

VETERINARY PRACTICE BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Hon Alannah MacTiernan (Minister for Agriculture and Food)**, and read a first time.

Second Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [4.04 pm]:
I move —

That the bill be now read a second time.

This bill will modernise the regulation of veterinary practice in Western Australia. It is now 60 years since the current act, the Veterinary Surgeons Act, was passed by the WA Parliament. Bringing it into line with current practices in other Australian jurisdictions and the modern-day economy is long overdue.

Veterinary and pet care services make an ever-increasing contribution to the WA economy. Australia has one of the highest proportions of pet ownership in the world. In 2018–19, Australian households spent over \$13 billion on their pets, with veterinary services contributing approximately \$4 billion to the economy.

Veterinary practitioners also play a vital role in providing livestock owners with animal health, welfare and production advice and by investigating, preventing, controlling and treating disease. They are an integral part of programs to detect and respond to significant animal disease incidents in Australia. These activities support and protect our valuable domestic and export markets. The gross value of agricultural production from the WA cattle industry is \$828 million, and from the sheep industry it is \$1.5 billion.

Commensurate with this growing demand for veterinary services, the number of veterinarians in Western Australia has been steadily increasing in recent years, and from 2012 to today it has increased by 34 per cent. The number of veterinary schools in Australia has gone from four to seven in the past decade. A rapidly growing industry requires modern regulation, which this bill will deliver.

The bill will introduce the mutual recognition of veterinarians registered in other jurisdictions. In 2006, a national recognition of veterinarians scheme was endorsed by the Council of Australian Governments' Primary Industries Ministerial Council, and in 2015, the Australian Productivity Commission recommended mutual recognition of veterinarians. The introduction of mutual recognition of veterinarians in the bill will bring Western Australia into line with the other Australian states and the ACT. Veterinarians registered interstate will be able to practise in Western Australia without Western Australian registration unless, and until, they move their principal place of residence to Western Australia for more than three months.

The bill will also introduce the registration of Western Australian veterinary nurses, making Western Australia the first Australian jurisdiction to do so. This inclusion in the bill is supported by veterinary nurses and the veterinary community as a whole. It will lift the profile of veterinary nurses within the profession and will properly reflect the significant responsibilities that veterinary nurses discharge. Bringing veterinary nurses within the formal legislative framework of the bill will allow the new Veterinary Practice Board to better respond to concerns of unprofessional conduct or impairment relating to veterinary nurses.

There is evidence that veterinarians experience higher than average levels of depression, anxiety, stress and burnout compared with the general population. Contributing factors are said to include long working hours, personnel issues, poor work–life balance and compassion fatigue. The risk of these factors resulting in substance abuse may be increased by access to restricted veterinary drugs, which can detrimentally affect the ability of a veterinarian or a veterinary nurse to practise competently and safely.

The only option available to the current Veterinary Surgeons' Board Western Australia for concerns about mental impairment of veterinarians under the current act is to refer the matter to the State Administrative Tribunal for the matter to be dealt with as a complaint. This can be extremely stressful and can exacerbate the impairment. The bill will enable the new board to deal with these impairments separately from unprofessional conduct matters. As such, the bill will allow a veterinarian or veterinary nurse suffering from an impairment to be dealt with in a more sympathetic and constructive manner. For example, it may be sufficient to impose conditions on registration to permit the veterinarian or veterinary nurse to continue practising while also ensuring competent and safe outcomes.

A finding of impairment under the bill will not on its own attract punitive penalties. This will allow for support for the mental and physical health of veterinarians and veterinary nurses, while simultaneously reducing the risk of negative outcomes for their clients. Importantly, impairment will fall within the provisions of the bill only if it detrimentally affects the veterinary practitioner's ability to practise veterinary medicine or to work as a veterinary nurse. An impairment that does not have this effect will not be dealt with under the bill.

In response to deregulation initiatives in 1995, when national competition policy reforms lifted restrictions on the ownership of veterinary practices, the bill will allow for non-veterinarians to own veterinary practices, bringing WA

into line with other Australian jurisdictions, except New South Wales. Consequently, non-veterinarians will be able to own and operate veterinary practices provided a registered veterinarian makes decisions relating to veterinary treatment and care.

The bill will allow the new board to make an immediate action order relating to a veterinarian or a veterinary nurse if it is satisfied that there is an imminent risk of substantial injury or harm to any person, including the veterinarian or veterinary nurse, or to an animal. Immediate action orders will operate in these circumstances to restrict or prohibit veterinarians or veterinary nurses from practising for up to 28 days. Procedural fairness through a show-cause mechanism will be embedded in this process and the board's decision to make an immediate action order will be reviewable by the State Administrative Tribunal. Many Australian jurisdictions have legislated similar provisions, so this aspect will bring Western Australia into line with those jurisdictions.

The bill will return to the new board the power to deal with minor disciplinary matters. The current board lost that power in 2005, when SAT was established. Subsequently, the current board has had to refer all disciplinary matters to SAT. However, a report by the Standing Committee on Legislation in May 2007 concluded that the current board should regain the power to deal with minor disciplinary matters and to impose penalties such as a fine or a reprimand. In response, the bill will introduce a two-tier system of handling unprofessional conduct by veterinarians and veterinary nurses. The lower tier will be dealt with directly by the new board, while more serious conduct matters in the upper tier will be referred to SAT.

Another key feature of the bill is that it will increase membership of the new board from five to eight members. This will allow the inclusion of a veterinary nurse, as they will now be under the jurisdiction of the new board. It will also introduce consumer and legal representatives to ensure a balanced overview of matters before the new board. All members will be appointed by the minister responsible for administering the act. This aligns with veterinary practice legislation in other Australian jurisdictions and with other Western Australian boards, such as the Teacher Registration Board of Western Australia and the Architects Board of Western Australia.

I am confident that this bill and the framework it will establish will serve our state well as we meet the challenges of the next 15 to 20 years, and will help the veterinary profession continue to make a significant contribution to the Western Australian economy.

Pursuant to Legislative Council standing order 126(1), I advise that the bill is a uniform legislation bill. Part 2 of the bill gives effect to an intergovernmental or multilateral agreement to which the government of the state is a party through powers to implement arrangements with the other jurisdictions relating to the deemed registration of veterinarians in Western Australia.

I commend the bill to the house and table the explanatory memorandum.

[See paper [186](#).]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

Sitting suspended from 4.14 to 4.30 pm