AM 2008 / 82

BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

RE : STAGE 4 - AWARD MODERNISATION PROGRAM

Category ; - INDUSTRIES NOT OTHERWISE ASSIGNED

Sub-Category ; - ANIMAL CARE AND VETERINARY SERVICES

Submission by - THE NATIONAL OFFICE OF THE AUSTRALIAN
VETERINARY ASSOCIATION (AVA)

Introduction

The Australian Veterinary Association (“**the AVA**”) submits that there should be one national stand alone “Veterinary Private Practice Award” for Australia. This position is supported by the Veterinary Nurses Council of Australia (VNCA), the Australian Veterinary Business Association (AVBA), and Australian Federation of Employers and Industry (AFEI).

While we recommend an award encompassing all employees within private veterinary practice, it is essential to our members that the modernisation process does not significantly change the conditions that apply to veterinary surgeons as presently contained in the Veterinary Surgeons Award 2001.

The Australian Veterinary Association

The AVA is the professional organisation representing veterinarians across Australia. The vision of the AVA is to have a global community that respects and values the

benefits of enhanced animal health, welfare and production. To achieve this vision the AVA sets standards of professional excellence, promotes the advancement of veterinary science, facilitates continuing education and provides leadership and expert scientific advice relating to a range of areas.

The AVA nationally represents approximately 4,900 members around Australia of which 80% are in private practice. This figure includes as a majority veterinary surgeons who are employers as well as employee veterinary surgeon members. Further approximately 15% of the total membership are veterinary students.

The Private Practice Veterinary Industry

Veterinary Surgeons fulfil a very important role in the Australian community. They are responsible for providing care and animal welfare functions 24 hours per day - 7 days per week. The importance of these functions has been seen in the past few years through the outbreak of Equine Influenza in 2007 and more recently the animal emergency requirements in the Victorian bushfires of February 2009. We will expand further on these two issues later in this submission.

Veterinarians look after the health and well-being of both companion and production animals. They are responsible for diagnosing, treating, preventing and investigating animal disease and injury. This means that they are responsible for performing the role of “general practitioner, pharmacist, surgeon, anaesthetist, radiologist, critical care hospital and diagnostic services” for their animal patients all in the same practice, which are in majority small businesses. There is no other scientifically or medically based regimen that provides an equivalent service.

Veterinary practices play an important role in protecting our export markets, Australia’s biosecurity and public health. To be available, able and capable of undertaking these very important roles in the Australian community veterinary private practices have to be flexible, adaptive and proactive to their environments. It is therefore difficult to find an industry which could be considered as being closely related or similar.

The AVA submits that the practice of operating a private veterinary practice is unique and should therefore be recognised through the creation of a stand-alone award for the veterinary industry. The following factors demonstrate this uniqueness:

- *Legislative Regulation*

It is important to note that there is specific legislation covering the veterinary industry. In particular each state has specific legislation covering veterinary practices.

Legislation requires veterinarians to be registered with the relevant boards in their State or Territory. This also means that veterinary surgeons must observe the relevant code of professional conduct in respect of all of their work.

There are specific licensing requirements for veterinary practices that need to be adhered to in each state.

There are specific legislative provisions that require veterinarians to be available outside of normal business hours. An example of this is Section 35 Clause 8 of the NSW Veterinary Practice Regulations 2006 that states:

A veterinary practitioner must, when accepting an animal for diagnosis or treatment:
(a) ensure that he or she is available for the ongoing care of the animal, or
(b) if he or she will not be so available, make arrangements for another veterinary practitioner to take over the care of the animal.

The AVA also notes that In most states legislation confers an obligation on veterinarians to "...provide for animal welfare both ethically and morally...". This means that generally a vet can't refuse to attend to an injured animal or provide pain relief.

In a practical sense this means that often veterinarians undertake work in situations where cost recovery or charging fees is not possible. This means that a huge amount of pro bono work is provided by veterinarians country wide. There is also an expectation in the community that this pro bono work should continue to be provided.

There are further legislative provisions which are relevant to the operation of veterinary practices. This includes such things as the Poisons and Therapeutic Goods Act, the Stock Medicines Act, the Companion Animals Act, etc. These legislative provisions all impact on the way in which a particular practice may be run.

