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SUBMISSION INTO AGRICULTURE AND FORESTRY LEGISLATION AMENDMENT BILL

SUBMITTER: Australian Veterinary Association, Qld Division

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REQUEST TO SPEAK AT PUBLIC HEARING: Yes

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SUMMARY RESPONSE

ACT	SECTION	AVA POSITION	COMMENT
<i>Agricultural Chemicals Distribution Control Act 1966</i>		Neutral	AVA does not wish to comment
<i>Agricultural Standards Act 1994</i>		Neutral	AVA does not wish to comment
<i>Animal Care and Protection Act 2001</i>		Supports	AVA supports the proposed changes
<i>Animal Management (Cats and Dogs) Act 2008;</i>		Neutral	AVA is concerned about the effectiveness of animal management legislation and makes further general comment below
<i>Forestry Act 1959</i>		Neutral	AVA does not wish to comment
<i>Land Protection (Pest and Stock Route Management) Act 2002;</i>		Neutral	AVA does wish to comment
<i>Rural and Regional Adjustment Act 1994</i>		Neutral	AVA does not wish to comment
<i>Veterinary Surgeons Act 1936</i>	National Recognition of Veterinary Registration	Supports	AVA wishes this legislation to proceed but wishes to table some concerns about future potential problems. See further comments below.
	Provision of Emergency Contact Numbers	Opposes	AVA is opposed to this legislative change. See detailed response below.

DETAILED RESPONSE

1. AMENDMENT OF ANIMAL MANAGEMENT (CATS AND DOG) ACT

(a) General Comment on Cat Registration Changes:

The AVA is not opposed to the current proposed legislative change but believes that the whole issue of animal management and the identification of animals requires more detailed scrutiny if it is to be effective legislation.

Considerations of the impact of removing compulsory cat registration

- Good governance of urban animal management dictates uniform laws for all animals in all areas of the State. Management of stray, feral and unowned animals cannot be undertaken in an environment where different local authorities are allowed to impose varying requirements between species and boundaries.
- Identification of numbers and location of cats and dogs is important for disease control such as rabies, hydatids, leptospirosis and other diseases that can be transmitted to humans.
- Both registration and micro chipping provide information about ownership and identification of the animal. Traditionally local councils have used registration for the management of animals in the community and more recently micro chipping for the return of animals to their owner if lost. The dilemma is that there are two systems working concurrently with the collection of the same data but with different aims and costs and different levels of quality control.
- If cat registration is removed but compulsory micro chipping remains, this system will need to be enhanced to achieve the above objectives.
- The micro chipping system could supply metadata to government of overall numbers and locations of both cats and dogs to inform policies and strategies in animal control. Those companies supplying microchips would need to be rigorously audited. The AVA has such an audit system and not all providers meet the standards that the AVA deems necessary.
- Maintaining up to date information in the micro chipping registries may be a problem as owners seldom inform the registry when their animal is deceased or moves interstate. With registrations there is an annual fee payable which allows owners to update their details.

(b) General Comment on Amendments about concurrent regulated dog declarations and destruction orders

The AVA does not oppose these changes. However, given that the time frame from order to destruction is now much reduced, the AVA would want to ensure that this does not lead to hasty decisions that do not allow full consideration of the circumstances surrounding the order and allows an owner sufficient time to gather evidence supporting their case. There is always immense public pressure for government to act swiftly when a dog attack occurs and while there is a need to remove suspect animals from the public environment for public safety reasons, there is also a need to ensure that the correct decisions are made.

2. AMENDMENT OF THE VETERINARY SURGEONS ACT 1936

SUMMARY POSITION:

The AVA supports the amendments relating to the National Recognition of Veterinary Registration (i.e. clauses 83 (3); 84, 85,86,87,88, 89, 90, 91,) however it has reservations about the effectiveness of this legislation

The AVA strongly opposes the amendments relating to the provision of emergency contact details of the veterinarian (i.e. clauses 83 (1) and (2), 92, 93).

The AVA queries the need for a definition of “eligible veterinary surgeon” over the previous “registered veterinary surgeon” as the definitions seem one and the same. (Clauses 80, 81, 82)

(a) Supporting Statements relating to the National Recognition of Veterinary Registration

While the decision has been made that Queensland will join the process of National Recognition of Veterinary Registration, the AVA wishes to draw the attention of the Committee of some of the issues associated with this decision and process.

The discussion paper contains the statement;

In order for each participating jurisdiction to be able to identify the exact nature of registration, including any conditions or limitations, for each veterinary surgeon practising in their jurisdiction on the basis of deemed registration it is essential that any matters relevant to registration are notified to each other jurisdiction.

