

VETERINARY PRACTICE BILL 2021

Committee

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Clause 78: Unprofessional conduct —

Committee was interrupted after the clause had been partly considered.

Hon ALANNAH MacTIERNAN: The legislation has always contained provisions that relate to behaviour considered to be unprofessional. It is fairly detailed and includes things such as a person who is a habitual drunkard or is habitually addicted to drugs. A few general provisions have been proposed that set out what we think “unprofessional conduct” is; that is —

... if the conduct involves a substantial or consistent failure to reach or maintain a reasonable standard of competence, diligence and safety; and

- (b) conduct, whether occurring in connection with the practice of veterinary medicine or not, that is inconsistent with a person being a fit and proper person ...

Additional things that could be included could be included in regulations. The sorts of things we would look at would be potential damage to the Australian reputation regarding animal exports, produce or sporting events. That could include conduct in relation to producing elephant juice and giving it to horses that are to be sent off to Hong Kong. It could include misbehaviour such as importing foreign animal matter—that often happens. It could include the use of one’s professional standing in a false or misleading manner, presumably using one’s position as a vet, for example, to publicly lead an anti-vaccination campaign. It could be unethical conduct that causes reputational damage to the profession. Serial sexual harassment has been given as an example. Again, there is no need to prescribe any of these but, if they were to be prescribed, they would be the sorts of things that we would put in place. Rather than having a detailed list of things, like drinking too much grog and using too many drugs, we would replace it with a more generic descriptor of behaviour, but then allow ourselves capacity to add things in the classes that I just mentioned.

Clause put and passed.

Clauses 79 to 87 put and passed.

Clause 88: Inquiry into complaint of unprofessional conduct —

Hon STEVE MARTIN: I am sure that this is a simple question. In the case of an inquiry into a complaint of unprofessional conduct, clause 88(2)(b) provides that the board in conducting an inquiry “is not bound by the rules of evidence and may inform itself on any matter as it thinks fit”. Is that a normal clause for legislation like this—not to be bound by the rules of evidence?

Hon ALANNAH MacTIERNAN: It is absolutely standard for disciplinary tribunals and it is designed to make it easier for both sides to put evidence forward, bearing in mind that once the inquiry is finished and a decision is proposed to be made, that has to be communicated to the proponent who has the opportunity to respond. But that is the standard practice within all disciplinary matters.

Clause put and passed.

Clauses 89 to 100 put and passed.

Clause 101: Powers of Tribunal to deal with complaint —

Hon ALANNAH MacTIERNAN: I have some proposed small amendments to this clause and to clause 103 that both have the same explanation, so I will give that now. The amendment will correct a drafting error that results from the State Administrative Tribunal’s powers enlivening on the referral from the board after its initial assessment of a complaint, but not when the board refers a matter to the tribunal after the inquiry. The amendments will ensure that both types of referrals can be dealt with by the tribunal. These amendments relate to the powers of the State Administrative Tribunal on a referral from the board.

The CHAIR: Minister, you might want to move the amendment.

Hon ALANNAH MacTIERNAN: I have not formally moved the amendment. I move —

Page 73, line17 — To insert after “section 86(2)(c)” —

or 99(1)(c)

Hon COLIN de GRUSSA: The opposition will be supporting this amendment and the subsequent amendment to clause 103. These amendments will obviously fix omissions in the original drafting and we will be supporting them.

Amendment put and passed.

Hon Dr STEVE THOMAS: This is a good place to ask general division 6 questions on the State Administrative Tribunal processes. Can the minister provide an indication of the number of cases that have gone through SAT? I am interested in the approximate cost, if the minister has that, and, to be honest, because I do not think that we will finish with the bill this afternoon, I suggest that if the minister wants to come back in the next sitting week and provide that information then, that is fine, too. However, I am interested to know the number of cases, what sort of cases they were, the general outcome and the cost. Any information the minister can give us would be useful.

Hon ALANNAH MacTIERNAN: I have some information here and I would like to ask to make progress. For the financial year ending 30 June 2020, the board received 47 written complaints, of which 36 were finalised. Nine complaints were referred to SAT alleging unprofessional conduct by veterinarians, and there were 26 complaints against veterinary surgeons that did not warrant referral to SAT. There were two unresolved complaints against veterinary nurses.

Hon Dr STEVE THOMAS: Has the minister got any information on the costs and whether the SAT tribunal process is less expensive than the court, as it was supposed to be, but more formal than the board acting?

Hon ALANNAH MacTIERNAN: I do not have that information. All I have is the costs that are imposed by the State Administrative Tribunal. In one case it was \$4 000 and in the other case it was \$2 000. That was costs.

Clause, as amended, put and passed.

Clause 102 put and passed —

Clause 103: Interlocutory or interim orders —

Hon ALANNAH MacTIERNAN: I move —

Page 74, line 26 — To delete “86(2)(c),” and insert —

86(2)(c) or 99(1)(c),

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 104 to 108 put and passed .

Clause 109: Designation of inspectors —

Hon STEVE MARTIN: Clause 109, “Designation of inspectors”, states in part —

The Board may, in writing, designate as an inspector any person employed or engaged by the Board.

What are the qualifications for these inspectors, given the powers they will have?

Hon ALANNAH MacTIERNAN: Currently, all staff members have been appointed by the board as inspectors, in addition to their role of assisting in carrying out inspections and investigations. They are provided on-the-job-training and are closely managed when they learn their role. They are subject to public sector standards awareness of their responsibilities and duties in this regard. There is obviously work to be done, and one of the things I will be asking the new board to do is to make sure we have a proper training regime for inspectors. If we are sending people out there to perform this role, we must have a rigorous education program for those officers. I am told that they are provided on-the-job training and are closely managed as they learn their role, but I will be asking for a rigorous set of guidelines to emerge around that training.

Hon STEVE MARTIN: I thank the minister; I am sure she will. One of the things she may want to check is: Who will be monitoring their duties? Who will be monitoring the way these inspectors operate? The minister mentioned that as a role.

Hon Alannah MacTiernan: Sorry, I missed that..

Hon STEVE MARTIN: The minister mentioned that the inspectors will be given on-the-job training and will be closely monitored in their role. Who will be doing the monitoring? I do not see anywhere in the bill where that role is specified.

Hon ALANNAH MacTIERNAN: They are recruited especially for that position. They are recruited at a level 6 position and are required to have relevant experience in that. They are recruited with requirements around their level of experience, and, obviously, it depends what the market throws up. They are then provided with training by the registrar, and their performance is overseen by the board. This is the sort of area that I would certainly like us to have some strong policy involved about the background, experience and training that inspectors are

given. But they are not recruited at a junior level; they are recruited at a reasonably senior level, and we look at their experience.

Progress reported and leave granted to sit again, pursuant to standing orders.