- *Continuing Education and Training – Veterinary Surgeons*

Veterinary surgeons must initially complete university training which lasts around 5 years. This is however only the beginning of a lifetime commitment to continuing education and professional development. Such continuing education is provided through postgraduate training through universities and continuing veterinary education through a variety of other sources including the AVA.

Most states legislate that a veterinarian must complete yearly continuing education to maintain their registration.

- *Training for Veterinary Nurses*

Certificate IV in Veterinary Nursing is considered by the veterinary industry to be the standard qualification required for a person to provide competent support within a veterinary practice. Certificate II in Animal Studies is a progression towards this objective.

The training qualifications are recognised at the national level. This means that a veterinary nurse is able to have their abilities recognised anywhere in Australia.

The AVA notes that together with the Veterinary Nurses' Council of Australia, we have developed an accredited veterinary nurse scheme. As part of this scheme veterinary nurses are required to undertake continuing education during each 12 month period in order to remain accredited.

- *Biosecurity concerns*

Flexibility is required by all employees within the veterinary industry. This is particularly evident through the work undertaken by professionals within the private practice veterinary industry in dealing with situations including the recent Equine Influenza outbreak in 2007.

In handling situations such as these members of the veterinary industry were involved in undertaking an enormous amount of work at all hours of the day. This was necessary to ensure that the outbreak was handled efficiently and the spread of the disease could be controlled rapidly,

The requirements for biosecurity and how it is maintained is an important characteristic in determining how a veterinary practice is operated. The impact on the Australian economy from an outbreak of a major disease that impacts our livestock would be massive.

- *Disaster Management*

Disaster management efforts demonstrate the requirement for flexibility as such efforts illustrate the need for members of the veterinary profession to be available at short notice to undertake emergency work. An example of such work surrounds the recovery efforts after the recent bushfires in Victoria. Many veterinarians were involved in providing emergency care to injured animals in the aftermath of this disaster. This work was performed at odd hours and in most cases on a pro bono basis.

All of the above factors show the difference between the current veterinary practice awards and the “non” veterinary animal care, animal tourism and animal charity awards.

AIRC – Stage 4 “Industries not otherwise assigned – Animal care and veterinary services” category

The AVA acknowledges the objectives of the AIRC’s award modernisation process and is committed to rationalising and simplifying the various state awards and NAPSA’s that cover the private practice veterinary industry throughout the country.

The AVA is aware that the Full Bench Statement of 29 June 2009 provides a specific category for Matter No. AM2008/82 – “Animal care and veterinary services”. This is commended by the AVA as it recognises that the veterinary industry is different from other “industries” that were “not otherwise assigned”.

A National Veterinary Private Practice Award with specific scope and coverage for private veterinary practices

In consideration of the AIRC's award modernisation objective and the specialised aspects of employment (as detailed above), the AVA has been liaising with various parties within the Veterinary industry, in particular the Veterinary Nurse Council of Australia ("**the VNCA**") with the intention of developing a single stand-alone award for the private practice veterinary industry. It is intended that this national modern award will be for private veterinary practices only, with the current workable hours and conditions arrangements for employee veterinary surgeons being maintained. This position taken by the AVA and the VNCA has also been discussed with the Liquor Hospitality and Miscellaneous Union (LHMU) and The Association of Professional Engineers, Scientists and Managers, Australia (APESMA).

The AVA recommends that the AIRC consider implementing a modern award with coverage provisions which include veterinary surgeons, veterinary nurses, animal attendants, practice managers, clerical and administrative roles, veterinary receptionists and all others who perform work within a private veterinary practice.

Whilst some of these employees have not been specifically dealt with in our summary of the industry above, they are nonetheless a vital part of the private practice industry and should be included within the modern award for such businesses. This is because they provide vital support services to the professional staff which assist with the provision of flexible round the clock animal services.

The AVA does not agree with the inclusion of various awards listed on page 29 of "Attachment B" of the Full Bench Statement made by the AIRC on 29 June 2009. This is because these awards are outside the purview of the private practice sector and relate to activities associated with the tourism industry in particular animal parks or zoos. Furthermore, many of these awards appear to primarily relate to work involved with the maintenance of grounds in particular gardens, rather than the actual work of a veterinary professional including both the surgeons and those employed as nurses.