This is likely to greatly increase the cost and the work of the Veterinary Surgeons Board and perhaps open the Board and government to challenge. In effect each state veterinary registration board will be required to review the disciplinary records of every other authority to ensure the veterinarian is not suited to practice in Queensland. In some States some disciplinary matters may not apply in Queensland and in Victoria where there is no practice restriction it may be problematic to apply the offense to a restricted act in Queensland. The concept of deeming has the associated aspect of double jeopardy where an offence in a single jurisdiction will automatically be judged to have or possible to have occurred in all jurisdictions. The legal complexity needs to be carefully considered in the context of red tape reduction. As all funds for the functioning of the Board are anticipated to be derived from Queensland resident practitioners and only around 11 per cent of practitioners work in other jurisdictions (mainly specialists) the work required to ensure the suitability of the few will be funded from Queensland resident practitioners.

It would be the suggestion of the Queensland Division that NRVr proceeds but with caution, possibly the acceptance of specialists in the first instance and proceed to general practitioners at a later date if the discipline process can be legally substantiated.

This position is supported by the inclusion of the following statement in the discussion paper;

The introduction of the NRVr scheme is a gradual process which allows each jurisdiction to ‘opt in’ by introducing legislation which adopts the model principles as agreed between the jurisdictions. A national electronic data base is currently being developed so that in the near future every jurisdiction will be automatically notified of any regulatory action taken in relation to a registered veterinary surgeon.

(b) Supporting Statements relating to opposition of proposed changes to the provision of emergency contact details of veterinarians.

The Queensland Division is of the view that this proposal is unwarranted and excessive and will not provide the stated outcome. It is stated some past internal conflict generated the proposal but the solution is not to be found in the present option.

The AVA opposes the proposed changes around the provision of emergency contact details of veterinarians for the following reasons.

1. The legislation change is unnecessary
2. The legislation will not have any significant impact on the control of animal disease, pests or workplace health and safety.
3. The disease alerts will not reach all veterinarians.
4. The broad brush of the reasons given to access the private information of veterinarians is far reaching and so general that it could be something quite trivial to allow many Departments to initiate a demand.
5. The resources of the Board, completely paid for by registered veterinarians (apart from overheads) will then be used for purposes other than what the Act specifies and may result in a requirement to raise the registration fee to accommodate these requests.
6. The legislation breaches the fundamental legislative principle stated in the explanatory notes i.e. *Legislation should have sufficient regard to rights and liberties of individuals – LSA section 4(2)(a)*
7. To the AVA's knowledge, no other profession in Queensland or indeed Australia is required by legislation to give private details of their afterhours contacts for purposes other than the registration of its professionals.
8. It increases red tape and is not consistent the current government's policy of removing unnecessary legislation.

The legislation change is unnecessary:

- Registered veterinarians are already contacted by emails by opting in to provide emergency contact details so that they can be issued disease alerts.
- In the Vet Register newsletter of July 2013, 89.5% of vets had provided their emergency contact details for this purpose. As there are several hundred interstate veterinarians and also many retired vets, it is likely that this is reaching the great majority of the practising veterinary surgeons in the state.
- In addition, the Australian Veterinary Association alerts all of its members to disease reports and emergency situations.
- The assertion in the explanatory notes that these traditional networks (notably mentioning post and internet but not email) are inefficient and impractical is quite untrue.
- Further, the assertion that it is far more efficient for time critical information to be conveyed directly from the source at any time of the day or night is true but this is already happening and has been happening for well over 3 years.
- The Veterinary Surgeon's Board produces an electronic list of contacts who have given permission to be contacted for the department within minutes of being asked and has initiated a program for access afterhours but requires Biosecurity Qld to resource it as it is expressly for the Department's purposes .

- In practice, the dissemination of the disease alert by the government occurs well after releasing the information to media outlets, including Facebook which often has the information there a good 8 hours before the veterinarians have been alerted. If it was the priority that vets needed to know the information first so that they could prevent further spread of the disease, this is not what the Department practises.
- The present dearth of information provided by the opt in system would indicate the DAFF veterinary group is in conflict to its stated need for the emergency contact. The lack of timely information provided on the Bovine Johne's outbreak, especially in the early phase while they were waiting months for the suspect BJD to grow before announcing its presence even though the histological picture that had to be confirmed by culture was highly indicative that BJD was the cause and the lyssavirus incident are examples of the lack of commitment by Departmental personnel to communication to practising vets. The department had the necessary tools to communicate with the 90% of practising vets who had opted in but did so in a very limited context. This was also commented upon by the Ombudsman in the Hendra review.

The legislation will not have any significant impact on the control of animal disease.

- The reason given for the need of this has been the Hendra outbreaks. In reality, Hendra virus has never been recorded in an outbreak form (where it has travelled quickly from one property to another through people, animals or wind) unless on the one locality and then only a small proportion of horses are likely to catch it. The Australian Veterinary Association is keen to be informed as are the 90% of veterinarians who have opted in to receive disease alerts but it is not a critical control factor in limiting the spread of the disease.
- Diseases where there is a potential time critical factor could be Foot and Mouth Disease (FMD) and Equine Influenza (EI), exotic diseases that do spread quickly. Again, the 90% of veterinarians who have opted in would be alerted to this in the current system and the remaining 10% who are in the state (bearing in mind that a proportion of these would be secondary registrations from interstate or retired) would be alerted by the media, such would be the significance of these diseases. They would be headline news for days and probably many vets would get their first news from the media before they checked their emails especially they were out on the road attending cases. The radio would then be likely to be their first news of the event.
- In an outbreak such as FMD and EI, the veterinarians who would be critical to know about this would be those who are working, not those who are at home relaxing after hours. By requesting an emergency contact, most veterinarians would give their personal email and private phone details but in the field, they would be using work phones and certainly not checking their emails. Indeed after a long night when they return home late at night, their first thought would not be to check their private emails. A more effective approach would be for Biosecurity Queensland to set up their own databases based on veterinary practices rather than individuals. When the practice is alerted, the veterinarian on call would be instantly alerted and know to keep that particular disease in mind.

