



Unit 40, 6 Herbert Street
St Leonards 2065
Telephone: (02) 9431 5000
Website: www.ava.com.au

Four yearly review of modern Awards Animal Care and Veterinary Services Award 2010 From the Australian Veterinary Association Ltd

20 July 2016

Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: amod@fwc.gov.au

AM2014/199 – Animal Care and Veterinary Services Award

We write in relation to the three outstanding issues that have been allocated to be decided by Full Bench relying on written submissions.

1. Clause 11.2(a) (i)

At the time of drafting the exposure draft, the Fair Work Commission asked parties to make submissions as to whether the three full days off per fortnight at Clause 8.3(c) includes being off duty from on call.

The Australian Veterinary Association submitted that the three full days off per fortnight should include being off duty from on call. The majority of our employer veterinarians presently interpreted the term “full days off” to include the entitlement to not be rostered on call. This has an extremely high support within the whole veterinary profession, with 100% of our employees and 93% of our employers agreeing that veterinarians should not be rostered to be on call duty on these three full days off.

On call duty in a veterinary practice, may involve a veterinarian returning to the practice or to a client's property for several hours of active on call duty most nights they are on call, sometimes several times on one night. When on call, the veterinarian is expected to remain within a reasonable access distance to the practice location, most employers expect the veterinarian to be able to get back to the practice within 30 minutes. Being on call can be stressful for many veterinarians particularly when recently graduated. They do not know what type of case may present itself and cases are often complicated critical emergencies in nature and some veterinarians report difficulty sleeping while on call duty. The veterinary profession believes it is important that the “full days off” must include being off on call duty.

This position was also supported by the Australian Veterinary Business Association (AVBA) in their correspondence dated 28th January 2015. The AVBA reported that 79.7% of their members who responded to a survey supported that a full day off should include not being on call.

It was agreed in principle by all parties at conference on 8th October 2015, that the three full days off per fortnight should include being off on call duty in this award. AVA was asked to provide a draft note to be added to Clause 11.2 (a) (i) to the effect that being off full duty for the purposes of Clause 8.3 (c) also means being off duty from on call.

AVA had proposed the following wording:

“For the purposes of Clause 8.3(c), the associate’s entitlement of a minimum three full days off per fortnight, includes not being required for on call duty on these days off.”



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The AFEI in their submission dated 4th December 2015, submitted that “for consistency with Schedule G of the Award which details circumstances which do not count towards ordinary hours (including on-call duty, and certain active duty), AFEI proposes the following alternative wording for a note in Clause 11.2(a)(i):

“An associate is not in receipt of a day off for the purposes of Clause 8.3(c) if they perform scheduled active on-call duty on that day”

The AVA opposed and continues to oppose this wording as it does not preclude a veterinarian from being expected to undertake on call duty and attend unscheduled active on-call cases on their three full days off per fortnight.

2. Clause 13.3 Professional development (Veterinary surgeons only)

In the present award and exposure draft, paid study leave is only provided for a full-time associate veterinarian. The AVA supports the provision of study leave on a pro-rata basis for permanent part-time associates.

The gender composition of the veterinary profession has changed significantly moving from a significantly male profession to a predominantly female one. At present 80% of those graduating as veterinarians are female. The change in this gender profile has seen an increase in veterinarians working in part-time positions.

All state and territory registration boards expect registered veterinarians to undertake a minimum level of continuing professional development (CPD). The amount of CPD required is the same irrespective of whether the veterinarian is working part-time or full-time.

NSW legislation mandates reporting of CPD in an annual return as a prerequisite of continuing registration as a veterinary practitioner. The **NSW Veterinary Practice Act 2003** Part 4, section 33 (1) (e1) states “A veterinary practitioner must, on or before the return date in each year, furnish in writing to the Board in a form approved by the Board a return for the return period specifying the following information: such details of any continuing professional development undertaken by the veterinary practitioner as are prescribed by the regulations” section 33 (4) states: “The Board may cause a veterinary practitioner’s name to be removed from the Register if the veterinary practitioner has failed to furnish an annual return in accordance with this section.”

In Queensland and the ACT continuing professional development records must be maintained and produced if required by the Board. While the South Australian Act does not presently mandate CPD the legislation lists a function of the Board to prepare or endorse guidelines on continuing education for veterinary surgeons. Any guidelines are published in Gazette and all veterinarians sent a copy. There is also provision within the Act that the Board could require veterinarians to submit CPD records.

While CPD is not legislated in some states and territories, all jurisdictions have agreed through the Australasian Veterinary Boards Council (AVBC), that CPD is expected of registered veterinarians. They have agreed on a minimum which is the same for all registered veterinarians irrespective of whether they work part-time or full-time.



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The AVA argues that a provision of pro-rata professional development study leave is fair and equitable and this should be reflected in the award.

3. Clause 16.1(c) Overtime

The AVA does not wish to make any further submission in regards to this issue.

Contact:

Deborah Neutze
debbie.neutze@ava.com.au
Policy Manager
Australian Veterinary Association