The AVA will analyse each of the non private practice awards as follows:

- *Zoological Board of Victoria (and Others) Keepers and Ground staff (Interim) Award 2003 (AP821894)*

This award applies to employees engaged in work which relates to zookeeping, gardening and maintenance of grounds within the State of Victoria. The definitions and classification structure within this award are divided into two areas including Keepers – animal husbandry division and Gardeners – horticultural division.

This structure is not appropriate for those running a private veterinary practice. The provisions within this award do not take into account the vast spectrum of activity undertaken by those within the private veterinary industry or the hours when such activities may be performed.

- *Tourism Industry – Zoological Gardens Award – South-Eastern Division 2004 (AN140301)*

This award applies to zoological gardens employees engaged in or in connection with zoos or bird and wildlife sanctuaries. This award applies to the South-Eastern Division of Queensland only. The classification structure contained within this Award is not appropriate for those running a private veterinary practice. This is because the structure within this award does not take into account the specialised training and qualifications that must be attained by many of the employees within a private veterinary practice. Further the name states that this is for the “Tourism Industry” a far cry from veterinary private practice.

- *Miscellaneous Workers (Northern Territory) Award 2001 (AP811662)*

This award applies to various employees within the Northern Territory. It does not contain specific provisions (or take into account) the specialised training and qualifications that must be attained by either veterinary surgeons or veterinary nurses.

- *Animal Welfare League (Animal Attendants) Award (AN150010)*
- *Royal Society for The Prevention of Cruelty to Animals (SA) Award (AN150132)*

- *Zoological Gardens Employees Award 1969 (AN160346)*

The above three awards are state enterprise NAPSA's and are thus not applicable in creating a new national modern private practice veterinary industry award. They are entity specific industrial instruments and the AVA would question in particular the inclusion of most Zoological Gardens employees in the "Animal care and veterinary services" category. This is because it would appear that such employees are not subject to the extensive training requirements that are needed to be employed in occupations such as Veterinary Nurse or Animal Attendant.

A Veterinary Private Practice Award – Non coverage of charitable organisations.

We further submit that those awards which cover charitable organisations (such as the RSPCA and the Animal Welfare League) should not be included when creating a national modern award for the veterinary industry. This is because such organisations are subject to different funding programs including government grants and donations. They are also subject to special taxation concessions and tax status arrangements not only for the organisation itself but also in many cases for offering tax advantages to their staff. These are not available to veterinary private practices.

Conditions relating to the employment of veterinary surgeons

As detailed above, Veterinary Surgeons fulfil a very important role in the Australian community. They are responsible for providing care and animal welfare functions 24 hours per day - 7 days per week.

The AVA submits that in order to facilitate high standards of animal care and veterinary services currently available to the community, veterinary surgeons need to remain covered by an award structure that reflects the realities of the work which they perform. This award structure is currently seen in the federal *Veterinary Surgeons Award 2001*. In this the award is in a relatively modern award format already. Here veterinary surgeons can have an "all up rate" applicable for an extensive span of ordinary hours worked over a Monday to Sunday period. Penalty

rates do not apply and the contained allowances for “on-call” and “active-duty” work are appropriate. This is applicable because the health needs of animals cannot always be predicted and therefore cannot be moulded into arbitrary working hours. Both the AVA’s employer and employee members who presently operate under the *Veterinary Surgeons Award 2001* agree that the conditions in this award are appropriate for the industry. Veterinary surgeons must continue to be covered by an award which affords them the flexibility required to work the hours needed to provide adequate health care to their animal patients.

The AVA submits that this point cannot be made strongly enough i.e. that the current provisions applicable to the employment of veterinary surgeons provide this flexibility to practices within this industry. We therefore request that such provisions for veterinary surgeons be maintained within the new modern veterinary private practice award.

We note further that the introduction of high penalty rates within this industry will have serious animal welfare implications as practices may no longer be able to afford the rostering in particular of vet surgeon staff on an after-hours basis.

Conclusion

The AVA submits that the AIRC should consider the AVA’s proposal for a stand-alone new, modern, national award for the national veterinary private practice industry to be an imperative to the ability for the profession and its allied associates to function in today’s environment. This position is supported by the Veterinary Nurses Council of Australia, the Australian Veterinary Business Association, and Australian Federation of Employers and Industry.

The AVA further submits that the conditions currently applying to veterinary surgeons should be maintained as part of this Award. This is because this would support the continued provision of high quality veterinary services to the Australian community particularly in times where emergency work is required.