The disease alerts will not reach all veterinarians.

- With the introduction of NRV in Qld, secondary registration will cease, and these interstate veterinarians (several hundred we understand and likely to increase now that there is no fee associated with practising in Qld) who practice in Qld intermittently will be able to do so without the government knowing who or where they are. Consequently, this group will not be on the list of veterinarians to be sent an alert. If the purpose of an alert is to heighten veterinarians' awareness of a possible disease or pest in an emergency, there will be a significant group of veterinarians who will be working and not receiving the alert. Hence the legislation proposal is ineffective and won't achieve the purpose for which it is written.

The broad brush of the reasons given to access the private information of veterinarians is far reaching and so general that it could be something quite trivial to allow many Departments to initiate a demand.

- The legislation does not specify that it has to be an emergency for other departments to use the contact list. It appears then that the legislation is for the purposes of the day to day workings of other Departments. For example, workplace health and safety is hardly an emergency but is proactive in nature.
- The Veterinary Surgeon's Board already cooperates with other Departments and does publish new legislation from other Departments in its newsletters and other matters affecting veterinarians and has links on its websites. There is no reason for these Departments to have emergency access to emergency contact details.
- If the government does want to legislate so that it has routine access to the registration data, why would it do so via the emergency contacts?
- However, there is no need for this because existing systems are effective in disseminating information.

The resources of the Board, completely paid for by registered veterinarians (apart from overheads) will then be used for purposes other than what the Act specifies in its purpose and may result in a requirement to raise the registration fee to accommodate these requests.

- There is already an impost on the Veterinary Board's resources by the Board having to enter new fields of data for emergency contacts and keeping them up to date. The Board has done this willingly in order to satisfy the needs of the Department over and above their needs. However, it does so with the permission of its veterinarians so that they are aware and agree to the provision of their personal data for Biosecurity alerts. This is a requirement of the Privacy Act.

The legislation breaches the fundamental legislative principle stated in the explanatory notes i.e. *Legislation should have sufficient regard to rights and liberties of individuals – LSA section 4(2) (a)*

- The AVA strongly disagrees with the statement in the explanatory notes that “ *the ability to effectively engage and alert veterinary surgeons and deal with biosecurity emergencies in a timely manner to protect agricultural industries and human health*

is considered to far outweigh and justify any potential offence of FLP's" for the reasons

- It is unnecessary and it is ineffective (see reasons given above)
- The Queensland Division would like the Committee to consider that in addition to interstate registered veterinarians that are not required to comply with these provisions either when practising in Queensland under the NRV provisions or in their State of domicile, many registered veterinarians in Queensland would not be affected by the desire to know "vital information of disease outbreaks" including those who maintain registration but are not active in the veterinary field at present which could include time out for family, retirement, other business interests or in roles where primary care of animals is not their core responsibility. The issue of a veterinarians' right to have holidays and time off, free from pressures of work is not addressed. A veterinarian overseas on leave would not be effective in controlling disease in Australia and should not be compelled to provide contact details to the VSB or CEO of DAFF for this purpose.
- Many of these registered veterinarians who are not currently actively working would have no value or use to the Chief Executive as detailed in the proposal and as such should be excluded or another way found to engage the veterinary community group that is actively engaged in this sector of veterinary science.
- In addition, the AVA is aware that some registrants request for their details to remain private due to issues such as domestic violence.

To the AVA's knowledge, no other profession in Queensland or indeed Australia is required by legislation to give private details of their afterhours contacts.

- Some state veterinary boards may collect private contact information from veterinarians but to the AVA's knowledge, this is for the Board's purposes and not the wider government and there is no legislation compelling the Registrar to give out these private details to third parties.
- There is no other parallel in the other professions to the AVA's knowledge. If the medical doctors do not require it, how can it be justified for veterinarians?

It increases red tape and is not consistent the current government's policy of removing unnecessary legislation.

- The new government has set targets of reducing registration significantly, possibly by up to a third. Why then is this unnecessary legislation being introduced?
- The Division proposes that if there is sufficient value in accessing veterinarians who are actively working and wish to participate in the management of animal disease in the community (other than as a responsible practitioner), the Department and VSB should consider a register of veterinarians who can elect specific disease or species interests and with whom the agency could develop relationships. To compel otherwise is not good governance nor cost effective and appears to be excessive use of red tape to provide what is a Government responsibility